



MINUTES

Southern Nevada District Board of Health Meeting
330 S. Valley View Boulevard, Las Vegas, Nevada 89107
Conference Room 2
Monday, April 28, 2014 - 5:00 p.m.

Rod Woodbury, Chair, called the Southern Nevada District Board of Health to order at 5:05 p.m.

Annette Bradley noted a quorum was present at the start of the meeting with Members Woodbury, Beers, Crowley, Giunchigliani, Jones, Marz, Nelson, Smith and Winchell seated.

**BOARD:
(Present)**

Rod Woodbury, Chair – Councilmember, Boulder City
Bob Beers – Councilmember, City of Las Vegas
Susan Crowley – At-Large Member, Environmental Specialist
Chris Giunchigliani - Commissioner, Clark County Commissioner
Timothy Jones – At-Large Member, Regulated Business/Industry
John Marz - Councilmember, City of Henderson
Marietta Nelson – At-Large Member, Physician
Frank Nemec, At-Large Member, Physician (arrived at 5:19 p.m.)
Mary Beth Scow – Commissioner, Clark County (arrived at 5:11 p.m.)
Stan Smith – At-Large Alternate, Gaming - At-Large Member
Wade Wagner – Councilman, North Las Vegas (arrived at 5:21 p.m.)
Lori Winchell - Registered Nurse

(Absent)

Allan Litman – Councilmember, City of Mesquite
Bill Noonan – At-Large Member, Gaming
Lois Tarkanian - Councilmember, City of Las Vegas

**ALSO PRESENT:
(In Audience)**

Michael Collins – At Large Alternate, Nursing
Douglas Dobyne – At-Large Alternate, Regulated Business/Industry
Kathleen Peterson – At-Large Alternate, Environmental Specialist

LEGAL COUNSEL:

Annette Bradley, Esq.

EXECUTIVE

SECRETARY:

Joseph Iser, MD, DrPH, MSc, Chief Health Officer

STAFF: Heather Anderson-Fintak, Maria Azzarelli, Mark Bergtholdt, Stephanie Bethel, Jerry Boyd, Mary Ellen Britt, Aurora Buffington, Nicole Bungum, Anthony Cardona, Richard Cichy, Ray Chua, Alice Costello, Tammie Cushman, Margarita DeSantos, Jessica Donnell, Rosemary Ensign, Cara Evangelista, Jason Frame, Andy Glass, Victoria Harding, Amineh Harvey, Forrest Hasselbauer, Julie Hurd, Cassius Lockett, Chris Mariano, Rob McMahon, Deb Moran, Michelle Nath, Shirley Oakley, Lorraine Oliver, Mike Palmer, Mars Patricio, Marisol Perez, Jill Perlstein, Jacque Raiche-Curl, Rick Reich, Jacqueline Reszetar, Gloria Reta, Tim Ripp, Jennifer Sizemore, Bonnie Sorenson, Marlo Tonge, Nancy Williams, Susan Zannis, Valery Klaric and Jacqueline Wells, Recording Secretaries.

PUBLIC ATTENDANCE:

<u>Name</u>	<u>Representing</u>
Larry Singer	Newmark Grubb Knight Frank
Rosemarie Rhodes	SNRHA
Marni Coleman	SNRHA
Cheryl Nolan Bunch	SEIU
Javier Cabrera	SEIU
Cherie Mancini	SEIU
Rebecca Theim	SEIU
Shawn King Perry	SEIU
Ann Markle	Self
Carl Markle	Self
Jamey Bailey	SEIU
Allison Wilson	JW Marriott Las Vegas Resort
Mike Gaughon	JW Marriott Las Vegas Resort
Shane Huish	Cowabunga Bay
Darren Adair	City of North Las Vegas
Christopher Scalzitti	CVS Caremark
Shane Jacob	Harrah's
Ciara Byrne	Green Our Planet
Kim MacQuarrie	Green Our Planet
Jeff Buchanan	Interim City Manager/Fire Chief, NLV
Darren Adair	Acting Finance Director, NLV
Terry Sheridan	Economic Development Administrator, NLV
Dr Qiong Liu	Deputy City Manager, NLV
Anita Wood	Mayor Pro-Tem, NLV

RECOGNITIONS:

- **WELCOME: Cassius Lockett, PhD, MS, Director of Community Health**
- **Raymond Chua, Business Group Supervisor**, was recognized by the Office of the Secretary of Defense, Employer Support of the Guard and Reserve as a Patriotic Employer for contributing to National Security and Protecting Liberty and Freedom by Supporting Employee Participation in America's National Guard and Reserve Force.
- **Rick Reich, Communicable Diseases Manager**, retired after 35 dedicated years of service to the District.
- **PUBLIC HEALTH HEROES:**
 1. **CVS Caremark - Nominated by Deborah Williams, Chronic Disease Prevention and Health Promotion Manager and Maria Azzarelli, Sr. Health Educator**
Maral Farsi, CVS Caremark Regional Director, Government Affairs-Western U.S., and Christopher Scalzitti, RPh, CVS Caremark District Pharmacy Supervisor accepted the Public Health Heroes award on behalf of CVS. Earlier this year, CVS Caremark announced it would no longer sell tobacco products at its 7,600 stores across the country representing bold leadership that is needed from all segments to continue to make progress against tobacco use.
 2. **Teen Advocates for Pregnancy Prevention Youth Council (TAPP) - Nominated by Amineh Harvey, Health Educator II**
Kayla Miller and Michelle Gaston accepted on behalf of the Teen Advocates for Pregnancy Prevention (TAPP) Youth Council which was started in 2012 and consists of 10 young people who represent seven local zip codes where the community sees high rates of teen pregnancies. These young people, all of whom are volunteers, have made a commitment to educate and encourage their

peers to make responsible sexual health choices and they are working to build a sustainable network so teens have the information and resources they need to prevent unplanned pregnancies, STDs and HIV infections. TAPP has received the 2013 and 2014 City of Las Vegas Youth Neighborhood Association Partnership Program Board community service learning project grant. Teen pregnancy rates remain high in our community and these young people are dedicated to serving their community as role models to their peers and advocates for comprehensive teen pregnancy prevention initiatives.

3. Green Our Planet - Nominated by Aurora Buffington, Health Educator II and Nicole Bungum, Health Education Supervisor

Ciara Byrne and Kim MacQuarrie accepted on behalf of Green our planet that launched its Outdoor Garden Classroom Program with the goal of helping schools raise funds to build outdoor vegetable gardens. The signature program provides schools with a 'turn-key' program including funds from outside the school district, garden installation and maintenance, a curriculum, teacher training, and pairing school gardens with local chefs and businesses. To date, Green Our Planet has raised more than \$140,000 and has built 22 school gardens that educate more than 20,000 students.

I. PUBLIC COMMENT: A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Mark Bergtholdt, SEIU VP, Supervisory Unit and 13 year District employee commented on the agenda item regarding an increase in revenue and ending fund balance consistent with final property tax allocation (Item V.1). Mr. Bergtholdt has seen District funds wasted over the years and prior to Dr. Iser's appointment as Chief Health Officer there had been no movement to change the District to the lean government agency that it needs to be. As an employee, Mr. Bergtholdt is glad to see Dr. Iser at helm and appreciates his effort and that of senior management team for taking the difficult task of leading the district to a sustainable future, however, Mr. Bergtholdt is concerned with proposed cuts to Maternal Child Health (MCH) program, which will adversely affect the direct health care service that the District currently provides. If the cuts are implemented as proposed, those families currently served by the MCH program will lose their services and the union does not see elimination of this program as good public health and proposes that \$500,000 - \$600,000 of the additional tax funds be put towards the MCH program to fund for the next year to give the District time to find additional grants and revenue sources to cover the program. Mr. Bergtholdt supports Dr. Iser's vision to be an accredited organization that uses evidenced-based decision making processes to determine the effectiveness of programs but does not support the unplanned cutting of services to the public and asked that when the budget comes up for discussion, Dr. Iser be directed to fund the MCH program for one year.

The MCH Team, consisting of Lorraine Oliver, Community Health Nurse Case Manager, Chris Mariano, Senior Community Health Nurse, Jill Perlstein, Community Health Nurse Case Manager and Tammie Cushman, Community Health Nurse Case Manager, all spoke on behalf of the importance and challenges of the MCH program. The MCH Team shared letters of support from community partners and the Bureau of Child, Family, and Community Wellness. (**Attachment 1**)

Victoria Harding, VP, SEIU General Unit, advised that an email had been sent to the board members and clarified that no jobs will be cut from the MCH program, the issue is saving the community as infant mortality and morbidity rates will go up if the program is cut. Ms. Harding does not know why southern Nevada hates babies, as NICUs and maternity wards are closing down and the MCH program does miracles for the babies every day. The excuse for cutting the MCH program is that an evidence-based program, the Nurse Family Partnership (NFP) program exists. This is a great program, but it is not the same as MCH. Eligibility is very specific as well as location of the clients whereas MCH helps everyone, especially the neediest, and Mesquite, Henderson, Laughlin, and Boulder City are not covered by the NFP program. Ms. Harding stated that she was told by Ms.

Sorenson, that it would take \$500,000 - \$600,000 to save the program would like that much from the additional tax allocation to save the babies.

Cara Evangelista, Chief Steward, General Unit stated that the union understands that this issue is leftover from old management and the layoffs cannot be prevented. In speaking with management, Ms. Evangelista was told that \$500,000 - \$600,000 would save the MCH program and asks that it be funded for one year until an evidence based program is in place or grants be generated as clients will be cut off without any back up. Management hopes to get the Healthy Kids grant in August/September that will have some MCH characteristics, and the billing system will be implemented in September, which will increase revenue along with legislative actions which will find revenue sources.

II. ADOPTION OF THE APRIL 28, 2014 AGENDA (for possible action)

Dr. Iser requested the following revisions to the agenda:

- Item IV.4 (Quad variance) be removed
- Section V, Items I, II and III be moved out of order and heard after the Consent Agenda.

A motion was made by Member Giunchigliani seconded by Member Nemec and unanimously carried to adopt the April 28, 2014 Agenda as modified.

III. CONSENT AGENDA: Items for action to be considered by the Southern Nevada District Board of Health which may be enacted by one motion. Any item 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:** March 27, 2014 (**for possible action**)
2. **PETITION #08-14:** Approve Amendment to Interlocal Contract between Nevada Division of Public and Behavioral Health and Southern Nevada Health District (SNHD) for project period July 8, 2014 to June 30, 2015. The contract increases the overall monthly payment from \$625.00 to \$646.00 per family or enrollee in Nurse-Family Partnership and establishes \$387,713 in funding available to SNHD; direct staff accordingly or take other action as deemed necessary (**for possible action**)
3. Change Board of Health Committee name from Audit Committee to Finance Committee to more accurately reflect activities of that committee; direct staff accordingly or take other action as deemed necessary (**for possible action**)

A motion was made by Member Giunchigliani seconded by Member Winchell and unanimously carried to adopt the Consent Agenda as presented.

V. REPORT/DISCUSSION/ACTION (Out of Order)

2. **City of North Las Vegas Building Presentation (Out of Order):** Mitch Fox, Director of Communications, City of North Las Vegas, presented information regarding the space offered to SNHD at North Las Vegas City Hall. (**Attachment 2**)

Staff attempted to contact Member Tarkanian via teleconference



The Building

- 210,000 square feet, 9 stories on 12 acres
- 600+ parking spaces
- Driving distance: 5.75 miles from current facility



North Las Vegas City Hall - 2250 Las Vegas Boulevard, North



The Building

- LEED Gold Certified
- Built to reduce greenhouse gas emissions
- Improve energy efficiency
- Reduce waste water discharge and waste disposal



North Las Vegas City Hall - 2250 Las Vegas Boulevard, North



The Building

- Smart Building Technology
- Improved HVAC, lighting, security, cabling and wireless systems
- 12.5% of our power solar generated
- Specialized window glass maximizes natural light and reduces heat



North Las Vegas City Hall - 2250 Las Vegas Boulevard, North



The Building

- Low flow sinks and toilets
- Motion sensor lights
- Healthier and safer environment for occupant
- Improved worker productivity



North Las Vegas City Hall - 2250 Las Vegas Boulevard, North



The Amenities

- Staffed, on-site security with cameras throughout building
- Custodial service provided for common areas
- Utilities included
- Break rooms for employees



North Las Vegas City Hall - 2250 Las Vegas Boulevard, North

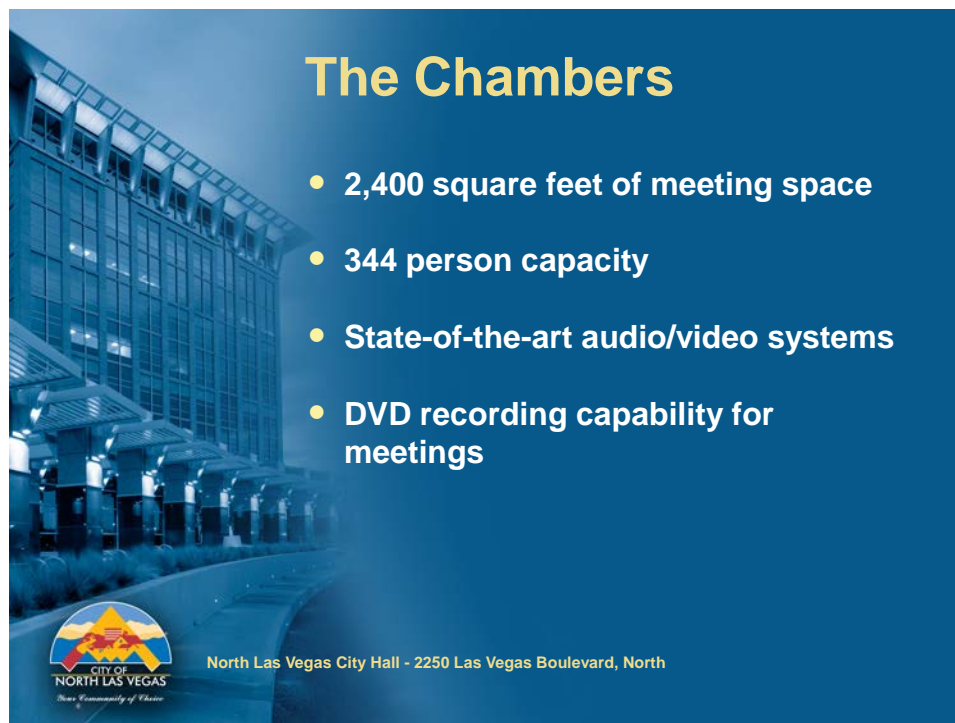


The Space

- 3 full floors – 48,000 square feet of available space
- 50 offices, 92 cubicles, and 4 conference rooms
- Restrooms on each floor



North Las Vegas City Hall - 2250 Las Vegas Boulevard, North



Terry Sheridan, Economic Development Administrator advised that the proposal for leased space to SNHD is \$1.85/sf full service gross, consisting of a seven year term with an extension for up to ten years. This proposed space includes approximately 400 available parking spaces, fifty offices and ninety-two cubicles. It is understood that these offices will be used for administrative staff only and there will be no public interaction. Additional costs could be incurred for visitor badges and security on Fridays if desired by the District.

Dr. Iser indicated that the space offered by NLV could accommodate approximately 115 employees, tentatively some of Administration, Emergency Medical Services and Trauma Systems (EMS&TS) and some of Environmental Health, but the city requested no client services and unlike SNHD, the City of NLV is closed on Friday.

Discussion ensued regarding the following:

- NLV City Hall is not an open building, one full-time staff person does check in and it could take some time to get checked in if a number of people come in at one time.
- Some of the offices are large enough to be doubled; however retro-fitting is not desired by the city.
- The City of Las Vegas has offered a lease at 333 N. Rancho that will co-locate Environmental Health Plan Review.
- SNHD will incur additional costs to convert to the IT system currently in place at NLV.
- The current Valley View lease does not include the cost of utilities and taxes are incorporated into the lease.

Chair Woodbury stated that the District is currently paying less at Valley View and is having budget struggles and asked Ms. Sheridan if \$1.85/sf full service gross is bottom dollar or if there is room for further negotiation. Ms. Sheridan responded that the proposed \$1.85 is under market rate, and she has to defer to other staff if the offer can be adjusted.

Mr. Fox confirmed that the NLV proposal of \$1M/yr, is inclusive of utilities.

*Member Beers left the meeting at 6:23 p.m. and returned at 6:27 p.m.
Member Marz left the meeting at 6:24 p.m. and returned at 6:27 p.m.
Member Giunchigliani left the meeting at 6:25 p.m. and returned at 6:29 p.m.*

3. **Review/Discuss** and approve building replacement recommendations and authorize the Chief Health Officer to negotiate and execute a contract to acquire property in an amount not to exceed the current bond fund balance; direct staff accordingly or take other action as deemed necessary **(for possible action) (Out of Order)**

Dr. Iser presented proposed building options for purchase **(Attachment 3)**

Option One – Two Building Combinations

■ Purchase Both — 400 Shadow Lane and Covington Cross

- 400 Shadow Lane (43,000sf)
 - Primarily NS with some CH
 - \$11M
 - Excellent location
- Covington Cross (61,000sf)
 - Unable to accommodate NS
 - \$15M
 - Reasonable location
- Total cost \$26M

Option One – Two Building Combinations



- **Purchase One, Lease Another:**
- **Purchase 400 Shadow Lane (43,000sf) and Lease North Las Vegas (48,000sf)**
 - 400 Shadow Lane—See above
 - NLV—Next slide
 - Total cost \$19.4M (7 years)

Lease NLV



	NLV
Cost/square foot	\$ 1.85
Lease per month	\$ 88,800
Lease per year	\$ 1,065,600
7 year cost	\$ 7,459,200
Build out and moving costs	\$ 947,500
Total	\$ 8,406,700

- **Benefits**
 - Location
 - Work with partner
 - Buildout costs minimal
- **Drawbacks**
 - Cost is high
 - Still need to save for another permanent building

Option Two – One Building

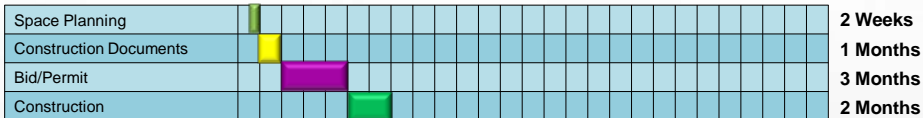


- **330 S. Valley View (Tiberti)**
 - Cost is \$26M (total building and buildout)—prohibitive
- **278 Decatur (Meadows Lane)**
 - Cost is (total building and buildout)—reasonable and affordable
 - Location is excellent
 - Lots of parking
 - Almost all of us housed together
 - Primary drawback is age of building (but refurbished in 2008)
 - Total \$15M

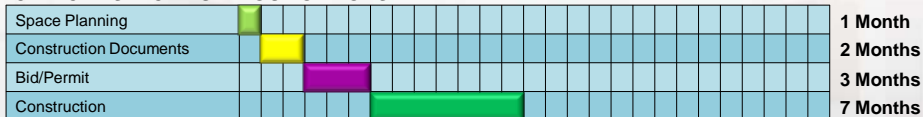
Implementation Schedule



MINIMAL BUILD-OUT OPTIONS



CLINICAL SPACE BUILD-OUT OPTIONS



BUILDING PURCHASE/FULL BUILD-OUT OPTIONS



NEW BUILDING DESIGN



Recommendation



- Purchase 278 Decatur and Build Out

Where we are today.....



- Three very different but viable options
- BOH should make a decision—we have discussed all of these options in the past
- Authorize CHO to move forward on BOH choice

Dr. Iser stated that 278 Decatur was built in 1987 and is in reasonable shape; however, funds will still need to be set aside for capital improvements and replacements. The building is 106,000 square feet, 110,000 square feet is needed to house all staff, so the lab will remain at its current location. Member Giunchigliani confirmed that the original cost was \$2,347,730 and asked who would not be housed at 278 Decatur. Dr. Iser advised that all staff could be at this location with

the exception of part of Environment Health, the lab and staff that are at existing outlying clinics and 400 Shadow Lane would no longer be required. The asking price is \$6 million and it takes approximately \$8-9 million to build-out. The City of Las Vegas has volunteered a program called Design Build that will assist with engineering, contractual and legal staff to support the District if needed.

For the record, Member Beers confirmed via correspondence from the City of Las Vegas Attorney that there is no conflict of interest with Members Beers and Tarkanian sitting on the Board and voting on purchasing the property.

Dr. Wagner disclosed that as North Las Vegas City Councilman he has no personal involvement in the lease and his judgment will be objective to the Board and not to his capacity as North Las Vegas City Councilman.

Of the three options, Dr. Iser's recommendation is to purchase 278 S. Decatur as it is affordable, will accommodate most staff and will be suitable for the District for many years.

Member Beers believes that 278 S. Decatur is in the expanded redevelopment area and there may be a small amount of financial support dollars that could be awarded as matching funds, maximum \$500,000, for façade and infrastructure.

Member Nemecek left the meeting at 6:47 p.m. and returned at 6:49 p.m.

Member Marz confirmed that the \$16 million in the building fund would basically cover the purchase and build-out of 278 S. Decatur and asked in the end how much money would be saved to put into public health by purchasing this building. Dr. Iser stated that money would be saved in FY16, however there are still significant financial hurdles primarily related to the Public Health Lab and an amount less than the current one fourteenth of the budget would be recommended to be transferred to the building fund annually for maintenance.

Member Marz left the meeting at 6:48 p.m.

Chair Woodbury summarized the new facility options as follows:

- Purchase two buildings (Shadow Lane and Covington Cross) at \$26 million
- Purchase 400 Shadow Lane and lease City of NLV at approximately \$19.5 million over seven years
- Purchase 278 Decatur at approximately \$15 million

Chair Woodbury consulted the Board and it was agreed to take the two building purchase option (Shadow Lane and Covington Cross) off the table.

Member Jones feels that it would be better to purchase and 278 S. Decatur seems to meet the needs of the district and can be reasonably put together in a short period of time. North Las Vegas is a good choice as a partner but is not the best choice financially.

Member Nelson stated the North Las Vegas option looks great, but is not fiscally responsible and believes 278 Decatur is the best option.

Member Beers is hesitant to approve 278 Decatur at this time and would like to have an estimate on the cost of executing due diligence on the building and build-out, as the build-out is more than the purchase cost. Jeff Share, Budget Manager, Clark County Department of Finance, stated that typically during due diligence an environmental and systems investigation is done, which usually costs less than \$20,000 and could happen in less than thirty days.

Larry Singer, Managing Director, Newmark Grubb Knight Frank, reported that an appraisal can be done within three weeks. Mr. Singer recommends the Board authorizes to move ahead with negotiations subject to Board approval and satisfactory due diligence.

Member Jones asked if Dr. Iser were authorized to purchase the building is it believed that the cost will be \$6 million or less. Mr. Singer responded that it depends on timing as the property is in redevelopment. The sellers are getting inquiries from retail developers who have long-term closing dates; however, the intent is to sell it quickly. Mr. Singer is confident that the purchase price will be under \$6 million, more so around \$5 million.

Member Scow believes that rehab usually costs more than projected and would like to move forward with negotiations to purchase 278 S. Decatur subject to board approval and expressed appreciation to the City of North Las Vegas for extending the offer.

Chair Woodbury stated that it has been difficult finding a 100,000/sf building and many possibilities have been vetted, but in the long run, owning is better than leasing.

A motion was made by Member Beers seconded by Member Crowley and unanimously carried to move forward with the purchase of 278 S. Decatur, subject to due diligence and the approval of the Board once details are documented and there is a preliminary agreement with the seller and a report is received of what the alternatives will be. The motion includes the negotiation of the purchase price and the execution of the preliminary option to purchase which will have the appropriate out so the District may extricate itself from the agreement at the appropriate time if due diligence is not acceptable.

Break at 7:13 p.m. reconvened at 7:24 p.m.

1. **Consider/Approve:** Approve Increase in Revenue and Ending Fund Balance Consistent with Final Property Tax Allocation; direct staff accordingly or take other action as deemed necessary **(for possible action) (Out of Order)**

Andy Glass, Director of Administration, proposed that additional \$2.3 million property tax allocation funds are included in the revised budget FYE 2015 General Operating Fund and Bond Reserve Fund **(Attachment 4)**

DESCRIPTION	APPROVED BUDGET FYE 2015	CHANGES	REVISED BUDGET FYE 2015
GENERAL OPERATING FUND			
OPENING FUND BALANCE	10,854,191		10,854,191
REVENUE	56,764,617	2,367,226	59,131,843
TOTAL OPERATING EXPENDITURES	(61,374,153)		(61,374,153)
TRANSFER TO CAPITAL FUND	-	-	-
TRANSFER TO LIABILITY RESERVE	-	-	-
TRANSFER TO PROPRIETARY FUND	(506,540)	-	(506,540)
TRANSFER TO BOND RESERVE	(1,181,619)	(169,020)	(1,350,639)
ENDING FUND BALANCE	4,556,496	2,198,206	6,754,702
ENDING FUND BALANCE %	7.4%	3.6%	11.0%
CAPITAL RESERVE FUND			
OPENING FUND BALANCE	5,954,951	-	5,954,951
INTEREST EARNED	48,000	-	48,000
CAPITAL EXPENDITURES	-	(6,002,951)	(6,002,951)
ENDING FUND BALANCE	6,002,951	(6,002,951)	-
BOND RESERVE FUND			
OPENING FUND BALANCE	14,997,117	-	14,997,117
TRANSFER FROM GENERAL FUND	1,181,619	169,020	1,350,639
INTEREST EARNED	99,000	-	99,000
CAPITAL EXPENDITURES	-	(16,277,736)	(16,446,756)
ENDING FUND BALANCE	16,277,736	(16,108,716)	-

Dr. Iser relayed information related to budget FY 2015 – 2017.



Budget FY 2015-2017

- At this point, we can project a balanced budget by end FY 2017.
- We may not be able to increase our end fund balance to above 16.6% until FY 2018.
- In May, given BOH action today, we can provide a rough guideline.
- Assumptions we will use are outlined in the next slide.



Budget FY 2015-2017

- We foresee no additional layoffs, with the following assumptions:
 - BOH responsibilities
 - No new obligations increasing the structural deficit
 - Approval of fee schedules to cover more of our costs
 - Building approval as recommended
 - Management responsibilities
 - Strategic plan for the laboratory that brings in greater than 50% of its budget in revenue
 - No significant change in grant programs
 - Joint or other responsibilities
 - Our structure and function remain intact
 - No world or local events that significantly impact our economy (crises, natural disaster, economic decline)
 - Baseline 8010 same as this year's final
 - Result of union negotiations

Dr. Iser believes if the additional property tax allocation funds are included in the revised budget FYE 2015 General Operating Fund and Bond Reserve Fund the assumptions that he has in place to balance the budget will remain solid.

Dr. Iser also presented a fundamental review indicating financial data for local health departments in comparison to SNHD, which indicates that the District is underfunded.

Selected Financial and Workforce Ratios, Locally Governed						
Health Departments 2013 NACCHO Profile of LHDs (n = 1430)						
	Expenditures Per Capita	Revenue Per Capita	Local Revenue Per Capita	Local Revenue/Total Revenue	Clinical Services Revenue Per Capita	FTEs per 100,000 Population
Minimum	\$0.76	\$0.76	\$0.00	\$0.00	\$0.00	1.3
Average	\$51.31	\$53.41	\$16.78	36.80%	\$11.40	62.3
Washoe	\$46.70	\$41.72	\$17.03	40.80%	\$0.48	36.3
SNHD	\$34.04	\$28.63	\$7.70	26.80%	\$1.60	25.0
Maximum	\$2,847.08	\$3,075.45	\$2,452.76	100.00%	\$238.87	1,862.6

Discussion ensued regarding the MCH program. Dr. Iser stated that the MCH nurses will be transferred into the NFP program which has a much more narrow scope than the MCH program. The NFP program is partially funded through the Affordable Care Act and SNHD is the only jurisdiction in Nevada that has the program. It is evidence based, but the nurses are trained, the guidelines are met and the outcomes are known. Unsuccessful attempts have been made to validate the MCH program to make it evidence based and the District does not have capacity or

ability to validate the MCH program in one year. This program is not mandated, although it is public health, but there is no evidence of its successful implementation to decrease morbidity or mortality. To Dr. Iser's knowledge, there is no evidence based to the MCH home visitation program and the District would be only local health authority in Nevada to have this program if it continues. Some other counties still have this program, such as some in California, however some have discontinued because of lack of funds, because it is not evidence based, or attached it to another program such as Social Services.

Dr. Iser confirmed that the NFP program is specific to high risk zip codes, so many people that were covered under the MCH program will not be covered by NFP, however there is no evidence that the MCH program decreases hospitalization, morbidity or mortality, despite anecdotal stories to the opposite.

The program has been in place for thirty years and there is no evidence that it does or doesn't work, although it is a benefit to mothers and children in the community that have no place else to go, however, with the Affordable Care Act, there will be more places to go.

Dr. Iser confirmed that the NFP does not support Henderson, Boulder City, Mesquite, Laughlin or the rural areas.

Member Jones stated he has no desire to take away needed services from mothers and infants but the MCH program is not proven successful and thinks that a refocusing of resources to something that is evidence based makes the best sense for overall public health.

Member Giunchigliani stated that when the grant was applied for the NFP, MCH was already in place and the NFP was able to get software from Information Technology to justify why they exist. The standards need to be adopted to collect qualifying evidence for the MCH. Member Giunchigliani recommends setting aside \$600,000 from the additional \$2.3 million tax allocation to fund MCH and establish a program to document and prove that the MCH program works.

Member Jones noted that as money comes available, the District has not done community assessments to select programs objectively.

Member Winchell believes the program should be given a year to prove itself.

In response to Mr. Beers' question, Ms. Sorenson answered that the source of the zip code limitation for the NFP program is based on nurse caseload, 1 nurse to 25 families, and restricted to zip codes with highest needs.

Member Beers asked if it made sense to expand the NFP program with the additional funds to which Ms. Sorenson replied it would cost more than \$600,000 because of the training.

Margarita DeSantos, Community Health Nurse Manager for both NFP and MCH programs, explained the extensive process that the NFP nurses are required to complete in order to participate in the program. Ms. DeSantos is aware that there are pockets of need all over the county that could utilize the NFP program, however it services zip codes that were determined as high risk by needs assessments done by United Way and the State of Nevada.

Member Wagner does not see any reason to scrap the MCH program and some of the additional property tax allocation funds should be used to fund this program for another year while a transition or other alternative occurs.

Ms. Sorenson noted that it would be in violation of the Nurse Practice Act to abandon the clients currently enrolled in the MCH program and each client will have to be transitioned properly.

A motion was made by member Giunchigliani seconded by Member Marz to approve the set aside of at least \$600,000 to maintain the MCH program and work on developing a tracking system and review in one year.

Member Beers feels that determining a plan to make the MCH program an evidence based program is beyond the capacity of SNHD and will vote against the motion as it makes more sense to put the additional funds into the evidence based NFP program. .

Chair Woodbury confirmed that the MCH nurses would not be laid off if the MCH program was discontinued and asked if any nursing employees would be laid off. Ms. Sorenson indicated that she would be retaining all of the nurses and will be laying off three employees; two will probably come back when the HIV grant is funded. Chair Woodbury agreed that because it is not evidence based does not mean that it is not a successful program and voiced his frustration for several different reasons:

- Last month, when the budget was approved, it was known that approximately \$1.8 - \$2.2 million in additional funds were going to be received, so to say this money is "extra" is a misnomer as the District is still deficit spending.
- The MCH program is being singled out over other programs and it is inequitable as someone in another department could come forward to ask for their half million dollars as every division bought into the idea of cutting the budget and collaborated in making cuts.
- Dr. Iser set out a plan to balance the budget within three years with the expectation that he would be funded as requested. If a half million dollars plus is allocated to the MCH program, he should not be held to his promises as his plan was not followed.

The Chair is not confident as to what one year can do for this program. He stressed that there should be no pretense of "extra" money, it should be known that the MCH program is being favored over other potentially deserving programs and understood that by making this decision Dr. Iser cannot be held to his expectations and promises that he can balance the budget in three years and not have any more layoffs. If it ends up that the District has to have future layoffs, Dr. Iser should not be held accountable as he had a working plan and the Board may be back making the same decisions next year.

The Chair believes that MCH is a good program; however, he cannot say that it is the best or most deserving program that should receive the money while the District is still deficit spending.

Member Crowley asked if Dr. Iser could be asked to revise the budget and give another three to five year plan if the motion passes. Member Giunchigliani stated that the \$2.3 million was not allocated therefore there is no necessity to revise the budget. The proposal is that from the new revenue stream, \$600,000 be put into the MCH program, leaving Dr. Iser with \$1.7 million to do whatever needs to be done. The Board voted a month ago that kids were less important than a building fund and made the decision to continue with the structural and split that difference and put that part into the Capital Fund. Chair Woodbury stated that he did not like that comparison and felt it was inflammatory as well as the earlier statement that "Las Vegas hates babies".

Member Crowley stated if the \$600,000 is allocated to MCH, she would like to see how the remaining money will look in the operating budget over the next couple of years. Dr. Iser will bring a three year projection to the Board next month.

Member Marz stated that a big decision was made on the building today and it will save the District a lot of money in rent and overhead and the money that is being put away now for a building fund can be available to help balance budget. Dr. Iser agreed and added that he needed a decision on the building and a final budget in order to make solid budget plan.

Member Giunchigliani restated the motion to appropriate the \$600,000 to maintain the MCH program for one year, receive interim report from MCH and NFP programs in six months

(September 1, 2014) and one year review of both programs (March 1, 2014 to February 28, 2015).

The Board was polled:

For	Against
1. Wagner	1. Beers
2. Giunchigliani	2. Woodbury
3. Crowley	3. Jones
4. Winchell	
5. Scow	
6. Marz	
7. Nemecc	
8. Wagner	
9. Smith	

The motion to appropriate \$600,000 to maintain the MCH program for one year was carried by a vote of 9-3.

A motion was made by Member Crowley seconded by Member Beers and unanimously carried to Approve the Increase in Revenue and Ending Fund Balance Consistent with Final Property Tax Allocation as revised.

VI. PUBLIC HEARING / ACTION: Members of the public are allowed to speak on Public Hearing / Action items after the Board’s discussion and prior to their vote. Each speaker will be given five (5) minutes to address the Board on the pending topic. No person may yield his or her time to another person. In those situations where large groups of people desire to address the Board on the same matter, the Chair may request that those groups select only one or two speakers from the group to address the Board on behalf of the group. Once the public hearing is closed, no additional public comment will be accepted. **(Out of Order)**

5. PETITION #09-14: Request for Approval for Establishing Birth and Death Registration Fees and a Convenience Fee for Vital Records Online Transactions; Increasing Fees for After-hours Vital Statistics Services and for Establishing and Filing a Record of Paternity or Correction of a Vital Record; Deleting fees for Birth Cards, for the Birth Certificate Form for Home Births, and for List of Decedents for Financial Institutions; direct staff accordingly or take other action as deemed necessary **(for possible action) (Out of Order)**

A motion was made by Member Giunchigliani seconded by Member Crowley to Approve the Request for Approval for Establishing Birth and Death Registration Fees and a Convenience Fee for Vital Records Online Transactions; Increasing Fees for After-hours Vital Statistics Services and for Establishing and Filing a Record of Paternity or Correction of a Vital Record; Deleting fees for Birth Cards, for the Birth Certificate Form for Home Births, and for List of Decedents for Financial Institutions. The motion was carried with one dissenting vote (Opposed by Member Beers).

Member Nemecc left at 8:45 a.m.

1. Consider/Approve: Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.214.1, NAC 444.214.2, NAC 444.278, NAC 444.133 and NAC 444.134, Henderson Water Park LLC, d/b/a Cowabunga Bay Water Park, 900 Galleria Drive, Henderson, NV 89011. [Assessor’s Parcel Number (APN) 161-35-402-021] For Health Permits: PR0104086, PR0104426, PR0104427, PR0104428, PR0104429, PR0104430, PR0104431, PR0104432; Shane Huish, Manager/Owner’s Agent; direct staff accordingly or take other action as deemed necessary **(for possible action)**

Jacque Raiche-Curl, Environmental Health Supervisor stated that this variance was approved by the Board on February 28, 2013 and is back before the board because the LLC has changed, therefore the ownership has changed and the previous variances are void.

I. BACKGROUND:

Henderson Water Park, LLC., d/b/a Cowabunga Bay Water Park is petitioning for a variance as requested by Shane Huish, Manager, of the Cowabunga Bay Water Park, to operate eight public bathing places not in compliance with the Nevada Administrative Code (NAC) 444.214.1, which states in part: "...*(a) For males: One water flush toilet, two water flush urinals and one lavatory is presumed adequate for the first 100 bathers. One water closet, one urinal and one lavatory must be provided for each additional 100 bathers or major fraction thereof ... (b) For females: Not less than three water flush toilets and one lavatory must be provided which will be assumed to be adequate for the first 100 bathers. Two water closets and one lavatory must be provided for each additional 100 bathers or major fraction thereof...*" NAC 444.214.2, which states in part: "...*minimum criteria for bathhouse plumbing facilities are based upon the anticipated maximum attendance in bathers...*" NAC 444.278, which states in part: "...*maximum number of bathers permitted within the pool enclosure must be posted at each facility. The number must be based on the area of the facility or on the sanitary facilities which are provided. The most restrictive regulation applies...*" In addition, NAC 444.133, which states in part: "...*(c) Be perpendicular to the edge of the pool at any point where it meets the edge or, if the edge is curved at the point of intersection, to a tangent passing through that point...*" NAC 444.134, which states in part: "...*a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool if: (a) The design of the obstruction does not endanger the health or safety of persons using the pool; (b) An unobstructed area of deck not less than 4 feet wide is provided around or through the obstruction not more than 15 feet (4.55 meters) from the edge of the pool...*" The public bathing places will be located on APN 161-35-402-021, at 900 Galleria Drive, Henderson, Nevada.

II. DISCUSSION:

The petitioner request a variance "...to provide 20% of the minimum required number of sanitary plumbing facilities..." and "... for the ability to eliminate the required 4 foot wide path around an obstruction on the decks to accommodate ADA requirements and to allow bridges to be slightly skewed from the 90 degree requirements."

Bathhouse Requirements:

The requested variance is for the ability to provide a realistic number of sanitary plumbing facilities to reasonably accommodate a water park facility the size of Cowabunga Bay, which is not specifically address in NAC 444.

The sanitary plumbing facilities comparison matrix for Cowabunga Bay is as follows:

Fixtures	Men's				Women's		
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers
Required per NAC	69	69	69	172	138	69	172
Variance Request per Submitted Plan	15	12	11	21	28	11	21

The sections of the Nevada Administration Code that apply to the request for a variance are:

NAC 444.214 Minimum sanitary plumbing facilities. (NRS 439.200, 444.070)

1. *Minimum sanitary plumbing facilities must be provided at each public bathing or swimming facility as follows:*
 - (a) *For males: One water flush toilet, two water flush urinals and one lavatory is presumed adequate for the first 100 bathers. One water closet, one urinal and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which will be assumed to be adequate for the first 80 bathers. One additional shower head must be provided for each additional 40 bathers.*
 - (b) *For females: Not less than three water flush toilets and one lavatory must be provided which will be assumed to be adequate for the first 100 bathers. Two water closets and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which is presumed to be adequate for the first 80 bathers. One shower head must be added for each 40 additional bathers.*
 - (c) *Fixture schedules should be increased for facilities at schools or other similar locations where bather loads may reach peaks due to schedules of use.*
2. *These minimum criteria for bathhouse plumbing facilities are based upon the anticipated maximum attendance in bathers.*

NAC 444.278 Capacity. (NRS 439.200, 444.070)

1. *For the purpose of determining the capacity of any pool in a public bathing or swimming facility, those portions of the pool less than 5 feet (1.52 meters) deep or from the breakpoint to the shallow end is designated as the "nonswimming" area and the portion of the pool more than 5 feet (1.52 meters) deep or from the breakpoint to the deep end is designated as the "swimming" area.*
2. *The maximum number of bathers permitted within the pool enclosure at one time must be based on the following formula:*

$$\text{Maximum Bathing Load} = \frac{\text{Nonswimming Area (ft.}^2\text{)}}{10} + \frac{\text{Swimming Area (ft.}^2\text{)}}{24}$$

3. *The health authority may make additional allowance in cases of facilities with extensive deck areas used by patrons for lounging or sunbathing.*
4. *The maximum number of bathers permitted within the pool enclosure must be posted at each facility. The number must be based on the area of the facility or*

on the sanitary facilities which are provided. The most restrictive regulation applies.

5. *The owner of the facility is responsible for seeing that the maximum capacity is not exceeded.*

Because Nevada Administrative Code Chapter 444 does not specifically take into account water parks the size and scope of Cowabunga Bay, when determining fixture counts, the code requires an unrealistic and impractical number of fixtures which makes it unfeasible to build and/or operate a water park as per the NAC 444.

Cowabunga Bay has researched and proposed a realistic fixture count that is in line with water park industry standards. In addition, Cowabunga Bay is providing three (3) separate restroom facilities, strategically placed throughout the park to make restrooms easily accessible to all patrons throughout the park. Included in the requested variance, Cowabunga Bay is providing six (6) unisex family restrooms, which are highly favored by water park patrons and allows parents with small children to more conveniently utilize the facilities.

The proposed bathhouse fixture counts are in line with water park industry standards (standards are established by the World Water Park Association, located at 8826 Santa Fe Drive, Suite 310 Overland Park, KS 66212 Phone: 913.599.0300). Cowabunga Bay is committed to provide adequate facilities to ensure its patrons are safe and have sanitary bathhouse facilities to use.

PROPOSED FIXTURE COUNT

Fixtures	Men's				Women's			Family		
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers	Toilets	Lavatories	Showers
Bathhouse	5	5	5	16	12	5	16	8	4	4
Secondary Restrooms	4	4	2	-	8	2	-	2	2	1
Ancillary Restrooms	1	2	1	-	3	1	-	-	-	-

Unobstructed Deck/Bridges:

The requested variance is for the ability to eliminate the required 4 foot wide path around an obstruction on the decks to accommodate ADA requirements and to allow bridges to be slightly skewed from the 90 degrees requirements.

The section of the Nevada Administration Code that applies to the request for a variance is:

NAC 444.134 Decks. ([NRS 439.200](#), [444.070](#))

1. *Except as otherwise provided in this subsection and in [NAC 444.196](#) and [444.1995](#), a clear, unobstructed deck must be provided around the entire perimeter of a pool. In*

no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool if:

- (a) The design of the obstruction does not endanger the health or safety of persons using the pool;*
 - (b) An unobstructed area of deck not less than 4 feet wide is provided around or through the obstruction not more than 15 feet (4.55 meters) from the edge of the pool; and*
 - (c) Written approval for the obstruction is obtained from the health authority before construction or installation of the obstruction.*
- 2. The paved area of the deck must extend not less than 4 feet (1.2 meters) from both sides and rear of any diving board or its appurtenances.*
 - 3. The surface of the paved deck must not drain into the pool or the overflow gutter. Drainage must be conducted from the deck in a manner that will not create muddy, hazardous or objectionable conditions. Decks must slope on a minimum slope of 1/4 inch per foot (2 percent) to the drains to points at which the water will have a free, unobstructed flow to points of disposal at all times. If deck drains are provided, they must be spaced or arranged so that not more than 400 square feet (37.2 square meters) of area is tributary to each drain and drains must not be more than 25 feet (7.6 meters) apart. Drainage from the decks must not be returned to the recirculation system.*
 - 4. The deck must have a slip-resistant surface that can be cleaned by hosing and causes no discomfort to bare feet.*
 - 5. Provision must be made to prevent the drainage of materials from lawns or landscaped areas onto the pool decks or into the pool.*

The unique design of the water park requires a bridge over the lazy river to provide access to its patrons to access the inside area of the lazy river. This includes access by handicap patrons over an ADA ramps that have been incorporated into the bridge design. The length of the bridge was designed to meet ADA requirements and to accommodate grade differences. The bridge is also designed to be wide enough to accommodate maintenance vehicles and food service carts. In order for the proposed bridge to meet NAC 444, ADA requirements and to accommodate reasonable maintenance and operational needs, Cowabunga Bay is requesting a variance for the ability to eliminate the required 4 foot wide path around the ADA ramps. The bridges are also designed to be slightly skewed from the 90 degrees to accommodate the necessary grade differences. The bridges still meet other code requirements for the height from the water elevation and pool bottom, and do not pose a threat to anyone's safety.

Cowabunga Bay will use a third party safety compliance consultant to regularly evaluate and determine how to safely operate and staff the Lazy River with life guards to ensure the variance will not cause harm or safety issues to its patrons. In addition the slightly angled bridge designs will not pose a threat to anyone's safety.

The required space to construct the ADA ramps and to meet the requirements of both NAC 444.134 Decks and NAC 444.1333 Bridges, is not possible because of the amount of space required that will impact the flow of patron traffic within the water park causing a potential safety hazard.

In order to access the inside area of the Lazy River and to meet the NAC height requirements from water and pool floor elevations, the bridges are designed at a slight angle from the perpendicular edge requirements of NAC 444.133 2(c). The proposed angles are not to exceed +/- 20 degrees off the perpendicular edge of the pool.

NAC 439.240 Approved by board.

The petitioner states the following in regard to this requirement:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation.

- I. **Bathroom Requirements:** Because Nevada Administrative Code Chapter 444 does not specifically take into account water parks the size and scope of Cowabunga Bay, when determining fixture counts, the code requires an unrealistic and impractical number of fixtures which makes it unfeasible to build and or operate a water park as per the NAC 444.

- II. **Unobstructed Deck/Bridges:** Compliance with NAC 444.133, 444.134, ADA requirements and for reasonable maintenance and operations of the facility will require excessive cost and affecting reasonable functionality for both its patrons, maintenance and operations crews. The cost to construct a bridge and ramps to accommodate these needs would cost hundreds of thousands of dollars making it unworkable.

The required space to construct the ADA ramps and to meet the requirements of both NAC 444.134 Decks and NAC 444.1333 Bridges, is not possible because of the amount of space required that will impact the flow of patron traffic within the water park causing a potential safety hazard.

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant.

- I. **Bathroom Requirement Hardships:**

- A. Compliance with this regulation would cause the following hardships to the business. The cost to construct bathrooms/restrooms to meet regulatory compliance would cost an estimated \$2.5 million. Also, the required space to construct buildings to house the fixture count as per NAC 444 is not feasible or realistic to consider.

- B. In addition to the hardship incurred by the owner and operator by compliance with the regulation, the State of Nevada, Clark County and the City of Henderson will each realize negative impacts if this project is not built as summarized:

- i. **Taxable Revenue:** Total Projected Taxable Revenue to the community is projected at \$10 million annually.

- ii. **Community Business Revenue:** Total Operating Expenses where revenue generated into the community for services rendered are anticipated to be \$10-12 million annually.

- iii. **Construction Revenue:** Total Economic Impact on the region during the construction phase is projected to be approximately \$30 million with contractors, hotels, food services, suppliers, banks and vendors contracting their services to the project.

II. Unobstructed Deck / Bridge Hardships:

- A. Compliance with NAC 444.1333 Bridge requirements, NAC 444.134 Decks, ADA requirements and reasonable maintenance and operation needs of the facility pose a significant hardship on the business. The bridges and ramps are design to meet both ADA compliance to accommodate vehicles for reasonable maintenance and operations of the facility. Therefore, the design does not allow for a 4 foot wide unobstructed deck within 15 feet from the edge of the pool. This variance is requested in order for the facility to achieve ADA compliance.
 - B. Compliance with NAC 444.133, 444.134, ADA requirements and for reasonable maintenance and operations of the facility will require excessive cost and affecting reasonable functionality for both its patrons, maintenance and operations crews. The cost to construct a bridge and ramps to accommodate these needs would cost hundreds of thousands of dollars making it unworkable.
 - C. The required space to construct the ADA ramps and to meet the requirements of both NAC 444.134 Decks and NAC 444.1333 Bridges is not possible because of the amount of space required that will impact the flow of patron traffic within the water park causing a potential safety hazard.
 - D. In order to access the inside area of the Lazy River and to meet the NAC height requirements from water and pool floor elevations, the bridges are designed at a slight angle from the perpendicular edge requirements of NAC 444.133 2(c). The proposed angles are not to exceed +/- 20 degrees off the perpendicular edge of the pool.
3. Granting the variance will not be detrimental or pose a danger to the public health and safety.

I. Bathroom Fixtures:

- a. Cowabunga Bay has researched and proposed a realistic fixture count that is in line with water park industry standards. In addition, Cowabunga Bay is providing three (3) separate restroom facilities, strategically placed throughout the park to make restrooms easily accessible to all patrons throughout the park. Included in the requested variance, Cowabunga Bay is providing six (6) unisex family restrooms, which are highly favored by water park patrons and allows parents with small children to more conveniently utilize the facilities.
- b. The proposed bathroom fixture counts are in line with water park industry standards (standards are established by the World Water Park Association, located at 8826 Santa Fe Drive, Suite 310 Overland Park, KS 66212 Phone: 913.599.0300.) Cowabunga Bay is committed to provide adequate facilities to ensure its patrons are safe and have sanitary bathroom facilities to use.

Fixtures	Men's				Women's			Family			
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers	Toilets	Urinals	Lavatories	Showers
Required per NAC	69	69	69	172	138	69	172	-	-	-	-
UNIFORM PLUMBING CODE	9	11	8	-	32	8		-	-	-	-
PROPOSED FIXTURE COUNT											
Bathhouse	5	5	5	16	12	5	16	8	-	4	4
Secondary Restrooms	4	4	2	-	8	2	-	2	1	2	-
Ancillary Restrooms	1	2	1	-	3	1	-	-	-	-	-
Total Fixture Count	10	11	8	16	23	8	16	10	1	6	4

II. Unobstructed Decks / Bridges:

- a. Cowabunga Bay will use a third party safety compliance consultant to regularly evaluate and determine how to safely operate and staff the Lazy River with life guards to ensure the variance will not cause harm or safety issues to its patrons. In addition the slightly angled bridge designs will not pose a threat to anyone's safety.
- b. The slightly angled bridge designs will not pose a threat to anyone's safety.

III. RECOMMENDATION:

Staff is of the opinion that there exist circumstances which satisfy the requirements for a variance and that the granting of this variance will not be detrimental or pose an unreasonable danger to public health and safety so long as the following conditions are included. Therefore, staff recommends approval of the variance in accordance with the outlined conditions.

IV. CONDITIONS:

1. The petitioner agrees to increase the number of sanitary facilities should the Health Authority determine that current facilities are inadequate. Indicators of inadequate facilities include but are not limited to the following:
 - a. The patron wait time at the provided facilities exceeds three minutes
 - b. The sanitary conditions of the existing facilities cannot be maintained
 - c. The sanitary conditions of any body of water cannot be maintained

2. The petitioner agrees to increase the number of sanitary facilities as prescribed by the Health Authority according to the following timelines:
 - a. Shower heads will be added within one week of notification by the Health Authority
 - b. Restroom fixtures will be added within one calendar year of notification by the Health Authority to include: toilets, urinals and lavatories
3. The petitioner agrees to limit the park capacity to 1500 bathers should the Health Authority determine the existing facilities are inadequate
4. The petitioner agrees to maintain all other walkway area around the Lazy River accessible and free from obstruction
5. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spa Regulations, NAC 444
6. Failure of the petitioner to prevent public health and safety issues, as determined by the Health Authority, will result in the revocation of this variance
7. The variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing facilities to any other person or entity.

Member Giunchigliani questioned the number of women's facilities proposed under the variance and felt they did not meet the guidelines of the Potty Parity Law.

Member Jones recommended that language on Page 5 regarding the lifeguards be clarified that the District has final authority rather than a third party.

A motion was made by Member Jones seconded by Member Crowley to Approve the Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.214.1, NAC 444.214.2, NAC 444.278, NAC 444.133 and NAC 444.134, Henderson Water Park LLC, d/b/a Cowabunga Bay Water Park, 900 Galleria Drive, Henderson, NV 89011 with the following modification: (Page 5, Paragraph 2 –“ Cowabunga Bay will use a third party safety compliance consultant to regularly evaluate and determine how to safely operate and staff the Lazy River with life guards to ensure the variance will not cause harm or safety issues to its patrons. The District approves final plan for the life guards. In addition the slightly angled bridge designs will not pose a threat to anyone's safety.” [Assessor's Parcel Number (APN) 161-35-402-021] For Health Permits: PR0104086, PR0104426, PR0104427, PR0104428, PR0104429, PR0104430, PR0104431, PR0104432; Shane Huish, Manager/Owner's Agent.

Member Giunchigliani asked if the bridge was ADA compliant with the variance. Shane Huish, General Manager, stated that the bridge is ADA accessible; however it is at a 78 degree angle rather than 90 degrees. The other issue is the requirement of a four foot walkway around the entire length of the river, but because the bridge obstructs the 4 foot walkway, the variance requests that the sidewalk breaks and goes around the bridge rather than being up against the river. The allowance is for 20% and the obstruction is for less than 10%, no variance is required for perimeter obstruction.

The motion was carried with Member Giunchigliani casting a dissenting vote.

2. **Consider/Approve:** Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.134.1, Harrah's Las Vegas, 3475 South Las Vegas Blvd, Las Vegas, NV 89109. [Assessor's Parcel Number (APN) 162-16-312-002] For Health Permits: PR0109580; Shane Jacob, Chief Engineer/Owner's Agent; direct staff accordingly or take other action as deemed necessary (**for possible action**)

Jacque Raiche-Curl, Environmental Health Supervisor, presented the Variance Request.

I. BACKGROUND:

Harrah's Las Vegas is petitioning for a variance as requested by Shane Jacob, Owner's Representative of Harrah's, to construct a public bathing place not in compliance with the Nevada Administrative Code NAC 444.134.1, which states in part: "... a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool ..."

II. DISCUSSION:

The petitioner requests a variance to grant a condition that a pool at the Harrah's Las Vegas, NV be constructed with a raised wall 16" wide and 22" above the deck. The pool is proposed to be constructed on the second floor, near the existing main pool. The structural trusses prevent the pool from being constructed flush with the deck. 4 feet of unobstructed deck space will be provided around the entire perimeter of the pool after the raised wall. Stair entries will be provided.

The evidence presented for granting a variance to permit Harrah's Las Vegas to deviate from NAC regulation 444.134.1 accommodating a pool with a perimeter edge raised 22" above the surrounding deck, is thus:

(a) There are circumstances or conditions which –

(1) Are unique to the applicant:

A unique condition exists at this project, i.e. the building's primary structural members include substantial steel trusses, intrinsic to the design, that preclude viably being able to tie the coping elevation of the new water bodies flush with the surrounding deck elevation. The matter is resolved by raising the pool edges 22".

(2) Do not generally affect other persons subject to regulations:

Granting a variance will not affect other persons subject to regulations regarding pool deck, pool stairs/ladders. The design to the water body will comply in all respects with the requirements of Nevada Administrative Code, Chapter 444 other than the subsection cited.

(3) Make compliance with the regulation unduly burdensome:

Compliance with the current regulation would be unduly burdensome for Harrah's Las Vegas. The building's structural steel would need to be reconfigured, which would necessitate extensive additional columns and slabs, temporary property closure, very extensive demolition and reconstruction, all at an exorbitant cost.

(4) Hardships caused and substantial property right abridged by complying with the regulation include.

(i) An extremely costly reconfiguration of the building's proposed structural steel design to eliminate the trusses which create the required spans would be required, as well as a temporary property closure to complete the reconfiguration. The estimated additional cost of a reconfigured structural

system is \$4,500,000.00 and the estimated loss of revenue during the closure is \$5,070,000.00.

- (ii) Without being granted a variance to install the raised edge pool, the project would be deprived of important, high profile amenities. As well as being a swimmable body of water, the pool affords iconic, signature marketing value to the use and operation of this space. Without this the property would suffer impaired visibility, reduced property occupancy and decreased revenues. That opportunity cost is estimated to be at least \$5,070,000.00 per annum.

(b) Granting the Variance –

- (1) Is necessary to render substantial justice to the applicant and enable their preserving and enjoying a property right:**

Granting the variance will allow the use of the deck for swimming and to provide amenities offering high aesthetic value and aquatic ambiance, in conjunction with the operation of a hotel/casino, a right currently enjoyed by other nearby properties.

- (2) Will not be detrimental or pose a danger to public health and safety:**

Granting the variance will not be detrimental or pose a danger to public health and safety, because the pool will be engineered to incorporate all necessary and code mandated safety provisions, as well as additional warning tiles and markings to delineate the raised pool edge condition.

III. RECOMMENDATION:

Staff is of the opinion that there exist circumstances which satisfy the requirements for a variance and that the granting of this variance will not be detrimental or pose an unreasonable danger to public health and safety so long as the following conditions are included. Therefore, staff recommends approval of the variance in accordance with the outlined conditions.

IV. CONDITIONS:

1. The petitioner agrees to maintain the walkway area around the pools accessible and free from obstructions;
2. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spas Regulations, NAC 444.
3. Steps will be provided to exit the pool with required tread heights on both the interior and exterior of the pools;
4. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;
5. Facility will construct pool to achieve a maximum 2 hour turnover rate;
6. Pertinent design changes that deviate from the plans proposed during the initial review of this variance may void the variance;
7. This variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing pools to any other person or entity.

A motion was made by Member Smith seconded by Member Crowley and carried unanimously to Approve the Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.134.1, Harrah's Las Vegas, 3475 South Las Vegas Blvd, Las Vegas, NV 89109. [Assessor's Parcel Number (APN) 162-16-312-002] For Health Permits:

PR0109580; Shane Jacob, Chief Engineer/Owner's Agent.

3. **Consider/Approve:** Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.130.1 and NAC 444.134.1, Hotspurs Resort Nevada LTD d/b/a JW Marriott Las Vegas Resort, 221 N Rampart Blvd, Las Vegas, NV 89145. [Assessor's Parcel Number (APN) 138-29-401-011] For Health Permit: PR0013748; Allison Wilson, Operator/Owner's Agent; direct staff accordingly or take other action as deemed necessary (**for possible action**)

Jacque Raiche-Curl, Environmental Health Supervisor, presented the Variance Request.

I. BACKGROUND:

JW Marriott Las Vegas Resort is petitioning for a variance as requested by Allison Wilson, Owner's Representative of JW Marriott, to operate a public bathing place not in compliance with the Nevada Administrative Code NAC 444.130.1, which states "Every pool must be provided with a handhold around the entire perimeter of the pool, such as a perimeter overflow system, bull-nosed coping or cantilevered decking, installed not more than 9 inches (22.86 centimeters) above the waterline." And NAC 444.134.1, which states in part: "... a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool ..."

The facility was constructed in 1999 as a spa which allowed up to 50% of the deck to be obstructed and did not include the handhold requirement outlined in the pool section of the regulations. Since that time, the facility has not been operated as a spa and is unable to meet the spa circulation requirements of a 30 minute turnover cycle. This facility is more appropriately categorized as a special purpose pool. The variances applied for will affect the change in category to be in full compliance with the more appropriate categorization and better address the relevant public health concerns associated with this facility.

II. DISCUSSION:

The petitioner requests a variance to grant a condition that a pool at the JW Marriott Las Vegas Resort be operated with a waterfall constructed obstructing ~ 40% of the deck and a vanishing edge gutter system without handholds. The pool is only 18 feet wide and 3 feet deep allowing for ready access to the exposed deck on the opposite side of the waterfall.

The evidence presented for granting a variance to permit JW Marriott Las Vegas to deviate from NAC regulation 444.130.1 and 444.134.1 accommodating a pool with a deck obstruction greater than 10% and without handholds surrounding the entire pool perimeter is thus:

(a) There are circumstances or conditions which –

(1) Are unique to the applicant:

- I. Body of water was built in 1999 and constructed with current conditions of an exercise pool.
- II. Temperature of water is 82 Degrees and has an average bather load of 14 people max.
- III. Dimensions of pool 86L x 18W
- IV. The entire pool is obstructed by individual hydrotherapy units, a water feature and landscaping.

(2) Do not generally affect other persons subject to regulations:

This pool has been open and in use for 15 years and has had no prior accidents or issues.

(3) Make compliance with the regulation unduly burdensome:

- I. Financial burden estimated to be approximately \$350,000 or more due to retrofitting landscape, water feature and pool. All pumps and filters would require modification adding additional cost.
- II. Area remodel would be labor intensive due to limited access causing all construction to be completed by hand or small equipment.

(4) Hardships caused and substantial property right abridged by complying with the regulation include.

- I. Financial burden estimated to be approximately \$350,000 or more due to retrofitting landscape, water feature and pool. All pumps and filters would require modification adding additional cost.
- II. Area remodel would be labor intensive due to limited access causing all construction to be completed by hand or small equipment.
- III. Hardship on business and resort guests due to area being out of service as well as a loss of revenue to be approximately \$12,000 or more.

(b) Granting the Variance –

(1) Is necessary to render substantial justice to the applicant and enable their preserving and enjoying a property right:

Granting the variance will allow the continued use of the established exercise pool in accordance with how the facility is operated rather than trying to place the facility in to an inappropriate category for operation.

(2) Will not be detrimental or pose a danger to public health and safety:

Granting the variance will not be detrimental or pose a danger to public health and safety. The pool has been in operation for 15 years and has not record of any major illness or injury events associated with the design or routine operation of the facility.

III. RECOMMENDATION:

Staff is of the opinion that there exist circumstances which satisfy the requirements for a variance and that the granting of this variance will not be detrimental or pose an unreasonable danger to public health and safety so long as the following conditions are included. Therefore, staff recommends approval of the variance in accordance with the outlined conditions.

IV. CONDITIONS:

1. The petitioner agrees to maintain the walkway area around the front side of the pool accessible and free from obstructions;
2. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spas Regulations, NAC 444.
3. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;

4. This variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing pools to any other person or entity.

A motion was made by Member Giunchigliani seconded by Member Beers and carried unanimously to Approve the Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.130.1 and NAC 444.134.1, Hotspurs Resort Nevada LTD d/b/a JW Marriott Las Vegas Resort, 221 N Rampart Blvd, Las Vegas, NV 89145. [Assessor's Parcel Number (APN) 138-29-401-011] For Health Permit: PR0013748; Allison Wilson, Operator/Owner's Agent.

4. **Consider/Approve:** Variance Request to Operate a Public Bathing Place not in Compliance the Nevada Administrative Code NAC 444.134.1 and 444.136.3, 3535 LV Corp. dba The Quad Hotel & Casino, 3535 South Las Vegas Blvd, Las Vegas, NV 89109. [Assessor's Parcel Number (APN) 162-16-411-005] For Health Permit: SR0018274; Karyn Steenkamp, Owner's Representative; direct staff accordingly or take other action as deemed necessary **(for possible action)**

This item was removed from the agenda.

- VII. BOARD REPORTS:** The Southern Nevada District Board of Health members may identify emerging issues to be addressed by staff or by the Board at future meetings, and direct staff accordingly. Comments made by individual Board members during this portion of the agenda will not be acted upon by the Southern Nevada District Board of Health unless that subject is on the agenda and scheduled for action.

There were no Board reports.

VIII. HEALTH OFFICER & STAFF REPORTS

- CHO Comments

Dr. Iser reported on his recent meeting with the Nevada Department of Transportation (NVDOT) regarding his concern about vibrations, dust and noise at the SNPHL during the Project Neon renovation. The NVDOT has agreed to limit much of the construction to after hours in order to not impact the lab and they are willing to buy additional HEPA filters if needed.

IX. INFORMATIONAL ITEMS

A. Chief Health Officer and Administration

1. Monthly Activity Report – March 2014

B. Community Health:

1. Monthly Activity Report - March 2014

C. Environmental Health:

1. Monthly Activity Report - March 2014

D. Clinics and Nursing:

1. Monthly Activity Report - March 2014

- X. PUBLIC COMMENT:** 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. Comments will be limited to five (5) minutes per speaker. Please step up to the speaker's podium, clearly state your name and address, and spell your last name for the record. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Jacque Raiche-Curl, Chief Steward, Supervisory Unit, thanked the Board for preserving the MCH program.

Dr. Iser and the Board wished Commissioner Tarkanian, in her absence, a happy birthday.

XI. ADJOURNMENT

The Chair adjourned the meeting at 9:05 p.m.

Joseph P. Iser, MD, DrPH, MSc
Chief Health Officer/Executive Secretary

/jw