



MINUTES

Southern Nevada District Board of Health Meeting Environmental Health Fee Committee Meeting May 7, 2019 - 3:00 p.m.

**Southern Nevada Health District, 280 S. Decatur Blvd., Las Vegas, Nevada 89107
Red Rock Conference Room**

**MEMBERS
PRESENT**

Erica Arthur, Ovation Properties
Nicole Brisson, Board of Health
Chris Darling, A Track Out Solution
Katherine Jacobi, Nevada Restaurant Association
Norberto Madrigal, Lunas Construction
Scott Nielson, Board of Health
Virginia Valentine, Nevada Resort Association

**MEMBERS
ABSENT**

Brooke Egan, Lennar
Brian Wursten, Board of Health

**ALSO PRESENT:
(In Audience)**

Sakena Alhassan, JRS Hospitality
Jamie Batahas, Dragon LLC
Paul Beckstrom, Cosmopolitan
Jim Chachas, Hobbs, Ong & Associates
Cassandra Cuss, Dragon LLC
Michelle Flater, Wynn
Davene, Godfrey, SEIU
Carolyn Ivey-Mitchell, Impact Food Safety
Allison Moderson, Wynn
Derek Muaina, Western Elite
Keith Norman, South Point
Moises Orozco, Dragon LLC
Alejandro Parra, Dragon LLC
Randall Petus, SEIU
Jeff Seavey, Caesar's Entertainment
Brisa Stephani, Impact Food Safety
Lindy Suns, Starbucks
Deja Wargo Cole, SEIU
Airite Williams, Dragon LLC
Tammi Williams, MGM Resorts

LEGAL COUNSEL:

Annette Bradley, General Counsel

**EXECUTIVE
SECRETARY:**

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

STAFF:

Ernest Blazzard, Andy Chaney, Heather Hanoff, Victoria Harding, Robert Newton,
Brian Northam, Larry Rogers, Walter Ross, Thomas San Nicolas, Christopher
Saxton, Herb Sequera, Karla Shoup, and Mimi Ujije

I. CALL TO ORDER

Chair Nielson called the Southern Nevada District Board of Health Environmental Health Fee Committee meeting to order at 3:01 p.m.

II. PUBLIC COMMENT:

Brisa Stephani, Impact Food Safety: She just had a few questions or comments on what was provided. She wanted to start with the Environmental Health (EH) Presentation. On Slide 5, staff talk about a third-party company that designates overhead costs or cost allocation. However, shouldn't overhead be what it actually costs to support EH? Staff use a formula but don't provide what that formula consists of. On Page 6, where it lists the cost allocation, keep in mind that there are 150-160 people in EH. There is a line item for building costs that says approximately \$123K. She guesses that is for rent or utilities even though SNHD owns the building. However, if that is the case, then the rest of those allocations should be support staff or employees. For example, based on the numbers, IT is \$1.3 million. If we take each employee at \$100K which is kind of high, that would be 13 people in IT to support about 150 people in EH. How many people are in IT? If you use that same theory with Facilities, it would be about six people. Four people in HR and that's just to name a few. Also, she wanted to talk about Slide 8 where it talks about Risk Categories 3 and 4 needing two inspections. Please keep in mind that this is an internal policy; it's not required. It's to meet voluntary retail program standards. Slide 13 talks about downgrade fees. We don't agree with there being B Downgrade fees because it only takes about three violations to get a B Grade and it's not money that is included in the originally requested fee raise of 19.6%. It would be an extra approximately one million dollars on top of that if they go forward with increasing downgrade fees. We do not see anything listed as far as how much time is spent on grants and how much EH salary is spent on meeting those grants. Staff also ask for 11 extra staff for Food Operations. However, the Training Office is very top heavy. She would think SNHD would want to dip into that working pool first to utilize some of those resources. Ultimately, based on the numbers provided, we saw that Food Operations makes money. She does not see a need or agree with a 19.6% increase in fees. Even though there are programs that are underfunded, why should food permit owners have to pay full price for those programs. Thank you.

Regena Ellis, SEIU: She wanted to address a couple of things. One of them is the recommendation to have the Consumer Price Index (CPI) of 3% to increase fees. Right now, we are currently in negotiations and we have been offered a 1% COLA from management. We have one third of our bargaining unit that are topped out, so we have also at times asked to follow the CPI and we are offered a 1% Cost of Living Adjustment (COLA). About 1/3 of the employees do not receive any raise or step increases and we are being offered a 1% COLA. We also must take into consideration that the health insurance fees this year increased by 9.9% so if you have a family or spouse or children, that's how much your health insurance premiums have go up. EH has always been self-sufficient. They operate on a miniscule amount of 8010 dollars. They operate off permit fees and contracts. When you look at the overtime information provided, it goes from FY13 to FY19 from roughly \$247K down to \$20K. When you look at that decrease, what happens is this. Temporary food establishment and special event fees are collected but employees are forced to adjust their schedules to avoid the payment of overtime. In some the Committee questions in the background material, it looks like you are trying to figure out what employees are doing. When you see the overtime decrease, there is a reason for that. Temporary food establishments and special event fees are being collected, but the employees are forced to adjust their schedules so they don't receive overtime. Since they are doing special events, they don't have enough time to do their other regular work. Employees are getting paid from the permit fee and the special event fee is supposed to cover the cost of overtime because overtime is included in the fee. Where is the portion of the fee for overtime going? It doesn't seem to be going to the employees. She would like to discuss compensatory time or comp time because it has been proposed to us in our contract negotiations that comp time be eliminated. Comp time is something that you earn when you have overtime. In lieu of being paid overtime, you are earning comp time at 1.5 hours for every hour. Since employees are forced to adjust their schedules and do temporary events, they can't complete their normal duties compared to previous years. In previous years, they were doing their duties and these other duties were on the side. They were in addition to and that's where you saw the overtime at a certain level and now it's plummeted down. Regarding subcontracting, she would

agree and prefer that SNHD employees do this type of work. It maintains the integrity of the work and it also displays the diversity of our work force. We have a Swing Shift that works weekends and evenings responding to Solid Waste calls. Management is directing the Swing Shift to respond to Solid Waste calls to avoid overtime and standby pay. (Five minutes was reached and called by Heather Hanoff.) Thank you for your time.

Victoria Harding, SNHD & SEIU: For those people that don't know her, she is the Chief Steward of the General Unit here which encompasses at least 400 employees and almost all of EH except for the managerial level. She has a big ask today. It's unusual to see SEIU in the house for something that is a fee increase. We normally don't have anything to do with that; however, this fee increase has somehow been tied to our bargaining and raises. What happened is that we have a deadline. On July 1, our contract is over, so we need to have a contract in place by then. This means that we have three more dates to bargain, two at the end of May and one in the middle of June. The one in June must be our last date to bargain because we must have all the employees signoff on it and get it to the Board at the June meeting so that employees can their step increases and raises by July 1. We are working with a tight framework here and it hasn't been going nicely or easily. We have asked the Board for some help with that and it is going a little bit better. We did get some dates on the table. However, SNHD is trying to get fee increases through very quickly because this is tied to our raises. We can't get raises unless this whole \$3.5 million is passed. She appreciates everyone on the Committee for deciding that they would take it slow and do it properly. Our bargaining has now stalled. We got put forth some proposals that say as of July 1st, employees will not get any step increases until our contract is signed. If it's held up and it's not until August, September, or October, we have people that will not get a step increase. It's very clear that they are trying to use force on us to bargain on something that is against you guys. She finds that to be ridiculous! The Committee is all good people. If you can stop yourselves from being fleeced, we can stop ourselves from being fleeced. Management is sitting in the middle of this. The only way to take them out of it and for us to solve this in an adult manner is to have the Board put off the fee increases until our contract is done, over, and bargained. The benefit to this is that you will have real numbers to go use for the next three, four, or five years to determine what EH will actually cost as far as employees go. Right now, it's speculation on your end, it's speculation on our end, and that's not good for anybody. We need to use real numbers and we really need to move forward with our bargaining. She really hopes that we can put this off. Thank you.

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

III. **ADOPTION OF THE MAY 7, 2019 AGENDA (for possible action)**

A motion was made by Member Valentine, seconded by Member Jacobi, and unanimously carried to adopt the May 7, 2019 Agenda as presented.

IV. **REPORT / DISCUSSION/ ACTION:**

1. **Approve Environmental Health Fee Committee Meeting Minutes** – April 5, 2019, direct staff accordingly or take other action as deemed necessary (***for possible action***)

This action item was not discussed and will be put on the next Environmental Health Fee Committee meeting agenda.

2. **Receive Staff Report and Recommendations Regarding Proposed Environmental Health Fee Schedule Changes:**

Chair Nielson reminded everyone that the Committee was formed to gather the necessary information, consider it, and then make recommendations to the Board of Health (BOH). Recommendations might be changes in policy, in what's included in EH, how programs are

paid for, budgetary items, and/or functional changes. Then staff will conduct public workshops with those recommendations. The public will be able to support, oppose, or comment on the recommendations. After the workshops, the Committee may meet again to amend the recommendations. Then those will go to the BOH for a vote but he doesn't know when that will happen. There were no additional member comments.

a. Discuss the Proposed Environmental Health Fee Schedule Changes

Christopher Saxton, Environmental Health Director, presented the EH Presentation addressing questions from the previous meeting. Ernest Blazzard, Financial Services Manager, presented the Finance portion of the presentation. The EH Managers presented their program information. Larry Rogers discussed Food Operations, Karla Shoup discussed Consumer Health Programs, and Herbert Sequera discussed Solid Waste Programs.

Mr. Saxton said the BOH direction for the Environmental Health Fee Committee is to review the prior year's fee collections and expenditures, review projected needs, and propose new fee rates for the fiscal year. He would like to stay on scope with this direction.

Finance

Ernest Blazzard said staff identified two key priorities for EH. The first priority right sizes the fee structure in order to get EH to sustainability as directed by the Board of Health (BOH). Staff identified a total revenue of \$19.45 million and projected expenditures of \$21.1 million in FY20. That represents a shortfall of just under \$1.7 million.

Chair Nielson asked when the BOH mandated that EH be self-sufficient. Robert Newton said that in 2003, EH was given the direction by the Chief Health Officer at that time, Dr. Kwalick, to cease the use of 8010 tax dollars and become self-sufficient. It was a three-year projection and fee increase over a three-year period of time to get that sustainability by 2006. In 2007, the Board acknowledged that sustainability requirement. On every published fee schedule since 2007, it mentions the requirement to cover the cost of overhead.

Member Valentine asked when SNHD took over Vector Control from Clark County. Mr. Newton said that he wasn't sure when we received Vector Control from the County but it would have been before 2007. Dr. Iser said that we have not taken it from Clark County. Clark County has its own Vector Control program that SNHD staff work collaboratively with. The County's mission is to provide vector control on County owned property only.

Member Madrigal arrived at the meeting at approximately 3:20 p.m.

Chair Nielson asked if there was a funding mechanism since the program seems to have been expanded. Dr. Iser said that we've tried to do that. A few years ago, when staff knew the *Aedes aegypti* mosquito was coming here, he did authorize an increase to protect our community from the risk of not only Zika virus but also yellow fever, dengue fever, and chikungunya virus. Most of that was buying more equipment in order to protect the community but the ongoing costs of the program are under EH. Staff did this to protect our people, the Committee, and Industry. If we have one case of human Zika, we will see what happened in Houston and Southern Florida; the tourists will stop coming to Las Vegas.

Dr. Iser said that Vector Control Districts have a special tax revenue. We don't have that anywhere in Nevada. In most places, it's part of the EH Department or District. This is what happens in Washoe County.

Member Valentine asked if the program was paid for by restaurant inspection fees and other places. Dr. Iser said there is currently a shortfall of \$1.7 million so it depends on how you want to divide that. Herb Sequera said the Vector Control Program costs approximately \$450K. SNHD first got into Vector Control because of the amount of green pools throughout the Valley. The jurisdictions couldn't handle them, so they asked SNHD for assistance. We do not take any responsibilities from the jurisdictions. They still maintain their operational awareness and responsibilities.

Dr. Iser thinks Vector Control is a really good success story for Southern Nevada. Last year, we had no vector-borne diseases. The year before, which was a huge rainfall year, Northern Nevada had at least 100 cases of West Nile Virus and other vector-borne diseases; we had very few. This protects our economy, our citizenry, and each of us. Member Valentine agrees that it's important to public health, but she questions if restaurant inspection fees should pay for Vector Control. Dr. Iser said that if the Committee decides that it should not be funded from any fees whatsoever, then that is the recommendation that the Committee can make to the BOH and the BOH will make the final decision. Dr. Iser said the Committee's role is to make the recommendation to the BOH. Chair Nielson said SNHD has done a great job and everyone agrees that Vector Control is very important for the residents and tourism industry.

Mr. Blazzard said the second priority was driven primarily by demand from the community regarding programs that need additional staff in order to perform services. Staff have identified a need for 18 additional fulltime employees. The total increase is 19.6%. That's a \$3.8 million increase on an annual basis.

Chair Nielson said that assuming that we hired additional specialists in the different areas and there were more food inspections and plan reviews being done, the amount of fees collected would change. Mr. Blazzard said that was logical; however, the volume of inspections and the volume of work does not necessarily equate to dollars. Some fees are much lower, and some fees are higher. Chair Nielson said that was something that needed to be discussed further.

Mr. Blazzard said that in FY17, SNHD has gone from a cost allocation rate of 36.33% down to 27.84% which is more than an eight-point reduction or almost a 25% reduction. This due to efficiencies in cost control, identifying opportunities to reduce the overall overhead, and owning our own building.

Mr. Blazzard said that the way the cost allocation process works is that SNHD hires a third-party entity that calculates it for us; staff don't do this internally. SNHD hires professionals that are certified in this area to perform these calculations and they do a thorough analysis of all of our divisions and all of our cost generating entities. They run a series of very complex algorithms to get this number. They follow the requirements of the Uniform Administrative Requirements CFR200. We have been doing that for the past several years.

Member Brisson asked why the IT cost is so high for EH? Mr. Newton said that EH has 160 employees. Dr. Iser said it includes hardware, software, and personnel. Member Brisson said that \$1.3 million is a lot. Chair Nielson said that equates to approximately \$8,300 per person. It sounded high to Member Brisson and Member Darling.

Chair Nielson asked if Mr. Blazzard was spreading the costs throughout the District. Since IT serves as a function for everybody at the Health District, are the costs split by how many bodies are in each department? Mr. Blazzard said the costs are split but not necessarily by the number of employees. Sometimes certain divisions use more services.

Member Brisson asked if staff want to increase the number of inspectors because they are reducing the assigned permits or because the demand is there for more inspectors. Mr. Blazzard said yes to both.

Food Operations

Mr. Rogers said he currently has a need to do approximately 26K inspections per year and has a shortfall of approximately 4K. That is based on Risk Category 3s and 4s being inspected twice, downgrades being inspected at least twice per calendar year, and accelerated inspections for facilities in the Administrative Process. Staff are not doing all the inspections mandated by our policy.

Chair Nielson asked where that shortfall was? Mr. Rogers said the State mandate for inspections is once per year and staff are doing that. The main shortfall is inspections for Risk Category 3s and 4s and reinspections on B Downgrades. This is not consistent with Industry standards. For example, Orange County, California where Disneyland is located has a similar resort type of environment. They also have Risk Categories 1, 2, and 3. They inspect Risk Category 1s once per year, Risk Category 2s twice, and three times for Risk Category 3s. Orange County, Florida does the same thing. We are not meeting that standard. This why more inspectors are needed.

Mr. Rogers started a new program in 2019 to track inspectors. The program was not instituted for or related to the fee increase request. He just wanted to verify that staff were working as efficiently as possible. They are expected to show about 1,300 hours per person, per year after taking out general office time, vacation, breaks, and holidays. Staff are on track to meet this goal.

Member Brisson said that she personally holds 30 permits and her inspector would typically do 5-6 permits in one day. He was upset about reduction in assigned permits because he typically does about 800-900 inspections per year and it's going to be cut down to approximately 400-500. Mr. Rogers said that wasn't correct. No inspector has ever done 900 inspections per year. He may have been talking about activities which include everything. Mr. Rogers said he has no plans drop staff to 450 activities per year.

Member Brisson said that in the restaurant, a lot of restaurants are paying for more permits so that they don't get downgraded as easily. If you were washing your hands in a hand sink and you had parsley on your hand and there was a piece of parsley in the sink, it was an immediate 5-point demerit. What that means for the inspector is that they move through those permits quicker. Mr. Rogers said that the typical inspector day numbers are based on the average time it takes to do these activities. Dr. Iser said you can't compare averages to any one inspector or expect any one inspector to do exactly this. This is an across the board average.

Member Brisson said everyone is getting more permits so there is added revenue from that and now Industry is going to be charged \$400 for a B Grade, \$800 for a C Grade, and \$1,200 for a Closure. Mr. Rogers said that was a proposal to help offset some of the costs. It wouldn't be above and beyond the revenue being requested. Member Brisson said that her main concern was not to incentivize inspectors to downgrade. Dr. Iser said that's not what we do and there are quality assurances in place to prevent that.

Ms. Shoup said there was a point in time when staff were allowing a facility to request as many permits as they wanted, and downgrades were driving Industry to do that. A few years ago, staff stopped that practice because it was unnecessary. The requirement now is that an area has to be either geographically or functionally separate to qualify for an additional permit.

Member Jacobi said that businesses are hearing that inspectors are already done with 40-60% of their work. Mr. Rogers said that he is tracking what his staff are doing and nobody is 60% done with their work. At this point, staff are probably about 30-40% complete. Member Jacobi said Mr. Rogers said the figure was 50% last time.

Member Arthur if changes in efficiency would reduce the 1.5 hours of administrative time per day. Mr. Rogers said that 1.5 hours to answer emails from the public, take their phone calls, and speak with their supervisor while syncing their tablet, is good. It takes 30 minutes just to sync their tablets. Staff are dealing with Legal documents and those have to be done correctly. They have to plan the day's work and do file reviews. That's not something that the Industry wants staff doing in the middle of a lunch rush. Member Arthur said that instead of inspectors setting their own schedules, other people can make sure the day is planned in a way that makes sense. Mr. Rogers said that staff are working at maximum efficiency. For them to get their work done, they have to work efficiently. For him to have separate staff to plan the inspectors' days for them, would require more people just for that. He is interested in anything the Committee has to say but staff are very good about setting their own schedules. Member Arthur said little incremental changes could potentially be the difference between five or three extra staff.

Mr. Rogers said the inspectors are efficient and busy every day. Staff is allowed two hours of office time per day but are averaging about 90 minutes, so they are beating his expectations. If they aren't in the field, they are doing some kind of documented work. Projects have to be approved by supervisors, so they aren't making things up. Staff are gainfully employed. Comparing last quarter to this quarter, it looks like staff are about 8.8% more efficient. Mr. Rogers said that he is always willing to hear suggestions and to give staff the tools to work in the most efficient manner.

Member Darling said he is from A Track and his facility has multiple permits. He wanted to know if the inspections would be done at the same time or separately. Mr. Sequera said that in the Solid Waste Program there are about 12 permit types and they either have a quarterly or a semi-annual inspection. If a quarterly inspection is being done and the semi-annual inspection is due for permits at the same location, staff will do both inspections at the same time. If there is a complaint filed, staff do a follow-up inspection. If permits are at different locations but in close proximity, staff may or may not have time to inspect them both.

Member Jacobi asked if the typical day was for the EH Specialist (Schedule 55) and not the Seniors. Mr. Rogers said it's for the routine inspectors and not the Seniors. The Seniors would not be able to keep this type of schedule. Member Jacobi congratulated Mr. Rogers on his efficiency. Mr. Rogers thanked her and said that he is very proud of it.

Chief Nielson said the downgrade slide is a potential change and may be a little controversial. The Committee was told that a permit holder is not charged for a B Downgrade. He thinks the person using a service should pay the fair cost for that service. The Committee asked for a proposal for some changes in fees that would reflect the actual time spent by the inspector doing those inspections. Mr. Rogers said that if fees were recouped this way, staff could lower the overall increase.

Chair Nielson asked the other Committee members to voice their opinions on this idea. Member Arthur agrees with Chair Nielson that if you are using the service, you should pay for it. Member Valentine asked where the \$400, \$800, and \$1,200 amounts came from. Mr. Rogers said it was just a starting point. Member Valentine asked if there was an amount of time associated with those grades? Mr. Rogers said he can determine what the average times are so the Committee can make a better recommendation. Mr. Rogers said that \$1,200 for a Closure is probably too low. Member Brisson said that it's very easy

to get a B Grade. She thinks a Closure should be severe, like Mr. Rogers said, because it should deter people from wanting to have bad practices. She understands that we might want to charge for a B Grade, but she also wants to make sure the inspectors are educated so a B Grade isn't from a piece of parsley in a hand sink.

Dr. Iser said the Committee could make a motion that staff work with the BOH to develop a fee schedule for B and C Grades and Closures. Dr. Iser said that the Chair's role is to make recommendation, not determine actual amounts. Chair Nielson said that it is important for Mr. Rogers to do some additional work on the downgrade and closure amounts, so the Committee has some rationale for their recommendation to the BOH.

Consumer Health

Ms. Shoup said that she would like to add a staff member to Aquatic Health Plan Review, Special Programs, and Facility Design Assessment and Permitting (FDAP) to reduce wait times and allow staff time for proper follow-up with noncompliant facilities. Member Arthur said that there is not a price that her company won't pay to get pools through the process quicker because this does affect business. Chair Nielson asked if bodies are added to those functions and those services are priced correctly, if they would pay for themselves and existing permit holders would not have to pay more money. Ms. Shoup said that is correct.

Ms. Shoup wanted to highlight some attempts that have been made to improve efficiency. She moved two Operations inspectors into Pool Plan Review so that increased the staff to five. She has simplified the application to reduce errors. She has removed the hydraulics requirement since licenses engineers already review that. Now staff only do a spot check to make sure all the numbers make sense. That is saving 2-3 hours per plan review. One of the staff members that was moved from Operations is now doing all the resubmittals. Previously, if you had to resubmit plans and almost everybody does, you would go back to the end of the queue.

Member Arthur said even when you are talking about different programs, we are still talking about inspections and the way it's presented for each one area is different. It would be helpful if the Committee saw information (how much time, how much desk time, how long per inspection) in the same format. It should correlate a little across the board. Ms. Shoup said that is what staff tried to do when showing activity and time spent and all the numbers are based on FY18.

Solid Waste

Mr. Sequera said Other Activities were associated with office work related to report writing, material research, and collaborating with other agencies to coordinate County Multi-Agency Response Team (CMART) activities. CMART activities are a type of complaint or survey that's generated by another jurisdiction or agency. Staff go in as a team to investigate illegal dumping, hoarding activities, and other things that impact our local environment. These activities are increasing; staff are averaging three CMART activities per month.

The same inspectors also handle the Illegal Dumping Program. In February, staff started an outreach program to educate the community. There is more project time for research in this area because staff have a Notice of Violation (NOV) process. That's taking an illegal dumper before a hearing officer, so staff have to ensure that the paperwork is correct, and it is reviewed by our Legal Department. Staff receive approximately 143 complaints per month. Since the volume of complaints is increasing, Mr. Sequera is requesting one additional inspector. To offset this demand, he has to borrow inspectors from the Permitted Disposal Facility (PDF) Program to assist with the shortfall. Staff have moved from a five-business day response time to an eight day response time.

Member Arthur said there seems to be a tremendous swing between the different sections. She sees approximately 570 hours for Mr. Sequera's staff, 750 hours for Ms. Shoup, and 325 hours per quarter for Food Operations. Fees are fees and time is time. Member Arthur said she's trying to understand the total time per inspector over a period of time and wants to see the expectation for hours per inspector the same across the Board. Staff should have a similar expectation of how much work time each person is doing per quarter, per year. There's just no consistency in reporting across the three sections and that's what is confusing to her.

Chair Nielson said that for Solid Waste, it might take two days to do an inspection and for a restaurant, it might take two hours. Whoever is being inspected should pay for the costs whether it's two days or two hours. Member Arthur agreed. Dr. Iser said the Committee can make a motion that that each major program area should be self-sufficient in terms of revenue and expenses.

Chair Nielson doesn't think that food inspections should be subsidizing body art or body art subsidizing solid waste. Dr. Iser said that staff agrees and would like the Committee to make that recommendation.

Member Madrigal said that there is a recycle fee that is charged by the State for brand new tires; however, there is no fee that is being charged for used tires and a lot of the used tires are the ones being illegally dumped. He asked if staff has thought about charging \$1 for used tires also? Chair Nielson clarified that the \$1 fee is imposed by Statute so in order to change that fee, you would have to go to the Legislature. He thinks SNHD should do that and include all tires. It might be time to increase the fee also. Dr. Iser thinks that is a great idea. Member Valentine said she would be supportive of including that in a Committee recommendation.

Fee Modifications/Additions

Ms. Shoup said that SNHD is charging a lot of money for pool operators and technicians because staff is administering the testing to certify them. Now staff will issue a card like we do for food handlers that shows that they have taken the test somewhere else and that they are certified to operate in Clark County.

SNHD does not have specific fees assigned for temporary pool events. An example of a temporary pool event is Electric Daisy Carnival (EDC). They are not in ground, permitted pools. Chair Nielson clarified that pools at resort hotels, would not be considered a temporary event pool. Ms. Shoup confirmed that this would not apply to pools with annual health permits. Even if there is an event at that pool, they will still use their regular operating permit. Temporary pools are required to have everything that a permanent pool has; they are just above ground and easy to put up and remove.

Ms. Shoup said that seasonal pools are not used very often but staff have had a few instances where a facility goes through a change of ownership and they have a pool they are only going to use for a few months before the facility is demolished or they remove it. If it's going to be in operation for less than a year, staff give them a seasonal rate.

Ms. Shoup said that for Body Art temporary events, we had fees in the Fee Schedule that charged per booth and fees that charged per artist. Staff is getting rid of the booth fees because they were getting abused and will charge per artist.

Chair Nielson asked again if all the proposed fees were calculated in a way that people are paying for the cost of the services. Ms. Shoup verified that.

Mr. Sequera said the Solid Waste fees are associated with established permits. We have the first closed landfill in Nevada that has an active permit for the cover. At that location, staff require several yearly tests. These tests are quite extensive at times. Sometimes reviewing these reports can take several days depending on the volume of information.

Mr. Sequera said that an engineer is required to review ground water monitoring reports, storm water monitoring reports, operational reports, and gas well reports. Chair Nielson wants the fees to be based on how much time it costs for someone to do that activity. Mr. Sequera will do that.

Chair Nielson said this needs to be done in every department rather than just raising all fees by 19.6%. He doesn't think that makes sense. He wants functions to pay for themselves based upon the time spent performing that function.

Member Darling asked if Solid Waste reports need to be reviewed by an engineer, would the price structure be different versus an inspector. He would like a breakdown of the two different price structures. Mr. Sequera said that staff are only allowed to charge \$118 per hour and it is all inclusive. There aren't different cost factors for an inspector versus an engineer.

Member Valentine asked why staff wasn't allowed to charge more than the \$118? Mr. Sequera said the hourly rate is set by the Board of Health; it's in the Fee Schedule. Member Valentine said the Committee can make a recommendation to change that.

The Training Office had a request from the community to provide a low risk food handler card for people with developmental disabilities that want to enter the food service industry. That would require us to give them a class. It wouldn't be a burden on the District to do that and the \$24 was calculated with the 19.6% that staff will revisit.

Ms. Shoup said that expedited fees for plan review were discussed at previous meetings. Currently staff is charging a \$239 fee which does not cover the time spent doing that function, so staff is proposing 200% of the plan review fee for expedited services. When someone applies for a new permit, staff charge the annual permit plus the cost for plan review activities. Those fees vary depending on the type of facility. Staff thought modeling what the other jurisdictions are doing at a 200% plan review fee might be appropriate for this.

Mr. Sequera said the Public Accommodations fees for Mass Gatherings are currently in the Nevada Administrative Code (NAC). This fee is used for events such as Burning Man and EDC. Chair Nielson asked if mass gathering would cover food permits. Mr. Sequera said that it has nothing to do with food permits. It's for the sanitation of water, waste, bathing facilities, and collection of waste from port potties. Chair Nielson asked if these fees were going to pay for these functions. Mr. Sequera said this is the first year SNHD is doing this, but fees should exceed or break even.

Supplemental Documents

Chair Nielson said he will look at the attachment for Revenues and Expenses when determining fee increases. He believes that people using services should pay for those services. He knows that some of these will be controversial. Expenses exceed Revenue for Schools/Institutions, Plan Review for Food, Plan Review for Solid Waste, Special Processes, and Illegal Dumping. The fees are not correctly allocated to pay for these services. He would like to know what the proposed fees would be to at least break even. Dr. Iser said this can be a recommendation to the BOH. Chair Nielson would like more information before making recommendations to the Board.

Member Valentine said that change is hard and it might be a lot of change in some areas. She doesn't know if this will be possible in every area in one fee increase. Some things like change State law will take longer than one step.

Member Jacobi asked for an org chart at the last meeting. She appreciates that staff provided the current and proposed positions, but she would still like an org chart. Dr. Iser said that staff would be happy to email that to the Committee.

Member Jacobi asked if the Senior EH Specialist reports to the EH Director. Mr. Rogers said that person is working on a grant and is the foodborne illness investigations coordinator. Member Jacobi asked why an additional position was being requested if the grant is paying for this position. Dr. Iser said it's for a specialist in another area. Mr. Rogers said it would be for the Food Operations Program.

Closing

Mr. Saxton said that staff has shown need and are asking the Committee for fee increases to make Environmental Health self-sufficient again. Then SNHD would like to add more staff and tie fees to the Consumer Price Index or have automatic 3% increases to handle inflation. That means that growth would pay for growth. Staff is asking for 19.6% but the Committee is welcome to recommend a different way to reach these goals, so staff can get the resources needed to have a great Environmental Health Program. He hopes the Committee will have some good recommendations that can be taken to the Board of Health.

3. Discuss and Approve Recommendations of the Environmental Health Fee Schedule to the Southern Nevada District Board of Health on May 23, 2019

Chair Nielson said that the Committee is not ready to make any recommendations to the Board of Health at this point.

4. Discuss and Approve Environmental Health Division to Schedule Next Steps for the Environmental Health Fee Schedule, Including Public Workshops (for possible action)

Chair Nielson said that he would like the Committee to meet again to hear the revised fee information. Dr. Iser asked what Chair Nielson would like on the agenda. Chair Nielson said he would like staff to look at all line items on the Revenues and Expenses report. For all the fee increases that staff were recommending an increase of 19.6%, he would like staff to tell the Committee what those actually cost. For downgrades and closures, Chair Nielson would like to see average times for B Grades versus Closures. If a Closure takes eight hours and a reinspection takes two, there should be some relationship to the fees that are charged for those different functions. Mr. Rogers asked if a random sampling is acceptable since he has 1,600 B Downgrades. Chair Nielson said that was fine

Member Darling ask why the revenue for Illegal Dumping was \$97K and the expenses were \$778K in FY18 and then revenue substantially increases. Mr. Newton said that the \$1 tire tax was being deposited into a separate Solid Waste account. Staff have recently assigned that revenue stream to Illegal Dumping and that's why there is a disparity from last year to this year.

Member Darling said that for Solid Waste Plan Review, there's about four times the expenditures. He would like a breakdown of what the difference is and what we can do for the future, so the program is not so upside down.

Annette Bradley asked the Chair to clarify if he wanted to wait for staff to get back to the Committee with the next meeting date. Staff can collect the requested information in three weeks. Chair Nielson suggested looking at the week of May 27.

V. PUBLIC COMMENT:

Victoria Harding, SNHD & SEIU: In going over all this stuff, there seems to be a lot of fees that may need to be adjusted or administered that we didn't have before. She thinks there are a lot of good things that the Committee is talking about and that's great. We waived so many fees in the years before, when Jackie Reszetar was the Director. What did our finances really look like in those years when she waived half of the pool fees? Are we now looking at these numbers and saying that we need to readjust things when we didn't even collect what we were supposed to collect prior? There was a lot of stuff waived in food also. There was stuff waived all over the place. She wonders about the FY18 final numbers. Nobody can tell her what happened so it's not something anybody can report on. She does agree with Ms. Arthur that time is time. She is a disease investigator. She can do 50 cases or she can do 20 cases and she may spend the same amount of time working and working just as hard but her time is her time. She's charged a certain amount for that and we know what that is. The numbers shouldn't be so loosey, goosey. We should actually know what those numbers are per person, per hour. She's a little worried about the cost allocation when you look at the EH position costs because not only is it just an estimated figure, it's done in the Double Step-Down Method. She knows that's one of the most accurate methods you can possibly use; however, she doesn't know why, when you are looking at a low salary versus a high salary, the cost allocation is different even though the brand new person is using the same amount of space, the same amount of electricity, and the same amount of everything else. When you look at the EH Manager position, which is a Schedule 29, and there is a difference between \$155K and \$216K because of the cost allocation, that's almost a body. Why would that fluctuate for absolutely no reason? A body is a body. She really questions where these cost allocation numbers are coming from. Those are her thoughts. Thank you.

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

VI. ADJOURNMENT

The Chair adjourned the meeting at 5:03 p.m.

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

CDS/hh