



## MINUTES

### **SOUTHERN NEVADA DISTRICT BOARD OF HEALTH CHIEF HEALTH OFFICER SUCCESSION COMMITTEE MEETING**

330 S Valley View Blvd  
Las Vegas, Nevada 89107  
Administrative Conference Room #1

**Wednesday, April 10, 2013 – 1:00 P.M.**

Chair Tim Jones called the meeting of the Chief Health Officer Succession Committee to order at 1:04 p.m. Annette L. Bradley, Legal Counsel, confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law and that a quorum was present.

#### **Committee Members Present:**

Tim Jones	Chair, At-Large Member, Regulated Business / Industry
Bob Beers	Councilmember, City of Las Vegas
Susan Crowley (via phone)	At-Large Member, Environmental Specialist
Mary Beth Scow (via phone)	Commissioner, Clark County
Anita Wood	Councilmember, City of North Las Vegas
Rod Woodbury (via phone)	Councilmember, City of Boulder City

#### **Committee Members Not Present:**

Frank Nemeč, MD	At-Large Member, Physician
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#### **Other Board Members Present:**

Kathleen Peterson	At-Large Member, Environmental Specialist (in audience)
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#### **Legal Counsel:**

Annette L. Bradley, Esq.

#### **Staff:**

Kelly Brinkhus	Human Resources Supervisor
John Middaugh	Interim Chief Health Officer
Jakki Wells	Recording Secretary

#### **Public Attendance:**

Pamela Derby (via phone)	CPS Executive Recruiter
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## **II. PUBLIC COMMENT**

Public comment is a period devoted to comments by the general public on items listed on the Agenda. All comments are limited to five (5) minutes. Chair Jones asked if anyone wished to address the committee pertaining to items listed on the Agenda.

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

### **III. ADOPTION OF THE APRIL 10, 2013 AGENDA (for possible action)**

Chair Jones called for a motion to adopt the agenda for the April 10, 2013 meeting agenda as presented.

*A motion was made by Member Beers to adopt the April 10, 2013 Southern Nevada District Board of Health Chief Health Officer Succession Committee meeting agenda; seconded by Member Wood and carried unanimously.*

### **IV. REPORT / DISCUSSION / ACTION**

- A. Approve CHO Succession Committee Meeting Minutes – March 12, 2013; or take other action as deemed appropriate. (for possible action)**

*A motion was made by Member Beers to adopt the March 12, 2013 Southern Nevada District Board of Health Chief Health Officer Succession Committee meeting minutes; seconded by Member Wood and carried unanimously.*

- B. Review CHO Recruitment activities to date, discuss further recruitment options and, discuss and approve recommendation(s) regarding the CHO recruitment to the Southern Nevada District Board of Health on April 22, 2013; or take other action deemed appropriate. (for possible action)**

Pam Derby, Executive Recruiter for CPS, reported that two additional applicants now have an interest in the position, one of whom could step in with no hesitation. Both applicants are licensed Nevada physicians; however, one is a more viable candidate than the other. The previous anonymous candidate and one of the new candidates are highly qualified; however neither is comfortable being named in public prior to being announced as the appointee to the position. They both feel it would endanger their current position if it became public that they had applied and neither is willing to participate in an interview unless it is in closed session. Ms. Derby believes there are four candidates, two which are highly qualified, but not willing to come into the pool in open session.

Annette Bradley stated that the position of Chief Health Officer is statutorily created and is a public officer. Under Open Meeting Law, there are no exceptions, unlike California which has specific personnel exceptions. The state of Nevada does not have that leeway. There will be nothing precluding the Board members from talking to the candidates without a quorum; however the decision must still be made in public. Even if the candidates were interviewed individually by the time the decision is made, there has to be public discussion and the deliberation has to be public.

Chair Jones asked if the candidates could be referred to as Candidate A, Candidate B, Candidate C and Candidate D without the perception of creating a smokescreen. Ms. Bradley will call the Nevada Attorney General to determine if this is permissible. Ms. Derby stated that in the past, personal information and any information related to who the applicant is or where they came from has been redacted with no problem.

Member Beers asked, for purposes of a quorum gathered to meet with potential candidates privately outside the Open Meeting Law because there is no quorum, is it a quorum of the sub-committee or a quorum of the Board. Ms. Bradley advised that would be a quorum of the Board.

Member Beers confirmed with Ms. Bradley that the meetings of the CHO Succession Committee do not constitute a quorum of the board.

(Member Crowley joined via phone at 1:14 p.m.)

Member Wood asked if it had been determined if the full board or the sub-committee would be doing the selection process. Chair Jones advised that when the sub-committee gets through the final interviews and down to the candidates that will be recommended, direction will come from the full Board.

Ms. Derby stated that to her understanding that the sub-committee is also under Open Meeting Law, so if the sub-committee is able to meet not being a quorum, it would still have to be noticed for the public to be present. Ms. Bradley confirmed and added that this sub-committee is appointed by the Board of Health and anything that it does must be in compliance with the Open Meeting Law.

Member Wood stated that there needs to be an item on agenda about the interview process as the unnamed candidate probably could not walk into the BOH meeting without being recognized. Ms. Bradley stated that her intended discussion with the Attorney General is in regard to redacting the resume, so it can be reviewed to determine if the sub-committee wants to bring the applicant in, however, ultimately, the interviews must be done publicly. Ms. Derby suggested that the resumes be redacted for the committee to review, and then have telephone conferences the first time around giving both the applicants and the sub-committee a feeling of each other, then each could decide if they want to move forward. Ms. Bradley stated that there could still be voice recognition and recognition based on how the applicant responds to the questions. Ms. Bradley added that as a public entity, the District is required by law to respond to public records requests. Chair Jones noted that the responses to the interview questions may become site specific and/or career specific and could indicate where the applicant is from.

Ms. Bradley asked the sub-committee if she should still move forward on calling the Attorney General in terms of how to structure the redactions and referring to the candidates other than by name. Chair Jones recommended that Ms. Bradley continue on this course. Ms. Bradley will email her findings from the Attorney General to the sub-committee.

Member Beers stated that Ms. Derby should keep the candidates apprised as there really is no effective way to preserve their identity from the sub-committee.

Ms. Derby stated that she did not believe that the applicants were concerned with the sub-committee, but are more concerned about the public.

Chair Jones suggested that the sub-committee report to the full Board, the two additional candidates, for a total of three candidates who do not wish to be publicly identified. Ms. Derby clarified, stated that the candidates are:

- The one internal candidate who identified himself;
- The out of state candidate who prefers to remain anonymous;
- The client that she has been trying to get into the pool and convinced him to come in, however, he will only stay if it remains anonymous, and;

- The fourth candidate who is willing to do this process in public, however, this candidate does not have the same level of county and district experience as the other new applicant.

Ms. Bradley clarified that of the four candidates, three have licensure in Nevada, and one does not.

Ms. Derby stated that Dr. Middaugh, who is leaving in August 23, 2013 and is very interested in finding a candidate that the Board wants and is comfortable with. If the Board decides that the candidate from out of state is the candidate of choice, that individual would have 3-4 months to get through the Nevada application/licensure process.

Ms. Bradley asked if both new candidates that are licensed in Nevada did not want to become public. Ms. Derby stated that the applicants are the two new applicants which are both licensed in Nevada, one of whom would not have a problem with going public and one does not want to go public, in addition to the internal candidate and the out of state candidate.

Ms. Bradley confirmed that the candidates are:

- One candidate without Nevada licensure;
- One candidate that is licensed in Nevada who will not come forward unless anonymity is guaranteed;
- One internal candidate that is licensed in Nevada and made himself public, and
- One external candidate that is licensed in Nevada and willing to go public.

Chair Jones stated that his understanding from the last meeting is there is one viable candidate and the mission is to go forward, although the interview process may not be competitive, but a fit for duty interview with only one candidate.

Member Wood stated that she is glad there are more candidates to interview and have a choice, but the difficulty is that two candidates do not want to go public in a very public situation.

Ms. Bradley asked Ms. Derby if new notices were sent to all of the physician organizations and to Emory University. Ms. Derby stated yes, the new notices went to all the entities that Dr. Middaugh suggested.

Chair Jones defined the next steps as:

- 1) Ms. Bradley to determine with the Attorney General the feasibility of doing job interviews protecting the applicant's confidentiality while complying with Open Meeting Law; and
- 2) Ms. Derby to ascertain if the candidates who wish to remain anonymous are willing to take a chance in the process.

Ms. Bradley stated that in previous conversations with the Office of the Attorney General on separate issues they are adamant about not skirting Open Meeting Law.

Chair Jones recommended reporting to the full Board that the sub-committee could interview Dr. Coleman and the other candidate that is willing to come forward and then see what goes next with the other two candidates that wish to remain anonymous.

*A motion was made by Member Beers to bring the recommendation to the full Board, reporting that the sub-committee is still dealing with two other candidates who want their identity protected while determining if there is a way to do that while being in compliance with the Open Meeting Law; seconded by Member Wood and carried unanimously.*

Chair Jones referenced the interview questions that he compiled that could be considered for the interview process (Attachment 1). Chair Jones stated that the questions were basic questions to get to know an applicant, rather than technical questions that drilled into their expertise and knowledge of the profession. Ms. Derby stated that her experience indicates that 12-13 questions constitute an approximate one hour interview, leaving 5-10 minutes for questions and answers at the end.

Member Beers asked if would be reasonable for Ms. Derby and Ms. Brinkhus to cull the proposed list of questions down to a couple of pages. Ms. Derby and Ms. Brinkhus confirmed that they could do so.

Member Wood noted that in the past, some interviews have been informal and some were very specific about asking each applicant the same questions. Member Wood asked how precise this interview process is expected to be. Ms. Brinkhus stated that generally structure is in place ahead of time, determining who will be asking which questions. Ms. Derby agreed and added that the second round of interviews with the top finalists is more informal, asking about six structured questions, followed by a question and answer period. Ms. Derby expressed that the biggest items that she and Ms. Brinkhus need to know is the particular things that the sub-committee would like to probe such as Board/community relations, budget or public health experience. Ms. Derby added that most information is contained in the resumes, but sometimes interviewers like to hear things for themselves.

Chair Jones stated of the candidates he would like to know:

- That the candidate has budget and multi-jurisdictional experience;
- That the candidate has the ability to handle unforeseen circumstances such as a community outbreak,
- Whether it is a person going from a staff level position to a CEO position or a CEO to CEO position;
- Does the candidate have a background in infectious diseases, and can
- Can the candidate make an independent call on issues or will he need to depend on staff.

Ms. Derby stated that most of the information is contained in the resumes and interview notes that she has not been able to share with the sub-committee because of the anonymity situation.

Ms. Brinkhus asked Ms. Derby for a synopsis of the interviews for the two new applicants. Ms. Derby stated that both applicants have a background with the Federal government, but only one has county and district level experience. The other applicant has been working within the California correctional system at a site over two prisons and is not as viable as a candidate, although he has dealt with infectious diseases in the

military. Ms. Derby is concerned that on the budget and administration side, having been in the California state government system and the military system, this candidate may have a very different span of control over budget. She finds his personality to be rather militaristic and probably very into chain of command. This candidate described his management style as collaborative; however, he comes across as authoritarian.

Ms. Derby continued, stating that the other candidate came across as very collaborative with very good administrative skills and definite understanding of funding structures of public health at the county and district levels. He has dealt with all of the public health issues found in Las Vegas. This candidate has done a great job building relationships with outside agencies, does not appear to have much ego, is a good team player and has had a lot of exposure to the media. He has worked in depth in emergency and educational circumstances. Ms. Derby expressed that this candidate came across as very likable and congenial, seasoned in public health and has good experience at several levels, which she noted is much the same as the out of state candidate.

Member Peterson shared that some of highlights that she tends to agree with in regard to the absolute necessity for basic services and that they agree what it is that they need including (1) The kinds of staff that are needed to ensure basic services, (2) With regard to public health outbreaks, there are certain guidelines that in addition to looking at epidemiology, the committee should agree to agree about what to expect from them during an outbreak situation and when to call the various phases or triage in the declaration of the public outbreak and (3) What is the candidates expectation of staff expertise, which would include epidemiology, infectious diseases and the laboratory issues, not just basic services. Member Peterson added that prisons are very different when it comes to infectious diseases and transmission and the military is different, depending upon where the candidate has been and what capacity he served as it may be necessary to hone out what his military expertise is.

Chair Jones asked if the sub-committee committee wanted to come back to the full Board before taking further action or after Ms. Derby and Ms. Brinkhus complete the supplemental questionnaire and start the interview process. Chair Jones noted that the sub-committee may need direction from the Board on forming the interview committee.

Member Beers suggested that the sub-committee meet one more time to approve the formal list of first round questions before going to the full board. Chair Jones agreed.

Ms. Bradley suggested that the sub-committee review the resumes of the two candidates that are okay with disclosure. Ms. Derby stated that she would send the resumes and interview notes of the two candidates who do not have a problem with coming out at this time to the sub-committee.

Member Beers asked Ms. Derby if the applicant list is still fluid or if she is still marketing irons in the fire that may not have yet given results. Ms. Derby stated that there are, although she does not believe that results have not been submitted. She added that CPS has done significant outreach since the last meeting and followed up with a few other advertising sources that Dr. Middaugh thought might be helpful, although those have not borne any fruits yet. Ms. Derby added that she has reached out to some individuals from those lists, but has not received any response. Ms. Derby thinks the need to become licensed in Nevada is a hindrance and in so many of the health districts, their Chief Health Officer is not also the Chief Administrative Officer. Individuals that

have been contacted have stated that they would be interested in the position if it were not for the physician requirement.

(Dr. Middaugh joined the meeting at 1:46 p.m.)

Chair Jones suggested scheduling the next sub-committee meeting before the next Board of Health meeting. It was determined that the next meeting be held on Wednesday, April 17, 2013 at 4:30 p.m. The agenda items for this meeting will be to look at re-edited interview questions and review the two resumes that are available for public scrutiny and make recommendation to the Board. Ms. Derby noted that she find out if the applicants are comfortable with her providing redacted resumes to the sub-committee.

## **V. 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. Chair Jones asked if anyone wished to address the committee.

Dr. Middaugh reviewed the proposed list of general interview questions submitted by the sub-committee and composed and submitted a list of technical questions that he would ask if he were doing the interviewing and that he would want to be asked as an applicant (Attachment 2). Dr. Middaugh expressed that the technical and general questions would determine what type of individual that the successor is, as this individual will need to be pinned down based on his expertise in this field. Dr. Middaugh added that he is also working on looking at (1) The identification of other qualified candidates for the sub-committee's consideration and (2) The option that the sub-committee does not feel trapped into making a decision without any options. Dr. Middaugh stated that there is no reason why the sub-committee could not ask Dr. Coleman to be Acting CHO for a specified period of time while the recruitment period is extended. Dr. Middaugh clarified, stating that he is not saying that the sub-committee should not select Dr. Coleman, as he meets a lot of the qualifications, however when there is only a handful of applicants, sometimes more time is required to cast a wider net to see if additional candidates can be attracted. Dr. Middaugh stated that some of the recruitment efforts have not targeted the professional meetings and societies where the kind of people who have these credentials and experiences are found. Dr. Middaugh hopes that the new CHO is the person that the Board wants and feels most comfortable with and he thinks that there are options that could buy a little more time to potentially consider additional candidates. Dr. Middaugh cautioned the sub-committee that it should not allow itself to be forced into making a decision if it is not really comfortable with the options.

Chair Jones thanked Dr. Middaugh for providing the more technical questions and added that both technical and general questions would be needed for an effective interview process.

Member Beers asked if the technical questions would require technical people with technical literacy to review the questionnaire. Member Beers added that it makes sense to have a technical questionnaire on paper for the candidates to complete and distribute across the Board.

Ms. Brinkhus stated that a supplemental questionnaire is a normal part of the recruitment process. Ms. Brinkhus added that a potential employee at this level who was not willing to take the time to do the technical supplement would probably not be a good candidate to consider.

Member Peterson stated that there are exceptional differences, depending upon the backgrounds and the technical questions would be very worthwhile.

Member Beers requested that Ms. Derby and Ms. Brinkhus compile a proposed technical supplemental questionnaire, based on Dr. Middaugh's questions.

Member Wood stated that a review of the technical questionnaire could determine if the committee wanted the two unnamed applicants to come in for an interview.

Ms. Brinkhus indicated that the technical questionnaires could be distributed with personal information redacted and subject matter experts should review the responses.

Member Wood suggested that Ms. Derby and Ms. Brinkhus continue to work on the assignment that they were given and in the interim, work on the technical supplemental questionnaire. Ms. Brinkhus stated that both the technical and the "get to know you" questions are important because if an applicant can satisfy the technical aspect, the "get to know you" questions would indicate the management style.

Member Wood stated that whatever the applicant's management style may be, it did not matter if they could not satisfy the technical aspects of the job.

Ms. Brinkhus stated that the technical supplemental questions would be similar to the purpose of a written test given to narrow the candidate field to those who best meet the knowledge, skills and abilities required to do the job, and then move to the interview process.

Member Wood asked if the sub-committee can do this or was there a need to suggest to the full Board. Chair Jones asked if it were now critical that the sub-committee meet before the Board meeting to review technical and professional questions or if were okay to announce to the Board. Ms. Bradley advised that it could be announced to the Board.

Chair Jones expressed that he did not think it was critical to meet next week.

Member Wood asked if the recommendation is that Ms. Derby and Ms. Brinkhus work on the technical questionnaire supplement and the professional questions for the oral interviews. Chair Jones confirmed. Ms. Brinkhus added the technical questions will be in a supplemental questionnaire format and the get to know you questions will be an oral board interview format.

Chair Jones stated that at the point in time of the oral interview, the results of the technical questions could be a point of discussion as well.

Member Beers asked how much time the applicants would be given to complete the supplemental questionnaire. Ms. Brinkhus stated that applicants are typically given one week.



Member Beers stated that if the sub-committee met to approve supplemental questionnaire it could report at the Board meeting that the expectation is to shortly receive the responses back or instruct staff and everyone to put the technical questions together under Dr. Middaugh's supervision and send them out to the candidates. Ms. Derby stated that she believes Dr. Middaugh's list is too exhaustive for the supplemental questionnaire, even giving the candidates a week to complete. Ms. Derby added that much of the information will be garnered from the resumes and recommended compiling a list of six pertinent questions for the supplemental questionnaire.

(Member Scow left the meeting via phone at 2:07 p.m.)

Member Peterson stated that the list can be triaged and shortened as Dr. Middaugh hit all of the elements of what is absolutely required.

Members Beers and Peterson agree that a review of the resumes will provide a great deal of information.

Member Wood stated that as an elected, she would not fully understand the responses to the technical questions, so the idea of a written response reviewed by technical experts makes sense.

Dr. Middaugh stated that there are persons who have impeccable reputations and are disinterested, who could be asked to volunteer to do a technical review of the final candidates. Dr. Middaugh suggested Dr. Jonathan Fielding, who is the retiring long-time county health officer in Los Angeles and Dr. David Fleming, who is currently the head of the health department in Seattle, King County, both very highly respected people in the world of public health and epidemiology. Ms. Derby stated that Dr. Fleming is currently one of her clients and she has a working relationship with him. Ms. Derby will connect with Dr. Fleming in regard to his subject matter expertise in assisting the District.

Ms. Brinkhus asked Dr. Middaugh if he was suggesting that Dr. Fielding and Dr. Fleming review the supplemental questionnaires. Dr. Middaugh stated it would depend on the candidates. Member Beers stated that it should be a process between the Board and the sub-committee until it is down to the finalists. Dr. Middaugh added that a review of the CVs would provide illuminating information, but to really find out exactly what one is dealing with, there is no substitute for getting first-hand knowledge.

Chair Jones stated that Ms. Derby and Ms. Brinkhus have been given the professional questions and Dr. Middaugh has prepared the technical questions. Chair Jones and Member Beers suggested leaving it up to Ms. Derby, Ms. Brinkhus and Dr. Middaugh to take care of the technical questionnaire and figure out which part can be answered from the CV and which part will go on the supplement, then trim down the professional questions to 10 or 12.

Ms. Brinkhus asked who would review the completed supplements. Chair Jones stated that it would start with the sub-committee and ask Dr. Middaugh to participate as the technical expert, and from there make a decision to continue with some or all of candidates, then on to the third-party disinterested review.

Chair Jones stated that the names could be redacted on the supplemental questionnaires and the questions should be posed so that the applicant does not have to reveal himself based on the response.

Ms. Bradley asked Ms. Derby if she could have a legend to identify which applicant completed the questionnaire. Ms. Derby confirmed that she could.

Chair Jones asked the committee if there was still a need to meet on April 17, as it sounds to him that there is no need. Ms. Bradley stated that the next steps should be to cull down the get to know you questions, develop and distribute the technical questionnaire, and get the responses back. The expectation is that the supplemental questionnaire will be returned within 7-10 calendar days. The sub-committee should be able to report these steps to the Boards and by the next meeting provide recommendations.

It was determined that the April 17, 2013 meeting will not be necessary at this time.

Chair Jones motioned to take these new actions, to include setting the technical supplemental questions and the get to know you questions and reporting to the Board after the 4/22 meeting with the results of the supplemental questionnaire. The sub-committee will meet one more time between the April and May BOH meetings to review the technical supplemental questionnaire. Member Wood added the recommendation to also ask Dr. Middaugh, Ms. Derby and Ms. Brinkhus to put together a technical review committee.

*A motion was made by Member Beers to accept the motion made by Chair Jones and seconded by Member Wood and carried unanimously.*

Hearing no one else, the Chair closed the Public Comment portion of the meeting.

## **VI. ADJOURNMENT**

*There being no further business to come before the Committee, a motion to adjourn was made by Member Beers; seconded by Member Wood. Chair Jones adjourned the meeting at 2:19 p.m.*

Respectfully Submitted,

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Timothy Jones, Chair

/jrw