



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 – 2nd Floor

September 6, 2013 – 9:00 a.m.

Chair Tim Jones called the meeting of the Chief Health Officer Succession Committee to order at 9:05 a.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 (via phone)	Councilmember, City of Las Vegas
Mary Beth Scow (via phone)	Commissioner, Clark County
Anita Wood (via phone)	Councilmember, City of North Las Vegas
Rod Woodbury	Councilmember, City of Boulder City

Committee Members Absent:

Susan Crowley	At-Large Member, Environmental Specialist
Frank Nemec	At-Large Member, Physician

Also Present: (In Audience)

None

Legal Counsel:

Annette L. Bradley, Esq.

Staff:

Heather Anderson-Fintak, Elaine Glaser, Shirley Oakley, Jacque Raiche-Curl, Dr. Nancy Williams, Jakki Wells, Recording Secretary

Public Attendance:

Dr. Joseph Iser (via phone)	Self
Sandra Gonzalez	KSNV
Carlos Spann	KSNV

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 SEPTEMBER 6, 2013 AGENDA (for possible action)

Chair Jones called for a motion to adopt the agenda for the September 6, 2013 meeting agenda as presented.

Motion made by Member Woodbury to adopt the September 6, 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 – June 18, 2013; or take other action as deemed appropriate. **(for possible action)**

Motion made by Member Woodbury seconded by Member Wood and unanimously carried to adopt the June 18, 2013 Southern Nevada District Board of Health Chief Health Officer Succession Committee meeting minutes as presented.

Member Scow joined the meeting via phone at 9:07 a.m.

- B.** Review, discuss, and approve the Chief Health Officer Employment Agreement; direct staff accordingly or take other action as deemed necessary **(for possible action)**

Chair Jones opened the meeting for discussion. Member Beers noted that there is a major disparity between the public and private sector regarding the volume of unpaid leave that public sector employees are allowed to accrue and receive pay at termination/retirement. Member Beers added that most public entities have reduced the ability to exit with payout for extensive leave accruals and the District has been slow to adopt this kind of normalization of compensation structure. Member Beers understands that it takes many years of employment to get to the point of excessive leave accrual and does not expect Dr. Iser to work 30 years, but changing the this issue now would be more of an impact to the rest of the organization.

After discussion, it was determined that the employment agreement language in Paragraph 4(a) would be clarified to reflect accumulation of unused personal leave hours over the course of employment.

Motion made by Member Woodbury to change employment agreement language in Paragraph 4a to: "Personal Leave: 35 days per year. Unused personal leave hours may accumulate to a maximum of 400 hours over the course of Employee's employment. Unused accumulated personal leave hours shall be paid to Employee upon separation at the then current hourly salary amount." seconded by Member Beers and carried unanimously.

Chair Jones asked Dr. Iser if he had a proposed starting date in mind. Dr. Iser stated that he could start as soon as the first week in October and advised that he has surgery scheduled in the near future and would need to be off approximately two weeks. Dr. Iser asserted that the decision on his start date would be based on whether or not the Board wants him to start and then take time off for surgery and how long it would take the Board to approve the contract. Chair Jones' perspective is that Dr. Iser should start as soon as possible and then take medical/recovery time for his surgery when scheduled. Dr. Iser anticipates that during his recovery period he will not be able to drive, but can participate in day to day activities via email and conference calls and expects the transfer of care from Reno to Las Vegas to take at least a month. Dr. Iser thinks it may be approximately mid-November before his surgery is rescheduled.

Members Woodbury, Beers and Wood agree that Dr. Iser should take on the role as Chief Health Officer as soon as possible.

Dr. Iser asked how quickly the Board could approve his contract and was advised by Ms. Bradley that the next regular Board meeting is September 26, 2013, however a special meeting could be scheduled prior to that meeting if a quorum could be established, the earliest being Thursday, September 12, 2013 due to Open Meeting Law requirements.

Member Beers suggested that a meeting be called for next Thursday in compliance with Open Meeting Law to determine if a quorum can be established and in the meantime work towards another date.

Chair Jones stated that in his opinion, if the special meeting could not occur on or before September 13, 2013 the contract discussion should wait until the next scheduled Board meeting on September 26, 2013.

Member Beers stated that one could make the argument that the District is currently out of compliance with state law, in that the Chief Health Officer is not a licensed provider in Nevada at this time. Chair Jones clarified that Dr. Nancy Williams, Acting Chief Health Officer is fully credentialed and in compliance with state law in her current position.

Ms. Bradley advised that the District will start immediately to establish a quorum and get a special meeting noticed as quickly as possible.

Dr. Iser recommended that his start date be September 23, 2013 if an early special Board meeting is established or September 30, 2013 if there is no special meeting.

Motion by Member Scow seconded by Member Woodbury and unanimously carried for the effective start date of Dr. Iser to be September 23, 2013 if an early special Board meeting is established or September 30, 2013 if there is no special meeting.

The contract term was discussed with Ms. Bradley advising that Dr. Sands' had a three year contract which was reviewed annually and Dr. Middaugh's contract term was for one year.

Member Woodbury noted that there is no need to renegotiate the contract annually and there is language within the contract for Dr. Iser and the District to terminate the contract at will. Member Woodbury believes that a long-term contract is more feasible than a one year contract. Dr. Iser stated that he would be agreeable to a three year contract or a one year contract and agrees that given proper notice either party can terminate the contractual agreement without cause.

Member Beers is in support of a one year agreement only.

Member Woodbury proposed a one year term and Chair Jones added that it would be renegotiated at the end of the year. Dr. Iser recommended that Ms. Bradley be given permission to incorporate language in the contract defining the one year term.

Motion made by Member Woodbury and carried unanimously to recommend a one year agreement from either September 23, 2013 to September 22, 2014 or September 30, 2013 to September 29, 2014 (depending on the start date).

Ms. Bradley queried the board members for availability to schedule a special meeting on Thursday, September 12 or Friday, September 13 and determined that Members Jones, Beers and Woodbury are available and Members Scow and Wood can be available by phone.

Dr. Iser asked the sub-committee if there are any perceived issues with the full Board approving the contract and if he should be available for the full board meeting (via phone). Chair Jones stated that from his perspective it would be best if Dr. Iser attended the meeting via phone. Member Beers suggested that the minutes from this CHO Succession Committee be comprised as soon as possible and distributed along with the modified contract so that the Board members have an opportunity to review prior to the meeting.

Member Woodbury recalled that at the last Board meeting Member Giunchigliani made a comment regarding the base salary, although she did not elaborate.

Member Beers advised Dr. Iser that the sub-committee was not sure what the reception of the full Board will be and agrees that Dr. Iser should be available by phone for the meeting.

Dr. Iser confirmed that he could be available on Thursday, September 12 and Friday September 13 for a special meeting if established.

Dr. Iser noted that some Board members voted against him and asked that the sub-committee and staff help him determine what the issues are and how to move forward productively.

Member Beers stated, as one of the Board members that voted against him, his reason was because a very badly written state law was established in 2007 that was custom crafted to limit the Board's choice for who could be the next CHO in case of vacancy to a current employee of the District. Member Beers observed the process of a particular Senator, who had a particular relationship with "the Number 2 guy at the District", who customized that law to make sure that only that one person could be selected. The law specifically stated that the CHO was required to be currently licensed as a M.D. or D.O. in Nevada. The 2013 legislature, after the District's headhunter (CPS) reported back that their exhaustive nation-wide search essentially produced only one candidate, revised that law to reflect that the CHO must be licensed in Nevada within a year. Member Beers added that had the new law been in place when the job search was done, the candidate pool would have consisted of dozens instead of one. Member Beers explained that his vote was not against Dr. Iser, but to take advantage of the relief that the legislature had provided and the whole process over.

Member Scow stated that her reasoning was similar and recalled a recruitment at Clark County School District (CCSD) for a Superintendent and only one candidate was available. The perception was that this candidate was the only one left and there were issues throughout his tenure

Dr. Iser thanked Members Beers and Scow for their candor and added that it makes him feel more positive about going forward. Dr. Iser stated that the open session recruitment process is also a detriment to applicants and believes more applicants may have applied if that requirement was not in place.

Member Beers noted that Nevada's Open Meeting Law has done more to drive the business of government out of sight from the public than anything imaginable and it needs to be turned into an effective vehicle for better government to which Member Scow concurred.

Member Jones stated that he has full confidence that Dr. Iser is the right person for this community and has no feeling that his selection less than stellar.

- C. Discuss and Approve Recommendation(s) regarding the CHO Employment Agreement to the Southern Nevada District Board of Health on September 22, 2013; or take other action deemed appropriate; **(for possible action)**

Motion by Member Scow seconded by Member Woodbury and carried unanimously to take the CHO Employment Agreement as amended on September 6, 2013 to the Special Board meeting, if established, or the next full Board of Health meeting.

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.

Hearing no one, 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 Woodbury seconded by Member Scow and unanimously carried to adjourned the meeting at 9:47 a.m.

Respectfully Submitted,

Timothy Jones, Chair

/jrw