

MINUTES

Clark County District Board of Health

625 Shadow Lane

Las Vegas, Nevada 89106

Clemens Room

November 19, 1998 - 8:00 A. M.

The meeting of the District Board of Health was called to order at 8:05 A.M. by Chairman Colquitt and the Pledge of Allegiance held. Chairman Colquitt noted that she had been provided with Affidavit of Posting and Mailing of Agenda and the public notice, as required by Nevada's Open Meeting Law. The Affidavits will be incorporated into the Official Minutes.

Present:

Sherry Colquitt, RN

Paula Brown

Amanda Cyphers

Susan Crowley

Robert Ferraro

Erin Kenny

Mary Kincaid

Donalene Ravitch, RN

Chairman, Appointee, Las Vegas

Councilman, North Las Vegas

V-Chairman, Councilman, Henderson

Appointee, Henderson

Mayor, Boulder City

Commissioner, Clark County

Commissioner, Clark County

Secretary, Appointee, Boulder City

Absent:

Kirk Cammack, MD

Gary Reese

Stephanie Smith

Physician Member At-Large

Councilman, Las Vegas

Councilwoman, North Las Vegas

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel

Ian Ross, Esquire

Staff: Clare Schmutz; David Rowles; Fran Courtney, RN; Michael Naylor; Ed Wojcik; Karl Munninger; Mike Sword; Rose Bell; Jennifer McNutt; Robert Folle; Mason McNinch; Shane Martin; Ann Markle; Rick Reich; Mary Ellen Harrell; recording secretaries, Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Micki Winsett	Strategic Solutions
Deanna White	Sierra Club
Jessica Hodge	Citizen Alert
Megan O'Neal	Intern - Clark County Health District
Paul Fransioli	PM ₁₀ Res. Advisory Committee
Rodney Langston	Clark County Comprehensive Planning
Stephanie Sand	Stewart, Archibald & Barney
Glenn Goodnough	Stewart, Archibald & Barney
Gary W. Stewart	Stewart, Archibald & Barney
Mary Manning	Las Vegas Sun
Will Cates	Clark County Comprehensive Planning
Leslie Long	City of North Las Vegas
Keith Rogers	Las Vegas Review Journal
Ben Contine	Self
Jim Christensen, MD	Self
Dick Serdoz	Nevada Dept. of Environmental Protection (Las Vegas)

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 before action. Any exceptions to the Consent Agenda must be stated prior to approval.

Chairman Colquitt stated that she was removing **Items # 9, Memorandum #21-98 and 10, Memorandum #22-98** to **Section III. Report/Discussion/Action** section of the Agenda. Also, on page 5 of the October Minutes, paragraph 4 line 2 should include the word "**not**" before the word "functioning".

Member Ferraro moved for approval of the following Consent Agenda with the correction to the minutes and the removal of Items #9 and #10 to Section III.. The motion was seconded by Member Ravitch and carried unanimously:

1. **Minutes/Board of Health Meeting** - 10/22/98
2. **Payroll/Overtime** for Periods of 09/19/98-10/02/98, & 10/03/98-10/16/98
3. **Accounts Payable Register** - #746: 10/05/98-10/16/98 & #747: 10/17/98-11/05/98
4. **Petition #60-98** - Interlocal Agreement with County of Clark for the High Emitting Vehicle Education Campaign: The Agreement Allows \$200,000 from the Department of Motor Vehicles Excess Reserve Smog Certificate Fund to be Forwarded to Clark County Comprehensive Planning to Hire a Consultant who will Actually Conduct a Year Long Marketing and Public Education Campaign to Inform Citizens on What Information to Record and How to Report it.
5. **Petition #61-98** - Writeoff Private Patient Home Health Uncollectible Amounts The Requested Action Covers 113 Patient Accounts for Home Health Services Provided to Patients to Patients Not Eligible for Medicare. The District has made Routine and Regular Attempts to Collect from the Patient Those Balances Refused or Not Covered by These Agencies.

6. **Petition #62-98** Second Addendum to the Cooperative Agreement Between the Clark County Health District and City of Boulder City Regarding Listing 28 Additional Tree Species Which are Recognized as Low Volatile Organic Compound (VOC) Emitters and Low to Moderate Water Consumers for the Urban Forestry Emission Reduction Credit Program.
7. **Petition #63-98** - Approval of a New Classification Specification for Public Health Information Specialist Salary Schedule 23 (Range 39,707.20 to 55,390.40 Annually)
8. **Petition #65-98** – Write-off of \$11,892 Recorded as Receivable from the Clark County Department of Aviation in Fiscal Year 1990/1991

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

1. **Memorandum #18-98** - Public Hearing to Consider Classification of Particulate Matter (PM₁₀) Exceedances on June 16, 1998 as Natural Events. Such a Classification will Mean that the Environmental Protection Agency Will Not Use These Events When compiling Air Quality Data for the Purpose of Determining Whether or Not the Las Vegas Valley is in Attainment of the PM₁₀ Standards.

Chairman Colquitt opened the public hearing.

Michael Naylor briefly explained that staff was requesting that the Board Members consider two exceedances of the PM₁₀ standard on June 16, 1998 as "Natural Events". These events occurred at the McDaniel and Craig Road Stations in the Northern part of the Valley. On that day there were 16 stations running throughout the Valley. Such a classification will mean that the EPA will not use these events when compiling air quality data for the purpose of determining whether or not the Las Vegas Valley is in attainment of the PM₁₀ standards.

The determination of attainment is based on three years of data for each station in an air quality monitoring area. In fall of 1997 EPA revised the 24 hour PM₁₀ standard. Under the new criteria each station must be in compliance on 99% of the days measured. With continuous monitoring nearly 365 days per year, each station could be allowed an average of about 3.6 exceedances per year or about 10 exceedances over a three-year period.

For the calendar years 1995 through 1997, three stations (out of thirteen which operated during all three of those years) do not meet the 99% criteria. This means the valley is still classified as non-attainment. However, if the natural events policy would have been in effect during that time period many exceedances could have qualified as natural events.

There has been some question as to the authority to classify these exceedances as natural events. The EPA policy has involved numerous memorandums over the last several years. As early as 12 years ago, EPA was defining policy for classifying events as "exceptional" and more recently EPA has added the category of "natural events". If you had a high PM₁₀ day due to a forest fire, hurricane or some other natural event those could be classified as "exceptional" or "natural". EPA has since defined a "high wind" event as among the criteria that can be considered as "natural". The Nevada Administrative Code allows classification a "high wind" event if the wind gusts are above 40 mph. Under the "natural event" policy EPA has committed not to designate areas of non-attainment when natural events are clearly the cause of violation of the national ambient air quality standard for PM₁₀ provided the State develops a natural events action plan progressive public health impact associated with future natural events, such as wild fires. The policy stresses the need to inform, educate and seek public input in making a natural events determination and addressing the controllable sources. Air agencies must implement Best Available Control Measures and maintain a public notification program to minimize exposure to unhealthful levels and

document the meteorology associated with the episode. EPA is assigning to local or state agencies the sole responsibility of determining whether exceedances are a natural event. EPA advises they will not 'second guess' such decisions as long as public input is sought.

The key difference that day of the McDaniel and Craig Road stations from other stations is the role of vacant disturbed land in the vicinity of the monitoring stations. Consultants were hired to inventory all the sources in the proximity of both the stations and it was determined that vacant disturbed land was the predominate source of the man made emissions in both areas. Vacant and disturbed land near the McDaniel Station accounted for 55% of the total proximity emissions. Vacant and disturbed land near Craig Road Station contributed a slightly higher percentage of 57%.

The total contribution from all man made emissions at both sites is estimated at 61%. The natural background generated about 39% of the total emissions at each station based on data from the Apex Station (northeast of the valley).

Best available control measures are required to be evaluated for regulated PM₁₀ sources causing a significant impact in a local area. Traditional sources are regulated by federal, state and local agencies and include such sources as automobiles, factories, and construction activity. Vacant disturbed land is not regulated by any governmental agency with respect to minimizing PM₁₀ emissions and EPA does not have any descriptions/guidelines on how to handle vacant disturbed land. It is our understanding that if best available controls for traditional sources are in place and if a non-traditional source (such as vacant disturbed land) appears to have a significant role in the cause of exceedance, then the event could be considered as a natural event.

The current estimated of disturbed vacant land in the Valley, according to the current air quality plan, is approximately 22,000 acres. If some form of dust palliative was applied to the acreage, (e.g., planting grass) it is estimated that it would cost approximately \$10,000 an acre. The benefit over several years would be a reduction of about 20,000 to 35,000 tons and would cost the community approximately \$220 million to implement. This is not cost effective as PM₁₀ can typically be controlled for less than \$1,000 per ton. Therefore, such controls do not appear to qualify for best available control measures.

In order to reduce public exposure during future episodes, the National Weather Service has agreed to broadcast the following with its high winds warnings:

"The Clark County Health District has also issued a health advisory for the Las Vegas Valley due to unhealthy levels of inhalable particulate matter resulting from these strong winds. Sensitive persons with chronic respiratory conditions, including both elderly citizens and young children, should stay indoors until the winds subside."

The PM₁₀/PM_{2.5} Research Committee is evaluating the prospects of addressing dust control on disturbed vacant land including developing a system to prioritize areas that may need immediate resources for abatement (e.g., the Craig Road area).

Chairman Colquitt asked for public testimony.

Member Ferraro asked Michael Naylor to describe the reason for the disturbance of land in the McDaniel and Craig Road Stations areas since it was not due to construction activity.

Michael Naylor explained that it was due to something that man has done to disturb the natural crust on the vacant parcel. For example, a number of reasons include unpaved parking areas, vacant parcels near developed subdivisions where recreational vehicles are on that land, or people making desert short cuts, and desert dumping.

Member Kincaid pointed out that riding horses in the desert was another example. Member Kenny remarked that she had suggested that Clark County Staff put in place an ordinance that would mandate that private individuals who own land would be responsible for putting down some type of palliative and governmental owners would do the same. This would greatly reduce the financial burden if the owners were responsible for abatement measures.

Discussion ensued by the Board Members and Staff concerning the likelihood of the majority of the financial burden being placed on private owners. The possibility of watering or fencing the land may be too restrictive on the owners of the property when perhaps better enforcement on trespassers of private property should be considered. However, since trespassing laws are in place, perhaps the need is to focus on how an individual can be a responsible land owner in the community and not have a negative impact on the surrounding area. Looking at dust palliatives is one of the primary charges of the PM₁₀/PM_{2.5} Research Committee. Also, the Health District could develop guidelines for palliatives to assist the governmental entities in dealing with vacant disturbed land concerns. Consideration was given to passing on the financial burden to private owners when living in the desert with high winds (60 or 70 mph knocking down trees and signs) because dust palliatives will not be effective.

Will Cates, representing Clark County Comprehensive Planning, commented that Clark County has contracted with Kleinfelder to inventory the acreage of County owned vacant land. He briefly explained the phases and areas to be addressed. The cost of \$10,000 per acre suggested by Staff to implement dust control measures on the vacant disturbed land is on the high end. Clark County Comprehensive Planning supported the District's recommendation to consider the exceedances on June 16, 1998 as natural events as it complies with the EPA policy.

Discussion continued by the Board Members concerning the possibility that the County along with Kleinfelder may develop palliatives to control dust that can be universally applied. Use of aggregate materials and grading land in phases instead of all at once could be financially palatable process for dust control.

Member Ferraro questioned the cost benefit of implementing a process for a 2 or 3 hour exceedance. Member Kincaid questioned the gravity of the situation if high levels during an episode last only a few hours at a time and only a few days per year.

Leslie Long, representing City of North Las Vegas, stated that since the two exceedances in June, 1998, they have utilized the PM₁₀ Road Paving Program and paved 2.5 miles in the community. This includes 1.5 miles from the Craig Road station. The City of North Las Vegas staff supports the classification of the two exceedances in June as "natural events".

Jessica Hodge, representing Citizen Alert, wanted to know how the process for implementing this policy. Does EPA have any recommendations, or will they make decisions on it? Will the dates indicate exceedances? She expressed concern that designating this exceedance day as a "natural event" was perhaps a "get out of jail free card" for the District and it may discourage other option in dealing with dust control measures.

Michael Naylor gave an example of an area in the San Diego Valley that has successfully used the "natural events" designation. He reiterated that the EPA has defined a "high wind" event as among the criteria that can be considered as "natural". EPA is assigning to local or state agencies the sole responsibility of determining whether exceedances are a "natural event". EPA advises they will not disagree with or second guess such decisions as long as air agencies implement best available control measures, maintain a public notification program to minimize exposure to unhealthy levels and document the episode. When submitting data to EPA, District staff will place a code next to the data points indicating which is a "natural event" so that EPA will not count it as an exceedance.

Chairman Colquitt added that this was not a policy that was being proposed but a specific date of an occurrence that is being designated as a "natural event".

Michael Naylor explained that the data is in the national database as an exceedance. However, when EPA looks at three-years of data to determine if the Valley is in attainment or non-attainment and if there are 10 days or more that are non-attainment, June 16, 1998 will not be considered in that determination.

Chairman Colquitt remarked that the from the expressions of the Board Members no one is going to "get out of jail free". It is a real concern to the entire Board.

Brief discussion followed by the Board Members and Staff pertaining to the implosions in the community. Markers were placed within a mile of the Dunes implosion. The first 5 minutes dust levels were very high but after 20 minutes the clouds moved on. There have not been any exceedances at the stations when an implosions has occurred.

Member Cyphers stated that she supported considering the June 16, 1998 exceedance as a natural event specifically on the wind and not because of disturbed vacant land.

Chairman Colquitt asked if there was any further testimony. There be none, she closed the public hearing.

Member Ferraro moved for approval of Memorandum #18-98. Motion was seconded by Member Kenny and carried unanimously.

III. REPORT/DISCUSSION/POSSIBLE ACTION:

9. Memorandum #21-98 Woodburning Fireplaces: Interim Winter 1998-1999 Warning Policy Plan (Member Cyphers Requested Item)

Michael Naylor explained that at last months meeting Staff advised Member Cyphers that a woodburning prohibition strategy was being considered in the State Implementation Plan (SIP) for Carbon Monoxide (CO) attainment, which is being prepared by the Department of Comprehensive Planning. However, in the interim the Health District is recommending that a warning policy be implemented next week. The compliance rate on no burn nights appears to be well adhered to, but Staff does not have any formal way of assessing compliance at this time. Although the estimated benefits of woodburning abatement to the valley's airshed are modest, the residents with respiratory problems who live near a house with a woodburning fireplace in operation may suffer less distress on a night with stagnant air.

The Washoe County Health Department initiated a woodburning management program ten years ago. They issue a burning status report each day during the winter with the color code green (okay), yellow (burning advisory), and red (no woodburning).

Two Clark County Health District Air Pollution Control Division (APCD) enforcement officers visited Reno last week. They rode in the early evening hours with Washoe County's enforcement patrol to learn first hand how their warning program worked. In addition to the two-person team, another person is at the home base that handles complaints. The team will go out on surveillance and handle complaint responses. A warning is issued to home owners that have not put their fire out on 'red' no burn nights. A field notice is issued on the spot to violators.

Staff proposed that on the 'no burn' nights, our officers would be assigned random surveillance routes and would respond to telephoned complaints. The District enforcement officers would use

high intensity flashlight to look for smoke. If there is a violation, the enforcement officer would post a door hanger card to convey a warning followed by a certified letter.

Also, the local public news media could be notified of the burning status for each day through the notification system that the District APCD has in place for nights with high levels of carbon monoxide. The notification would read as follows:

"Please broadcast the following message every hour from 1 pm until 9 pm. Thank You

Due to low wind speeds, higher levels of carbon monoxide are expected tonight. The invisible carbon monoxide is generated by vehicle exhaust throughout the valley. Please shop during the day, if possible. Please use Citizen Area Transit and reduce woodburning."

Discussion followed between the Board Members and Staff pertaining to leaving a mailing at the door versus knocking at the door and informing the person that it is a 'no burn' night. Knocking on the door may place the enforcement officer in "harms way". Consideration was given to disseminating the notification of "no burn" nights approximately 10-12 hours ahead of time to the local newspapers as well as television/radio stations to inform the public in print. Also, a contact phone number will be included in the notification. A mailer indicating the concerns of woodburning and penalties could be sent out to home owners who have a woodburning fireplace. The cost of performing this program may far exceed what the overall air quality benefit as staff estimates that reduction in CO emission would be 1.2% to 2.4%. Staff could focus on the areas that have a majority of woodburning fireplaces.

Washoe County's program imposes a penalty of approximately \$100 to violators if they do not cooperate with the warning.

Ian Ross, Board Legal Counsel, explained that the proposed policy was in essence a pilot program that could be implemented this year and reviewed at a later date. If a program were to be established over the long run it would require APC regulation changes. The concern of sanctions and penalties would be more of a regulatory issue and not a policy.

Brief discussion followed pertaining to a mailer and type of mailer to be sent to individuals with fireplaces to pro actively make them aware of the air quality concerns with woodburning.

Member Cyphers moved to approval of the woodburning policy to include the following: Staff will have the ability to determine if knocking versus hanging cards on the doors would be appropriate. Mailers should be sent to individual householders notifying them of the program. Also, adding a phone number for reporting violations to the public notice for the mailer, television, newspapers, and radio. Motion was seconded by Member Crowley and carried unanimously.

10. Memorandum #22-98 Recommended 1999 Board of Health Meeting Dates

Dr. Kwalick explained that the purpose of placing this item on the Consent Agenda was to expedite approval. Holding the Board of Health Meetings on the fourth Thursday of every month would need an exception in November and December because of Thanksgiving and Christmas, respectively. January and October would not be on the third Thursday but on the fourth Thursday of the month.

Brief discussion ensued among the Board Members and Legal Counsel concerning the possibility of moving the meetings to the third Thursday of every month. Member Ferraro moved to approve the fourth Thursday of every month with the exception of November 18, 1999 and December 16, 1999. Motion was seconded by Member Ravitch and carried unanimously.

1. Committee Reports:

a. Citizen At-Large Member for the Air Pollution Control Hearing Board

Member Crowley, Committee Chairman, explained that the committee has met and narrowed down the candidate list from 29 to 6 applicants. The Committee is anticipating setting up interviews. Due to the elections and other obligations the committee has been unable to meet. However, the Committee is anticipating on conducting the interviews prior to the December 17, 1998 Board of Health meeting and hopefully will bring back a recommendation at that time.

b. PM₁₀/PM_{2.5} Advisory Committee Member Position/Home Builder Member

Member Crowley, Committee Chairman, stated that a public notice had been posted in the local newspapers for the Home Builder Member. Very limited response was received, therefore, the notice will be republished for the position.

2. Appointment of Nominating Committee for Calendar Year 1999 Board of Health Officers

Chairman Colquitt appointed the following individuals to the Nominating Committee:

Member Ferraro, Committee Chairman
Member Kincaid
Member Crowley

3. Memorandum #19-98 - Small Business Assistance Program (SBAP) Analysis and Recommendations for Stationary Sources Governed by the Environmental Protection Agency (EPA) and Local Air Pollution Control Division (APCD) Regulations and Possible Funding for Same (Member Brown Requested Item)

David Rowles commented that as directed, staff has reviewed and analyzed the feasibility of creating a small business outreach assistance initiative for local businesses who fall within the scope of federal EPA and APCD regulations.

Staff proposed five recommendations that the Board could take in sequence or could be handled individually:

1. Conduct through a third party consultant a thorough needs assessment specifically targeted at local small business stationary sources in order to quantify their numbers and concerns. The request for proposal process and selection of an appropriate consultant could be done within approximately three months with the Board making a selection as early as their January or February meeting. (Approximate one time cost of needs assessment: \$5,000 to 8,000)
2. Commence to modify our Web-page to include a section addressing some of the current perceived concerns of small business stationary sources including E-mail options for printed materials or electronic messaging with APCD staff. Also available would be "hot links" to EPA's website and small business Compliance Assistance Centers which are designed by EPA to make regulatory and pollution prevention information available to small businesses so they can achieve compliance with environmental laws as easily and cost-effectively as possible. Staff will also experiment with constructing an interactive "feedback" query for small business that can be completed at any time and provide an ongoing update of small business environmental interests and concerns. (Approximate one time cost: \$1,000)

3. Identify either a staff member or contracting agent who will provide confidential "ombudsman" like services to local small business stationary sources similar to state NDEP and, who will coordinate local efforts with state and EPA small business assistance programs. Depending on the results of the needs assessment survey recommended in #1 additional staff could be tasked or hired to augment the "ombudsman" position in the next fiscal year budget cycle beginning July 1, 1999. (Approximate first year annual cost: \$45,000)
4. Contract with a "Facilitator" consultant to provide during 1999 a series of special focus educational awareness seminars for which small business stationary source owner-operators are invited to attend at which APCD staff is also present to listen and respond to concerns. Various educational materials would be available to identify proactive opportunities for increased ease in applying for or renewing ones APCD permit as well as currently available cost-saving emission technology (Approximate cost: \$3,000 per session)
5. The Board should consider creation of an ad hoc "Small Business Assistance" sub committee of at least three members who could meet with staff on a regular basis to provide general review and direction in the implementation of the above recommendations and to provide periodic reports to the full board. (Approximate annual cost: Negligible)

As far as implementation of the program, there are several models at the federal and state levels which Staff could emulate. The state has provided with a series of communications and recommendations which have been embodied in the suggestions so that we are also coordinating with the state. Items #3-5 are at Board discretion and could be implemented after completion of Item #1. However, Staff recommended that immediate recognition be given to items #1 and #2:

1. Conduct through a third party consultant a thorough needs assessment specifically targeted at local small business stationary sources in order to quantify their numbers and concerns. The request for proposal (RFP) process and selection of an appropriate consultant could be done within approximately three months with the Board making a selection as early as their January or February meeting. (Approximate one time cost of needs assessment: \$5,000 to 8,000)

There are approximately 1200 small business stationary sources in the Clark County area who could be affected by the federal Clean Air Act, EPA and Health District regulations. In order to make a credible SBAP a needs assessment would be conducted. The assessment would consist of outreach by questionnaires to identify what is the quantitative number and what are there concerns.

He commented the University of Nevada Environmental Program who has performed this task any areas throughout the state. Staff would like to move forward on the RFP process. Many of the small business are afraid of bureaucracies. Informally, Staff is doing some outreach to small business to make it more user friendly. However, there may be some who feel that the District represents the government and are non communicative. A public relations or education issue could be addressed by the Public Information Specialist whose primary work would include air pollution control issues.

2. Commence to modify our Web-page to include a section addressing some of the current perceived concerns of small business stationary sources including E-mail options for printed materials or electronic messaging with APCD staff. Also available would be "hot links" to EPA's website and small business Compliance Assistance Centers which are designed by EPA to make regulatory and pollution prevention information available to small businesses so they can achieve compliance with environmental laws as easily and cost-effectively as possible. Staff will also experiment with constructing an interactive "feedback" query for

small business that can be completed at any time and provide an ongoing update of small business environmental interests and concerns. (Approximate one time cost: \$1,000)

The District could pro actively ensure that the Web-page is user friendly by providing access to forms and other documentation that the small business owners could retrieve without having to come to the agency.

At this time, Member Ferraro moved for approval of items #1 and #2 of the SBAP Analysis and Recommendations for Stationary Sources Governed by the EPA and the APCD Regulations as recommended by Staff. Motion was seconded by Member Crowley and carried unanimously.

- 4. Memorandum #20-98** - Independent Audit Report of Clark County Health District by David Rowles commented that the Auditors were available to make a report on the budget. The multi-government budget and audit act require that at the end of the presentation that the Board Members take action to either accept or not accept the audit.

Gary Stewart, representing Stewart, Archibald and Barney, commented that the audit was conducted in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards, issued by the comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. The auditors felt that the audit provides a reasonable basis for their opinion.

The general purpose financial statements referred to above present, the financial position of the District, as of June 30, 1998, and the results of its operation and the cash flows of its proprietary fund for the year then ended in conformity with generally accepted accounting principles. It is a clean and unqualified opinion.

He briefly reviewed the several aspects of the audit and summarized the audit results. He reiterated that the auditor's report expresses an unqualified opinion on the general-purpose financial statements of the Clark County Health District. The reportable conditions disclosed during the audit of the financial statements are reported in a separate letter dated September 10, 1998, issued to management are as follows:

1. Observation:

A study was requested by the Department of Aviation to be performed by the District's Environmental Health Department. Part of the study was completed and a corresponding receivable was recorded within the General Fund approximately 5-7 years ago. The amount was never billed and will not be received.

Recommendation:

It is recommended that the District obtain approval from the Board to write-off the balance, as amount is deemed uncollectible.

2. Observation:

The District does not use pre-numbered receiving reports and issues slips with the receipt an issuance of medical inventory.

Recommendation:

The District should use pre-numbered receiving reports and pre-numbered issue slips with their receipt and issuance of medical inventory to verify that all inventory receipts and requisitions have been recorded. Access to such reports and issue slips should be controlled.

3. Observation:

The District does not maintain an updated purchasing procedures manual.

Recommendation:

A purchasing procedures manual should be updated and distributed to all personnel concerned with requisitioning and purchasing materials and services as soon as the new electronic windows-based system is put into operation. Such procedures should establish purchase approval limits and specify those individuals who are authorized to approve purchase orders.

No reportable conditions were disclosed during the audit of the major federal award programs. The auditor's report on compliance for the major federal award programs for Clark County Health District expresses an unqualified opinion. The programs tested as major programs included: Family Planning, HIV/AIDS Program, Sexually Transmitted Disease Control Project, Air Pollution Control, and Special Supplemental Food Program for Women, Infants, and Children.

He informed the Board Members that, as requested, the auditors will start on the agreed upon procedures engagement on the recommendations for the Air Pollution Control Program in December.

Member Ferraro moved for acceptance of the auditors report by Stewart, Archibald and Barney. Motion was seconded by Member Ravitch and carried unanimously.

David Rowles commended Health District staff, Karl Munninger, Financial Services Manager and Roger Irwin, Accountant for their efforts.

5. First Annual Report from Paul Fransioli from the Particulate Matter (PM₁₀/PM_{2.5}) Emissions Control Research Advisory Committee

Paul Fransioli, Acting Chairman for the PM₁₀/PM_{2.5} Emissions Control Research Advisory Committee, expressed appreciation to the Board Members for their support of the committee. He briefly explained that the Committee has carefully considered a wide range of research proposals and highlighted one of the funded projects which are intended to compare particle wind erosion from a variety of reasonably available surface-controlling materials over vacant land and gravel roads. The Committee is following the performance of the funded project, and is considering other proposals for possible funding. The Committee is continuing to evolve its process of efficient and fairly evaluating proposals.

He had given a presentation to the local Chapter of the air & Waste Management Association to help ensure that the entire environmental community is aware of the Committee and the efforts of the Board of Health to address airborne particulate matter problems and concerns in the Valley.

The Committee is seeking clarification of the scope of its assignment by the Board of the Health. It is recognized that the full scope of fine particulate problems (PM_{2.5}) should be addressed with other funding sources. However, complimentary natures of the PM₁₀ and PM_{2.5} overlap particle size ranges makes some projects addressing PM_{2.5} also valuable in solving PM₁₀ problems, (e.g., the PM_{2.5} components and chemical makeup of PM₁₀ dust sources, such as construction activity, vacant land, and unpaved roads).

Brief discussion ensued between the Board Members, Staff and Legal Counsel concerning the overlapping of PM₁₀/PM_{2.5} and possibly of redefining the scope of the Committee.

The Board directed staff to place on another agenda an item to revisit the scope of the Committee.

IV. HEALTH OFFICER & STAFF REPORTS

Dr. Kwalick explained to the Board that different staff members would address the following items (He introduced):

- a. X-mas Party: Ann Markle
Ann Markle extended an invitation to the Board Members to the first Clark County Health District Holiday Dinner/Dance in 15 years. It is scheduled for Saturday, December 12, 1998. Tickets can be purchased through December 4, 1998 from Administration.
- b. Mesquite Intergovernmental Agreement:
Ian Ross explained that this was a housekeeping issue. The Health District is presently providing services to Mesquite, Nevada. An agreement has been drafted with the City Attorney and Board Legal Counsel to document the present relationship. The City of Mesquite will be considering the agreement on November 24, 1998. The Mesquite City Attorney indicated that he would be recommending approval of the agreement as it is a housekeeping issue. The agreement will then be brought back to the Board of Health for consideration.
- c. Transfer Station/Recycling Regulation Update, Letter from Dave Emme,
Nevada Department of Environmental Protection (NDEP): Clare Schmutz

Dr. Kwalick explained that in keeping the Board apprized on transfer stations and recycling issues a letter from Dave Emme, NDEP discusses the material recovery services for business rather than transfer stations.

Clare Schmutz added that Staff is reviewing the direction given from the Board Members on transfer stations and recycling issues. Staff will be meeting with Dave Emme on November 20, 1998 to develop regulations on transfer stations or recycling facilities as there are strong regulations for solid waste disposal but no clear definitions of transfer stations or recycling facilities. Workshops on establishing the regulations is forthcoming. Public notice will be sent to affected organizations, concerned citizens and the Board Members.

Staff has also contacted Leslie Long of North Las Vegas to learn of the program guidelines they have established for salvage yards.

Dr. Kwalick remarked that Staff is in the process of reviewing the files for various notices and documentation that has gone out to different establishments in field that may have been stockpiling over the years. Staff will be attempting to bring this information to the respective courts of each jurisdiction to remedy the problem. Historically, the judge has thrown the case out. Therefore, perhaps establishing a hearing officer process similar to that in the APCD will need to be set up for the environmental health section to start some type of penalty system as it is hazardous to the community (i.e., fire, nuisances, etc).

- d. HIV Vaccine: Rick Reich
Dr. Kwalick stated that this exciting program will be conducted in conjunction with the Wellness Center hosted by Drs. Cade and Christensen.

Rick Reich explained that the vaccine study is one of the first vaccine trials to be conducted in the United States. It will be a three-phase program with two parts in phase three. One of the trials will be conducted in the United States where 5,000 volunteers will be studied and the other will be

conducted in Thailand. Currently, sites are being recruited and Las Vegas is targeted as one of the sites. With the help of Drs. Cade and Christensen, investigators and the Wellness Center, there is a good chance that the project will come to Las Vegas. Locally, approximately 150 volunteers will participate over a course of 30-36 months.

The Health District's involvement will be in the area of risk assessment, reduction and counseling. Also, the project will include the collaborative efforts of University Medical Center, Community Counseling of Southern Nevada, AFAN and several other AIDS service organizations in the community to do recruitment of HIV negative volunteers to get the vaccine. The project was started in July 1998 in the San Francisco area.

a. Review Journal (RJ) November 14, 1998 Article Response: Michael Naylor

Michael Naylor briefly highlighted some of the responses to the RJ article written by Keith Rogers. The offset program has been operating for twenty years. Each year it has expanded to include smaller sources. Substantial revisions to the offset process began in the fall of 1997. There are now over 200 permittees that are required to obtain offsets including sand and gravel plants. The offset program is a key part of the particulate matter attainment demonstration plan submitted by Clark County Commission to EPA a year ago. It is a key part by which the Valley can demonstrate attainment to the annual average standard by the year 2001. Since 1993, there have been 47 miles of unpaved roads paved. This has prevented over 2700 tons per year of PM10 emissions. Since the regulations assume a 7 year benefit from paving this means that over 19,000 tons of PM10 will be prevented over a 7 year period. The assessments process continues to improve. Assessments for over half of the offset obligations for calendar year 1997 emissions were mailed in October 1998. The assessments for 1996 calendar year were only 10% complete by this time last year.

When the database was requested by the RJ in October, Staff had just implemented a major mailing out assessments. At that time, there was no mechanism to automatically subtract grandfather or baseline emissions and the exempt assessments if the emissions did not exceed de minimus thresholds. The records sent to the RJ showed a total apparent assessment amount of 23,687 tons. Since the notices were mailed, Staff has amended the database to account for many of the de minimus situations. Official notices were not sent to companies who had very large grandfather emissions. Since that time the data base has been updated and a few days ago corrections were entered that will handle grandfather cases. A number of corrections was also made on de minimus cases. The numbers are still subject to more data. At this time the amount of assessments for 1997 calendar year is about 6,000 tons and the amount assessed for 1998 emissions so far is 2,000 tons. None of those amounts are overdue. Those assessments were only received by a company in the last few weeks.

Assessments that are 30 days over due or outstanding are for permittees who have not redeemed or purchased credits for assessments made prior to October 1998. As of November 19, 1998 the amount of outstanding offset obligations is less than 600 tons. The statements in reference to the Health District being behind in collections by \$15 million are meaningless. The District is ahead of last year on assessments and there only outstanding amount at this time is 600 tons. The dollar value on the 600 tons based on \$400 per ton would indicate a value of \$240,000.

In reference to the comments in the article made by Mr. Nielsen are trivial to the issue. The comments do not indicate that the Districts road paving credit program is the primary reason why the PM10 plan adopted last year by the County Commission is able to demonstrate to attainment of the annual air quality standard for PM10. The District has been increasing Staff significantly to deal with the complexity of the APC regulatory programs. All members of the staff are knowledgeable, hardworking and competent. Performance in all areas can be monitored in the APCD monthly report. The offset program is still being developed and much progress has been made in the last year. Staff is very focused on protecting public health.

Member Kenny asked how could this issue be clarified to the general public and the Review Journal as it is a good program and perhaps there has been some misunderstandings.

Dr. Kwalick stated that Staff is in the process of preparing a "white paper" to go through the program in its entirety to determine strengths/weaknesses and pros/cons. To bolster the program with a computerized system so that at any point in time Staff can determine what is happening. Staff is anticipating completing the "white paper" within the next couple of months. In the meantime, the District is hiring a public information individual to concentrate on public health information related to the environmental and air pollution areas. Staff recognizes that the information has to be gotten out to the general public and the media on a continuing basis. All individuals living in the community want clean air.

Michael Naylor commented that District Staff met with EPA in October and highlighted the need to have the all involved parties and EPA to discuss the issues in a joint meeting. A joint meeting is planned for the morning of December 11, 1998 in the City of Las Vegas Council Chambers. Notices will be sent out for the meeting.

Member Kenny added that broadcasting the Board of Health meetings on Channel 4 would help to inform the general public of the steps the Health District is taking to improve the environment.

V. CITIZENS PARTICIPATION

Items raised under this portion of the Agenda cannot be acted upon by the Board of Health until the notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any action on such items will have to be considered at a later meeting.

Chairman Colquitt asked if any member of the public wished to speak.

Dick Serdoz, concerned citizen, stated in reference to the woodburning fireplace program that was implemented in Washoe County, the individuals who knocked on the doors initially were peace officers. Concerning the small business education program he suggested that Staff look into coordinating efforts with Kevin Dick of the Small Business Association.

Deanna White, representing Sierra Club of Southern Nevada expressed appreciation for the Board of Health efforts in coming up with regulations or penalties to deal with disturbed vacant land program.

Member Cyphers explained that the information or guidelines on vacant and disturbed land would taken to Henderson or respective entities and could be used for present and future businesses. Also, she informed the Board Members that she had asked Dr. Kwalick to look into performing a management audit that would make sure that the District is adequately staffed and would be a checks and balance to the general public on how dollars are being spent.

VI. INFORMATIONAL ITEMS

DULY NOTED

1. Financial Data
2. Emergency Medical Services Medical Advisory Board Annotated Agenda and Minutes, 09/02/98 & 10/07/98
3. Listing of Food Establishments in Plan Review for the Period of 10/01/98 - 10/31/98 Environmental Health Division
4. Air Pollution Control Monthly Report, October, 1998 (Air Quality, Enforcement Activity and Permitting)
5. Air Pollution Control Hearing Officer Annotated Agenda, 10/29/98
6. Air Pollution Control Particulate Matter PM₁₀/PM_{2.5} Emission Control Research Advisory Committee Minutes, 09/18/98
7. Home Health Services/Transitional Care Advisory Board, 10/15/98
8. Staff Recognition

VII. ADJOURNMENT

There being no further business to come before the Chairman Colquitt adjourned the meeting at 10:15 a.m.

SUBMITTED FOR BOARD APPROVAL

Donald S. Kwalick, MD, MPH, Chief Health Officer
Executive Secretary

/mlg