



Mission: To protect and promote the health, the environment and the well-being of Clark County residents and visitors.

MINUTES
CLARK COUNTY HEALTH DISTRICT
DISTRICT BOARD OF HEALTH MEETING
625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, April 27, 2000

OATH OF OFFICE: Ian Ross, Esquire, Board of Health Legal Counsel, administered the Oath of Office to the following Board members for Year 2000 Term of Office:

Alice Fessenden – Appointee, Mesquite
Sherry Colquitt – Appointee, Las Vegas

The meeting of the District Board of Health was called to order at 8:00 a.m. by Chairman Brown and the Pledge of Allegiance held. Chairman Brown 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:

Paula Brown	Chairman, North Las Vegas
Jim Christensen, MD	Physician Member At-Large
Sherry Colquitt, RN	Appointee, Las Vegas
Susan Crowley	Vice-Chairman, Henderson
Amanda Cyphers	Councilman, Henderson
Alice Fessenden	Appointee, Mesquite
Joseph Hardy, MD	Councilman, Boulder City
Paul Henderson	Councilman, Mesquite
Erin Kenny	Commissioner, Clark County
Mary Kincaid	Commissioner, Clark County
Gary Reese	Councilman, Las Vegas
Stephanie Smith	Councilwoman, North Las Vegas

Absent:

Donalene Ravitch, RN	Appointee, Boulder City
----------------------	-------------------------

Executive Secretary:

Donald S. Kwalick, MD, MPH

Legal Counsel

Ian Ross, Esquire

Staff: David Rowles; Michael Naylor; Fran Courtney, RN; Clare Schmutz; Jane Shunney, RN; Rose Bell, PhD; Mike Sword; LaRue Scull; Ed Wojcik; Glenn Savage; Lonnie Empey; Mark Gillespie; Jennifer Sizemore; Karl Munninger; Lewis Wallenmeyer; Judy Hartwell; Harold Glasser; Mary Hahn; Sherry Hurlburt; Daniel Maxson; Forrest Hasselbauer and recording secretaries, Norma Jordan and Diana Lindquist

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING</u>
Gary Carlson	Gary Carlson & Associates
Alan Jensen	Union Pacific Railroad
Roy Thompson	Southern Nevada Home Builders Association
Joe Paulk	Airway Rock Products
Cameron Harper	Clark County Public Works
Anthony Perry	Planet Mars
John Murdoch	Clark County Public Works
Fred Couzens	Self
Joanna Brooks	Nevada Power
Jacqueline Roberts	Self
Bruce Arkell	Clark County Public Works
Susan Selby	Southern Nevada Water Authority/LVVWD
Leanne Miller	Southern Nevada Water Authority/LVVWD
Will Cates	Clark County Comprehensive Planning
Steve Holloway	Associated General Contractors (AGC)
Leslie Long	City of North Las Vegas
Paul Fransioli	PM Res. Adv. Committee
Alex Hart	Southern Nevada Water Authority/LVVWD
Jai Sabapathi	Nevada Power
Bob Harris	Lockheed Martin
Terri Barber	Southern Nevada Home Builders Association
Ed Lubbers	Southern Nevada Home Builders Association
Berlyn Miller	NCA
Charles Watson	Landowner
Erik Levine	Channel 8
Launce Rake	Las Vegas Sun
Elizabeth Frewell	City of Henderson
Christine Kidd	City of Henderson
Ken Koshiro	City of Henderson
Russell Roberts	Clark County Comprehensive Planning

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.

Member Kincaid moved for approval of the Consent Agenda. Motion was seconded by Member Colquitt and carried unanimously.

1. Approve Minutes/Board of Health Meeting - 03/23/00

2. Approve Payroll/Overtime for Periods of: 02/19/00 – 03/03/00 & 03/04/00 – 03/17/000

3. **Approve Accounts Payable Register - #779:** 02/18/00 – 03/03/00 & **#780:** 03/06/00 – 03/17/00
4. **Petition #22-00** – Request to Reappoint Two Air Pollution Control Hearing Officer Expired Terms: Lorraine Marshall and Dennis Davis
5. **Petition #23-00** – Approval of a New Position and Classification Specification for Centralized Case Manager Coordinator to be Placed on Schedule 24 (\$43,465.76 to \$60,648.64 Annually)
6. **Petition #24-00** – Approval of a Classification Specification for Air Quality Manager to be Placed on Schedule 27 (\$50,654.24 to \$70,703.36 Annually)
7. **Petition #27-00** – North Las Vegas Public Health Center Remodeling Project: Selection of Bidder and Authorization of Staff to Prepare the Appropriate Contract Therefore
8. **Petition #28-00** – Air Quality Division-Small Business Assistance Program (SBAP): Selection of Bidder and Authorization of Staff to Prepare Appropriate Contract Therefore
9. **Petition #29-00** - Approval of Architect's Design and Floor Plan for New Tuberculosis Clinic Building and New Two-Story Warehouse Building/Receiving Dock and Authorization of Staff to Complete and Public Appropriate Bid Specifications Therefore
10. **Petition #21-00** – Appointment to PM10 Emissions Control Research Advisory Committee: Nevada Report Association Nominee Richard Bunker
11. **Petition #32-00** – Request to Seek Alternates for Members of the Air Pollution Control Hearing Board

II. **PUBLIC HEARING/ACTION**

1. **Memorandum #08-00** – Public Hearing to Proposed Changes to Section O [Definitions]; and Proposed New Regulations Section 90 [Fugitive Dust for Open Areas and Vacant Lots]; Section 91 [Fugitive Dust From Unpaved Road, Unpaved Alleys, and Unpaved Easements]; and Section 92 [Fugitive Dust from Unpaved Parking Lots]. Staff recommends that the Board Today Receive Testimony From the Public and Continue the Hearing to May 25, 2000

Chairman Brown opened the Public Hearing.

Michael Naylor introduced Russell Roberts who is the Air Quality Planning Manager with Clark County Comprehensive Planning. Mr. Naylor stated the *Memorandum #08-00* indicates the purpose of the hearing which has four sets of proposed regulations. These are the amendments to Section O; the new proposals to Section 90, 91, 92 and the revisions to these proposals. There have been revisions to the proposals since the end of April. New material has been handed out to the Board members revision Section 91 in which several paragraphs have been totally rewritten. Also, handed out was a green sheet that has a new set of definitions which had not been provided earlier. There were two letters handed out, and one of them is from Southern Nevada Water Authority commenting on their assumption that this public hearing will be continued until next month. The second letter is a complaint about an advertisement the Air Quality Division published in the newspaper showing motorcycles kicking up dust.

Page 2 of *Memorandum #08-00* has a table showing design values. There are five stations in the valley that exceed the 24 hour standard. The target for attainment is 150 micrograms per cubic meter. Table 2 shows that despite the high levels, the valley has made some progress.

Several years ago the valley had higher numbers. There are over 14 monitoring stations in the valley for PM10 and only 5 exceed the 24 hour standard. There is an annual standard and only one station exceeds that. This station is the JD Smith site. Member Kincaid asked Mr. Naylor why there would be an exceedance at this station since it is an older neighborhood, has very little vacant land and no development. Mr. Naylor answered that the dust seen there comes from miles away and that there are no sources of dust near the monitor. When there are high levels at the East Charleston station during stagnation, it affects the JD Smith site because it is not that far from the East Charleston site and it is in that low part of the valley where there are the stronger inversions. Member Reese asked Mr. Naylor why the Green Valley site dropped from 339 in 1995-1997 to 281 in 1997-1999. Mr. Naylor answered that the weather plays a factor. In 1996 it was a dry year with a lot of wind gusts. He also felt that more District enforcement officers and higher penalties improved compliance from construction activities.

On Page 4 of *Memorandum #08-00*, Figure 2 showed the map where the 5 stations are. Page 5 has a table that shows the emissions inventory for the annual emissions and this area is still being researched by Comprehensive Planning. Table 4 on Page 6 showed the daily sources of emissions on a day with high winds. The rest of the memorandum discussed the Sections being revised. Section 90 is *Fugitive Dust From Open Areas and Vacant Lots*. Approximately 16% of vacant land in the valley is assumed unstable. This estimate will be updated in about a month when the satellite project report comes in. This will also give the District an idea where all the disturbed areas are. Section 91 addresses *fugitive Dust from Unpaved Roads, Unpaved Alleys and Unpaved Parking Lots*. Page 9 has the Item "Stakeholder Consultation;" and there have been five workshops on these proposed rules in the last several months. Comprehensive Planning did some open houses last summer at the Community Centers as well. The District has been speaking with Southern Nevada Home Builders Association, Associated General Contractors, National Association of Industrial and Office Properties, Howard Hughes Development, Del Webb, Associated Builders Contractors, Nevada Contractors Association, Union Pacific Railroad, Nevada Power, fiber optic cable companies, Environmental Advisory Committee, Bureau of Land Management and the Water Authority. The District ran a couple of advertisements recently showing examples of dust from vacant lots. The Board was given a letter form a citizen regarding of the advertisements that used motorcycles as an example.

Staff addressed the need for the District to hire additional staff and develop a revenue source if the Board adopts these regulations.

The District has had a successful program of getting unpaved roads voluntarily paved. This is part of the emission reduction credit program where new companies or companies modifying their emissions need to get emission credits to mitigate their emissions. For every ton of pollution the company causes, they need two tons of credit. This program has been in effect for two decades. It is on the premise that the roads being paved are not required to be paved. If these rules are adopted, it will make road paving mandatory. The District believes that means road paving would no longer qualify for emission reduction credits so it is considering revising the emission credit rules to phase out the awarding of credits for the paving of roads. If no credits would be available from road paving, the District will need to identify another source of credits and look at establishing a credit system for voluntary reductions in motor vehicle emissions. Staff is particularly looking at the larger aggregate sand and gravel facilities where there is substantial diesel fuel used and looking at ways of cutting down emissions from the use of diesel fuel. Five companies now are running a pilot program where they are using catalytic converters on their diesel fuel exhaust and/or they are using an ethanol additive in the diesel, which is called oxygenated diesel. These demonstration projects have been going on for about a month and a half, and as staff evaluates how it works, this area is an opportunity to aware emission credits. No proposed regulations at this time to talk about those credit or the phasing out of the road paving credits. If the proposed rules are adopted, staff will present some language to revise the District's emission credit program.

Staff is trying to prepare some operating procedures to address enforcement policy and intergovernmental cooperative projects. Staff doesn't see the same method being used of notices of violation and high penalties to address these cases as used not for stationary sources and construction activity. Rules for the vacant lots and unpaved roads will still be enforced but a friendlier, education focused type of enforcement will be used. A lot of education materials will be needed including mailers. Staff is working with the Conservation District of Southern Nevada and obtaining cooperative assistance for getting some of the vacant lots stabilized.

Feedback from the Environmental Protection Agency informally endorses the regulatory content of the District's proposals as the language is very similar to the regulations EPA approved for Maricopa County, Arizona. EPA has not seen the latest version.

Russell Roberts from Clark County Comprehensive Planning informed the Board that what is before them represents significant progress towards completing the regulatory requirements that are part of the pending Year 2000 PM10 clean air plan. Section 90 deals with disturbed vacant land, and there was a lot of discussion over the last 6-9 months regarding the requirements of this rule. The rule is close to its final form and he believes it meets the need of the State Implementation Plan. Section 92 requires a stabilization of unpaved parking lots and can move forward towards adoption in the near future. The definitions in Section O need to be inserted into the existing regulations to support these rules. Section 91, which covers the unpaved roads and easements, needs the most work. The current task Comprehensive Planning is struggling with is to write a rule stringent enough to get the reductions needed from that area but not so stringent that it could not be complied with and require unnecessary and inordinate amounts of time and money.

Member Fessenden asked Mr. Naylor if these regulations apply to the Las Vegas valley and not all of Clark County. Mr. Naylor answered yes that they only apply to Hydrographic Basin 212 which is the state engineer's definition for the Las Vegas Valley.

Mr. Naylor pointed out two major areas of change in Section 91 (unpaved roads). The suggested amendment is that the control measures for unpaved roads be implemented in a three year time period with one-third of the roads being controlled by May 2001, the second by May 2002 and the final third by May 2003. The proposal as of March 2000 was that the roads have more than 150 trips per day would need to be stabilized by January 2001 and the remainder of the network by January 2002. The suggested revision would add 1½ years to that schedule. Both versions of this proposal are much stricter than what is being required in Maricopa County, AZ. This version will allow the Public Works Department more time to raise the funding and get the roads paved. The second major change is on page 91-3 regarding unpaved easements, rights-of-way, and access roads for utilities and railroads. The original proposal was that the easements would need to be stabilized within the next 1½ years similar to the unpaved roads. The revision is that the District would need to discover a dust problem on those easements and then direct that they be stabilized within 30 days. Staff would need to check for silt content of those easements and opacity from vehicle use. If there is a problem with this, then the easement would need to be stabilized. This section still needs some more work. Staff has not heard from the owners of these easements. The Water District and the Water Authority have estimated about 400 miles of easement. The two major changes are on how the easements are evaluated and the schedule from controlling the network of unpaved roads.

Dr. Hardy wanted to confirm with Mr. Naylor that the principal change is prolonging our compliance as opposed to speeding up our compliance. Staff has put in a three year period instead of a 1½ year period. Is the rationale to make it easier on the Public Works Department because they cannot do this in 1½ years? Mr. Roberts informed the Board that this is trying to recognize reality, practicality and difficulty of implementing these rules. There is a tremendous

amount of lineal miles of unpaved roads. Comprehensive Planning and the Health District are not opposed to extending the attainment date as they are still looking at 2005, 2006 to attain the standard in the valley. This proposed change is specifically to recognize that public works entities are going to have to spread the cost of this. The Las Vegas Valley could meet the attainment deadline and the objectives of the State Implementation Plan and have a workable rule in terms of allowing them to spread their costs over time and the amount of work they have to do to deal with their unpaved road inventories. Member Crowley commented that language was taken out about what kind of road would be paved. She wanted to know how the thirds would be selected. Mr. Roberts suggested that this language could be put back in. Unpaved roads contributing to violations should be paved and not every mile of unpaved road in the valley needs to be paved in order to reach attainment. The 150 adt "delimiter" gives the District a starting point for significance which are the dustier roads because they have the most traffic. Comprehensive Planning is trying to get rules that allow them to focus on the problem not just spread the entire workload to address that overall problem with PM10 throughout the valley whether it is significant or effective or not. The '150 adt delimiter' in there is stringent enough and allows them to focus on their efforts. Member Crowley asked if this change should be placed in the body of the paragraph rather than down in the one-third, one-third, one-third. The delimiter is sued for all of those thirds. As the rule is no, it is all unpaved roads. Member Crowley mentioned that she needs more time to think about this because it depends on the soil content of the road. She would like to keep the option open of not just looking at the volume of traffic on an unpaved road, but also look at the type of soil on that road. She does not want to limit this rule and still wants to look at all unpaved roads. Member Smith acknowledged the problem and the costs of comprehensive planning.

Member Kenny mentioned that the County is in the process of doing a road restoration and repaving program and has categorized all the roads and where they are in that cycle. This also includes unpaved roads. She asked if this could be phased in as part of the policy or process and not have to write it so strictly into the rules that gives no leniency. Mr. Roberts stated that the rule before the Board states that if there is say 10 miles of an unpaved road in the city, you would have to do 3.3 miles this year, next year, etc. There are no exemptions to this rule. Comprehensive Planning suggested taking the satellite study and prioritizing areas where the rules would be enforced.

Member Colquitt stated that the satellite study seems to be very important to this whole issue and asked if staff was being premature in developing this prior to the study coming in. Mr. Roberts stated that the satellite study will tell where the vacant land is but would not tell how to reduce PM10 from unpaved roads.

Member Kincaid expressed concern that if staff does not write it specifically into the rules and instead allows for common sense, EPA will object.

Member Cyphers commented that it could easily cost the City of Henderson between \$10-12 million to pave their unpaved roads. She has been speaking with the leaders of the rural neighborhoods within Henderson, and this is a hot topic. She wants to make this rule as stringent as possible and pave all unpaved roads.

Member Smith stated everyone has to budget and when you budget, you have to prioritize. The reality is that when spending the money, staff needs to find out what is going to solve the problem first. Take care of the big problems first so that the money can be prioritized. Member Cyphers believed that this can be prioritized through the different entities. The Board needs to come up with ways that the financial burden can be shared with the citizens. Each entity could come up with its own PM program. Member Kenny felt that the commitment the Board requires of the private sector should apply to the government. Financial aspect involving communities has to be considered. These dollars have to be spent very effectively with regard to reducing

the PM10 and keeping the EPA and the federal government out of Southern Nevada. The valley would be hurt economically far worse by having the growth completely show down. It is a tremendous priority that the Board do everything it can to achieve these goals. The broader language would encompass everyone and makes more sense, and the implementation plan might back up to work for all of the entities.

Member Crowley stated there was an attempt in the original proposals to understand that there are some unpaved roads that may not warrant the expense. These would require stabilization rather than paving. This may bring a measure of common sense. A road may not necessarily need paving to minimize its problem but may need maintained stabilization. This may take care of the smaller roads and fit in within budgets.

Member Smith clarified that she was saying not to pave all the roads but that the Board should initially attach the roads that are the most problematic and still have them in the plan but not extend out the less egregious roads a little longer into the fourth and fifth year so that they are still being addressed but giving enough time and money to accomplish the goal.

Dr. Hardy referred to page 91-3 where the old rule stated that the valley has to meet the regulation of implementation of control measures for unpaved easements, unpaved right-of-ways, or unpaved access roads by May 1, 2002. Unless a change is adopted, this regulation would have to be implemented by May 1, 2002 versus the new proposal which gives the valley another year. There is no flexibility between paving and stabilization of any unpaved road.

Ian Ross suggested that a reference could be added that the standard could be developed by someone else. Because this section applies to the private sector and public sector, the private roads would also have to be stabilized during the same period of time. There should be some criteria or standard as to which third will be when or how. All the ideas that have been discussed can be put in another document or have a specification as to number of trips, kinds of soil or any kind of criteria the Board wishes. Each public entity could create the list of which roads to pave on-third, one-third, and one-third. Mr. Ross recommended an objective standard so that it could be gauged and it is up to the Board which standard it will be.

Member Crowley questioned how much the Board would have to have in the regulations compared to what would be in the implementation plan to make the rules approval by EPA.

Member Kincaid commented that she has heard estimates everywhere and no one knows exactly what the cost is going to be. It may cost the government alone \$20-\$40 million to implement all these regulations in addition to what it would cost the private sector. Government has not money on its own but what the citizens of the community give to the government in the form of various taxes.

Member Kenny reminded the Board of the broader picture is the reality of EPA and the federal government coming into this community. If the valley is not in compliance, it risks losing hundreds of millions of federal dollars for its roadway systems which help to create a solution to some of the problems in this community. Government has the responsibility to keep the viability of economy of this community going. The way this is done is by keeping the federal government out of Southern Nevada, and this is done by prioritizing by keeping air quality at the top. If air quality reaches a level that EPA comes in and shuts the community down, it will not matter whether it has enough water, etc. because the community will not grow. Therefore, the Las Vegas Valley must make a commitment to spend the money. She said the private sector is prepared to spend the money.

Chairman Brown commented that 85% of the land in Nevada is owned by the federal government. Some of these roads that contribute to non-compliance are probably from those

federal roads. She asked Mr. Naylor if they will be exempt. Mr. Naylor answered that the whole unpaved network is subject to this rule whether the roads are owned by public or private entities. Chairman Brown asked if BLM was aware of this rule, and Mr. Naylor said that they were. Member Kincaid asked if this rule is enforceable on the federal government. Mr. Naylor answered that the Clean Air Act recognizes local authority for federal issues. All federal agencies are subject to these regulations. Chairman Brown asked the Board if they wanted to continue this public hearing to look at this and come back with some implementation regulations. Member Reese commented that he would have no problem continuing it as long as there is going to be public meetings to issue their statements on what they think is best for the Board to adopt. Member Kincaid remarked that the way the public hearing is noticed is that the Board should take testimony and then continue it to May 25, 2000.

Bruce Arkell of Clark County Public Works stated that the Board pretty much summarized the discussion of what has been going on with the public and private sector in the last several months over these regulations. His comments regard Section 91 and he has proposed some amendments that would get away from the requirement of one-third, one-third, one-third each year. A lot of the roads have right-of-way problems that may prevent Public Works from paving a road, as well as problems getting materials and equipment. He is suggested an amendment be done that would eliminate the one-third, but they would all be done within the 3 year period. The second fundamental change he proposed is that road paving be limited to roads exceeding the 150 vehicles per day. The County has a lot of roads that go to a single family home that are unpaved. The current cost estimate to pave publicly owned and maintained roads for the cities and Clark County is \$30 million spread over 3 years. These are not currently budgeted items. Mr. Arkell stated that the Regional Transportation Commission Executive Advisory Committee is meeting to look at how they could get some additional fund to do this. Following that committee meeting and the Board of Health meeting, Mr. Arkell will be preparing an information report to go tot the County Commission to tell them what the financial fiscal impact of this particular decision regulation. He also suggested paving those roads that are less 150 vehicles per day, after the 3 year period, if the Las Vegas Valley still cannot reach attainment. He agrees that the public hearing should be held for 30 days.

Ed Lubbers spoke on behalf of the Construction Industry Coalition which is comprised of the Southern Nevada Home Builders Association, the National Association of Industrial and Office Properties, Associated General Contractors, Association of Builders and Contractors, Nevada Contractors Association, Del Webb Corporation, Howard Hughes Corporation, and Southern Nevada Concrete and Aggregate Associates. They have been meeting weekly and have worked with Mr. Naylor and Mr. Roberts. They have reviewed these regulations and even proposed a draft at one point; a lot of which they had suggested are in the proposed regulations. There is one area of concern that they have not been able to get adopted into the regulations which is that there should be no minimum size requirements for any areas. This would affect Section 90.2.1 which is regarding vacant land that would be 5,000 square feet or larger. This would also affect the definition of a parking lot which is defined as a parking area 5,000 square feet or larger. Their coalition does not believe size is relevant that much to dust as it is to use. There should be no threshold minimum on size, it should be based on use. Mr. Lubbers spoke in regard to paving of unpaved roads and that as it is written, it does not require paving, it requires stabilization. The original draft regulation required hitting the 150 average daily trips (adt) roads first, which makes sense to their organization. They are not opposed to changing this regulation to one-third, one-third, one-third and also not opposed to 3 years. Their position is to take unpaved roads that generate the most dust first and using a threshold of 150 adt. They would be opposed to saying no treatment is required for roads below 150 adt. Their goal is to make sure they can have a state implementation plan that is acceptable to EPA. Mr. Lubbers cautioned the Board to not ignore roads below 150 adt. He believes all roads need to be treated either by paving or dust suppressant. The Coalition would not support staff's suggestion of the elimination of emission reduction credit for paving of unpaved roads. They

understand the concept for mandating paving of unpaved roads, might eliminate the incentive behind the emission reduction credit program. When it comes to a paving requirement for government utilizing taxpayer dollars, the coalition believes maintaining the ERC programs helps accelerate paving of unpaved roads, thereby saves taxpayer dollars. As for the other proposal for mobile emissions reductions, the coalition does not see where the Board must have one or the other and they probably could have both. As long as there is a 3 year requirement for government to pave unpaved roads, the Board should retain the credit program and to help get those roads paved. In summary, the coalition's biggest concern is that they a) do not agree with vacant lot threshold of 5,000 square feet; b) do not support not paving roads less than 150 adt; and c) do not agree with the suggestion to eliminate the road paving credit program at this time until these roads are paved. Leanne Miller spoke on behalf of the Southern Nevada Water Authority, and they are in support of controlling the excess fugitive dust in the valley and will do their part to improve air quality. Ms. Miller support staff in continuing the public hearing until May 25, 2000.

Dr. Hardy asked Ms. Miller about when after the new pipeline goes in, does the Water Authority stabilize the soil on top of that as a normal course of action. Ms. Miller answered that it depends on the area because there are some pipelines in paved areas which are streets, areas that have been graveled roads and maintained by one of the municipalities. The Authority restores the surface condition to that like condition. In the Bureau of Land Management areas they prefer to do top soil stripping and replacement and they encourage revegetation of the environment to the original condition. When the top soil is replaced, they typically water it or use an organic tactifier.

Ian Ross asked Ms. Miller that in some of their easements will there be a pipe underground that would have no access road on top. Ms. Miller answered that the Water Authority sometimes have access roads and sometimes do not. Ms. Miller stated that in areas where this would occur, there is usually a need to restore the land back to its original condition.

Leslie Long from the City of North Las Vegas Public Works Department commented that she supports what Mr. Arkell said about revising the rules to focus on the roads with the 150 adt's and more and possibly looking at adding these unpaved roadways in the identified red zones soils as Mr. Roberts previously mentioned. Ms. Long also stated that not only is Section 91 relevant to the local governments, but the municipalities are also subject to Section 90 which is the disturbed open areas. The City of North Las Vegas does not even know its impact yet as they are waiting for that satellite study to be completed. There could be enormous impact to all of the local governments. Their entity will work closely with the Health District in the forthcoming workshops for a consensus to these revisions.

Paul Fransioli spoke as a citizen and stated he felt according to table 4 in the memorandum that the relative contribution from the unpaved roads in attaining the health standards are negligible. On the critical high wind days in which the valley is trying to attain the standards in order to maintain health in the valley, the sources from the unpaved roads are in the negligible category. Mr. Fransioli wanted to encourage the Board in delaying action on the regulations. Cost benefit needs to be considered as it is part of the regulatory process.

Member Cyphers brought up a point for the Board to consider. The PM10 voluntary paving program has been very beneficial to the City of Henderson. Instead of phasing out the credit program, she would like to have this program in place for at least another 2 years. This will help the valley accelerate the paving of unpaved roads.

Mr. Roberts remarked that Member Cyphers has a good idea but stated it is important to remember that the reason the emission reduction credit program goes away is because those

roads are now required by rule to be paved. The roads are not currently required by rule to be paved so when the roads are paved, those credits are viewed as surplus.

Mr. Naylor informed the Board staff has not drafted any changes to the road paving credit program. He had just advised that this topic needs to be considered at another public hearing.

Member Kincaid moved to continue the public hearing on Memorandum #08-00 Proposed Changes to Section O [Definitions] and Proposed New Regulations Section 90, Section 91 and Section 92 to May 25, 2000. Member Colquitt seconded the motion and carried unanimously.

III. REPORT/DISCUSSION/ACTION

1. Health Officer Annual Performance Evaluation Committee Report and Recommendations (Members Brown, Crowley and Eliason)

Chairman Brown informed the Board that the committee met and evaluated the Health District's Chief Health Officer Dr. Kwalick and felt that he is doing a superb job and recommended that his contract be renewed for one year and that he also receive an increase of 5 percent in salary.

Chairman Brown moved to renew Dr. Kwalick's contract for one year to May 8, 2005 and receive a 5% merit increase to his current base salary. Member Christensen seconded the motion and carried unanimously.

2. Petition#25-00 – Retaining a Professional Lobbyist (Member Kenny Requested Item)

Dr. Kwalick informed the Board this item was requested by Commissioner Kenny who felt it timely in that most special government districts and entities have their own lobbyists. There are many things that may come up during the legislative session that the District could use a full-time lobbyist in the legislature. Up to the present time, staff has been attending when committees meet. Once it gets to the committee, it is really too late and the District needs a presence there. Some things that may be very important to the District in the next session is the tobacco issue, air quality issues and several things the state is thinking about getting out of the business that are important to assure the public's health in Clark County. Dr. Kwalick suggested to move in the direction to have a lobbyist and will come back to the Board with names of individuals, and the Board at that time could make a decision on who should be the District's lobbyist and with the cost of pursuing this.

Chairman Brown asked Dr. Kwalick where this would fit into the District's budget since there hasn't been such an expense item before. Dr. Kwalick answered that staff would bring back to the Board in the Amended Budget in the late summer or early fall the appropriate budgeting of funds for same.

Member Colquitt asked if this lobbyist would only be at the state legislative level. Dr. Kwalick answered that primarily it would be at the state legislative level with the various committees that meet during the legislative intersession as well as during the legislative session.

Dr. Hardy asked Dr. Kwalick if the lobbyist would work only for the District or be shared with another entity. Dr. Kwalick answered that it would be by independent contract and usually lobbyists do work with other entities. One concern would be that there be no conflict of interest. If a lobbyist is unable to attend a session for the District, they would need to have a mechanism that could get another lobbyist to cover for them who knew what the District's positions and concerns are.

Member Kincaid supported this idea as she felt it was time the District had a professional lobbyist in Carson City at the legislature as there are too many issues coming up that affect the District. Because of the 120 day session, the meeting times of hearings, etc., that are changed without notice, staff hasn't the time to get to Carson City. It is difficult for any staff to try and meet those needs without someone being there full time to lobby for the District. Even though most lobbyists take on several clients, they are basically in Carson City full time and if a meeting is changed to an hour later or three hours later, then they could be present.

Member Kincaid moved to direct staff in retaining a professional lobbyist. Motion was seconded by Member Crowley and carried unanimously.

IV. CITIZEN PARTICIPATION

Chairman Brown stated that 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 Brown asked if any member of the public wished to be heard.

There was no response.

V. HEALTH OFFICER & STAFF REPORTS

1. Dr. Kwalick, Chief Health Officer

Dr. Kwalick informed the Board that the informational packet will be expanded by writing extended narratives on various programs that the Board could read and ask staff questions at that time or if there is anything that had been added since the time it was prepared, staff would highlight some things on particular programs.

2. Clare Schmutz, Environmental Health Director

Mr. Schmutz remarked that due to the retirement of two long-time supervisors in the past few months, he introduced Mary Hahn and Sherry Hurlburt as new supervisors. Mrs. Hurlburt will be supervising the Plan Review program and Mrs. Hahn will be supervising one of the general sanitation positions. Mr. Schmutz commented that there had been a number of applicants, and he is very pleased to have these two new supervisors.

On Monday, April 24, 2000, two workshops were held. One was for transfer stations and the other one for Materials Recovery Facilities (MRF). There were two people from the public who attended the transfer stations workshop, and there was very little controversy on this. On the MRF regulations there were about a dozen people from the public who attended the workshop and there was quite a bit of comment which staff is reviewing. Staff will come back to the Board next month for a public hearing for adoption of these two regulations. These regulations have already been adopted by the State Environmental Commission, and staff wanted to get these adopted on the local level.

Dr. Kwalick informed that Board that the Health District's annual employee/family picnic is being held on Saturday, May 13, 2000 from 11 am to 4 pm.

Member Kincaid brought the public's attention that Dr. Kwalick was awarded the highest honor from the American College of Physician Executives of receiving a Fellowship. She felt this was

great for his work with the Health District and proud of this. The Board then congratulated Dr. Kwalick.

Member Crowley wanted to know about the status of Farmers' Market since Farmers' Market approached the Board last month requesting relief from the itinerant fees. Dr. Kwalick informed the Board that staff is going to have workshops and probably draft regulations to expand what is possible in the Farmers' Markets. At this time, Farmers' Markets are just for the produce. Last month the Board heard about various food purveyors that are on the outskirts. The Farmers' Market concept is expanding and most communities are going to have them and staff will have to figure out how to help them do things to get the community together rather than they can't do certain things. The overriding concern is that staff assure high standards in that food being presented to the public will not make them sick. Staff will be working with the industry to come up with draft regulations to be presented to the Board as well as a fee schedule.

Member Kincaid appreciated the letters regarding staff that were sent by various people about the services and abilities of District staff and felt very fortunate to have them. She commented on how nice it is to realize that there are people out there who appreciate what District staff does and take the time to write a letter. She congratulated District staff.

VI. INFORMATIONAL ITEMS

Duly Noted

1. Financial Data - Revenues, Expenditures, and Cash Flows for Fund 705 (Operating), 706, (Capital Reserve), and 762 (Liability Reserve) for the Month of February
2. Listing of Food Establishments in Plan Review for the Period of 04/01/00 to 04/30/00
Environmental Health Division
3. Emergency Medical Services Annotated Agenda
4. Air Pollution Control:
 - a) Hearing Officer Annotated Agendas
 - b) Monthly Report, March 2000 (Air Quality, Enforcement Activity, Permitting, Source Compliance, Regulation Development and Legislative Wrap-Up)
 - c) Hearing Board Annotated Agenda & Minutes
 - d) Notice of Public Hearing: Application for an Exemption for a Low Pollinating Tree, June 8, 2000 @ 1:30 pm in the Air Pollution Control Annex Building
5. Dr. Kwalick Awarded the Highest Honor – Fellowship from the American College of Physician Executives
6. Farmer's Market Background Information
7. Staff Recognition: Letters of Appreciation

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 9:52 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/mlg