Chair Strickland called the meeting of the Southern Nevada District Board of Health to order at 8:41 a.m. and led the Pledge of Allegiance. Annette Bradley, Esq., Legal Counsel confirmed the meeting had been noticed in accordance with Nevada’s Open Meeting Law.

Chair Strickland noted a quorum of was present at the start of the meeting with Members Boutin, Christensen, Jones, Menzel, Vigilante and Weekly seated.

Chair Strickland mentioned that the meeting is being webcast to staff and asked both Board members and attendees to turn off all cell phones and electronic devices as they interfere with the sound system, which in turn affects Mrs. Clark’s ability to transcribe the meeting, and can interfere with webcasting.

Board Members Present:
- Linda Strickland, Chair, Councilmember, Boulder City
- Tim Jones, Vice Chair, At-Large Member, Regulated Business/Industry
- Kathleen Boutin, Councilwoman, Henderson
- Jim Christensen, MD, At-Large Member, Physician
- Robert Eliason, Councilman, North Las Vegas
- Nancy Menzel, RN, At-Large Member, Registered Nurse
- Jimmy Vigilante, At-Large Member, Environmental Specialist
- Lawrence Weekly, Commissioner, Clark County

Absent:
- Donna Fairchild, Secretary, Councilmember, Mesquite
- Stavros Anthony, Councilman, Las Vegas
- Chris Giunchigliani, Chair, Commissioner, Clark County
- John Onyema, MD, At-Large Member, Physician
- Lois Tarkanian, Councilwoman, Las Vegas

Executive Secretary:
- Lawrence Sands, DO, MPH

Legal Counsel:
- Annette L. Bradley, Esq.

Other SNHD Board of Health Members/Alternates Present:
- Michael Collins, RN, Alternate At-Large Member, Registered Nurse
Other SNHD Board of Health Members/Alternates Not Present:

- Kam Brian: Alternate At-Large Member, Environmental Specialist
- Travis Chandler: Councilmember, Boulder City Alternate
- Tom Collins: Commissioner, Clark County Alternate
- Susan Crowley: Alternate At-Large Member, Environmental Specialist
- Karl Gustaveson: Councilman, Mesquite Alternate
- Joseph Hardy, MD: Alternate At-Large Member, Physician
- Debra March: Councilwoman, Henderson Alternate
- Frank Nemec, MD: Alternate At-Large Member, Physician
- Steven Ross: Councilman, Las Vegas Alternate
- Anita Wood: Councilwoman, North Las Vegas Alternate

Staff: Scott Weiss; Angus MacEachern; John Middaugh; Glenn Savage; Jennifer Sizemore; Bonnie Sorenson; Maria Azzarelli; Stephanie Bethel; Anna Cabiling; Dennis Campbell; Norine Clark; Alice Costello; Cara Evangelista; Arta Faraday; Gail Gholson; Steve Goode; Mary Ellen Harrell; Dale Klabacha; Christina Madison; Ann Markle; Kieawa Mason; Veronica Morata-Nichols; Gwen Osburn; Mars Patricio; Jane Shunney; Jorge Viote; Eric Lahr; Forrest Hasselbauer; Leo Vega; Norma Jordan; Diana Lindquist and Shelli Clark, recording secretary

ATTENDANCE:

<table>
<thead>
<tr>
<th>NAME</th>
<th>REPRESENTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jamey Bailey</td>
<td>SEIU 1107</td>
</tr>
<tr>
<td>Michael Biel</td>
<td>Kafoury Armstrong</td>
</tr>
<tr>
<td>Rosalind Brooks</td>
<td>A-1 Organics</td>
</tr>
<tr>
<td>Matt Cotton</td>
<td>A-1 Organics</td>
</tr>
<tr>
<td>Nick DiArchangel</td>
<td>SEIU</td>
</tr>
<tr>
<td>Jeff Gerber</td>
<td>PGAL</td>
</tr>
<tr>
<td>Nancy Imada</td>
<td>A-1 Organics</td>
</tr>
<tr>
<td>Al Martinez</td>
<td>SEIU</td>
</tr>
<tr>
<td>Tami Miramontes</td>
<td>Kafoury Armstrong</td>
</tr>
<tr>
<td>Allison Newlon Moser</td>
<td>American Lung Association</td>
</tr>
<tr>
<td>Bob Motis</td>
<td>A-1 Organics</td>
</tr>
<tr>
<td>Kent Pendley</td>
<td>A-1 Organics</td>
</tr>
<tr>
<td>Kathleen Peterson</td>
<td>Self</td>
</tr>
<tr>
<td>Jill Scully</td>
<td>Touro University</td>
</tr>
<tr>
<td>Vinny Spotleson</td>
<td>Sierra Club</td>
</tr>
<tr>
<td>Mike Ward</td>
<td>SEIU 1107</td>
</tr>
<tr>
<td>Bob Yost</td>
<td>A-1 Organics</td>
</tr>
</tbody>
</table>

RECOGNITIONS:

**Nevada Public Health Program of the Year: SNHD Tobacco Control Program**

Dr. Sands said this would be one of several awards received since the agenda was posted. This award was given to the Southern Nevada Health District Tobacco Control Program in September by the Nevada Public Health Association. Staff received the award largely in part due to receipt of the *Communities Putting Prevention to Work* grant which will provide funding for two years to enhance tobacco control programs in Clark County, and will also have state-wide ramifications. Maria Azzarelli, representing the program, said the Tobacco Control Program team is small, but provides a great service to the community. Due to the grant funding, staff has been able to run more media campaigns about smoking cessation and as a result, there has been an increase in calls to the Nevada Tobacco Users’ Help Line. Chair Strickland noted the ads are very well done.
Silver Syringe Awards:
- Gail Gholson – Outstanding Back to School Week Partner for Children’s Health
- Veronica Morata-Nichols – Immunization Advocate Award
- Office of Public Health Preparedness – H1N1 Hero Award
- Anna Cabling & Maria Gueco – Promoting Quality & Best Practices Immunization Award
- Public Information Office – H1N1 Communicator Awards (TV PSAs for H1N1)
- Christina Madison, Pharm.D. – Outstanding Innovation in a Public Health Setting

Dr. Sands said on Veteran’s Day the Southern Nevada Immunization Coalition held their Silver Syringe Awards ceremony and a number of district employees/programs received recognition. He wanted to provide an opportunity for the Board to recognize the staff for their tremendous efforts in regard to childhood and adult immunization, as well as H1N1-related activities over the past year.

Ms. Morata-Nichols noted it takes the efforts of the entire immunization team to be successful in promoting immunizations throughout the community.

Dr. Sands said the Office of Public Health Preparedness won an award for the work done during the H1N1 response, including organization of PODs and working with the Clark County School District and other partners to ensure everyone had an opportunity to be vaccinated against H1N1. Ms. Shunney acknowledged her team for their outstanding efforts.

Anna Cabling and Maria Gueco received their award for their work with the Vaccines for Children program and working with individual providers in the community. Ms. Gueco said the team does their best to work with over 150 providers in the community, and she is hopeful this award will provide additional incentive to increase immunization rates.

The Public Information Office devised the “Get it. So you don’t get it” slogan during the H1N1 vaccination response and received an award for the media promotions of the H1N1 vaccine.

Dr. Madison worked with her team of pharmacy students to ensure each TB client received not only an H1N1 vaccine, but a seasonal flu vaccine. She noted there is a high-risk population in Clark County and by providing the vaccine in the clinic made a difference to the community. She thanked the nursing staff for helping ensure all TB patients and their family members were properly vaccinated.

Communities in Schools: Outstanding Support for the H1N1 Immunization Initiative
Dr. Sands said the Clark County School District (CCSD) hosts an annual partnership breakfast in October. The health district was recognized by Communities in Schools for outstanding support to CCSD during the H1N1 response by being in the schools to deliver H1N1 vaccine, as well as providing surveillance, guidance and assistance with development of policy regarding school closure. Dr. Sands noted receiving this award was only possible through the efforts of the entire staff.

Chair Strickland also expressed appreciation to staff on behalf of the Board for their efforts. She said the Board is proud of the work accomplished by staff thanked staff for their efforts and the great job they do each and every day. She said she is proud to be a part of the Board.

I. CONSENT AGENDA
These are matters considered to be routine by the Southern Nevada District Board of Health and may be enacted by one motion. Any item, however, may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.
1. **Approve Minutes / Board of Health Meeting**: 10/28/2010

2. **Approve Payroll / Overtime for Periods**: 10/02/10 – 10/15/10 & 10/16/10 – 10/29/10

3. **Approve Voluntary Furlough Program Reports for Periods**: 10/02/10 – 10/15/10

4. **Approve Accounts Payable Registers**: #1255: 10/15/10 – 10/27/10

5. **Petition #32-10**: Approval of Fourth Amendment to Interlocal Agreement between Clark County; Clark County Water Reclamation District; University Medical Center of Southern Nevada; Las Vegas Convention & Visitors Authority; Las Vegas Valley Water District; Clark County Regional Flood Control District; Regional Transportation Commission of Southern Nevada; Southern Nevada Health District; and the Henderson District Public Libraries to Renew Health Plan of Nevada Group Benefits Plan, Effective January 1, 2011

6. **Petition #37-10**: Approval of Amendment to Interlocal Agreement between Clark County; Clark County Water Reclamation District; University Medical Center of Southern Nevada; Las Vegas Convention & Visitors Authority; Las Vegas Valley Water District; Clark County Regional Flood Control District; Regional Transportation Commission of Southern Nevada; Southern Nevada Health District; and the Henderson District Public Libraries for Establishing New Rates and Adopting the Amended Self-Funded Health Benefits Plan, Effective January 1, 2011

7. **Petition #34-10**: Approval of Intrastate Interlocal Contract with Nevada State Health Division, Bureau of Child, Family & Community Wellness for the Immunization Program

8. **Petition #35-10**: Approval of Grant Award for the Period September 30, 2010 to September 29, 2012 for Category A – *Communities Putting Prevention to Work* and Approval of Grant-Funded Positions

9. **Petition #36-10**: Approval of Interlocal Contract between the Nevada State Health Division, Bureau of Health Statistics, Planning and Emergency Response, Office of Health Statistics and Surveillance and the Southern Nevada Health District

10. **Petition #38-10**: Approval of One Additional FTE Health Educator Position for the Teen Pregnancy Prevention: Replication of Evidence-based Programs Grant (Tier I) September 1, 2010 to August 31, 2015 for FY10 Grant Cycle

Chair Strickland asked if there were any discussion on the items brought forward on the Consent Agenda.

Annette Bradley, board legal counsel, noted that Item #6 should read “approval of amendment” and omit the word “fourth.”

Chair Strickland took this opportunity to introduce Annette Bradley as board legal counsel and welcomed her to the health district. Seeing no further discussion, Chair Strickland called for a motion to approve the Consent Agenda as presented.

*A motion was made by Member Jones to approve the Consent Agenda as presented; seconded by Member Christensen and was unanimously approved.*
II. **PUBLIC HEARING / ACTION**

1. **Memorandum #31-10**: Consider/Approve Application for a Temporary Permit for A1 Organics Nevada, LLC to Operate a Solid Waste Management Facility – Compost Plant, Located at 5355 Beesley Drive, Las Vegas, NV 89115 (APNs 123-34-201-003 & 123-34-201-004)

Chair Strickland declared the public hearing open.

Dennis Campbell, environmental health manager for solid waste and compliance, and Arta Faraday, senior environmental health specialist, spoke relative to this matter. Mr. Campbell said that A-1 Organics Nevada, LLC has met all requirements for a temporary permit to operate a compost plant as specified in the Regulations Governing Temporary Permits to Operate Solid Waste Disposal Sites.

(Member Eliason arrived and was seated at 8:54am)

The reason for a temporary permit is to allow A-1 Organics to continue their operations as they move from their current location on South Jones Boulevard. The new operation will be scaled back from current operations.

Staff recommends approval based on the following conditions outlined in the memorandum as well as a final inspection. The conditions must be satisfied within sixty (60) days of the Board's approval.

1. The facility, including all operations, must be in conformance with the information submitted in the Application for Temporary Permit to Operate Compost Plant submitted on September 29, 2010, as amended.
2. The facility, including all operations, must be in compliance with the latest revision of the Temporary Permit Regulations, the design and operating standards specified in the Compost Plant Regulations, and all other applicable federal, state and local laws, statutes and regulations at all times.
3. The facility must maintain approvals for applicable land use(s) and obtain and maintain all applicable business license(s) and permits.
4. The applicant must obtain a variance from NAC 444.670.2(a) with respect to the buffer zone requirement of at least 500 feet from the adjoining property and 1,000 feet from any public roads.
5. The applicant must submit documentation of certificate of occupancy or equivalent approval.
6. The applicant must submit documentation of dust control approval or exemption.
7. The applicant must submit documentation of fire control approval or exemption.
8. The applicant must submit two cost estimates and proof of financial assurance for closure of the facility.

Mr. Campbell noted the Board previously approved an application for a composting plant to operate at this same location, however that facility ceased operations over a year ago. The plan is for A-1 Organics to move its existing operation to this currently vacant location.

Bob Yost, Bob Motis, Kent Pendley and Matt Cotton representing A-1 Organics were present to answer questions of the Board.

Chair Strickland asked if the parties understood and were in agreement with the conditions as specified; the parties responded affirmatively.
Chair Strickland asked if anyone from the public wished to testify on this item. Seeing none, she closed the public hearing.

Member Weekly asked if the hours of operation will mirror those of the former operation at the South Jones facility, which were 5am – 10pm. Mr. Yost clarified the actual operating hours for the public will be 6am – 5pm; however collection vehicles will transport materials outside of these set hours. There are established routes for collection of materials from resorts and restaurants and set times for access to loading docks. Member Weekly also asked if there would be materials hauled from the existing location to the new location. Mr. Yost said only finished materials can be on site at the Beesley location – no non-finished materials are allowed on site. Member Weekly asked about conditions placed on the applicant by Clark County Business Licensing. Mr. Faraday said the buffer requirements are part of the Solid Waste Management Authority Regulations, and not part of the business licensing process. The buffer requirements will be addressed in the next item, which is a variance request.

Member Weekly asked what the term “other organic material” entails, as the application lists specified materials which will be accepted. Mr. Yost said this terminology was inserted in the event a certain material comes through that is not on the list. A process is in place for review and approval by the district before the item is received. For an item not specifically addressed in the Waste Characterization Plan the facility has a waste profiling analytical system in place to review the material and then present the information to the district for approval.

Dr. Sands noted the processing of materials at the new location will differ from the previous location. Mr. Faraday said the new operation will be extremely limited. Any putrescible waste with the potential for odor must be mixed with non-putrescible waste within two (2) hours to prevent any creation of nuisance conditions and removed from the site within 48 hours after receipt. These conditions are part of staff’s recommendation in conjunction with the variance request.

Chair Strickland inquired about the different operations between the two facilities. Mr. Yost said the current facility is a full active composting plant where bulking agents are mixed with non-putrescible materials and putrescible materials, such as food waste. The materials are then placed in processing units for between 60 and 120 days as the composting process is completed. The compost is then screened and distributed as a finished product, namely mulch and compost. There will be no active composting at the new facility. The materials will be preprocessed and shipped off-site to a composting facility outside of Clark County for processing. Mr. Yost said there is always a potential for odors, but they are taking steps to mitigate this potential as much as possible, including quick blending of materials and immediate shipment off-site. There will be no active composting in the same manner as was done at the current facility.

Chair Strickland asked if there are residential units in proximity to the new location. Mr. Campbell said the closet housing unit is at Nellis Air Force Base, which is just over 4,000 feet to the southwest. The next closest unit is across I-15 and the Union Pacific Railroad tracks, which is more than 13,000 feet away from the facility. The facility location would be downwind from any residential facilities, and no occupants downwind from the facility itself.

Member Vigilante asked if there were complaints received against the previous business occupying the land. Mr. Campbell there were no complaints received against Nevada Forest Products. There are currently three other businesses in the same area as the proposed location. Staff has been on site at this location numerous times.
Chair Strickland asked what would occur if the Board granted the temporary permit but denied the variance. Mr. Faraday stated the issuance of the temporary permit is conditional upon obtaining a variance. If the variance is not granted, the request for a temporary permit is nullified.

Member Boutin noted her confusion with the composting plant and referenced two town halls held by Commissioner Sisolak due to numerous complaints by neighbors. She asked if this is the same applicant and the same location. Mr. Campbell clarified it is the same applicant; however the new location is in a completely different part of town. The operations will move from the southwest part of the Valley, on South Jones, to the northeast part of the Valley. Mr. Campbell noted for the record that for the current location on South Jones there were no violations of the Solid Waste Management Authority regulations documented. Member Boutin said there is a bifurcated complaint process – the district did not receive any complaints regarding the facility however the County Commission did. Mr. Campbell said there have been no complaints received in conjunction with the new proposed location. The current location will cease operations as of December 1st. A closure plan has been received and is nearing completion.

Mr. Yost stated the question referred to complaints against the previous business at the new location. There were no complaints received against Nevada Forest Products. Member Boutin said again dozens and dozens of complaints were received and Town Halls were held as a result. Board members stated the complaints were regarding operations at the South Jones location, not the Beesley location. Mr. Campbell said the Department of Air Quality received complaints, and as a result operations at the new proposed location have been modified and scaled back. A-1 Organics currently operates solely at the South Jones location. When the closure plan is completed, the only operation will be at the Beesley location. Chair Strickland said the concerns were received in conjunction with the South Jones location.

Member Weekly asked if the operators were pursuing a potential site near Apex. Mr. Yost said they have been looking for available properties for expansion of composting operations in the Apex area.

Member Christensen asked where the materials would be sent for composting. Mr. Yost said the facility has an agreement with the Moapa Band of Paiutes’ organic recycling facility and a contract matches the terms of the agreement. All materials will be taken to the reservation for active composting.

Member Jones noted this was an application for a temporary permit and inquired if the operations would become permanent in this location. Mr. Yost said staff will evaluate the process over the next six months to determine whether or not the facility can effectively operate at this location. The temporary permit allows the facility to relocate. He hopes to come before the Board again within the next year seeking a full permit for this or a new location. The temporary permit will be valid for a period of six months. If there are any issues, the Board would need to approve an extension of the temporary permit.

Chair Strickland asked if Commissioner Collins had been briefed on this operation. Mr. Yost said they have made a proactive effort to contact County Commissioners and have documents verifying support of this new location. They have also met with neighboring businesses to provide information relative to the operations. The facility is committed to ensuring effective communication between businesses.
A motion was made by Member Jones to approve the application with the conditions as outlined; seconded by Member Menzel and carried with Members Weekly and Boutin opposed.

2. Variance Request to Operate Compost Plant not in Compliance with Nevada Administrative Code (NAC) 444.670.2(a), Located at 5355 Beesley Drive, Las Vegas, NV 89115 (APNs 123-34-201-003 & 123-34-201-004) for Waste Management Permit CP003-TMP-01. Petitioner: A-1 Organics Nevada, LLC, dba A1 Organics Nevada, LLC, Bob Motis, Manager

Chair Strickland declared the public hearing open.

Dennis Campbell, solid waste and compliance manager, and Arta Faraday, senior environmental health specialist, spoke relative to this matter.

Mr. Campbell said a condition of the application for a temporary permit, which the Board just approved, is to obtain a variance from NAC 444.670.2(a) with respect to a buffer zone of at least 500 feet from the adjoining property and 1000 feet from any public roads. A-1 Organics initiated a variance application process on September 29 and submitted a variance application letter on November 4.

Staff recommends approval of the variance to maintain a buffer zone of at least 165 feet, instead of the 500 feet regulatory requirement, between solid waste and the adjoining property, and to maintain a buffer zone of at least 20 feet, instead of the 1,000 feet regulatory requirement, between solid waste and the nearest public road subject to the following conditions:

1. Putrescible waste must be mixed with non-putrescible waste within two (2) hours after receipt of the putrescible waste by the facility to create a carbon to nitrogen (C:N) ratio of at least 30:1 and a moisture content of no more than 55% by weight. This mixture must be removed from the facility within 48 hours after receipt of the putrescible waste by the facility; and
2. Non-putrescible waste must have a C:N ratio of at least 40:1 and a moisture content of no more than 70% by weight

Bob Yost, Bob Motis, Kent Pendley and Matt Cotton representing A1 Organics were present to answer questions of the Board.

Member Jones asked for clarification on the mixture at the South Jones location. Mr. Yost said there was no difference in the mixture at the former location – the difference was that the facility performed active composting, which is a biological process and once the materials are placed in the processing units the composting takes up to 120 days to complete. The mixture is a general composting recipe with the specific ratios. The primary differences in the two locations are the type of operation and the size of the operation. Member Jones noted at the South Jones facility the composting itself was the source of the odors, which was confirmed by Mr. Yost. He added that there was over 120,000 yards of available material at that location; at the new location there is only 20,000 yard available.

Chair Strickland stated the safeguard in the conditions isn’t necessarily the mixture issue, but prompt removal of materials from the facility. If active composting were to occur, the mixture would be onsite for up to 120 days. Mr. Yost said the previous business did active composting on site; however A-1 Organics will not do active composting at this location.
Mr. Yost introduced Matt Cotton of Integrated Waste Management Consulting. Mr. Cotton reviewed the odor management plan and provided consultation on control features, including the installation of concrete-lined mixing basins so the mixture will have no contact with soil.

Member Christensen asked at what point odors start, as there will be a 48-hour window in place at the new location. He asked the timeframe for development of significant amounts of organic vapor which will cause odors. Mr. Cotton said there is no scientific way to measure this. The main issue is receptors – everyone perceives odors differently. Removing materials within 48 hours is very aggressive mitigation and should be effective.

Member Christensen questioned the checks and balances in place for ensuring materials are removed within the 48 hour time frame. If odors begin to develop, neighbors will complain; however the new location is not in a residential area. The scale of the project is less and the timeframe for removal of materials is quite restrictive, so the overall risk for odors is decreased. Mr. Yost said there is a documented receiving process, a documented batching process and a documented shipping process. The facility will be able to demonstrate the trail of in-bound materials, the batching of those materials, and the out-bound shipments of materials. Mr. Yost said most product will be shipped out within 24 hours; the 48-hour window is requested to allow employees to have Sundays and holidays off – any materials received on Saturday can be batched and covered and removed on Monday. Once the facility accumulates a full economic load size to move the material, it will be moved.

Member Christensen asked if the business would be amenable to reevaluating the process if complaints are received. Mr. Yost said they are open to evaluate their processes.

Member Boutin said traditionally a progressive response system is utilized when complaints are received. She asked if the response will be more proactive if complaints are received regarding the new location. She asked if the Board could direct staff to develop a schedule for non-informative on-site inspections to ensure the facility is in compliance. Dr. Sands said inspections are not based solely on complaints – staff is required to provide periodic on-site inspections as part of the permitting process. Mr. Campbell said regular inspections are required twice annually; however there are other solid waste management facilities in that same area and staff routinely has inspectors in that area. Inspectors will be able to stop by the facilities on a regular basis. Last summer when complaints were coming in regarding the South Jones location, staff conducted over forty site visits to the facility. Staff will react as soon as a complaint is received. The new location was previously approved for a permit, but the business folded over a year ago. This site is located near a dump site that staff are visiting on a weekly basis to monitor what is occurring.

Member Vigilante asked if applicants are required to submit standard operating procedures with their application. Mr. Campbell said this is a requirement of the permit and that staff inspects the facility according to that plan. Part of the plan includes in-coming and out-going manifests, which are reviewed by the inspectors.

Member Boutin asked what went wrong at the last location and what could be done better if the application is approved. Mr. Campbell reported staff tried to verify the source of the complaints related to odor, and as was noted by Mr. Cotton odors are perceived differently. Staff reviewed operation plans to see if changes needed to be made to reduce odors. Staff was constantly reviewing plans and never found any violations of permit conditions, operation plans or Solid Waste Management Authority regulations. He could not speak to air quality; however we never received verification of violations as to air quality.
Member Weekly said A-1 Organics is a great company and provides a much needed service. The problem at the South Jones location was not only odor but a noise mitigation problem, which resulted in concerns over destruction of quality of life. Mr. Yost said they learned from that experience. The area was zoned for industrial, which was surrounded closely by residential areas. They were asked to move and they are doing so. Member Weekly said the business is doing well, and the complaints were not related directly to the company but the location itself. The business would fare well to be in an area where resultant odors do not affect the quality of life in residential areas. Commissioner Sisolak responded to the residents who had various concerns.

Chair Strickland said the business was operational at the previous location prior to houses built. Member Weekly said in government various zoning is approved and problems like this can result. He referenced the pig farm which was in existence long before homes were built in the area, and residents complain about the odors from that facility as well. He asked if there were concerns from any of the neighboring businesses in the new location. Mr. Yost said no concerns were raised. Business operators are open to continuing conversations once the facility is in operation.

Chair Strickland asked what is in the area for the new location. Mr. Yost said it is M-2 zoning, which is highly commercial and industrial. Desert Trust, a fuel supply operation and a sand/gravel operation are in close proximity and staff from A-1 Organics have met with all of them. Truck traffic has been routed from the north off Range Road to avoid any transport of materials through residential areas.

Member Boutin asked the timeframe for possible operations at the Apex location. Mr. Yost said it is a long process, and a move plan would need to be developed and approved. He is hopeful that it would occur within the next twelve months. He said if the new location is successful it would be used as an interim handling facility. There are several properties being considered, but the primary objective is to have the new facility operational.

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

Member Jones asked if the variance is denied if the facility will continue operations at the South Jones location. Mr. Yost replied operations would cease at South Jones.

Chair Strickland referenced Mr. Yost’s comments that materials are shipped off-site when a full load is received. She asked what occurs if a full load is not received within 48 hours. Mr. Yost said if a full load is not received, the materials are shipped at the expense of the facility. She also referenced the concrete liner for mixing the materials. She asked if the liner is cleaned when materials are removed. Mr. Yost said there is a housekeeping process involved, which is part of the standard operating procedures.

A motion was made by Member Eliason to approve the variance with the conditions as outlined; seconded by Member Menzel and carried with Members Weekly and Boutin opposed.
III. REPORT / DISCUSSION / ACTION


Scott Weiss, director of administration and Mars Patricio, financial services manager, in addition to the auditors, Michael Biel and Tamara Miramontes from Kafoury, Armstrong & Co. presented on this item. Mr. Weiss said the audit is conducted annually, and he recognized staff for their efforts in providing information to the auditors. He thanked both the auditors and staff for their diligence in completing the audit.

Ms. Miramontes reported they met with the Audit Committee, who accepted the report. Several reports are issued in relation to the audit and the first is the report on the material correctness of the financial statements. Ms. Miramontes noted the financial statements are correct as presented. The audit is performed in accordance with federal auditing standards, as well as A-133 Circular as the district receives more than $17 million in federal funding. Additional measures are in place to audit scheduled expenditures of federal awards and provide an opinion; it was found that this area was also materially correct as presented.

The second report is on government auditing standards, compliance and benchmark controls over the financial reporting process itself. Items reviewed are compliance with laws, regulations, contracts and grants as they relate to the financial reporting process. No non-compliance issues were noted to be addressed. Internal controls over financial reporting are also audited, looking specifically for control deficiencies that either rise to the level of significant deficiencies and material weakness. A material weakness would be something that either is material as noted or could be material if either individually or in combination that could misrepresent the financial statements and not be prevented or detected and corrected by management prior to the audit. One item was identified as a material weakness, which was noted in the report, dealing with the financial reporting process. Management has responded to the weakness and is taking corrective action to improve the year-end reporting process.

The final report is related to the major programs selected for federal testing, which were family planning, national bioterrorism/hospital preparedness, HIV prevention activities, block grants for prevention and treatment of substance abuse. This report addresses only these specific programs for this reporting period. Items reviewed include direct material requirements related to those as well as internal controls over compliance. There were no compliance issues noted.

(Member Boutin left the meeting at 9:31am)

Ms. Miramontes noted one issue related to the national bioterrorism/hospital preparedness program and it was identified as a potential weakness. If controls are not structured there is potential for a material weakness in the future related to the matching portion of the grant and tracking the matches.

Member Jones thanked the auditors for their diligent efforts in completing the audit. The issues to be addressed were brought to the attention of staff and the Audit Committee, and he noted his appreciation for that as well.

Member Weekly reported Dr. Sands and Mr. Weiss met with county financial staff to discuss the funding stream, which is through a portion of Clark County property tax, as there are differing opinions on the actual allocation amount; however everyone is working together to find resolve. He commended staff for receiving the GFOA Award, as this is a difficult honor to achieve. He noted that the City of North Las Vegas also received this award. Member Weekly asked if the
municipalities would receive a copy of the audit report. Mr. Weiss clarified the full report will be provided to the Department of Taxation by the end of November, as required by statute. It will also be sent to any agencies from which we receive funding, including Clark County. There is a federal requirement to submit the report to the Clearinghouse within thirty days. The document is fully transparent to all cognizant agencies and is available to the public and other entities upon request.

Member Vigilante stated the general fund is a major operating fund of the district. He asked if the money in the general fund comes from property tax allocation, environmental health fees, or federal grants. Mr. Weiss said all revenues coming into the district go into the general fund and is allocated to the appropriate programs. Several months ago staff asked the Board to consider establishment of an enterprise fund to separate environmental health revenue from the general funds. All monies, irrespective of the source, currently start in the general fund. Ms. Miramontes referenced page 21 of the audit report which more clearly defines the sources of revenue and to which fund the monies will be directed, including Medicaid, fee for service, regulatory revenue, Clark County contributions, and grants.

Member Vigilante noted each month the balance of the general fund could vary. Mr. Weiss confirmed the balance changes on a daily basis due to various transactions occurring, as well as money coming in and paying vendors and other bills. Regardless of the transaction, there is an impact on the general fund. At the beginning of the fiscal year the general fund balance is higher, as the environmental health fees are being paid. Cash flow will swing widely as reimbursements are received from federal grants throughout the year. Most of our grants are reimbursement-based – monies expended today will be reimbursed within sixty days. As the monies are expended, financial services will bill the appropriate grantor for the monthly expenses and reimbursement will follow within 45 – 60 days. As more grants come into the district there will be more diverse changes in the general fund balance.

A motion was made by Member Eliason to accept and approve the audit report as presented; seconded by Member Menzel and carried unanimously.

Chair Strickland asked to take the next two items together.

2. Adoption of Proposed Board Governance Policy-001 (BGP): Construction of Board of Health Meeting Agendas

3. Adoption of Proposed Board Governance Policy-002 (BGP): Voting & Attendance Procedures

Chair Strickland explained when the proposed language for BGP-001 was posted on the website for the October meeting, some Board members made comments to the Chair, including legal counsel.

(Member Boutin returned to the meeting and was seated at 9:40am)

All comments are attached in the document entitled “BOH Governance Language Recommendations” (attachment #2). Chair Strickland said she tried to incorporate them into one document so Board members can see everyone’s comments and suggestions (attachment #3). The red printing denotes comments from Member Giunchigliani; blue printing are comments from legal counsel; the yellow highlights are obscure language; and the bold type are comments from Member Vigilante and Chair Strickland. She asked if the Board wished to review the document and vote or continue the items.
Member Weekly referenced item #2B on BGP-002 under “attendance requirements.” He said some members sit on various boards, and may have to alternate attendance between meetings when there is a conflict. He further noted that members may have children in school, and that could also affect meeting attendance. He expressed his appreciation for bringing this policy forward, and to the Chair for trying to bring some professional decorum to the Board; however he is concerned with attendance guidelines. He said some members are appointed and others are chosen by seniority by their fellow elected officials in their respective jurisdictions. He asked for flexibility in attendance and how to notify both the Chair and Executive Secretary of an absence – there may be times when a Board member may not be able to make a call to an alternate at the very last minute to see if he/she can attend the Board meeting.

Chair Strickland noted the language requesting the Chair and the Executive Secretary to be notified if an alternate will be attending was recommended by Member Giunchigliani. Chair Strickland wants to ensure that if an alternate can be contacted if would be helpful. She has also had emergencies arise and she does not know if her alternate can attend on short notice. She said the Board does not need additional mandates placed on the members. Member Weekly noted regardless of who made the request, the mandate will not apply to him – if an emergency arises he notifies Mrs. Clark and asks her to relay the message.

Chair Strickland said in reviewing the document, Board members should feel free to strike language as necessary to ensure an appropriate comfort level exists with the policy. In drafting the documents there were some things that did not need to be stated, but as at-large members join the Board who may not have experience serving on public Boards language and guidelines are necessary to help avoid misunderstanding. She agreed that Board members do not need additional pressures placed upon them, particularly when elected members serve on numerous Boards.

Member Weekly asked the Board to consider flexibility with respect to Member Giunchigliani’s recommendation, possibly including a contact number or the phrase “if possible.”

Member Boutin asked the consequence of not attending a meeting. She asked if there is a formal procedure for removal from the Board. She also commended the Chair for development of the policies as they are desperately needed. She stated the Chair can ask for a second on a motion at her leisure, per Robert’s Rules of Order. She also asked if a provision could be added to ask for a proxy, for both committee meetings and regular Board meetings. This would help ensure business can be conducted if quorum is not met and an alternate cannot be seated.

Ms. Bradley addressed the prospect of assigning a proxy vote. She said the concept of a proxy is fine in nature; however both the deliberative process and transparency are circumvented, as the absent person cannot fully participate in deliberations and the voting process. Member Boutin asked if the Board can consider assignment of proxies if the Board member has attended a briefing. Ms. Bradley said she is referring to the deliberative process at the meeting itself, as briefings are not transparent to the public. The purpose of the Open Meeting Law (OML) is for the public to see and hear discussion and how the vote is carried out. It is important for the public to know why someone votes either for or against a particular item.

Member Boutin said proxies should be considered for committee meetings. She asked how this process differs from a member submitting written comments for the record when he/she is not in attendance to discuss the item. Ms. Bradley said her comments referred to not being present at a meeting to deliberate and contribute to the conversation; if someone is submitting comments on the record there is transparency in the discussion and the public is aware of that member’s feelings on a particular topic – this would satisfy the intent of OML.
Member Jones said the member submitting written comments is not present for deliberation and would not be part of the quorum voting on the item. Chair Strickland said though Member Giunchigliani provided comments, the Board is not aware of her feeling on the item which may be voted upon. Ms. Bradley clarified the addition of various comments would not be deliberated upon by Member Giunchigliani. This is problematic with assignment of proxies and Ms. Bradley is concerned with transparency as it relates to OML.

Member Boutin expressed concern with the Chair and Executive Secretary determining if requested Board items are within the mission of the Board prior to placing an item on the agenda. She asked for legal counsel to advise if this is potentially a violation of OML. She noted the original draft states an item will be placed on an agenda if the Chair and the Executive Secretary believe that request fulfills the mission of the organization. She asked for a statement from legal counsel clarifying this is not a violation of OML because it could be perceived as seeking permission to discuss an item in open meeting.

Ms. Bradley said the Board has the right and obligation to structure what it does; however all discussion must remain with the mission of the district and not go beyond that. She does not see a problem with requests for agenda item being filtered through the Chair and Executive Secretary. If any member of the Board or the public wishes to bring an item forward, they are free to bring it to the attention of the Chair and Executive Secretary. She said determining what may or may not be on the agenda should be done with caution.

Member Vigilante expressed concern with having the Executive Secretary have a voice in what is placed on the agenda, as it puts the Board in an awkward position. This is especially true if a Board member is seeking to have a particular issue discussed and the Executive Secretary feels it is not appropriate to discuss at a Board meeting – it should be the Board members who decide what is on the agenda with the Executive Secretary’s review. He/she can provide comment, but the Board should determine what is on the agenda. Having sponsors for items will ensure a more uniform approach to agendizing items for discussion.

Chair Strickland referred to Item #4.B.iii on the draft of BGP-001, which was distributed at the meeting, which was an attempt to resolve this very issue. “If the Board member wishes to pursue request of the agenda item, the item may be resubmitted to the Board’s Executive Secretary for inclusion in the agenda as a discussion/action item so long as the agenda request is sponsored by no less than two (2) Board members which represent differing jurisdictions and/or differing industries.” Member Boutin noted this could be considered polling, which is a violation of OML. The City of Henderson has received OML complaints for engaging in this practice. She suggested holding the item until the full Board is present to discuss the item. She expressed her concern with unintentionally violating OML by trying to seek sponsors for an agenda item.

Ms. Bradley cautioned this practice could be problematic depending upon the number of Board members contacted and the disposition of each contact.

Member Vigilante asked for clarification on how the agenda is currently constructed. Member Boutin said in the City staff prepares agenda items with input from the City Clerk and the City Attorney; council members may request agenda items during public comment, which can be vetted out at that time. The decision is made by the collective body at that time whether or not to proceed with a given agenda item. Ms. Bradley agreed this is a more transparent process.

Member Christensen said the Board always has the right to call the Executive Secretary to alert him/her of potential issues and request an agenda item. Chair Strickland reminded the Board there have been times during discussion that Board members have suggested an item be
brought back to the Board for discussion with no agreement as to if the item should be agendized, which is problematic for staff. The policy provides a more formal and documented manner in which the agenda is constructed and ensures requested items are dealt with appropriately.

Member Boutin expressed her support for both policies; she noted she wanted to have counsel’s comments on the record to ensure that OML is being followed.

Ms. Bradley said if a Board member spoke to staff outside the Board meeting regarding a particular item it is not considered Board action. If this occurs during a Board meeting, it is staff’s responsibility to seek clarification during the meeting whether or not the item should be placed on a future agenda.

Ms. Bradley said she would like to take time to review OML with respect to the concerns raised concerning polling.

A motion was made by Member Weekly to hold items #2 and #3 in abeyance and allow counsel an opportunity to conduct a legal review of the information; seconded by Member Vigilante and carried unanimously.

(Member Jones left the meeting at 9:59am)

Member Weekly noted that he had another meeting to attend and must leave. He confirmed there were no additional action items scheduled prior to his departure. Chair Strickland said the remaining agenda items are receipt of a report from the EH Finance Policy Review Committee and Public Comment. Member Weekly said he anticipates some public comment concerning a proposed 4/10 schedule and wanted to meet with staff to discuss his concerns.

(Member Weekly left the meeting at 10:00am)

4. Receive Report from the Environmental Health Division Financial Policy Review Committee (Chair Strickland and Members Christensen, Crowley, Fairchild, Giunchigliani and Jones)

Chair Strickland said the first meeting of the Environmental Health Division Financial Policy Review Committee consisted of an in-depth presentation by Glenn Savage, director of environmental health concerning the programs and tasks performed by the division and the extent of funding via fees. There are some programs which are fully-funded by fees, other partially fee-funded, and yet other programs with no assigned fees. There was discussion regarding provisions of NRS 439.360(5) which is the mechanism allowing the Board to adopt fees for the purpose of defraying costs and expenses of procedures for issuing licenses and permits, and related investigations. The committee discussed the custom and practice of similar language as it applies to other entities. The committee was advised that other entities interpret the language to mean that fees are also to defray overhead expenses. Staff was asked to research the following:

- Whether with the new Decade software the current billing practice can be modified so that licenses and permits will be paid on the anniversary date of initial issuance versus paying the fees at a set time each year, thereby ensuring that a licensee or permittee would pay for and receive a full cycle; and
- Whether there should be a partially-funded category or if all permittees should pay the full fee for the permit/license issued – the partially funded category includes schools;
staff will research the legal ability to provide a reduction to public-funded areas versus non-public funded areas to provide more equity in assessing fees

The items will be brought back to the full Board for discussion and a decision as to whether or not to continue the practice of partially-funded categories for publicly funded areas. A rationale and policy statement will need to be developed if the practice is to continue.

IV. PUBLIC COMMENT

Public Comment is a period devoted to comments by the general public, if any, and discussion of those comments, about matters relevant to the Board’s jurisdiction will be held. No action may be taken upon a matter raised under this item of this Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to NRS 241.020.

Chair Strickland asked if anyone wished to address the Board.

Cara Evangelista, representing SEIU, addressed the Board. She referred to a proposed 4/10 schedule for nursing staff, which would impact most programs in the administration division. SEIU representations have spoken with employees regarding the proposal.

Ms. Evangelista said employees have traditionally supported adjusted work schedules, and there are some employees willing to work a 4/10 schedule. Some concerns with a full conversion to a 4/10 schedule include child care, elder care, physical limitations, continuing education, school activities, family time, etc. The proposed schedule will result in a closure of nursing services each Friday – this is concerning because many people in the community do not work on Fridays and take advantage of their day off to conduct business at the health district. Additionally there are many school inservice days on Fridays and parents may bring their children for immunizations on a non-school day. Ms. Evangelista noted that staff will be required to use vacation time for holidays, jury duty, parent-teacher conferences, and the like, causing employees to use more vacation time to accommodate a change in work schedule. She reported that not all employees are qualified to work 4/10 schedules, and will be permitted to work a 5/80 schedule. Concerns were also expressed that employees were told to look for other employment if they could not work a 4/10 schedule; employees were also told to begin making personal arrangements now because the proposed schedule will take effect soon. SEIU expressed concern about possible shift work in the future. Ms. Evangelista said environmental health has been working adjusted work schedules for over eighteen months, with the understanding that it would be temporary due to threats of layoffs and as a cost-saving measure, and staff continues to work these schedules. If one division will be closed on Fridays, there is no cost savings as other areas being required to work. There has been no demonstrated business need for a 4/10 schedule. SEIU has asked for documentation showing the need to provide services one hour later each evening and any financial impact, and none has been received. SEIU is hopeful that management will continue to work with employees to find consensus, and a solution that will not drastically change an employee’s personal life outside of the workplace.

Vinny Spotleson, representing the Sierra Club addressed the Board. He thanked the Board, staff and Dr. Sands for their time and attention to the landfill issue at Reid Gardner Station. He asked four questions of the Board and staff. He expressed concern with the public relations at the district and lack of a hotline to address concerns/complaints. He said staff in only available between 9am and 5pm to answer questions and there is no published number for citizens to file complaints. He suggested posting signs and phone numbers for the public to be more fully aware of how to lodge
complaints against facilities. He referenced the 1-800-QUITNOW billboards across town. He said coal ash is nine times more likely to cause cancer than smoking. Second he learned there is no appeal process available to the public once a permit is approved and asked how citizens/organizations can appeal an approval. Third, he asked the avenues for public engagement on the conditions approved by the Board in relation to the landfill expansion. The conditions were discussed between NV Energy and staff without public engagement; barring any additional public hearings he asked for guidance on how the public can participate in this process. Lastly he referenced the leachate analysis and the missing information from Tab 17 in NV Energy's application, and asked if a public records request was necessary to receive this information. He asked why this type of information is not uploaded to the district’s website on a routine basis.

Al Martinez, representing SEIU Local 1107, addressed the Board. Regardless of what is occurring with the economy it is important for all parties to work together to accomplish the mission of the health district. Morale is of the utmost importance. The recession has caused fear among many employees, particularly concerning job security. SEIU wants to ensure employees have a voice in matters which directly affect their working terms and conditions. SEIU is committed to ensuring the health district’s mission is completed.

Chair Strickland asked if anyone else wished to address the Board. Seeing no one, she closed the Public Comment portion of the meeting.

V. HEALTH OFFICER & STAFF REPORTS

Chief Health Officer Update
Dr. Sands said the Board received an invitation to the annual service awards. The event has been scaled down due to the current economic conditions. It remains important to recognize our long-term employees for their dedicated service. It is also meaningful for employees to celebrate the holidays together. The event will be held in the Auditorium on Wednesday, December 8 beginning at 4:30pm.

(Member Boutin left the meeting and quorum was lost at 10:14am)

All Board members are welcome to attend, and Dr. Sands asked that Shelli be contacted to confirm attendance.

Today is the Great American Smoke-out, which is a day where smokers are encouraged to quit smoking for one day, which can lead to a lifetime of being smoke-free. Information is available on the district’s website and from the Tobacco Control Program. There is also the 1-800-QUITNOW line, which is the Tobacco Users’ Help Line which is sponsored by a different agency. Our Tobacco Control Program helps with promotional activities to direct smokers to the help line and thereby obtain the services they need to stop smoking. It can take several attempts before a person stops smoking, but the important factor is not to stop trying to quit smoking.

Update Regarding Replacement of the Main Facility
Scott Weiss, director of administration, updated the Board as to the status of the process for obtaining a replacement facility. The Board directed staff to obtain an appraisal of the property, which has been completed. The first phase of the structural engineering analysis is also complete. It is staff’s opinion that we could purchase the building and complete the necessary tenant improvements, including meeting federal and ADA requirements, for approximately $31 million. Negotiations will commence with the landlord and any tentative agreements reached will be brought to the full Board for consideration and approval. Mr. Weiss hopes to bring this information to the
Board at the December meeting – briefings will be held in advance of the meeting to present the findings.

Chair Strickland asked if negotiations will begin now or after the December Board meeting. Mr. Weiss said negotiation will begin now and any agreements reached will be contingent upon Board approval. Chair Strickland noted there were Board members with concerns about purchasing a new building and wanted additional information. Mr. Weiss said no decisions reached will be binding on any party – any agreements reached must come to the full Board for consideration and approval, including the terms and conditions of the purchase. In order to have information for the Board to discuss, negotiations should begin to have more details including the appraisal and structural engineering and ADA compliance, as well as the building being able to meet the district’s needs. Any issues identified will be part of the purchase price and remedied prior to taking possession. Mr. Weiss expressed his confidence that based on the Board’s direction and the results of both the appraisal and structural analysis that the building is structurally sound for at least another twenty-five years due to the maintenance of the building and the fact it was built to current code.

Chair Strickland asked if commencing negotiations would trigger payment of real estate fees. Mr. Weiss said the only monies expended would be paid to the architects for development of tenant improvements and building plans. Payment of broker fees and other fees would be contingent upon Board approval.

Member Vigilante asked if there are other parties interested in purchasing the building. Mr. Weiss said he is hesitant to put information on the record regarding the district’s position. He noted this type of building, including the size and blueprint, are not conducive to multiple tenant occupancy – it is more suited to a single operator in the building. There are limited possibilities for tenants as the building exists today.

VI. INFORMATIONAL ITEMS

A. Chief Health Officer and Administration:
   1. Monthly Activity Report, Mid-October 2010 – Mid-November 2010
   2. Financial Data: Revenue and Expenditure Report for General Fund, Capital Reserve Fund and Public Health Laboratory Fund for the Month of October 2010
      a. Grant and Agreement Tracking Report, as of November 7, 2010
   3. Public Information Monthly Report, Mid-October 2010 – Mid-November 2010

B. Community Health:
   1. Monthly Activity Report, October 2010
      a. PEWSS Report Week 1
      b. PEWSS Report Week 2
      c. PEWSS Report Week 3
      d. PEWSS Report Week 4
      e. October 2010 Disease Statistics

C. Environmental Health:
   1. Monthly Activity Report, October 2010
D. Clinics and Nursing:
   1. Monthly Activity Report, October 2010
      a. In-service calendar
      b. Protect Yourself and Others This Flu Season
      c. Health Fair, October 29, 2010 – Write Up from Elsa Cascos

VII. ADJOURNMENT

   There being no further business to come before the Board, Chair Strickland adjourned the meeting at 10:21 a.m.

SUBMITTED FOR BOARD APPROVAL

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

/s/c

attachments
A1 ORGANICS NEVADA, LLC
BUFFER ZONE TO
NEAREST RESIDENCES

13,105 FT.

4,867 FT.
BOH Governance Language Recommendations

From: Annette Bradley <bradley@SNHDMAIL.ORG> Wed, Nov 17, 2010 09:24 AM
Subject: BOH Governance Language Recommendations

To: N\-Stitchland@embarqmail.com

In follow up to our telephone conversation this morning, please note the following recommendations to the Proposed Board Governance policies.

Agenda:

Item 1, Availability of Agenda – Consideration should be given to including either adding “If a holiday occurs during the period, the deadline may be adjusted.” At the end of item “A” or deleting that sentence from the end of item “B” and including it as a general paragraph “If a holiday occurs during the period, the deadlines noted above may be adjusted.”

Item 3, Order of Agenda – The approval of approval of minutes should be included.

Voting:

Item 1, E – I recommend changing the language “A quorum of Board members may not meet, deliberate or vote . . . except in open meeting or approved Closed sessions.” To:

“A quorum of Board members may not meet, deliberate and vote . . . except in open meeting or approved Closed sessions as provided in Nevada’s Open Meeting Law, NRS 241 et seq.”

Under the Open Meeting Law, and under very limited circumstances, a meeting/gathering of a quorum/majority of Board members can be considered a non-meeting as long as there is no deliberation and voting.

Should you wish, I will be available to discuss at your convenience.

Thank you.

Annette L. Bradley, Esq.
PROPOSED LANGUAGE FOR “4. AGENDA ITEM REQUESTS”

(iii) In the event that the Board Chair and Chief Health Officer do not deem an agenda request to be relevant to the mission of the Board, the Board Member requesting the agenda item will be so informed. If the Board member wishes to pursue request of the agenda item, the item may be resubmitted to the Board’s Executive Secretary for inclusion in the agenda so long as the agenda request is sponsored by no less than two (2) Board Members which represent differing jurisdictions and/or differing industries.

(iv) The Board Chair will exercise his/her discretion with respect to the actual calendaring of the Board Member requests submitted pursuant to 4(B)(i) or 4(B)(ii), above. The Board Chair will, however, make all reasonable efforts to ensure that the request is heard within a reasonable time period after submission.

PROPOSED ADDITIONAL ITEM TO BE INCLUDED

6. Public Comment

Comment offered by the public during public hearing agenda items (PUBLIC HEARING/ACTION) will be limited to five (5) minutes per speaker. Additional time may be granted, at the Board Chair’s discretion, for those speakers responding to questions from the Board. Notice of this time limitation will be clearly identified in the agenda.

Comment offered by the public during PUBLIC COMMENT will be limited to three (3) minutes per speaker. Notice of this time limitation will be clearly identified in the agenda.
The Executive Secretary to the Southern Nevada District Board of Health, in consultation with the Board Chair, shall prepare an agenda for all regular and special Board meetings, and those of its committees, and ensure that copies are provided as required by Open Meeting Law. Backup materials sufficient to allow Board members to give their prior consideration to the agenda items shall be provided to the Board members and the public in addition to the agenda. In preparing the agenda, the following procedures will be followed:

1. Availability of Agenda
   
   A. The agenda shall be sent to each Board member in advance of the meetings, and posted on the Board website along with all backup materials, no later than Thursday the week prior to the Board meeting.

   B. Deadline for receipt in the Board’s Executive Secretary’s office of agenda items and related reference materials, is ten (10) business days prior to the meeting. If a holiday occurs during this period, the deadline may be adjusted.

2. Agenda Preparation and Approval
   
   A. According to the posting dates of the agenda, the Board Executive Secretary will review all items submitted by health district management for the agenda. A draft of the agenda will be prepared and submitted in a timely manner to the Chief Health Officer, Chairperson and Board Counsel for review and recommendation on consent agenda and staff action items. and to The Board Chair for has final approval.

3. Order of Agenda Items
   
   A. The first item on the agenda following the Call to Order, Pledge of Allegiance, Oaths of Office and recognitions will be the consideration of any tabled and/or reconsideration items.

      i. An agenda item which has previously been considered and decided by the Board within the past year may only be placed on the agenda for reconsideration by a Board member who was on the prevailing side of the previous decision. The agenda item will be preceded by a specific agenda item to address whether the item should be reconsidered.

   B. The second item on the agenda will be a Closed Session, if any.

      i. Any Board member who wishes to call a Closed Session shall, prior to the meeting, arrange for the item to be placed on the agenda, and provide back-up material and information where available.

      This request must comply with NRS and be reviewed by the Board attorney for recommendation with regard to compliance with the open meeting law.

      If a person is to be discussed in the closed meeting they must be notified as per 241.020(c)(h)
C. The remainder of the agenda shall be in the following order:
Consent Agenda and Approval of Agenda, Public Hearings,
Report/Discussion/Action Items, Public Comment, Health Officer &
Staff Reports, Information Items and Board Member Report.

4. Agenda Item Requests

A. All business for consideration shall be included on the approval
agenda. The Chair shall rule as “out of order” the consideration of any
matter not on the agenda. This, however, will not preclude a request by
a Board member for the preparation of future agenda items or
discussion of a matter raised during the Public Comment session.
However, no vote may be taken on such matter at that time. An item
must be placed on a future agenda before the Board may take any
action.

B. All matters to be considered by the Board at any regular meeting shall
be submitted to the Board’s Executive Secretary so that he/she may
calendar the item for consideration in conformation with the procedures
established by the Nevada Open Meeting Law and the necessary
paperwork prepared on the subject. Board member requested items
shall be handled in the following manner:

i. Board member requests shall be submitted in writing
(which includes e-mail requests) within the time specified in
1(B) above, to both the Board chair and the Board’s
Executive Secretary with a clear description of the
requested item along with rationale and background for the
item and any supporting documents. If the Board Chair
and the Chief Health Officer deem the agenda request to
be relevant to the mission of the Board, the request will be
placed on the next available regularly scheduled Board
meeting agenda as a discussion item. (If, after discussion,
the Board deems the request to warrant further discussion
and/or action, the Board may move to bring the item back
to the Board at a later date for further discussion and/or
possible action and the item will be calendared
accordingly.) Suggest deleting what is between the ( ).
Why 2 steps? Have there been problems?
ii. All requested agenda items must be relevant to the mission of the Board of Health and the Southern Nevada District Board of Health, and must fall under the purview of the same. In the event that the Board Chair and Chief Health Officer do not deem an agenda request to be relevant to the mission of the Board, the Board Member requesting the agenda item will be so informed. If the Board member wishes to pursue request of the agenda item, the item may be resubmitted to the Board’s Executive Secretary for inclusion in the agenda as a discussion/action item so long as the agenda request is sponsored by no less than (2) Board Members which represent differing jurisdiction and/or differing industries. Where does one look for relevancy to the mission? How do they determine relevancy? What if a constituent wants an item? How do they get access?

5. Notice of Board of Health Meetings

A. Notices of the meetings of the Southern Nevada District Board of Health and its committees shall be posted in accordance with the Nevada Open Meeting Law (NRS 241.020(3)).
1. Voting Procedures

A. In accordance with the Nevada Revised Statutes (NRS) and the Southern Nevada District Board of Health By-laws, all members of the Southern Nevada District Board of Health are eligible to vote on all items coming before the Board with the exception of the selection of at-large members as provided in NRS 439.362(2)(b):

i. The elected representatives of the Board shall select five (5) members who shall represent the health district at large and who must be selected based on their qualification without regard to the location within the health district of their residence or place of employment.

B. The Chair shall have the same right as any other Board member to initiate a motion, question, or debate, and vote on a motion.

C. All voting procedures shall be in accordance with parliamentary authority. The Chair may call for a roll call vote on any item as he/she deems appropriate and/or necessary.

D. When the Board is to decide upon an issue about which a member has a conflict of interest, that any member shall abide by the requirements of the Nevada Ethics in Government Law (NRS 281A.420). Whenever possible, the member that may have a conflict shall disclose and vote unless abstention is required per NRS. NOTE: Presupposes. It is up to a member to determine if they have a conflict, not the Board.

E. Members shall recognize that a member may only vote during an official meeting and that the member has no legal status to bind the Board outside such meetings. A quorum of Board members may not meet, deliberate or vote regarding matters with the Board's jurisdiction except in open meeting or approved Closed Sessions. You can't vote in closed meetings.

F. Action may only be taken by a quorum of members of the Board. A majority of the members of the Board shall constitute a quorum. Board action shall be valid only upon a vote of approval by a majority of the quorum unless otherwise required by law.

2. Board Member Attendance Requirements

A. Board members should make every effort to attend every Board meeting in person.

B. When a Board member is not able to attend a Board meeting in person, he/she is expected to contact his/her respective alternate to attend the meeting in his/her place. The Chair and Dr. Sands will be notified if the alternate will be attending. It is the responsibility of the Board member to be appropriately briefed on any action or discussion which occurred at the missed meeting.

C. Telephonic participation is appropriate permitted when neither a Board member nor his/her alternate is available to personally attend a Board meeting.
The Executive Secretary to the Southern Nevada District Board of Health, in consultation with the Board Chair, shall prepare an agenda for all regular and special Board meetings, and those of its committees, and ensure that copies are provided as required by Open Meeting Law. Backup materials sufficient to allow Board members to give their prior consideration to the agenda items shall be provided to the Board members and the public in addition to the agenda. In preparing the agenda, the following procedures will be followed:

1. Availability of Agenda
   A. The agenda shall be sent to each Board member in advance of the meetings, and posted on the Board website along with all backup materials, no later than Thursday the week prior to the Board meeting.
   B. Deadline for receipt in the Board's Executive Secretary's office of agenda items and related reference materials, is ten (10) business days prior to the meeting. If a holiday occurs during this period, the deadline may be adjusted.
   C. If a holiday occurs during any of the periods specified herein, the deadlines may be adjusted.

2. Agenda Preparation and Approval
   A. According to the posting dates of the agenda, the Board Executive Secretary will review all items submitted by health district management for the agenda. A draft of the agenda will be prepared and submitted in a timely manner to the Chief Health Officer, Chairperson and Board Counsel for review and recommendation on consent agenda and staff action items. and to The Board Chair for has final approval.

3. Order of Agenda Items
   A. The first item on the agenda following the Call to Order, Pledge of Allegiance, Oaths of Office and recognitions will be the consideration of any tabled and/or reconsideration items.

      i. An agenda item which has previously been considered and decided by the Board within the past year may only be placed on the agenda for reconsideration by a Board member who was on the prevailing side of the previous decision. The agenda item will be preceded by a specific agenda item to address whether the item should be reconsidered.

   B. The second item on the agenda will be a Closed Session, if any.

      i. Any Board member who wishes to call a Closed Session shall, prior to the meeting, arrange for the item to be placed on the agenda, and provide back-up material and information where available.

This request must comply with NRS and be reviewed by the Board attorney for recommendation with regard to compliance with the open meeting law.
If a person is to be discussed in the closed meeting they must be notified as per 241.020(c)(h)

C. The remainder of the agenda shall be in the following Order:
Consent Agenda and Approval of Agenda (which includes approval of the Minutes), Public Hearings, Report/Discussion/Action Items, Public Comment, Health Officer & Staff Reports, Informational Items and Board Member Reports.

4. Agenda Item Requests

A. All business for consideration shall be included on the approval agenda. The Chair shall rule as “out of order” the consideration of any matter not on the agenda. This, however, will not preclude a request by a Board member for the preparation of future agenda items or discussion of a matter raised during the Public Comment session. However, no vote may be taken on such matter at that time. An item must be placed on a future agenda before the Board may take any action.

B. All matters to be considered by the Board at any regular meeting shall be submitted to the Board’s Executive Secretary so that he/she may calendar the item for consideration in conformation with the procedures established by the Nevada Open Meeting Law and the necessary paperwork prepared on the subject. Board member requested items shall be handled in the following manner?

i. Board member requests shall be submitted in writing (which includes e-mail requests) within the time specified in 1(B) above, to both the Board chair and the Board’s Executive Secretary with a clear description of the requested item along with rationale and background for the item and any supporting documents. If the Board Chair and the Chief Health Officer deem the agenda request to be relevant to the mission of the Board, the request will be placed on the next available regularly scheduled Board meeting agenda as a discussion item. If, after discussion, the Board deems the request to warrant further discussion and/or action, the Board may move to bring the item back to the Board at a later date for further discussion and/or possible action and the item will be calendared accordingly.
ii. All requested agenda items must be relevant to the mission of the Board of Health and the Southern Nevada District Board of Health, and must fall under the purview of the same.

iii. In the event that the Board Chair and Chief Health Officer do not deem an agenda request to be relevant to the mission of the Board, the Board Member requesting the agenda item will be so informed. If the Board member wishes to pursue request of the agenda item, the item may be resubmitted to the Board's Executive Secretary for inclusion in the agenda as a discussion/action item so long as the agenda request is sponsored by no less than (2) Board Members which represent differing jurisdiction and/or differing industries.

iv. The Board Chair will exercise his/her discretion with respect to the actual calendaring of the Board Member requests submitted pursuant to 4(B)(k) or 4(B)(ii), above. The Board Chair will, however, make all reasonable efforts to ensure that the request is heard within a reasonable time period after submission.

5. Notice of Board of Health Meetings

A. Notices of the meetings of the Southern Nevada District Board of Health and its committees shall be posted in accordance with the Nevada Open Meeting Law (NRS 241.020(3)).

6. Public Comment

A. Comment offered by the public during public hearing agenda items (PUBLIC HEARING/ACTION) will be limited to five (5) minutes per speaker. Additional time may be granted, at the Board Chair's discretion, for those speakers responding to questions from the Board. Notice of this time limitation will be clearly identified in the agenda.

B. Comment offered by the public during PUBLIC COMMENT will be limited to three (3) minutes per speaker. Notice of this time limitation will be clearly identified in the agenda.
1. Voting Procedures

A. In accordance with the Nevada Revised Statutes (NRS) and the Southern Nevada District Board of Health By-laws, all members of the Southern Nevada District Board of Health are eligible to vote on all items coming before the Board with the exception of the selection of at-large members as provided in NRS 439.362(2)(b):

i. The elected representatives of the Board shall select five (5) members who shall represent the health district at large and who must be selected based on their qualification without regard to the location within the health district of their residence or place of employment.

B. The Chair shall have the same right as any other Board member to initiate a motion, question, or debate, and vote on a motion.

C. All voting procedures shall be in accordance with parliamentary authority. The Chair may call for a roll call vote on any item as he/she deems appropriate and/or necessary.

D. All members shall abide by the requirements of the Nevada Ethics in Government Law (NRS 281A.420). Whenever possible, the member that may have a conflict shall disclose and vote unless abstention is required per the NRS or pursuant to advise of Board Counsel.

E. Members shall recognize that a member may only vote during an official meeting and that the member has no legal status to bind the Board outside such meetings. A quorum of Board members may not meet, deliberate and vote regarding matters with the Board’s jurisdiction except in open meeting or approved Closed Sessions as provided in Nevada’s Open Meeting Law, NRS 241 et. seq.”

F. Action may only be taken by a quorum of members of the Board. A majority of the members of the Board shall constitute a quorum. Board action shall be valid only upon a vote of approval by a majority of the quorum unless otherwise required by law.

2. Board Member Attendance Requirements

A. Board members should make every effort to attend every Board meeting in person.

B. When a Board member is not able to attend a Board meeting in person, he/she is expected to contact his/her respective alternate to attend the meeting in his/her place. The Chair and Dr. Sands will be notified if the alternate will be attending. It is the responsibility of the Board member to be appropriately briefed on any action or discussion which occurred at the missed meeting.

C. Telephonic participation is permitted when neither a Board member nor his/her alternate is available to personally attend a Board meeting. Whenever attending telephonically, the Board Member is reminded that background noise is to avoided as it is disruptive to the meeting and interferes with transcription of the minutes.
D. Use of cell phones or other electronic devices during Board meetings is prohibited.