



MINUTES

Southern Nevada District Board of Health Meeting
330 S. Valley View Boulevard, Las Vegas, Nevada 89107
Conference Rooms 2-2a
Thursday, May 23, 2013 - 8:30 A.M.

Mary Beth Scow, Chair, called the meeting of the Southern Nevada District Board of Health to order at 8:34 a.m. and led the Pledge of Allegiance. Annette Bradley, Legal Counsel, confirmed the meeting had been noticed in accordance with Nevada's Open Meeting Law.

Annette Bradley noted a quorum was present at the start of the meeting with Members Beers, Crowley, Giunchigliani, Jones, Litman, Nelson, Nemec, Noonan, Scow, Winchell, Wood and Woodbury seated.

BOARD:
(Present)

Mary Beth Scow – Chair, Commissioner, Clark County
Bob Beers – Councilmember, City of Las Vegas
Susan Crowley – At-Large Member, Environmental Specialist
Chris Giunchigliani - Commissioner, Clark County
Timothy Jones – At-Large Member, Regulated Business/Industry
Allan Litman – Councilmember, City of Mesquite
Marietta Nelson – At-Large Member, Physician
Frank Nemec – At-Large Member, Physician
Bill Noonan – At-Large Member, Gaming
Lori Winchell - At-Large Member, Registered Nurse
Anita Wood - Councilmember, City of North Las Vegas
Rod Woodbury – Councilmember, City of Boulder City

(Absent)

Sam Bateman – Councilmember, City of Henderson
Lois Tarkanian, Councilmember, City of Las Vegas

ALSO PRESENT:
(In Audience)

Kathleen Peterson–Alternate At-Large Member, Environmental Health Specialist

LEGAL COUNSEL:

Annette Bradley, Esq.

**INTERIM EXECUTIVE
SECRETARY:**

John Middaugh, M.D.

STAFF: Heather Anderson-Fintak, Patricia Armour, Kelly Brinkhus, Dennis Campbell, Ray Chua, Richard Cichy, Dr. Thomas Coleman, Melissa Constantin, Elaine Glaser, Jason Garcia, Nancy Hall, Amy Irani, Susan Labay, Linh Nguyen, Mars Patricio, Rick Reich, Brian Riddle, Jennifer Sizemore, Bonnie Sorenson, Leo Vega, Dr. Nancy Williams, Valery Klaric and Jacqueline Wells, Recording Secretaries.

PUBLIC ATTENDANCE:

NAME

Petya Balova
John Hawley

REPRESENTING

Balova Engineering
Secured Fibres

Reese Jarrell
Jim Kaup
Ann Markle
Robin Robinson
Phillip Johnson
Jeffrey Share
Tabitha Simmons

JHR Associates/Secured Fibres
Secured Fibres
Self
SA Recycling
SA Recycling
Clark County Department of Finance
Self

I. PUBLIC COMMENT

Public comment is a period devoted to comments by the general public on items listed on the Agenda. All comments are limited to five (5) minutes. The Chair asked if anyone wished to address the Board pertaining to items listed on the Agenda and seeing no one closed public comment.

II. ADOPTION OF THE MAY 23, 2013 AGENDA

Chair Scow asked for a motion to adopt the May 23, 2013 agenda. Member Giunchigliani asked to remove Item 2. Petition #12-13 and Item 5. Petition #16-13, from the Consent Agenda for discussion.

Motion made by Member Jones, seconded by Member Woodbury and carried unanimously to adopt the May 23, 2013 Board of Health Meeting Agenda as amended to withhold Item 2. Petition #12-13 and Item 5. Petition #16-13, from the Consent Agenda for further discussion.

III. CONSENT AGENDA

These are matters considered to be routine by the Southern Nevada District Board of Health and may be enacted by one motion. Any item, however, 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:** April 22, 2013 (*for possible action*)
3. **PETITION #14-13:** Approval of new classification specifications for the following: Budget Analyst Clinical; Staff Physician; Financial Services Specialist; Major Projects Manager; Senior Public Health Informatics Scientist; direct staff accordingly or take other action as deemed necessary (*for possible action*)
4. **PETITION #15-13:** Approval of revisions to classification specifications for Disease Surveillance and Vital Records Manager; Disease Surveillance Supervisor; Health Records Assistant; Senior Health Records Assistant and new classification specifications for Senior Vital Records Assistant and Senior Environmental Health Certification Assistant; Vital Records Assistant and Environmental Health Certification Assistant; direct staff accordingly or take other action as deemed necessary (*for possible action*)
6. **PETITION #17-13:** Approval of new classification specifications for the Information Technology Trainer; direct staff accordingly or take other action as deemed necessary (*for possible action*)

Chair Scow asked for a motion for approval of the Consent Agenda with the removal of Items 2 and 5 moved from the Consent Agenda.

Motion made by Member Jones seconded by and Member Litman and carried unanimously to approve the Consent Agenda as amended.

2. **PETITION #12-13:** Approve the addition of a sliding fee for HPV testing which is recommended co-test to be combined with PAP attesting to screen for the incidence of cancer in women age 30 and above; direct staff accordingly or take other action as deemed necessary (**for possible action**)

The Chair opened discussion of Petition #12-13. Member Giunchigliani asked how the sliding fee schedule was determined. Bonnie Sorenson, Director, Clinics and Nursing Services, reported the sliding fee scale is required by Title 10. The HPV test is recommended to follow-up on an abnormal PAP. Member Giunchigliani moved for approval.

Motion made by Member Giunchigliani, seconded by Member Winchell and carried unanimously to approve Petition #12-13, addition of a sliding fee for HPV testing as presented.

5. **PETITION #16-13:** Approval of new classification specifications for the Materials Management Supervisor; direct staff accordingly or take other action as deemed necessary (**for possible action**)

Chair Scow opened discussion of Petition #16-13. Member Giunchigliani asked for clarification of the Materials Management Supervisor position. Kelly Brinkhus, Acting Human Resources Administrator, stated the new position was created from reallocation of a budgeted position. Mars Patricio, Financial Services Manager, reported that District auditors identified the need for supervision of inventory and contracts. Position responsibilities include supervision of purchasing, contract management, grant analysis, inventory control, coordination between the main warehouse and satellite facilities for distribution, receipt and inventory and monitoring products for replacement prior to expiration dates. Member Giunchigliani moved for approval. Dr. Middaugh responded affirmatively to Member Jones question asking if the positions approved in the Consent Agenda were existing positions.

Motion made by Member Giunchigliani, seconded by Member Noonan and carried unanimously to approve Petition #16-13 for the Materials Management Supervisor position 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.

The Chair asked if anyone wished to address the Board pertaining to Public Hearing/Action and seeing no one closed public comment.

1. **MEMORANDUM #05-13:** Consider/Approve the Solid Waste Management Plan for Clark County, Nevada; direct staff accordingly or take other action as deemed necessary (***for possible action***)

Amy Irani, Acting Environmental Health Director, reported that under NRS 444.495, the Southern Nevada District Board of Health (BOH) is designated as the Solid Waste Management Authority (SWMA) for Clark County. Nevada Revised Statutes Chapter 444.510 requires that the Solid Waste Management Authority (SWMA) must develop a plan to provide for a solid waste management system which adequately provides for the management and disposal of solid waste within Clark County. Southern Nevada has had two previous formal Solid Waste Management Plans (SWMP): The first one entitled the *Clark County Comprehensive Solid Waste Management Plan* was written to describe the Clark County Health District's (the former name of the SNHD) then-existing solid waste conditions, practices, and problems and evaluations and recommendations for the timeframe between 1974 and the year 2000 (URS Systems Corporation, 1974). The second plan, dated March 15, 1995 entitled the *Solid Waste Management Plan for Clark County, Nevada*, was intended to be an update to address a 20-year planning period from 1995 to 2015, with a particular emphasis on the period of 1995 to 2000 (Harding Lawson Associates, 1995). The plan (either new or revised) must be in compliance with guidelines established by the Nevada Division of Environmental Protection (NDEP). This third proposed updated plan is intended to move forward from 2013 and to cover specifically the next five-year timeframe. The plan is specific to Clark County, but follows the same format as the SWMP plan developed for Washoe County and the State of Nevada and is a living document reviewed annually and revisited and revised every five years.

The proposed SWMP plan provides a description of the existing framework for solid waste management within the applicable laws, regulations and infrastructure within the State. The Plan describes governmental roles and responsibilities, statewide trends in solid waste management, the assessment of Clark County's municipal solid waste management systems and solid waste management issues and future considerations.

Per Guidelines established by NDEP, the following is a breakdown of the seven chapters included in the SWMP:

- Chapter 1: Introduction and Overview
- Chapter 2: Solid Waste Generation
- Chapter 3: Descriptions of Solid Waste Management Systems
- Chapter 4: Laws and Regulations
- Chapter 5: Financial Sustainability
- Chapter 6: The Clark County Emergency Debris Management Plan
- Chapter 7: Program Evaluation

The following is a breakdown of the six appendices that included in the SWMP:

- Appendix A: Franchise Agreements
- Appendix B: Municipal Solid Waste Code
- Appendix C: Solid Waste Laws and Regulations
- Appendix D: Permitted Solid Waste Disposal Sites and Management Facilities
- Appendix E: Solid Waste Generation and Disposal Data
- Appendix F: Additional Information and Guidelines

Public Review and Workshops:

- Public Notice announcing the May 23, 2013 Public Hearing and four public workshops were posted on March 19, 2013.
- In addition, over 100 public notices were distributed via mail and/or email.
- Four public workshops were conducted; two in Las Vegas, one in Mesquite, and one in Laughlin.
- No public comments (either written or oral) were received at any of the workshops or during the 30 day public comment period.
- Comments received from NDEP were incorporated into the final draft.

Recommendation:

Adoption of the proposed Solid Waste Management Plan would fulfill the requirements of NRS 444.510 and allow the SWMA to move forward from 2013 to specifically cover the next five-year timeframe. Staff recommended adoption of the proposed Solid Waste Management Plan for Clark County, Nevada.

Ms. Irani stated that the SWMP plan can be improved, but must comply with the Nevada Department of Environmental Protection (NDEP) regulations and submission of items significant enough to change the plan would require their approval. She reported that the NDEP audits the SWMP annually and the plan is submitted in totality every five years.

Member Jones asked if the SWMP addresses medical waste regulations. Mr. Irani asked Mr. Dennis Campbell, Solid Waste Compliance Manager, to respond to Member Jones' inquiries. Member Jones presented the following questions:

Did the definition of construction and demolition waste get reorganized to the satisfaction of the waste hauler?

Dennis Campbell reported that the District follows state regulations and must stay within the state definition and can only vary to make the regulations more restrictive. SB 316 was introduced at the State Legislature to change the definitions of construction and demolition waste; the bill did not include project size and home renovation was not addressed. It is still under consideration in the Legislation.

Is the District doing anything on updating the medical waste regulations?

Mr. Campbell reported that medical waste regulations were submitted to legal counsel for review and comment and will be presented at public workshops to move forward.

Is SNHD having any success in collecting the illegal dump penalties?

Mr. Campbell reported Solid Waste is working through a collection attorney and collection agency to pursue fee collection. Payment plans are offered and if they are not honored the account is sent for collection. He noted a slight increase from the 10% collection rate.

Are fees covering the operation?

Dennis Campbell responded that fees do cover cost of operation. The permit fee is intended to cover a number of compliance inspections, but if follow-up on compliance issues or monitoring is required the department can charge for staff time on an hourly basis.

Discussion followed regarding hearing officers and certification requirements and fee assessments. Annette Bradley, Legal Counsel, stated that there is no certification for hearing officers and the two independent contractors, an attorney and a person with a background in public accommodations and environmental health, have backgrounds to hear matters before them. She indicated that a request for proposal to acquire additional hearing officers as independent contractors is planned. Collection of assessed penalties falls upon Solid Waste Management and is challenging. Many of those assessed are out of business, moved on or were from another state and offenders may not be present at the hearing when assessed and are notified by mail.

Was industry input requested? (Member Woods)

Mr. Campbell responded that SNHD is required to follow the state guidelines. The plan is sent for public comment to all permitted facilities, elected officials and board of health members announcing the plan is available online for review and comment. He stated that any solid waste facility that currently has a permit with SNHD is notified, which include landfills, Material Recovery Facilities (MRF's), transfer stations, recycling centers, construction and demolition waste facilities, short term storage bin facilities, and public waste storage bin facilities. Mr. Campbell stated that during the review period of time no comments were received. He informed the Board that Clark County only has Class I and III landfills and defined a Class II site as a municipal solid waste landfill that can accept a maximum of less than 20 tons at their site daily.

Member Nelson asked why Clark County produces more solid waste per person than the national average.

Amy Irani responded that the recycling process compared nationally to the solid waste generated allows the County to have a larger amount of solid waste generation than recycling and added that the resort trash adds to the numerator. The annual state recycling goal of 25% is lower than surrounding states. Last month's recycling figure of 27.5% exceeded that goal for the first time.

Discussion followed regarding moving approval of the Plan to the June 2012 meeting due to possible changes that could result from the Legislative Session. Member Crowley stated the Plan is a living document that will undergo change when needed in compliance with and approval by the NDEP. Changes could occur that may not require approval over the next five years. Chair Scow stated further review could occur if legislative changes occur and called for a motion.

Motion Made by Member Crowley, seconded by Member Litman and carried unanimously to approve the Solid Waste Management Plan as presented.

2. **MEMORANDUM #06-13:** Consider/Approve: Application for a Permit to Operate a Recycling Center From Secured Fibres, 4751 Vandenberg Dr., North Las Vegas, NV 89081 (APN #140-06-101-002 ptn); SNHD Control No: RC106-XXX-01; direct staff accordingly or take other action as deemed necessary **(for possible action)**

Amy Irani reported that Secured Fibres met the requirements for a recycling center in accordance with Section 4 of the District's regulations governing recycling centers. Dennis Campbell oversaw the plan review process and conducted the workshop on April 24, 2013. Purpose of the workshop was to solicit comments or concerns with the application from the public with only one comment voiced from a private property owner concerned with the location of recycling center and potential affect on their

property value. The owner was notified that the facility location was not within the SNHD regulations if the facility has jurisdictional land use approval and met the SNHD requirements.

Pursuant to the District Board of Health's August 2012 approval of the streamlined Solid Waste Hearing Process/Procedures, SNHD staff is presenting this Permit Application for approval to the District Board of Health (DBOH) based on the previous compliance history of the facility and given this facility's previous permit was revoked.

Background: Pursuant to the Solid Waste Management Authority (SWMA) *Regulations Governing Centers* (the Regulations) adopted by the Southern Nevada District Board of Health December 13, 2011 and amended January 24, 2012, *Section 3, Approval Needed for Operation Subsection 1:* "A person shall not operate a recycling center unless the location, design and operating plans of the center have been approved by the solid waste management authority." The District Board of Health, as the SWMA, shall approve permits to operate disposal sites, pursuant to *NRS 444.553 Permits to Operate Disposal Sites: Issuance; Requirements.* An owner or operator of a disposal site must obtain a permit issued by the SWMA before the owner operates or authorizes the operation of a disposal site.

Secured Fibres, (Known hereafter as this Facility) submitted its application form in Attachment A and supporting documents for this Facility as required by section 3.2 of the Regulations on March 12, 2013. This facility is located in the City of North Las Vegas, Nevada and local and state jurisdiction authorizations include Land Use Approval Exhibits, Business License, Nevada State Business License and Nevada Secretary of State Corporate Detail and facility map were provided.

Discussion: SNHD staff completed review of the documents submitted with the application including the documents required by Section 4.1 of the Regulations. The application is complete and in compliance with the Regulations, except for the conditions specified in Section III below. A permit will not be issued until these have been satisfied. The Regulations specify that this Facility must operate in compliance with the design and operating standards specified in the Regulations. These standards include requirements for dust control, fire control, pollution control, employees, equipment, facility access, facility capacities, litter control, odor control, public areas, traffic control, vector control, waste measurement, waste processing and water protection. A permit will not be issued until SNHD staff has conducted an inspection to verify compliance with these standards.

Recommendations: (Section III.) The application for a permit submitted by Secured Fibers to operate a solid waste management facility as a Recycling Center has met all of the regulatory requirements. Therefore, SNHD staff recommends approval of the application for a solid waste management permit as submitted and that a permit be issued. This recommendation is conditional upon having passed a final inspection and satisfying the following conditions within 60 days of the District Board of Health approval:

1. This Facility, including all operations, must be in conformance with the information submitted in the Application for a Permit to Operate a Recycling Center submitted on March 12, 2013, as amended.

2. This Facility, including all operations, must be at all times in compliance with the latest revision of the SWMA regulations Governing Recycling Centers and all other applicable Federal, State and Local Laws, Statutes and Regulations.
3. This Facility must maintain approvals for applicable land uses(s) and obtain and maintain applicable business license(s) and permits.
4. This Facility must maintain the mechanism of Financial Assurance and Review and update as needed on an annual basis.
5. The applicant must pay a fee for the Waste Management Permit after the permit to operate is issued.
6. Failure to comply with the timelines listed in the conditions or with any other terms specified in this Memo will automatically result in the revocation of the permit without further Board action.

Ms. Irani introduced James Kaup, Secured Fibres, and Reese Jarrell, JHR Associates LTD, who responded to the following questions:

After recycling intake where is it taken?

Mr. Kaup reported that 90% of their material goes to end-used markets where it is turned into another product with 80% going to China. The unused waste is taken to the Apex landfill.

What will be done at Secured Fibres to prevent fire hazards?

Mr. Kaup reported Secured Fibres is attentive to fire prevention and has met Fire Department qualifications. He stated that a number of fires that occurred at their site were escalated by wind generation adding that the fire department indicated cause of the fire that was not generated by wind was unknown and was not operational.

Do you have an internal fire inspection process?

Mr. Kaup stated that he and his partner, Vince Collette, perform fire inspections daily and foremen are on site monitoring incoming loads to ensure there are no hot loads. Final delivery of the day occurs at 1:30 pm and run by 2:00 p.m. for close of shift at 2:30 p.m. and any excess on the ground are monitored. Mr. Kaup reported that he checks the premises prior to leaving for the day and also has cameras in place.

Do you operate seven days a week?

Mr. Kaup responded that Secured Fibres operates five days, eight hours a day and at times may work on Saturday.

Did the fires occur in the same area each time?

Mr. Kaup responded the fires occurred in the same area each time when employees were not present.

Do you have security on the premises or someone monitoring?

Mr. Kaup reported that an HD camera system with night vision replaced the previous system.

Member Wood asked if Secured Fibres brought the fire engineer on board in accordance with the recommendation from the North Las Vegas Fire Department.

Mr. Kaup responded that they have not done so yet and have until August. Member Wood, speaking on behalf of North Las Vegas, stated that complying sooner would be appreciated with the summer heat approaching. Mr. Kaup responded that Secured Fibres is in agreement with the conditions when asked by Member Woods. Member Woods and Councilman Eliason visited the Secured Fibres site and found them to be in compliance with the City of North Las Vegas.

Who watches the cameras at night?

Mr. Kaup responded the cameras are monitored by computer at home and motion detection provides alerts. The building is also monitored by Alarmco.

How often do the alarms signal?

Mr. Kaup responded the alarms don't occur often. He stated truck crews are coming into the facility from 11:00 p.m. to 2:00 a.m. and leaving at 2:30-3:00 a.m. and will notice anything taking place.

Does the monitoring system have infrared or heat?

Mr. Kaup responded it is infrared flame detection.

Motion made by Member Giunchigliani seconded by Member Winchell and carried unanimously to approve the application for a permit to operate a recycling center from Secured Fibres in accordance with the provisions and recommendations set forth by the District.

V. REPORT/DISCUSSION/ACTION

1. **PETITION #13-13:** Adoption of Revised SNHD Budget for FY 2014; and/or take other action deemed appropriate **(for possible action)**

Elaine Glaser, Director of Administration, presented the final budget and noted that her presentation today would focus on changes made to the previous presentation.

Grant Opportunities and Threats: The slide demonstrated changes as noted below:

➤ **Opportunities:**

☐ Chronic Disease Grant @ \$ ~~1,000,000~~ **400,000**/year for 5 Years

☐ STD Grant @ \$ 300,000/year for 5 Years

☐ FDA Grant @

☐ \$ ~~1,500,000~~ for ~~1st~~ year

☐ \$ ~~3,000,000~~/year for ~~3~~ years

☐ **Region IX – Family Planning**

☐ **\$ 250,000 for 1 year (Family Planning / IT grant)**

➤ **Threats:**

☐ Federal Sequestration may reduce overall grant revenue by 8%.
Total projected grant revenue for FY13-14 may decline by
\$1,000,000.

Review of the Revenue Comparison of the 2014 Tentative versus Final Budget showed reduction of \$525,179. The reduced final property tax allocation provided by the County impacted the figures.

| Description | FY 2014 | | CHANGES | |
|---|-------------------|-------------------|-------------------------------|------------|
| | Tentative | Final | INCREASE (DECREASE) Amount | % |
| Charges for Services: | | | | |
| Title XIX Medicaid | 533,285 | 533,285 | 0 | 0% |
| Fees for Services | 5,241,941 | 5,241,941 | 0 | 0% |
| Regulatory Services | 19,583,000 | 19,583,000 | 0 | 0% |
| Program Contract Services | 1,360,226 | 1,360,226 | 0 | 0% |
| Intergovernmental Revenues: | | | | |
| State Funding | 400,000 | 400,000 | 0 | 0% |
| Indirect Federal Grants | 9,364,171 | 9,075,088 | (289,083) | -3% (a) |
| Direct Federal Grants | 2,366,002 | 2,366,002 | 0 | 0% |
| Contributions and Donations | 11,000 | 11,000 | 0 | 0% |
| General Receipts: | | | | |
| Interest Earnings | 200,000 | 200,000 | 0 | 0% |
| Other Receipts | 10,500 | 10,500 | 0 | 0% |
| Clark County Property Tax Allocation | 18,224,456 | 17,988,360 | (236,096) | -1% (b) |
| Total Revenues | 57,294,581 | 56,769,402 | (525,179) | -1% |
| Note: | | | | |
| (a) Cities Readiness Initiatives (CRI) | (45,144) | | | |
| Hospital Preparedness Program (HPP) | (233,939) | | | |
| Public Health Emergency Planning (PHEP) | (10,000) | | | |
| Total | (289,083) | | | |
| (b) Estimate provided by the County Budget Office | | | | |

The General Fund Operating Expenditures showed a \$225,352 reduction in salary due to retirement. \$466,759 savings in Services and Supplies are corresponding expenses for the reduction in the grants. Reduction in cell phone costs will save around \$60,000 annually and removal of the rental storage pods by July 1, 2013 will save \$40,000 annually.

| Description | Budget Tentative | Budget Final | Change | |
|---|---------------------|-------------------|------------------|------------|
| | | | Inc or (Dec) | % |
| Personnel Costs: | | | | |
| Grant | 9,072,042 | 9,138,658 | 66,616 | 1% |
| District | 41,440,196 | 41,148,228 | (291,968) | -1% |
| Total Personnel Cost | 50,512,238 | 50,286,886 | (225,352) | 0% |
| Note: | | | | |
| District: | | | | |
| Retirement of two managers with long-tenure in Community Health division. | | | | |
| Resignation of a manager with long-tenure in Nursing and Clinic division. | | | | |
| Services & Supplies: | | | | |
| Grant | 3,456,270 | 3,152,451 | (303,819) | -9% |
| District | 11,954,570 | 11,791,630 | (162,940) | -1% |
| Total Services & Supplies | 15,410,840 | 14,944,081 | (466,759) | -3% |
| Note: | | | | |
| Grants: | | | | |
| Reduction in expenses corresponding to the decrease in Community Health Division's revenues from: | | | | |
| CRI - Cities Readiness Initiatives | | | | |
| HPP - Hospital Preparedness Program | | | | |
| PHEP - Public Health Emergency Planning | | | | |
| District: | | | | |
| Change in Cell Phone provider | | | | |
| Discontinuation of the following: | | | | |
| Mobile Mini storage rentals | | | | |
| Finance A/P Scanning services | | | | |
| Total Expenditures: | | | | |
| Grant | 12,528,312 | 12,291,109 | (237,203) | -2% |
| District | 53,394,766 | 52,939,858 | (454,908) | -1% |
| Total Expenditures | 65,923,078 | 65,230,967 | (692,111) | -1% |

The Fund Balance of the General Fund (Tentative vs. Final) showed the same beginning estimate, subject to fluctuation based on securing grants and expenditures over the budget year. SNHD is looking at a deficit budget of \$8.6 million.

| Description | Tentative | Final | Change |
|-------------------------------------|-------------------|-------------------|----------------|
| Fund Balance, Beginning | 6,765,386 | 6,765,386 | 0 |
| Underfunded Share in Tax Allocation | | | |
| Property Taxes: | | | |
| FY 2012 | 14,177,948 | 14,177,948 | 0 |
| FY 2013 | 2,093,578 | 2,093,578 | 0 |
| Clean Water Coalition Case | 1,690,000 | 1,690,000 | 0 |
| Interest Income due | 1,500,000 | 1,500,000 | 0 |
| Revenue | 57,094,581 | 56,569,402 | (525,179) |
| Transfer In | 0 | 0 | 0 |
| Interest Earned | 200,000 | 200,000 | 0 |
| Operating Expenditures | (65,923,078) | (65,230,967) | 692,111 |
| Transfer Out | (2,463,012) | (2,446,669) | 16,343 |
| Fund Balance, Ending | 15,135,403 | 15,318,678 | 183,275 |

The General Fund Operating Fund Summary recaps the same information correlating with the budget presentation in a different format

| DESCRIPTION | TENTATIVE FY 2014 | FINAL FY 2014 | CHANGE | COMMENTS |
|---|----------------------|---------------------|------------------|-----------------|
| OPENING FUND BALANCE | 6,765,386 | 6,765,386 | 0 | |
| UNDERFUNDED SHARE IN TAX ALLOCATION | 17,961,526 | 17,961,526 | 0 | |
| INTEREST INCOME ON UNDERFUNDED SHARE | 1,500,000 | 1,500,000 | 0 | |
| REVENUE | 57,294,581 | 56,769,402 | (525,179) | Decrease |
| REVENUE IN DISPUTE WITH CLARK COUNTY | | | | |
| TOTAL OPERATING EXPENDITURES | (65,923,078) | (65,230,967) | 692,111 | Decrease |
| TRANSFER TO CAPITAL FUND | 0 | 0 | 0 | |
| TRANSFER TO LIABILITY RESERVE | 0 | 0 | 0 | |
| TRANSFER TO PROPRIETARY FUND | 0 | 0 | 0 | |
| TRANSFER TO BOND RESERVE | (1,301,226) | (1,284,883) | 16,343 | Decrease |
| FY 2012 - Underfunded portion of reserve | (1,012,305) | (1,012,305) | 0 | |
| FY 2013 - Underfunded portion of reserve | (149,481) | (149,481) | 0 | |
| ENDING FUND BALANCE | 15,135,403 | 15,318,678 | 183,275 | Increase |
| NONSPENDABLE FUND BALANCE | 0 | 0 | 0 | |
| UNASSIGNED FUND BALANCE | 15,135,403 | 15,318,678 | 183,275 | Increase |
| ENDING FUND BALANCE | 15,135,403 | 15,318,678 | 183,275 | Increase |
| REVENUE: | | | | |
| TITLE XIX MEDICAID | 533,285 | 533,285 | 0 | |
| FEE FOR SERVICE | 5,241,941 | 5,241,941 | 0 | |
| REGULATORY REVENUE | 19,583,000 | 19,583,000 | 0 | |
| PROGRAM CONTRACT SERVICES | 1,360,226 | 1,360,226 | 0 | |
| STATE FUNDING | 400,000 | 400,000 | 0 | |
| INDIRECT FEDERAL FUNDS | 9,364,171 | 9,075,088 | (289,083) | Decrease |
| FEDERAL GRANTS | 2,366,002 | 2,366,002 | 0 | |
| GENERAL RECEIPTS | 221,500 | 221,500 | 0 | |
| COUNTY ALLOCATION | 18,224,456 | 17,988,360 | (236,096) | Decrease |
| COUNTY ALLOCATION IN DISPUTE | | | | |
| TOTALS | 57,294,581 | 56,769,402 | (525,179) | Decrease |
| EXPENDITURES: | | | | |
| SALARIES | (36,845,098) | (36,681,799) | 163,299 | Decrease |
| FRINGE BENEFITS AND PAYROLL TAXES | (13,667,140) | (13,605,086) | 62,054 | Decrease |
| SERVICES AND SUPPLIES | (15,410,840) | (14,944,082) | 466,758 | Decrease |
| CAPITAL OUTLAY | 0 | 0 | 0 | |
| TOTALS | (65,923,078) | (65,230,967) | 692,111 | Decrease |

Mrs. Glaser recommended approval of the final budget.

Chair Scow asked for comments:

Member Giunchigliani questioned the need to approve today's final budget stating that Nevada Revised Statute requires submission of the District's budget to the County annually by April 1. The County finalized their budget by May 15 and submitted it to Carson City making the submitted budget final.

Mrs. Glaser reported that SNHD used the same historical budget process and noted that overall there was a small difference with the final property tax allocation estimate of \$236,000.

Member Giunchigliani stated state law does allow for an addendum, but the budget is not amended in the middle of the process.

Dr. Middaugh reported that historically Clark County provided estimated property tax allocation figures permitting the District to submit a tentative budget to them in April. When the County provided the final allocation figures SNHD finalized the budget, submitted it to the Board of Health for approval at the May meeting and provided the final budget to the County. In the past the County was agreeable with the process.

Dr. Middaugh also noted that in addition to final tax allocation figures SNHD receives the state preparedness allocation after June and it has been a carry forward added to the budget. Those funds were not booked in the past making it hard to account for indirect costs. He stated the Operational Budget is used to guide how SNHD spends and accounts for money for the fiscal year (July 1 to June 30) and the submitted budget shows \$250,000 from the County that SNHD will not receive.

Member Giunchigliani stated that Clark County adopted the budget and SNHD cannot revise it at this time and suggested submitting budget augmentation to the State if needed. Member Giunchigliani introduced Jeffrey Share, Clark County Budget and Finance. Mr. Share stated that NRS 439 requires the Board of Health to approve and submit the budget to the County by April 1. Mr. Share mentioned that the County reviewed NRS 439 closer because of the lawsuit between SNHD and Clark County and notified the District that the budget submitted by SNHD was the final budget in accordance with that statute. The NRS requires approval of county budgets by the third Monday in May and Mr. Share stated that the budget presented to the Board on March 27, 2013 contained the numbers taken to the Board of County Commissioners, who approved it as presented and was submitted to the department of taxation. Mr. Share reported notifying the SNHD Finance Department that after financial statements are finalized for FY13 that NRS 354 allows augmentation. Mr. Share stated the property tax number is an estimate.

When responding to any questions regarding procedure Mr. Share's response was in relation to how the County would proceed.

Mr. Share stated that the County requests augmentation after the fiscal year financial statements are completed, which is at least January. Budget augmentation is permitted for only two reasons and must be submitted following NRS 354 procedures and approved by the Department of Taxation. Budget information presented at

today's Board meeting would require submission and approval by the Department of Taxation to be an augmentation.

Member Jones asked Mr. Share for an estimated time frame that would be used to submit augmentation. Mr. Share responded that requests for augmentation by County Departments are reviewed to ensure they will exceed revenue before discussing augmentation.

Member Jones commended the District Finance Department for providing the information regarding changes occurring in the budget.

Member Beers stated the purpose of the budget is to meet the legal requirements under state law and is a management tool. He stated the SNHD agenda calls for SNHD to change the management tool of the budget in coordination with Clark County's requirement to file information with the Department of Taxation. Mr. Share reiterated that NRS 354.365 states that the Board of Health must approve and submit a budget to the Board of County Commissioners by April 1. Mr. Beers stated that SNHD submitted the budget. Mr. Share responded stating the County included the SNHD Tentative Budget in accordance with NRS 439.365. Member Beers stated the coordination with the County is one issue and internal budget management is SNHD's concern. Mr. Share suggested consultation with legal counsel regarding working from another budget as the budget that was approved by the County Commissioners was the official budget that will be used by the SNHD auditors.

Mrs. Glaser stated this is not a significant issue today as there is little difference between the SNHD tentative and final budget. SNHD is committed to the expense reductions in the budget and will address reallocation if needed. She apologized for any confusion and stated that SNHD will provide one budget prior to April 1 annually and will readdress the SNHD budgeting process. She stated that SNHD strived to provide the most accurate reflection of the budget the year due to past concerns.

Dr. Middaugh will invite SNHD legal counsel to the June meeting to discuss implications of the budget to the District and County. Dr. Middaugh informed the Board that testimony was presented at the Legislature on this issue in an amendment that was referred by Clark County, Senate Bill 450. Dr. Middaugh stated that passage of this bill would have placed the Southern Nevada Health District budget under the County as if it were one of the County departments. He stated that this is a very serious issue that touches upon the litigation that the SNHD undertook against the county resulting with the Supreme Court decision about the autonomy of the District related to its budget. This occurrence is not an insignificant discussion and legal counsel can provide a detailed analysis of the interface of presenting the budget to the County by which they allocate property taxes as indicated by the Supreme Court ruling if the Board requests and approves an amount up to the 3.5 cents per \$100 of property tax allocation. The Supreme Court ruled that SNHD has its own budget established by the Board of Health, not by the County, and it is not approved by the County. Dr. Middaugh commented that SNHD has every right to run our own budget and revise it at any time during the fiscal year to guide and manage our proposed revenue and expenses.

Member Beers suggested tabling discussion of the budget and adding it to the June agenda. Chair Scow stated that she appreciated the clarity of the budget process

information provided this year. She stated that the legalities of budget preparation are important as it is used by the Auditors during their annual audit.

Mr. Noonan concurred with the need to invite legal counsel to the June meeting.
Motion made by Member Giunchigliani seconded by Member Nelson and carried unanimously to hold further budget discussion for inclusion on the agenda and invite SNHD legal counsel to the June meeting.

Chair Scow requested that Dr. Middaugh provide information at the June meeting regarding policies and/or regulations regarding review of lawsuits by the Board and asked if there is a monetary threshold for contracts requiring Board approval. She suggested that elected officials look at their policies as well as for any other boards on which they participate.

Member Jones will provide a CHO Succession Committee Update later in the meeting as this item is located under item VII. Health Officer and Staff Reports.

VI. BOARD REPORTS: There were no reports

VII. HEALTH OFFICER & STAFF REPORTS

Firefly Foodborne Outbreak Investigation:

Dr. Middaugh reported that information would be presented regarding the Salmonella Gastroenteritis Outbreak Among Patrons of the Firefly Restaurant by Linh Nguyen, PhD, MPH, Epidemiologist, Office of Epidemiology, Amy Irani, REHS, Acting Director of Environmental Health Environmental Health Division and Pat Armour, MPA, MT (ASCP), Laboratory Manager, Southern Nevada Public Health Laboratory. He stated the investigation is one of the greatest examples of public health seen during his professional career. Prompt action by the SNHD Epidemiology and Environmental Health staff may have prevented a significant number of additional cases if they had not responded immediately when advised of the first complaints on a Friday that could have resulted in thousands of people possibly exposed.

Dr. Linh Nguyen began the presentation discussion the Epidemiologic investigation:

Background:

- **April 26, 2013**
 - Reports of GI illness from 8 groups of Firefly patrons
 - Ill patrons ate during April 21-24, 2013
 - Severe diarrhea and/or vomiting
 - Many sought medical care
- **The SNHD initiated an investigation**
 - Office of Epidemiology (OOE)
 - Environmental Health (EH)
 - Southern Nevada Public Health Laboratory (SNPHL)
 - Public Information Office (PIO)
 - Office of Public Health Preparedness (OPHP)
 - Information Technology (IT) Informatics

Surveillance:

■ **Data sources**

- Interviewed restaurant management and staff
- Ill restaurant patrons
- Foodborne illness complaint database
- Electronic foodborne illness reports (website)
- Confidential morbidity reports (NV & other states)
- Healthcare providers (urgent care, ER, hospital)
- Open Table online restaurant reservation system
- Epi-X - (CDC's national communications)

Salmonella Modes of Transmission:

- **Eating food contaminated with animal feces** (Animal origin and vegetables)
- **Infected foodhandler** (Poor handwashing after using bathroom)
- **Feces of some pets** (Reptiles, turtles, lizards, snakes, chicks)

Salmonella Symptoms:

- Diarrhea, fever, ab cramps 12 - 72 hrs after infection
- Lasts 4 - 7 days
- Most recover without treatment
- Severe diarrhea, dehydration – hospitalized & death
- Spread from intestines to blood & other body sites
- Elderly, infants, impaired immune systems
- Might develop
 - Irritable bowels
 - Reactive arthritis
 - Pain in joints, eye irritation, painful urination
 - Last months or years & lead to chronic arthritis

Case Definition:

■ **A probable case**

- Consumed food served by Firefly April 21-26, 2013
- Diarrhea (defined as ≥ 3 bouts of loose stools) and/or
- Vomiting (≥ 1 episodes)
- 7-day period after eating (accommodate possible longer incubation periods for *Salmonella*)

■ **A confirmed case**

- Met the probable case definition
- *Salmonella* infection confirmed by PCR or bacterial culture

Preliminary Case Control Study:

- 32 case-patrons and 38 controls
- Statistical associations between having consumed specific food/drink and developing illness later
- Laboratory testing
 - Statistically significant
 - Associations with past *Salmonella* outbreaks
- Food item Cooked Chorizo positive for *Salmonella*

Preliminary Case Control Study

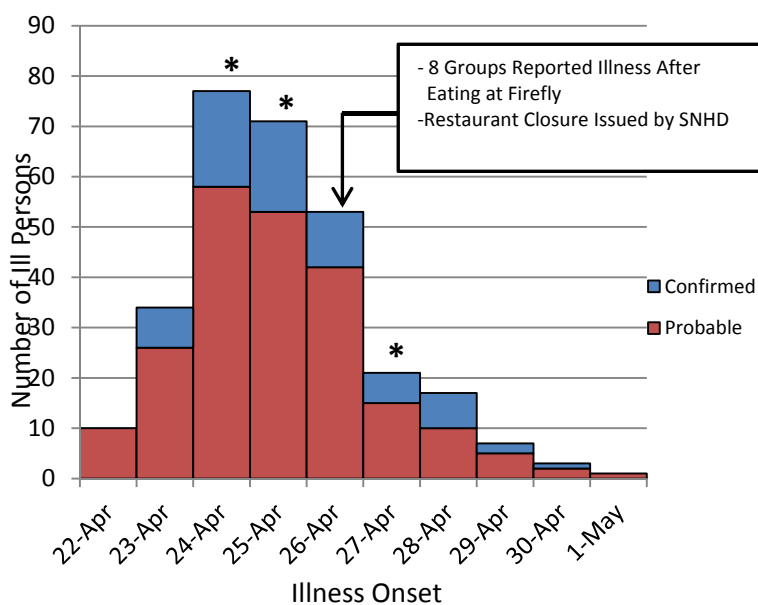
| Food Samples Collected (n+35) April 26, 2013 | |
|--|-----------------------|
| Firefly on Paradise | Dragonfly on Paradise |
| Tetilla* | Aioli sauce* |
| Calamari* | Blanched fries* |
| Chorizo 1* | Calamari* |
| Chorizo 2, cooked* | Chorizo* |
| Cooked pasta | Eggplant |
| Cooked rice* | Heavy whipping cream |
| Cut cooked potatoes | Parmesan* |
| Cut cooked potatoes 2 | Rice |
| Garlic cream sauce* | Shrimp |
| Garlic cream sauce 2* | Stuffed mushroom* |
| Garlic in oil* | Tartar sauce* |
| Lentils | Tempura batter* |
| Macaroni and cheese* | Tuna* |
| Mussel sauce* | Tuna 2 |
| Mussel sauce 2* | Tuna skewer |
| Potato bravas | |
| Salsa verde | |
| Shrimp, raw | |
| Stuffed mushroom* | |
| Tomato sauce | |

•Samples sent for testing (N=21)

Twenty-one items were collected with the cooked chorizo the only one positive.

Epidemic Curve

**Epidemic Curve of Gastrointestinal Illness Associated with Eating at Firefly Restaurant (Paradise Road) on April 21–26, 2013
Las Vegas, Nevada (n=294)**



Cases verified through May 20, 2013

*Includes 4 restaurant employees, 3 of whom are confirmed cases

- 294 total ill (72 confirmed, 222 probable)
- Ate April 21 -26, 2013
- Illness onset dates April 22 to May 1, 2013
- Onset date peak ill patrons April 24, 2013. Incubation *Salmonella* 12-36 hrs
- 4 employees recently ill with GI symptoms
- Timing illness onset dates suggests none was source of illness

Four Environmental Health staff and one Environmental Health supervisor reported to the facility to conduct an investigation and inspect the facility for compliance with the *2010 SNHD Regulations Governing the Sanitation of Food Establishments*.

What SNHD Found in the Inspection:

- Collected 35 samples, of which 21 were tested for the presence of *Salmonella* using PCR molecular testing and growth of cultures at the Nevada State Public Health Laboratory
- Inspections conducted on April 26, 2013
 - 44 demerits at Firefly
 - 47 demerits at Dragonfly
 - Dragonfly is the support kitchen permit for the Firefly Restaurant

Critical Violations:

- Improper hand washing using cold water only
- Bare hand contact ready-to-eat (RTE) food
- Shellfish tags not retained for 90 days
- Food contaminated by debris-filled liquid
- Improper cooling of multiple potentially hazardous foods (PHFs)
- Multiple PHFs at improper holding temperatures (60+ food items)

Slides Depicted the Following:

- Bare Hand Contact with Ready-to-Eat Food
- Blocked Hand Sinks Impeding Hand washing
- Improper Cooling
- No Time Control During Cooling
- Foods Held at Improper Temperatures

Major Violations:

- Double stacking without a barrier
- Multiple raw animal product stored above RTE food
- Utensil stored in stagnant water at 101°F
- Food uncovered and unprotected from contamination
- Chemical spray bottles unlabeled
- Sanitizer bucket stored next to open food
- Employee beverages stored next to and above open food and food contact surfaces
- Observed employees wipe food contact surfaces using soiled wiping cloths with no detectable sanitizer
- Soiled wiping cloths sitting on food contact surfaces throughout kitchen
- Sanitizer not at proper concentration in bucket
- 3-comp sink not set up properly during active ware washing
- Containers stored in multiple hand sink basins impeding hand washing
- Hand sink used as a dump sink
- Air curtain unplugged at back door
- Insect light stored above open food and food contact surfaces
- Multiple fruit flies and moths observed inside facility
- Multiple refrigeration units not maintaining PHFs at 41°F and below (5 total units)
- Hot holding unit unable to maintain PHFs at 135°F and above
- Multiple thermometers missing inside refrigerators holding PHFs
- Multiple stem thermometers not calibrated properly (reading 100°F in ice water)
- Tuna thawing improperly (label states to open package prior to thawing)

Slides Depicted the Following:

- Improper Raw Food Storage illustrated on slides
- Soiled Wiping Cloths Used with No Sanitizer
- Refrigeration Not Working
- Thermometers Not Working (Reading 100°F in Ice Water)

The Results:

- The two facilities were closed because of both the association with the large cluster of reported illness and excessive demerits
- One of the 21 food samples submitted to the Nevada State Public Health Laboratory was positive for *Salmonella* spp. by PCR and culture

Operational Directives:

- The facility was given the following directives:
 - A Person-In-Charge (PIC) that has completed a Certified Food Safety Manager (CFSM) training program be present and responsible at the facility at all times including evenings, weekends, and breaks. The designated PIC staff must be knowledgeable of all food safety measures associated with the operation
 - They are required to contract with a Food Safety Consultant with the intent that the consultant would assist the facility to put measures in place to assure ongoing active managerial control of risk factors for foodborne illness
 - This would include Standard Operating Procedures, employee training, and methods to verify ongoing safe foodhandling practices by facility management
- To date the facility has completed the following:
 - They have hired a food safety consultant.
 - They have started working on procedures and policies for safer foodhandling.
 - They have met with SNHD Food Operations staff on May 16th to discuss their training of staff and safer foodhandling procedures prior to re-opening.

Current Status:

- Firefly plans to keep their facility at 3900 Paradise Rd. closed to the public.
- Firefly instead is relocating to their new facility at 3824 Paradise Rd.
- Permits at both locations were inspected by Environmental Health Staff on May 21st and passed with A grades.
- The new location at 3824 is a larger facility which should address some of the improper foodhandling practices observed at the older location as a result of too confined a space.
- Newer facility will be on an increased frequency of inspection to ensure safe foodhandling practices, compliance with SOPs required from the SNHD mandated meetings, and active managerial control.

Ms. Irani stated that the Firefly had a yo-yo history and explained that they would score a C grade and SNHD would re-inspect within the 15-30 days and the facility would go up to an A grade and function properly. SNHD would revisit and follow on a frequency and they may get a B downgrade and would improve. The District's role is not penalize the facility, but to help educate them to get back to an A grade.

Member Winchell asked if there was a point during the yo-yo process where a facility is penalized. Ms. Irani responded that she implemented a policy where if a facility has a couple of inspections where a B or C downgrade is scored in a short period of time,

a supervisory conference with the facility is conducted and the District will revisit to get them back to the A grade. If in the next 60/90/120 days SNHD revisits and finds the same thing the same process is followed, but they are required to hire a food safety consultant. The final chance after that occurrence is visiting SNHD for a managerial conference and they do not comply with those three options the permit is suspended, facility closed and SNHD will move forward for their permit revocation. The objective is to give the facility every opportunity to be successful and to work with the establishments to regulate and educate them.

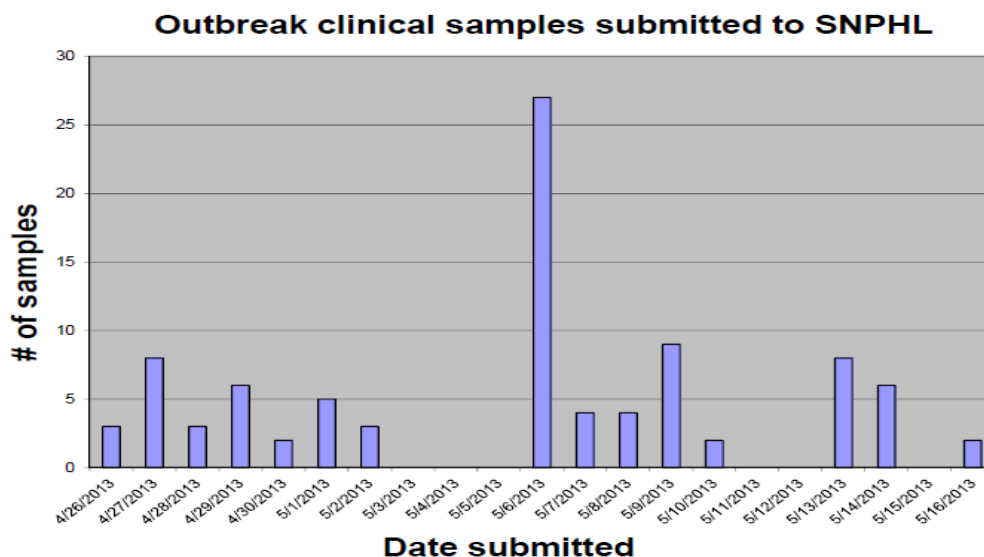
Amy Irani identified the food delivery source and the Firefly had shipping manifests from companies used many of the permitted food establishments.

Patricia Armour provided the **Southern Nevada Public Health Laboratory (SNPHL) Initial Response:**

- SNPHL mobilized 5 laboratory staff to initially respond to Firefly outbreak
- Staff worked over the weekend to receive 14 stool specimens and perform testing
- All stool specimens were tested initially for Norovirus and enteric pathogens SNPHL cultured *Salmonella* species from 12 of 14 stool samples

SNPHL Continuing Outbreak Response:

- SNPHL staff maintained chain of custody for 35 food samples collected by SNHD EH and shipped multiple samples to Nevada State Public Health Laboratory (NSPHL) for testing.
- As required by State regulation, local clinical labs submit *Salmonella* isolates to SNPHL for confirmation



Confirmatory Testing:

- SNPHL microbiology staff performs serotyping and Pulsed Field Gel Electrophoresis (PFGE) testing on all *Salmonella* isolates following CDC protocols
- PFGE results submitted to CDC PulseNet
- CDC PulseNet staff compares results with PFGE patterns submitted by other state laboratories to identify common source outbreaks

Salmonella and PFGE Pattern Culture (24 hour bacterial culture) were illustrated.

Team Response:

- Internal: SNHD laboratory, epidemiology and environmental health team. Finance provided quick turnaround to purchase testing supplies.
- Local: clinical labs quickly submitted isolates.
- State: NSPHL provided food testing capability.
- National: Obtain information from other state laboratories regarding testing performed on ill LV visitors who returned home.
- Federal: CDC PulseNet support and response.

Summary:

- 290 patrons and 4 employees who consumed food and/or drinks at Firefly restaurant during April 21-26, 2013 have been identified to be confirmed or probable cases of *Salmonella* infection.
- No illness reported among staff or patrons of Firefly restaurants in Henderson or Summerlin.
- No concurrent cases of salmonellosis with matching PFGE pattern to outbreak strain identified in the U.S. other than ones linked to Firefly.
- Outbreak likely due to local cross-contamination in the restaurant's kitchen

Dr. Linh Nguyen stated that the outbreak is likely due to cross contamination in the kitchen and not related to a commercial food product. Source of the salmonella infection was not identified, however, salmonella was found in the chorizo, one of the twenty food items tested. She explained that chorizo comes into the Firefly restaurant raw and is cooked. When salmonella is found in a cooked product it is problematic because the cooking process should have killed the salmonella, so when the salmonella is isolated from the cooked chorizo it suggests that cross contamination might have been an issue, that the salmonella was introduced to the cooked chorizo after it was cooked.

Dr. Middaugh stated that given the extensive menu items no single "smoking gun" food was identified. The kitchen contained multiple sources for cross contamination. Foods delivered were similar to those delivered to the other Firefly Restaurant as well as other restaurants and there were no cases associated with any other facility other than the Paradise Firefly. He stated that time and temperature abuse contributed and explained that salmonella requires a large number of organisms to cause human illness and there was a period of time where those organisms are growing. If the food had been served immediately after cooking sickness would not have occurred. He described the situation as a perfect storm of contamination with food sitting out at the wrong temperature, people multiply cross-contaminating numerous foods.

Dr. Nemec's question regarding outbreak notification was confirmed that the initial outbreak notifications came from restaurant patrons and not medical providers. Notification from medical providers came later.

Dr. Nguyen stated that the original eight groups that notified the District ate at the Firefly from April 21 to 24 and information received from other surveillance sources indicated patrons ate at the restaurant from April 24-26. Exposure was not narrowed down to a particular date, but a range of dates. Dr. Middaugh stated that when interviewing the cases they are asked when they ate and date the onset of illness occurred and all of the cases ate between April 21 and 26. There were no cases that ate there prior to April 21 and none after April 26, when the restaurant was closed.

Dr. Nguyen responded to a question regarding information requested from Open Table reservations, explaining that it is a website used to make restaurant reservations. Four infected foodhandlers became ill around the same time the patrons became ill and based on the timing of their illness, when they developed symptoms the District believes none of them were the source of the illness.

Member Giunchigliani stated it is necessary to use consistency in handling outbreaks and sensitivity to the businesses is needed. Patricia Armour responded to a question regarding whether the laboratory is CLIA certified stating that labs performing human testing must be CLIA. Mrs. Armour stated that food testing follows USDA or FDA protocols. Quest is the local laboratory that reviewed the samples and there is a chain of custody and legal requirement used to submit the samples. Dr. Nguyen responded to the question inquiring why all of the 35 food samples were not tested stating that they were not shown to be statistically significant, meaning that there was no association found between eating a certain food item and illness.

Member Woods asked if the history stays with the business or location and what follow-up will be maintained with the facility once they are in the new restaurant. Ms. Irani stated the owners have been cooperative with SNHD through the process. They trained their current staff and have standard operating procedures in place. SNHD will make more frequent unannounced inspections and the Firefly will have to pass an unannounced inspection with ten demerits or less. SNHD will follow them through the process to be successful. Ms. Irani stated that the Firefly will not start with a new slate at the new location.

Member Jones asked if the District was not focused on the Firefly, if there was enough illness that would have caught SNHD's attention. Dr. Thomas Coleman, Director of Community Health, stated that information received from emergency rooms and private physicians would notify the District after the fact. The normal process for disease reporting is passive and dependent upon private providers or citizens notifying the District of illness and then looking at the potential cluster. This was a perfect example of how things can change because there was an initial meeting of the Office of Epidemiology on Friday morning and that afternoon before leaving the District knew of multiple potential groups that could have been clustered and by early evening the appropriate remediate measures were taken in closing the restaurant. SNHD went into more active surveillance eliciting information from outside labs and emergency rooms and if it had been something broader the District would be calling them more regularly. There was evidence of clustering in terms of exposure to multiple groups that had eaten at the Firefly. If it was a supply item it would have been seen in multiple areas in the community and this was not seen in this case.

Member Jones asked in terms of a community outbreak, if this did not reach a threshold where enough illness occurred, if the illness condition itself would have caught the District's attention. Dr. Coleman responded that it depends on the magnitude and stated that the monthly disease report would have been represented on the report if it was significant enough and SNHD would be more attuned to it if it were coming through the normal surveillance system. Dr. Nemec asked if the report indicated increased salmonella cultures and if no calls were received from the public, would that information would trigger an investigation? Dr. Middaugh responded that it would trigger an investigation and stated that routine monitoring of all of reportable

diseases occurs on a constant basis. The District looks at each disease in an attempt to determine why it is occurring, where it is coming from and what is causing these cases to occur with the community. This is part of the value of the new software system developed over the years enabling SNHD to monitor diseases and look at risk factors and shared commonality. When clusters appear within groups a focused investigation can rapidly uncover a common source outbreak. Disease Investigators collect focused information to determine if the occurrence is at only one restaurant, one food, and items of that nature to find these associations. Expertise of the SNHD food sanitarians can immediately identify massive cross contamination and temperature abuse that can set up a rapid ability to transmit disease. With appropriate foodhandling techniques the chain is broken that allow organisms to grow to an infected dose or the ability to be transmitted from one food to another or one person to another. This can happen quickly and is a huge responsibility, which is why partnership with the businesses is critical that SNHD has ongoing surveillance and education. Another factor is employee turnover in restaurants.

The Firefly outbreak involved people from 27 states and 2 countries and Dr. Middaugh stated that these threats are constantly present. He commended the staff and stated the scenario could have been much different if SNHD staff headed home on that Friday planning to deal with it on Monday with the restaurant serving 900 patrons daily. Staff's identification of the likelihood that the restaurant was the source of the infection stopped further transmission.

Dr. Coleman reported that data analysis occurred on Saturday to identify the foods, which were sent to the laboratory for testing. He stated that SNHD staff did a remarkable job and commended them on their team work and taking appropriate measures.

Member Winchell stated that public health is population based and not individual based. Facts need to be collected from individual providers, putting the information together and backtrack the study to determine what happened. She commended staff for doing a remarkable job in a short period of time.

Member Nelson left the meeting at 10:52 am
Member Nemec left the meeting at 10:54 am

Member Noonan also commended staff on doing an excellent job. He asked if there was any indication of a breakdown with the person in charge requirement at the restaurant or any indications that the requirement needed to be addressed. Ms. Irani stated the person in charge requirement in the regulations was appropriate. She explained that what clearly happened at the Firefly was that there was no assigned person in charge and that an owner with three locations cannot be in three places at one time resulting in a breakdown within their own establishment and structure. From a policy perspective it is appropriate as written.

Member Beers inquired if the progressive discipline policy change was a result of the outbreak and Ms. Irani stated that it was not. She stated that her goal is to make Environmental Health consistent across the board with implementation of policy and protocol. Ms. Irani stated that it is not a change in policy, but more internally to keep consistency that industry is comfortable with.

Ms. Irani responded to Member Winchell's question regarding the number of licensed restaurants in the county and how many inspectors were on staff that last year stating that 27,000 inspections were performed and approximately 20,000 were permitted regulated establishments. With a staff of 70 inspectors and growing with 450-560 permitted establishments EH staff have to handle per year and depending on the size of the establishment can take 3-4 hours at times to get through an inspection with education. Inspection education not only shows what is wrong, but helps the establishment to improve.

Member Giunchigliani reported receiving positive comments from the Firefly owners and also complimented SNHD. Amy Irani responded to Member Giunchigliani's inquiry regarding input from SNHD for site plans stating that SNHD currently does Plan Review for new facilities, remodel or change of ownership. She stated that size of the kitchen is not the factor and it is important to have an active manager in charge on hand. The outbreak is a breakdown in managerial control.

CHO Recruitment Update:

Tim Jones, Chairman of the Chief Health Officer Succession Committee, reported there are three Chief Health Officer candidates and suggested reconvening the subcommittee to vet the candidates and noted that meeting packets were available for committee in attendance at the Board meeting. He asked the Board if they would like the committee to rank candidates and the Board concurred. Chair Scow stated that she would like to bring the three candidates before the Board.

Dr. Middaugh suggested that physician Board of Health members review the candidates on behalf of the committee to provide extra information regarding the technical and medical credentials in addition to the managerial oversight.

Member Winchell asked if SNHD had a credentialing process for healthcare personnel. Dr. Middaugh responded that District criteria for the medical professionals is to meet the licensure or other criteria, adding that the statutory requirements for the CHO are rigorous and appropriate. He reported that a bill is in the legislature that he believes will pass allowing SNHD to consider someone eligible for licensure and providing the ability for them to secure Nevada licensure within twelve months. Member Winchell asked if once hired if an ongoing review process is in place to which Dr. Middaugh responded the annual performance review and continuing medical education requirements, but there is no separate process. Population served and complexity of the programs led to establishing very high standards for the CHO or other professionals that run the large programs in cities the size of New York City, San Francisco and Las Vegas when compared with smaller populations that do not require that level of professional leadership.

- Cambridge Clinic Closure Update: Closure results in \$50,000 savings and cards can be obtained at the Valley View facility.
- Pool Regulation Workgroup Update: A group that included the community was created to update the Pool Regulations.

- Legislative Update: Jennifer Sizemore provided legislative information:
 - SB442: Education Bill looking at unfunded mandates. Collection of data for the CPPW and CTG grants was going to be stopped and it was agreed that data collection in Clark and Washoe Counties scheduled to go into 2015 and will continue. Pat Skorkowski, Superintendent of Schools, committed by MOU to continue and Mr. Richard Whitley, Administrator, Nevada State Health Division, committed to find resources between now and 2015.
 - SB315: Board make-up adds recycling member passed both houses; waiting for vote on floor.
 - SB 450: Changes requirements for CHO including a Doctor of Osteopathy passed.
 - Dr. Middaugh reported that SNHD objected to Clark County's attempt to place the SNHD Budget under them (as though one of the County's departments) through the legislature. The sponsor withdrew.
 - SB 316: Requires provisions relating to materials recovery facilities was amended and without recommendations; currently in limbo.

Ms. Sizemore will provide updates through the Nellis system.

- Mesquite Phlebotomy Update: SNHD staff will meet on June 6, 2013 in Mesquite with the Mayor and other city representatives, Fire and Police Chiefs, representatives from Mesa Hospital, Lab Corp and others to resolve their DUI blood draw problem.

VIII. INFORMATIONAL ITEMS- DULY NOTED

- A. Chief Health Officer and Administration:
 - 1. Monthly Activity Report - April 2013
- B. Community Health:
 - 1. Monthly Activity Report - April 2013
- C. Environmental Health:
 - 1. Monthly Activity Report - April 2013
- D. Clinics and Nursing:
 - 1. Monthly Activity Report - April 2013

- IX. 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. The Chair opened the Public Hearing and asked if anyone wished to comment.

Member Crowley cautioned the Board to be conscious of Open Meeting Law and careful to comply when communicating and the potential for serial communications.

Seeing no other comments the Public Comment portion of the meeting was closed

X. ADJOURNMENT

Motion made by Member Giunchigliani seconded by Member Winchell and carried unanimously to adjourn the Board of Health Meeting at 11:22 a.m.

SUBMITTED FOR BOARD APPROVAL

John Middaugh, M.D., Interim Chief Health Officer
Executive Secretary

/vk