



MINUTES

Southern Nevada District Board of Health Meeting
330 S. Valley View Boulevard, Las Vegas, Nevada 89107
Conference Room 2
Thursday, August 28, 2014 - 8:30 a.m.

Rod Woodbury, Chair, called the Southern Nevada District Board of Health meeting to order at 8:39 a.m.

Annette Bradley, Attorney, noted a quorum was present at the start of the meeting with Members Woodbury, Beers, Collins, Crowley, Delaney, Dobyne, Giunchigliani, Nemec, Noonan, Osgood Scow, Tarkanian and Wagner seated.

BOARD:
(Present)

Rod Woodbury, Chair – Councilmember, Boulder City
Bob Beers – Councilmember, City of Las Vegas
Michael Collins – At-Large Member, Registered Nurse
Susan Crowley – Alternate, At-Large Environmental Specialist
Cynthia Delaney – Councilmember, City of Mesquite
Douglas Dobyne – At-Large Member, Regulated Business/Industry
Chris Giunchigliani - Commissioner, Clark County
Frank Nemec, At-Large Member, Physician
Bill Noonan – At-Large Member, Gaming
Kenneth Osgood – At-Large Member, Physician
Mary Beth Scow – Commissioner, Clark County
Lois Tarkanian - Councilmember, City of Las Vegas
Wade Wagner – Councilmember, City of North Las Vegas

(Absent):

Tim Jones – At-Large Member, Environmental Specialist
John Marz - Councilmember, City of Henderson

ALSO PRESENT:
(In Audience)

David Christensen, Alternate, At-Large Business/Industry
Marietta Nelson, Alternate, Physician

LEGAL COUNSEL: Annette Bradley, Esq.

EXECUTIVE
SECRETARY: Joseph Iser, MD, DrPH, MSc, Chief Health Officer

STAFF: Heather Anderson-Fintak, Mee Kee Chong-Dao, Richard Cichy, Alice Costello, Rosemary Ensign, Cara Evangelista, Jason Frame, Marcia Gershin, Jason Frame, Andy Glass, Victoria Harding, Forrest Hasselbauer, Jay Johnson, Ben Lehari, Cassius Lockett, Dan Musgrove, Shirley Oakley, Mars Patricio, Jacque Raiche-Curl, Jacqueline Reszetar, Joann Rupiper, Jennifer Sizemore, Bonnie Sorenson, Leo Vega, Jacqueline Wells, Joseph Yumul

PUBLIC ATTENDANCE:

<u>Name</u>	<u>Representing</u>
Dolores Bodie	SEIU
Jamey Bailey	SEIU
Jeffrey Share	Clark County Department of Finance
Kathleen Peterson	College District/Hospital
Christopher Larsen	PGAL, LLC

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OATH OF OFFICE: Alternate At-Large Members Susan Crowley, Environmental Health Specialist and David Christensen, Regulated Business/Industry were sworn in by Jacqueline Wells, Executive Assistant.

RECOGNITIONS:

- **Mars Patricio, Financial Services Manager** accepted the Certificate of Achievement for Excellence in Financial Reporting on behalf of the District's Financial Services program for the comprehensive annual financial report (CAFR) for FY2013. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. This is the eleventh consecutive year that SNHD has received this prestigious award. Dr. Iser also announced that Mr. Patricio has submitted his retirement plans and will be leaving at the end of the year.
- **Richard Cichy, Community Health Nurse Manager, JoAnn Rupiper, Community Health Nurse Supervisor, Mee Kee Chong-Dao, Community Health Nurse Supervisor,** demonstrated exceptional dedication to childhood immunizations and accepted on behalf of the immunizations program, a 2014 Southern Nevada Silver Syringe Award for "Outstanding Childhood Immunization Program". This program also received Senatorial Recognition from Senator Dean Heller and a Certificate of Commendation from Senator Harry Reid.
- As a pharmacy partner that demonstrated exceptional dedication to immunizations, **Dr. Christina Madison, Clinical Pharmacist,** earned a Silver Syringe Award for "Outstanding Pharmacy Immunization Program". Dr. Madison also received Senatorial Recognition from Senator Dean Heller and a Certificate of Commendation from Senator Harry Reid.

- 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.

Seeing none, this portion of the meeting was closed.

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

Dr. Iser advised that Item V.3., Petition #19-14, SNHD Personnel Code, is not fully prepared and will be tabled from the August agenda and presented at a later date.

A motion was made by Member Beers seconded by Member Crowley and unanimously carried to adopt the August 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:** July 24, 2014 (*for possible action*)
2. **PETITION #17-14:** Approval of Interlocal Agreement Between the City of Las Vegas and Southern Nevada Health District for the lease of property at City of Las Vegas Development Services Center; direct staff accordingly or take other action as deemed necessary (*for possible action*)

3. **PETITION #21-14:** Approval of Interlocal Agreement Between the City of Mesquite and Southern Nevada Health District for the lease of property at Mesquite Public Health Center, 830 Hafen Lane, Mesquite, NV 89027; direct staff accordingly or take other action as deemed necessary (**for possible action**)
4. **PETITION #18-14:** Approval of Chief Health Officer and Director of Administration as persons responsible for development, award and proper administration of all purchases and contracts; direct staff accordingly or take other action as deemed necessary (**for possible action**)

Member Beers asked if there was any conflict of interest with him and Member Tarkanian voting on the City of Las Vegas contract as they are both Council Members of the City of Las Vegas. Ms. Bradley advised they were not involved in the details of the lease, therefore, voting is not in conflict with their duties of the board. Ms. Bradley added the same applies to Member Delaney regarding the City of Mesquite lease.

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

IV. 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.

1. **Consider/Approve:** Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.210.1, NAC 444.210.3(a), and NAC 444.210.4. Greystone Nevada, LLC d/b/a Marvella, 4960 American Plum, Las Vegas, NV 89147. [Assessor's Parcel Number (APN) 163-30-115-027] For Health Permit: PR0107421; Jeremy Parness, Operator/Owner's Agent Marvella Splash Pad Variance; direct staff accordingly or take other action as deemed necessary (**for possible action**)

Jacque Raiche-Curl, Supervisor, Environmental Health Aquatic Health Program, presented the variance request from Marvella, petitioning for a variance as requested by Jeremy Parness, Owner's Representative of Marvella, to operate a public bathing place not in compliance with the Nevada Administrative Code NAC 444.210, which states in part: "*Dressing facilities, shower facilities and drinking fountains conforming to the minimum requirements of this section must be provided for each public bathing or swimming facility...*" NAC 444.210 3(a), which states in part: "*...not more than 10 percent of bathers will have to travel more than 300 feet (91.4 meters) to sanitary facilities.*" And NAC 444.210.4 which states in part: "*For distances greater than that provided...the following minimum sanitary facilities must be provided in the bath house: Mens—1 water flush toilet, 1 lavatory, 1 shower; Womens—1 water flush toilet, 1 lavatory, 1 shower.*" The Nevada Administration Code (NAC) does not recognize the distinction between a pool and/or splash pad. The NAC requires that a public restroom with shower facilities be constructed. This residential development does not have the ability to expand or increase the number of residences or users beyond the proposed three phases outlined in the subdivision plans.

The petitioner requests a variance to eliminate the restrooms as required by regulation at this particular location. The petitioner states that the "... splash pad is located within a gated single family residential community consisting of 117 single family residences. Since the community is fully gated and has restricted access, the general public will not be able to utilize this facility. The furthest residential unit is 1,047 feet east of the splash pad. Furthermore 90% of the community is within a reasonable walking distance of 850 feet. This

is a splash pad and total submersion under water is not possible. The facility is also equipped with a master timer which restricts hours of operation to 9:30 a.m. through 7:00 p.m. during summer months. Additional time restrictions are present. The three pieces of spray equipment are set on individual timers. These timers allow the individual pieces to operate for no more than a minute and then cycle to the off position. This greatly limits the amount of water used at each piece of play equipment. This requested variance is for a single and isolated case that will not adversely impact the general public or the residence of this community." The petitioner asks for consideration in granting this variance for this particular location."

The evidence presented by the petitioner to meet the minimum standard set forth in NAC 439.240 for the granting of a variance, to permit Marvella to deviate from NAC regulation 444.210.1 444.210.3a and 444.210.4 accommodating a splash pad where 90% of the residents having to travel more than the required 300 feet to the nearest restroom, drinking fountain and shower facility is thus:

(a) There are circumstances or conditions which –

(1) Are unique to the applicant:

Construction of a restroom in this location would quickly become a target for vandals and vagrants. This in-turn will create an unwelcome situation for the existing residence. With these elements in mind safety would quickly become paramount to the adjacent homeowners. Cost would further become an issue with the necessity of a guard or other security measures to help ensure the safety of the homeowners. This in the end may have the unintended consequence of shuttering the splash pad. We would therefore request that required restroom be waived at this location only.

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

The splash pad is located within a gated single family residential community. The splash pad will NOT be open or available to the general public. The improvements in and around the facility are complete including roadways, curb, and sidewalk. This makes for easy and quick access to and from each residential unit within the subdivision to the splash pad.

(3) Make compliance with the regulation unduly burdensome:

The splash pad and its associated facilities are fully constructed and installed at this time. Bids for the construction of restrooms have come in excess of \$145,000. The high cost is due in large part to the construction of a facility to withstand any type of vandalism.

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

Since this project does not have the ability to increase the number of users or homes, the ability to defer or spread the added cost for the ongoing maintenance, upkeep, and security of the restrooms does not exist. This in turn will result in a significant increase in the assessments paid by the residents.

(b) Granting the Variance –

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

The request is for a stand-alone recreational splash pad. The splash pads filtration system is properly sized to accommodate this specific use. The splash pad is located within a private gated community that is not accessible to the general public. This splash pad and its associated facilities are fully constructed and there will not be any expansion of these facilities, therefore this is a single issue variance. The furthest

residential unit is 1,047 feet east of the splash pad; more than 65% of the community is within a reasonable walking distance of 470 feet from the splash pad.

Staff is of the opinion that the variance candidate does not meet the necessary criteria to grant a variance. NAC 439.240, paragraphs 1-2 set standards that must be met for the granting of a variance. A variance application must show conditions or circumstances that:

- (1) Are unique to the applicant;
- (2) Do not generally affect other persons subject to the regulation;
- (3) Make compliance with the regulation unduly burdensome; and
- (4) Cause a hardship to and abridge a substantial property right of the applicant.

Granting the variance:

- (1) Is necessary to render substantial justice to the applicant and enable the applicant to preserve and enjoy his or her property right; and
- (2) Will not be detrimental or pose a danger to public health and safety.

Whenever an applicant for a variance alleges that he or she suffers or will suffer economic hardship by complying with the regulation, the applicant must submit evidence demonstrating the costs of compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable.

The Applicant states:

"Construction of a restroom in this location would quickly become a target for vandals and vagrants. This in-turn will create an unwelcome situation for the existing residence. With these elements in mind safety would quickly become paramount to the adjacent homeowners. Cost would further become an issue with the necessity of a guard or other security measures to help ensure the safety of the homeowners. This in the end may have the unintended consequence of shuttering the splash pad."

Staff response:

The applicant indicates that the splash pad is in a gated development which would eliminate non-residents from utilizing the splash pad. This same argument would apply to keeping out vandals and vagrants. The existence of restroom facilities across the Las Vegas Valley has not proven in and of itself to be a particularly strong attractant to vagrants in existing bathing facilities associated with other communities. NAC 439.240(a) (1) requires that the circumstances be unique to the applicant. This circumstance would apply equally to all such re-circulated splash pad developments throughout Clark County, and would therefore not be unique to the applicant.

The Applicant states:

"The splash pad is located within a gated single family residential community. The splash pad will NOT be open or available to the general public. The improvements in and around the facility are complete including roadways, curb, and sidewalk. This makes for easy and quick access to and from each residential unit within the subdivision to the splash pad."

Staff Response:

NAC 439.240(a) (2) requires that there be circumstances or conditions which do not generally affect other persons subject to the regulation. Again, this circumstance would apply equally to all such re-circulated splash pad developments throughout Clark County, and would therefore affect all such developments currently in operation as well as those constructed in the future.

The Applicant states:

"The splash pad and its associated facilities are fully constructed and installed at this time. Bids for the construction of restrooms have come in excess of \$145,000. The high cost is due in large part to the construction of a facility to withstand any type of vandalism."

Staff Response:

The cost of the addition of the required restroom facilities would have been mitigated if the applicant had submitted the development of the splash pad to the Health Authority prior to construction as required by Law (NRS 444.080 paragraph 2). Had such plans been submitted to the Health District prior to construction, the defect would have likely been detected and the applicant advised of the need for restrooms, thus reducing costs.

As there exist no conditions that could be applied in this circumstance that would mitigate the potential public health risks associated with the failure to comply with the NAC 444.210 requirement for restroom and shower installation at a public bathing facility, staff must recommend denial of this variance request. Such regulatory requirements exist to reduce the likelihood of excessive organic load being introduced to the body of water being treated. With a splash pad, which collects filters and disinfects a proportionally smaller volume of water over a larger surface area, the effect is further enhanced. Thus, the likelihood of proper filtration and disinfection is reduced.

NAC 439.240 Approval by State Board of Health. ([NRS 439.150](#), [439.190](#), [439.200](#))

1. The State Board of Health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant;
 - (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
 - (b) Granting the variance:
 - (1) Is necessary to render substantial justice to the applicant and enable the applicant to preserve and enjoy his or her property right; and
 - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he or she suffers or will suffer economic hardship by complying with the regulation, the applicant must submit evidence demonstrating the costs of compliance with the regulation. The Board will consider the evidence and determine whether those costs are unreasonable. [Bd. of Health, Variances Reg. §§ 2.7-2.8, eff. 10-16-80; A 2-5-82; 1-19-84]

Ms. Raiche-Curl noted the proper building permit was obtained from Clark County, however the facility did not obtain any permit from the District.

After a brief discussion, a motion was made by Member Giunchigliani seconded by Member Beers to deny the variance and require them to change out the system or come into compliance otherwise.

Ms. Raiche-Curl confirmed the facility has three legal options to choose from to be compliant.

Member Delaney asked how Marvella was able to obtain a building permit to build the system without a bathroom. Ms. Raiche-Curl stated typically, when a plan is submitted for a public bathing place, it comes to the District first, as building permits will not accept a plan until it is first approved. The problem with the splash pads is so many of them are flow through systems, the building department is accustomed to accepting them without the District's approval as the District does not have a role in flow through systems. Member Delaney

stated this issue needs to be addressed in that it can become a costly problem if this step is missed.

Member Scow requested the motion be clarified to include Marvella's option to come back to the board for approval after modifications are made.

Member Nemec inquired about the impact on water conservation as the District is encouraging flow through splash pads over re-circulating systems. Ms. Raiche-Curl advised that the District's role is disease prevention and the Water Authority is the entity that would address that issue.

Member Wagner agrees that the variance should be denied, however he is concerned about the fact that the investment is done, it was approved by people that were supposed to know, and the business owner, who didn't do anything wrong, is now facing substantial financial burden to be compliant. Jackie Reszetar, Director of Environmental Health stated that there needed to be communication with the building department to discuss this issue and educate the business owners.

Member Giunchigliani is looking into how splash pads, whether free flow or recycling, are handled by the business department and believes this is an easy fix.

Member Giunchigliani clarified the motion is to deny the variance but it does not prevent them from coming forward with choosing what change they want to come into compliance.

Member Beers suggested the Building Trade Association be notified of this situation and asked to publicize to their professionals that a re-circulating splash pad is different and requires health district approval. Regarding the conservation of water, as long as the water goes into the sewage system it will be treated, brought to pure level, discharged into Lake Mead and water credits are received to pull it out again. If it goes into the storm drain, it doesn't help, but if it goes into the sanitary sewer line, the water is returned.

Dr. Iser stated that encouraging water recycling and discouraging wanton use of water could be placed on the legislative agenda.

Chair Woodbury disclosed more than ten years ago he represented Greystone Nevada, LLC and had dealings with Mr. Jeremy Parness, Operator/Owner's Agent. Ms. Bradley acknowledged there is no conflict.

*The motion made by Member Giunchigliani seconded by Member Beers to **deny** the Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.210.1, NAC 444.210.3(a), and NAC 444.210.4. Greystone Nevada, LLC d/b/a Marvella, 4960 American Plum, Las Vegas, NV 89147. [Assessor's Parcel Number (APN) 163-30-115-027] For Health Permit: PR0107421; Jeremy Parness, Operator/Owner's Agent was unanimously carried.*

V. REPORT/DISCUSSION/ACTION

1. Review and/or Update Board of Health Committees and Committee Memberships; Direct staff accordingly or take other action as deemed necessary (*for possible action*)

Ms. Bradley noted in accordance with Board Governance Policies (BGPs), committees are updated annually in August. The current committee list has already been distributed to board members as well as a list of members who submitted Committee Participation Interest forms. Ms. Bradley clarified that alternates may serve as long as the regular member is unavailable or chooses not to serve and the Chair selects the chair of the respective committees.

Chair Woodbury confirmed that the strike-outs on the current list indicate the member is no longer a board member or is no longer a primary member.

Chair Woodbury reviewed the committees as follows:

At-Large Member Selection

Current members are:

1. Chris Giunchigliani – Chair
2. ~~Alan Litman~~
3. John Marz
4. Lois Tarkanian
5. Wade Wagner
6. Rod Woodbury

A Committee Participation Interest form was received from Member Giunchigliani and Members Tarkanian and Wagner expressed interest in remaining on the committee.

A motion was made by Member Giunchigliani seconded by Member Collins and carried unanimously to reduce the At-Large Member Selection Committee from six to five members by not replacing former Member Litman.

Audit Committee

Current members are:

1. Bob Beers – Chair
2. ~~Susan Crowley~~
3. ~~Alan Litman~~
4. John Marz
5. ~~Lori Winchell~~
6. Rod Woodbury

Committee Participation Interest forms were received from Members Osgood and Dobyne and Member Crowley expressed interest in remaining on the committee.

A motion was made by Member Beers seconded by Member Tarkanian and carried unanimously to update the Audit Committee as follows:

1. Bob Beers – Chair
2. Susan Crowley
3. Doug Dobyne
4. John Marz
5. Kenneth Osgood
6. Rod Woodbury

Dr. Iser noted that this committee has been renamed as “Finance Committee” and will be reflected in the update.

CHO Annual Review Committee

Current members are:

1. Rod Woodbury – Chair
2. Chris Giunchigliani

3. Frank Nemeč
4. Tim Jones
5. Bill Noonan
6. Mary Beth Scow

Committee Participation Interest forms were received from Members Dobyne, Jones, Scow, Giunchigliani and Noonan. Member Nemeč is interested in remaining on the committee.

A motion was made by Member Giunchigliani seconded by Member Beers and carried unanimously to update the CHO Annual Review Committee as follows:

1. Rod Woodbury – Chair
2. Chris Giunchigliani
3. Doug Dobyne
4. Tim Jones
5. Bill Noonan
6. Mary Beth Scow

Ms. Bradley noted consideration should be given to having at least one physician on the CHO Annual Review Committee due to Dr. Iser's role; the input from a physician could be critical.

Nomination of Officers

Current members are:

1. Lois Tarkanian – Chair
2. Bob Beers
3. ~~Susan Crowley~~
4. Tim Jones
5. ~~Al Litman~~

No Committee Participation Interest forms were received for this committee and Member Crowley is interested in remaining on the committee. Member Crowley noted that she and Member Jones now represent the Environmental Health At-Large position and she will withdraw her interest as Member Jones is the primary. Member Giunchigliani noted that Member Jones chose not to submit interest in this committee. Member Scow recommended Member Delaney as member and Member Collins expressed interest.

A motion was made by Member Giunchigliani seconded by Member Tarkanian and carried unanimously to update the Nomination of Officers Committee as follows:

1. Lois Tarkanian – Chair
2. Bob Beers
3. Susan Crowley
4. Michael Collins
5. Cynthia Delaney

Ad Hoc – CHO Succession Committee

It was determined that this committee is dissolved and will be reconstituted as needed.

At Hoc – Replacement Facility

Current members are:

1. Rod Woodbury – Chair

2. ~~Susan Crowley~~
3. Bill Noonan
4. Mary Beth Scow
5. Lois Tarkanian
6. Lori Winchell

The Ad-Hoc committees were not listed on the Committee Participation forms. Member Giunchigliani recommended that this committee be dissolved for now as Dr. Iser has been working very closely with the board. When a facility is secured there may be a need to reconstitute the committee at that time. Chair Woodbury suggested that the committee be updated at the present time. Members Crowley, Noonan, Scow and Tarkanian wished to remain on the committee.

A motion was made by Member Giunchigliani seconded by Member Tarkanian and carried unanimously to update the Ad-Hoc Replacement Facility Committee as follows:

1. Rod Woodbury – Chair
2. Susan Crowley
3. Bill Noonan
4. Mary Beth Scow
5. Lois Tarkanian
6. Chris Giunchigliani

Medical Corridor Committee

Member Tarkanian expressed that although this committee has not met regularly, she would like to see it kept in place as several groups are now working on establishing the Medical Corridor.

Current members are:

1. Lois Tarkanian – Chair
2. Bob Beers
3. Chris Giunchigliani
4. ~~Marietta Nelson~~
5. Mary Beth Scow
6. ~~Lori Winchell~~

Although this committee was not listed on the Committee Participation form, Member Jones expressed interest. Members Beers, Giunchigliani and Scow would like to continue on this committee. Member Giunchigliani recommended Members Nemec and Collins.

A motion was made by Member Giunchigliani seconded by Member Tarkanian carried to update the Medical Corridor Committee as follows:

1. Lois Tarkanian – Chair
2. Bob Beers
3. Chris Giunchigliani
4. Frank Nemec
5. Mary Beth Scow
6. Michael Collins

This motion was opposed by Member Crowley.

A motion was made by Chair Woodbury seconded by Member Giunchigliani and carried unanimously to make Member Jones the alternate for this committee.

Member Nemec left the meeting at 9:39 a.m.

2. **PETITION #16-14**: Approve Five-Year General and Supervisory Collective Bargaining Agreements ratified on August 20, 2014 by the District's SEIU Local 1107 Supervisory and Non-Supervisory Bargaining Units; direct staff accordingly or take other action as deemed necessary (***for possible action***)

Member Giunchigliani left the meeting at 9:40 a.m.

Shirley Oakley, Human Resources Administrator, and Andy Glass, Director of Administration, introduced the Interest Based Bargaining (IBB) team consisting of, in addition to herself and Mr. Glass, Jacque Raiche-Curl, Cara Evangelista, Amanda Reichert, Victoria Harding, Lorraine Oliver, Jennifer Bowers, Janet Webster, Rosemary Ensign, Dolores Bodie (SEIU), Jamie Bailey (SEIU), Annette Bradley, Paul Klouse, Jackie Reszetar, Bonnie Sorenson. The team worked together collaboratively to complete collective bargaining agreement in four months.

Ms. Oakley stated twenty-one articles were modified, three new articles were presented and four articles were economic based.

*Member Nemec returned 9:42 a.m.
Member Giunchigliani returned at 9:42 a.m.*

Member Osgood confirmed with Ms. Oakley there is nothing unique in this contract that is not consistent with contracts of the other public entities.

Member Noonan asked if the contract changes would have any impact on employee Public Employee Retirement System (PERS). Mr. Glass stated PERS increases may occur on a biannual basis and the contract provides for a 50/50 split between employees and the District when future increases occur.

Dr. Iser commended the IBB team on their effort and recommended the board approve the proposed contracts.

Member Collins disclosed he is Trustee At-Large with Local SEIU and the members of the SEIU at the district are his constituents so it may not be appropriate for him to vote although he is aware of his fiduciary responsibility to the board. Ms. Bradley asked Mr. Collins if his statement meant he would be abstaining from the vote to which he confirmed. Member Giunchigliani stated under state law, Mr. Collins could not abstain without declaring the exact reason where the conflict of interest exists. If he were a member of the bargaining unit that actually receives a salary or negotiated the contract, it would cause recusal, otherwise there should not be an issue. Ms. Bradley informed disclosure favored, abstention is not and the individual member has to make the decision as to whether they can be impartial and do their job on both sides. Mr. Collins explained he felt disclosure was a necessity and thinks in this instance, abstinence is necessary only if it is a point of contention with the other board members. Member Collins then asked the other board members if there were objections to his participation in this vote and there were none.

A motion was made by Member Giunchigliani seconded by Member Tarkanian and unanimously carried to Approve Five-Year General and Supervisory Collective Bargaining Agreements ratified on August 20, 2014 by the District's SEIU Local 1107 Supervisory and Non-Supervisory Bargaining Units as presented.

Member Scow left the meeting at 9:50 a.m. and did not return

3. **PETITION #19-20**: Approve revisions to the Southern Nevada Health District Personnel

Code; direct staff accordingly or take other action as deemed necessary (**for possible action**)

This item was tabled from the August 28, 2014 agenda.

- VI. 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.

Member Nemec left the meeting at 9:55 a.m. and did not return

Member Giunchigliani reported speaking to Mary Wherry, Nevada Division of Public and Behavioral Health, who is providing training to groups who would like to become third party payors to generate revenue through Medicaid funds. Ms. Wherry has offered her services to the district. Dr. Iser added Ms. Wherry's offer completed the loop as he has recently met with Nevada Division of Public and Behavioral Health staff Romaine Gilliland, Director, Richard Whitley, Administrator, and Dr. Tracey Green, Chief Medical Officer, regarding same. Dr. Iser welcomes all assistance and plans to follow up and seek assistance from these individuals.

Member Giunchigliani stated the decision was made by former management for the district to have no participation in the Women, Infants, and Children (WIC) program and she would like to re-discuss. Dr. Iser disclosed he spoke to Mr. Gilliland, Mr. Whitley, and Dr. Green about this program during their recent meeting and they are open to the district having it again. There are currently contracts with WIC providers in Las Vegas and as those come up for renewal discussion will continue to occur. This is the first jurisdiction Dr. Iser has worked in that does not have WIC and getting it back is one of his goals. Bonnie Sorenson, Director of Clinics and Nursing Services explained it was Dr. Kwalick, former Chief Health Officer, who diffused the WIC program, as at the time it was costing the district too much to operate as more money was going to the community-based operations. Things have now completely changed financially and WIC is self-sufficient.

Member Osgood offered his assistance to the district in starting the WIC program back and setting up mechanisms to improve reimbursement compensation from Medicaid and the private sector.

VII. HEALTH OFFICER & STAFF REPORTS

- CHO Comments
 - Now that there is a full management staff, Dr. Iser has been able to meet with more community members and is working with Dan Musgrove, Legislative Consultant, to meet with members of the Senate and Assembly. Dr. Iser also met with the Emergency Medical Services L2K sub-committee and Republic Services management staff.
 - Legislative Agenda - Dr. Iser presented the legislative priorities as:
 1. Keep the Southern Nevada Health District intact and positioned to best serve the residents and visitors of Clark County.
 2. Support legislative initiatives that would provide funding mechanisms to sustain public health programs and infrastructure.
 3. Support legislation that would provide further protections for the public and employees from the harmful effects.

Member Dobyne supports adding recycling to the legislative agenda.

Jennifer Sizemore, Public Information Manager presented the list of BDRs that are currently being tracked. This document will be updated and emailed to the Board

members. Member Giunchigliani suggested that the district request from the legislature that recyclers are required to report by jurisdiction.

- o Building Update – Dr. Iser reported the active sites currently in negotiations are 238 S. Decatur, 330 S. Valley View, Campbell/Charleston, Sahara/Valley View (old Wells Fargo building) and Boulevard Mall (old Dillard’s building). Negotiations and search for a new building will continue.
- o Dr. Iser advised his annual board review is due in September; however he preferred it be done in October due to the scheduled retreat. Ms. Bradley asked Ms. Wells to contact the members of the CHO Annual Review Committee to begin scheduling the meeting.

Member Noonan left the meeting at 10:15 a.m. and did not return

VIII. INFORMATIONAL ITEMS

1. Chief Health Officer and Administration

A. Monthly Activity Report – July, 2014

2. Community Health:

A. Monthly Activity Report – July, 2014

3. Environmental Health:

A. Monthly Activity Report – July, 2014

4. Clinics and Nursing:

A. Monthly Activity Report – July, 2014

XI. 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.

Victoria Harding, SEIU Vice President, General Unit, commented the contract affects everyone and thanked the employees who voted to ratify and the board for approving. Ms. Harding recognized that benefits in this contract will apply differently to employees hired after July 1 and there is no cost of living increase. The Union did everything within its power to help the district and wants it to be around forever and the employees are doing their fair share to ensure that the district remains alive.

Cara Evangelista, SEIU, Chief Steward, General Unit, acknowledged employees have voted to sacrifice to support the district in becoming solvent. Hopes are the district improves financially, the building settles and growth will be seen in three years. As next steps, management has agreed to work on collaborative policy and training regarding contract interpretation to ensure both union and management is on the same page. Ms. Evangelista noted the last contract went eighteen months in negotiation and this contract was done in four months and union and management will be working together to enact.

Member Tarkanian suggested the board send a thank you to the union management and employees thanking all for their effort and recognizing the sacrifices that were made. Dr. Iser advised the board if they wanted to compose an email he would be happy to send it to all employees on their behalf. Chair Woodbury publicly thanked the IBB team and agreed that a letter would be appropriate. Member Giunchigliani also agreed and added there are still some

cultural and financial issues and former mismanagement dollars have been paid for by employees. Member Giunchigliani hopes that going forward the district heals and moves forward positively.

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

XII. ADJOURNMENT

The Chair adjourned the meeting at 10:32 a.m.

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

/jw