



## MINUTES

**Southern Nevada District Board of Health Meeting  
Environmental Health Fee Committee Meeting  
April 5, 2019 - 8:30 a.m.  
Southern Nevada Health District, 280 S. Decatur Blvd., Las Vegas, Nevada 89107  
Red Rock Conference Room**

**Members  
Present**

Erica Arthur, Ovation Properties  
Katherine Jacobi, Nevada Restaurant Association  
Norberto Madrigal, Lunas Construction  
Scott Nielson, Board of Health  
Virginia Valentine, Nevada Resort Association  
Brian Wursten, Board of Health

**Members  
Absent**

Nicole Brisson, Board of Health  
Chris Darling, A Track Out Solution  
Brooke Egan, Lennar

**ALSO PRESENT:  
(In Audience)**

Paul Beckstrom, Cosmopolitan  
Doug Bell, Western Elite  
Jim Chachas, Hobbs, Ong & Associates  
Dawn Christensen, Nevada Resort Association  
Cara Evangelista, Impact Food Safety  
Armando Garcia, Caesar's Entertainment  
Allison Moderson, Wynn  
Jeff Seavey, Caesar's Entertainment  
Brisa Stephani, Impact Food Safety  
Alex Stokes, Wynn  
Tammi Williams, MGM Resorts  
William Wong, Asian Chamber of Commerce

**LEGAL COUNSEL:**

Heather Anderson-Fintak, Associate General Counsel

**EXECUTIVE  
SECRETARY:**

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

**STAFF:**

Ernest Blazzard, Annette Bradley, Heather Hanoff, Victoria Harding, Robert Newton, Larry Rogers, Christopher Saxton, Herb Sequera, and Karla Shoup

**I. CALL TO ORDER**

Chair Nielson called the Southern Nevada District Board of Health Environmental Health Fee Committee meeting to order at 8:31 a.m.

**II. CHIEF HEALTH OFFICER COMMENTS**

Dr. Iser asked to speak in between public comments. He apologized to the Committee for having a long-standing meeting regarding a State institute that he started. The meeting was scheduled for the same time so Dr. Iser was unable to stay for the entire meeting.

Chair Nielson expressed his frustration with this process and with the fact that the requested information was provided yesterday. It's of very little value to provide this kind of information and this much information to people when they don't have a chance to analyze it and address it prior to

a meeting. In the future, when somebody from the Committee asks for information, it needs to be provided at least three days prior to the meeting. Everyone recognizes the importance of environmental health services but it's very important that we all understand why we are doing this and what exactly is needed, and it must be justified. It should be a transparent process that demonstrates costs and needs. Then the Committee can make a recommendation to the Board of Health.

Dr. Iser will have Christopher Saxton address why it took so long to post. Dr. Iser doesn't have that answer. Our whole idea is to be transparent. Public workshops will be scheduled once the Committee is ready for them.

Member Valentine said that Open Meeting Law requires that all background material is published with the agenda and available to the public. She sees this happen with almost every other public agency. Dr. Iser is aware of the law but it doesn't require all background material be posted 72 hours before the meeting, but he agreed that it's important for the information to be available. Heather Anderson-Fintak stated that it is not a requirement of Open Meeting Law, but it is a best practice.

Chair Nielson excused Dr. Iser from the meeting.

### III. PUBLIC COMMENT:

**Brisa Stephani, Impact Food Safety:** Her company represents about 5% of the food permits in Clark County, from large facilities on the Strip to smaller restaurants throughout the community. Once again, these presentations were sent out yesterday so please keep in mind that she had less than 24 hours to prepare a public comment. She wants to speak on the first attachment on the agenda, the Environmental Health Presentation. In the beginning slide, it states how EH would like to replace software at a cost of \$1.5-3 million dollars. Why was that not stated in the last meeting? We were initially told that EH needs to cover costs and increase staff. Now they need \$1-3 million for software. Was this bid out? What companies were looked at? Why is it so expensive? Where did these numbers come from? Will the new software be compatible with the existing hardware? When they rolled out their current software, it took them six years to implement from 2010 to 2016 because of mismanagement. How can we be confident that a new transition will be smoother? How do they know the cost for something that has never been seen or discussed at a Board of Health meeting? Once again, there are no details by SNHD. The next slide states that the fee increase is needed to pay for capital equipment. What is that? She could not find a slide in the presentation that describes the equipment or provides the costs. On the next slides are the breakdowns of EH sections. First these are confusing because the breakdown goes from number of activities to permits per inspector, to hours spent, and mixes different variables. The EH Food section is stating that they need 11 new people including a Manager, Supervisor, Senior, and Secretary. Did you know that the current Training Office has two Supervisors, four Seniors, and one EHSII? Currently, trainees are assigned to the individual operational offices and not the Training Office. Do they really need more management when they have an office full of management and no staff to manage? Also, they state that a food inspector does 739 activities per year. Remember these are not permits anymore; they are now activities. An activity can take anywhere from five minutes to all day. However, the average full restaurant inspection takes about an hour. By taking weekends, holidays, and sick leave into account, she calculated 222 work days for an inspector per year. Now let's recall that with the addition of their electronic system that took six years to implement, it was supposed to decrease the amount of office time and save money. Work days should be closer to eight hours; however, we will use six. If we take 222 work days times six hours of work per day, it equals 1,332 hours of work per year, per inspector. If the average full inspection is one hour, then 1,332 minus 739, leaves us with 493 hours per year, per inspector. Where are these hours being spent? Fifty inspectors, times about 600 hours, is approximately 30,000 hours so what are they doing? SNHD had so much money, they even took the workload away from the Seniors who used to carry at least half a workload. Now they carry zero and each

office has two Supervisors. What do they do? Where is their time being spent? But wait, SNHD had so much more money that they expanded by adding an unnecessary Swing Shift for Food Operations and now they want more staff. On the next slide, it states that the FDA recommendation is 280-320 permits per inspector. The average in EH is 389. Again, please remember in Las Vegas, we split our permits so a restaurant in LA with three permits will have approximately 15 permits in Las Vegas. Also, on this slide, SNHD states that they would need to hire 63 new inspectors to meet this voluntary standard by the FDA. Please be aware that SNHD is not the outlier in the country for not meeting the standard. In fact, almost nobody, except for a few very small counties in the U.S., is meeting this standard. We have inspected in other jurisdictions and find that SNHD is a leading agency for meeting many of these FDA standards. In the next slides on Aquatic Health, once again she doesn't see anything taken into account on how the new regulations will allow HOAs and apartments to conduct their own inspections. Again, what are these proposed temp and seasonal pool fees? They were not mentioned or written in the new regulations that we just spent three years on. Overall, this presentation is showing a large increase in permits to justify the need for the proposed fee increases; however, it does not mention that with each permit added, there are also fees collected by SNHD for those permits that would cause an increase in revenue. In closing, we would like to see workshops with more transparency and details on how fees are allocated which we believe would lead to a more collaborative discussion and reduce much of this confusion. Thank you.

**Cara Evangelista, Impact Food Safety:** She would like to start with Attachment 2, EH Budget, under the first table, EH General Fund. This is not a complete line item revenue expense report or breakdown. Where is the pool permits, the childcares, schools, vector, and equipment costs? What equipment? Where are the temporary permit fees? None of this is broken down. Referring to the EH Presentation, Attachment 1 on the agenda, SNHD states that pools and childcare have some of the biggest increases in permits from 2018 to 2019. She believes this is represented in the permit line item in the EH Budget. How is it possible that the SNHD presentation shows increases; however, in the budget, there is a decrease in 2018 to 2019 from \$4.8 million to \$4.5 million in revenue. If permits are increasing, revenue should show an increase. This makes no sense. Referring to the EH Presentation, SNHD states that the Food Plan Review section is having a huge increase in permit applications; however, in the EH Budget, SNHD states on the Food line item that there is only an increase in revenue of \$80 from 2018 to 2019. It is impossible that there can only be an increase of \$80 in food permit revenue with this many permits in Plan Review. In the same EH Budget table, SNHD states in the Plan Review line item that expenses are \$2.4, \$4.3, and \$2.4 million from 2018 to 2020. What is this mysterious \$2 million extra expense in 2019? It is unexplained. For the total in the EH Budget table, again SNHD states that EH is in the red \$400K, \$3.1 million, and then \$1.6 million from 2018 to 2020. Again, why? This is too big of a fluctuation for a \$20 million budget. Another item that has not been addressed is grants. How many does EH have? How much are they? How much staff time is spent getting and performing the grants? Is a \$5K grant covering staff salaries? We don't know, and she requests that this be provided. In Attachment 3, EH Priority Scenario, it shows SNHD reporting overhead at 27.8% for EH or the \$4.5 million called Cost Allocation. Why is EH overhead at \$4.5 million when the main SNHD building is owned by SNHD. If a private business charged itself 27.8% in overhead when it owns its own building, that company would go bankrupt. Also, what was EH paying in overhead when SNHD was renting the previous building on Valley View because this should have been a significant decrease. These questions need to be answered. Remember also that taxpayer money coming from the County is supposed to be used to cover the Administration Division so SNHD gets taxpayer money and charges overhead to EH. This is very significant because the NRS states that fees must be spent on the activity they are charging the fee for in a Health Department and not for the purpose of general revenue. Also, remember that EH overhead isn't even covering their own new software costs because according to the presentation, EH will be buying their own \$1.5 to \$3 million new software on top of the 27.8% overhead, not the IT Department. She noticed that comparisons to other counties was taken out of this presentation. She looked at the cost of LA County and Fresno. One of our normal large Strip restaurants pays \$3,116 per year because it's permits are split. For comparison in LA County, they would pay only \$1,757 and in Fresno, \$1,156.

In conclusion, she would like to end with SNHD budget numbers do not make sense. The presentation to the budget does not match. Many questions are unanswered, and this information is vague and unclear. A final example on the last attachment, Cost Revenue by Service, please look at page 14, Item Number 9006 Verified Complaint. There is one activity done for 1.9 hours but somehow EH made \$37,406 in revenue. How is this possible? Does SNHD even have accurate numbers? Maybe SNHD thought that nobody would read these documents. We request public meetings, transparency, and accuracy. Thank you.

**Victoria Harding, SNHD & SEIU:** She works in this organization and we have a bunch of values that we put out that we should all encompass and have as we work for ourselves and our community. She was upset about this not being noticed properly. She thinks that we owe it to people to let them know about what we are doing and be transparent and give people the facts. One of the things that she particularly wanted to see was a fee comparison document. When we did the Nursing Fee Schedule, you could see the old and new price. It was put out there to look at as a line list and really go through it and see what is new and what was old. She really appreciated that, so you could quickly look through it and see it. She would love to see something like this instead of blocks of things and trying to put things together. She thinks that would help a lot. She has had issues with the Board in the past on the Open Meeting Law. A – The minimum public notice is posting a copy of the notice at the principal office of the public body or if there is no principal office, at the building at which the meeting is to be held and not less than three other prominent places in the jurisdiction of the public body no later than 9:00 a.m. of the third working day before the meeting. B – Posting the notice on the official website of the State pursuant to NRS not later than 9:00 a.m. the third working day before the meeting is to be held. C – (which is the issue) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses six months after it is made. The public body shall inform the requestor of this fact by the enclosure with notification upon or text included within the notice sent. The notice must be delivered blah, blah, blah if feasible to the public body and the requestor must agree to receive the public notice. In the SNHD contract, it explicitly states that there are three people within SEIU that are to receive these email notifications before meetings. She doesn't care whether the supplementary information is there or not because usually what she does is just keep up with the website to see when things are posted on it. That was a breach of our contract. It's also a breach of the law because with every other Board meeting, the email list that she is on and it's a huge list of everyone that has requested things, did not go out until the day before the meeting so as far as she is concerned, it's not a properly noticed meeting. Thank you.

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

**IV. ADOPTION OF THE APRIL 5, 2019 AGENDA (for possible action)**

*A motion was made by Member Valentine, seconded by Member Wursten, and unanimously carried to adopt the April 5, 2019 Agenda as presented.*

**V. REPORT / DISCUSSION/ ACTION:**

- 1. Approve Environmental Health Fee Committee Meeting Minutes – March 25, 2019, direct staff accordingly or take other action as deemed necessary (**for possible action**)**

Member Valentine noted a correction to the Also Present List. Dawn Christensen was listed as with the Nevada Restaurant Association but is with the Nevada Resort Association.

*A motion was made by Member Wursten, seconded by Member Madrigal, and unanimously carried to approve the March 25, 2019 Minutes with the correction stated above.*

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

**a. Discuss the Proposed Environmental Health Fee Schedule Changes**

Christopher Saxton, Environmental Health Director, presented the Environmental Health Presentation addressing questions from the previous meeting. The Environmental Health Managers presented their program information. Larry Rogers discussed Food Operations, Karla Shoup discussed Consumer Health Programs, and Herbert Sequera discussed Solid Waste Programs. Ernest Blazzard, Financial Services Manager, was also present to discuss financial questions.

Mr. Saxton apologized to the Committee for the lateness of the materials. He thinks SNHD was a little too aggressive in trying to schedule this meeting. Materials will be posted sooner for the next meeting.

Mr. Saxton reminded the Committee that staff is trying to make Environmental Health self-sufficient, like an Enterprise Fund, as has been discussed in Board meetings and reiterated by our current Board of Health Chair. Staff can accomplish this with some type of annual increase, whether it's a fixed percentage or tied to the Consumer Price index. This will keep future increases smaller than 19.6% which is what happens when we wait so long to adjust fees. Staff recommends a smaller increase that happens every year. If an index is used and the economy is not doing well, there won't be any increases.

Mr. Saxton stated that we recently sent staff to San Francisco to our software company, which was bought by Accela. Accela is looking to sunset our current software and they have a new product. Staff has not yet done an FRP or researched what else can be used in the future. Staff just know that in 3-5 years, we will need to decide what is best for the Health District. There is going to be a cost to that, but it will be in the future. The cost in the presentation is just an estimate of implementation costs from the SNHD IT Manager, Jason Frame. The cost is not included in the budget. A benefit to staying with Accela is that the migration path will be simpler.

Member Valentine asked if the software was used by other divisions at SNHD. Mr. Saxton stated that it is exclusive to Environmental Health.

Mr. Wursten asked how long the program would be in place since this is a one-time cost. Robert Newton, Administrative Analyst, said the current software was implemented in June 2011. Member Valentine said this would fall into the category of a one-time expenditure, not something that would be built into a fee structure every year, so it would be amortized over some period of time for the life of the software. Mr. Newton agreed.

Mr. Saxton briefly went over the new staff being requested. He is requesting a Manager for Food Operations to keep an appropriate span of control. We may be able to save money by making this an Assistant Manager position. Consumer Health and Solid Waste are also requesting additional staff. Member Valentine would like the associated costs with the various positions since there are several job classifications.

Member Jacobi and Member Valentine requested current and proposed organization charts. Mr. Saxton verified that food inspectors were inspecting food permits and pool inspectors were inspecting pools.

Member Jacobi has been told that some inspectors are already 50% done with their quota for the year. Mr. Rogers said that Food Operations is 35% done. Member Jacobi asked if the inconsistency is that some inspections take longer than others and Mr. Rogers agreed.

Member Valentine would like a complete breakdown of the cost allocation.

***Food Operations***

Mr. Rogers stated that the FDA recommendations are based on activities per year to account for different procedures in different jurisdictions. Activities per year is the only national standard. The FDA recommendation of 320 permits per year is not a realistic goal since it would require 63 new inspectors. Member Arthur said the FDA recommendation may not be reasonable. Mr. Rogers proposes using permits per inspector, which is what has historically been done. The target goal has been 350 permits per inspector for the last five years and staff have never reached that goal. We usually average between 380 and 400 permits per inspector. If nothing changes, there will be approximately 390 per inspector.

Member Jacobi asked if there was an average of 45 weeks, wouldn't that mean nine inspections per week, per inspector? Mr. Rogers said that average was reasonable. Staff also have complaints, special events, and other things that fill their time. Member Arthur said it seems like staff may not be getting the performance and productivity that's needed. Mr. Rogers will provide a breakdown of Food Operations time for the next meeting. Karla Shoup clarified that the numbers being shown are the number of permits that require a routine inspection and does not include other activities like illegal vending, reinspections, and special events.

Member Jacobi said that special events and complaints are listed under activities but those have separate fees. Mr. Rogers said that special event fees are included in overall revenue. Mr. Saxton said we are trying to justify staff time for those activities. Mr. Newton said it is about workload, not money.

Mr. Wursten asked if the FDA activities match the activities in the presentation. Mr. Rogers said that types of activities are the same. He got that information from a workbook for the standard. The FDA recommends 3-4 hours per inspection and SNHD averages about an hour. It's difficult to compare the FDA recommendations to Las Vegas.

Member Jacobi requested the number of complaints and special events. She would like to see a breakdown each activity.

Member Jacobi asked if the facility pays for foodborne illness outbreak services. Mr. Rogers said that we do not charge for that service. It's one of the value-added services discussed at the previous meeting. It's a food function, so it's charged to the Food Operations section. It's a function inclusive of the permit fee.

Member Arthur asked if the inspectors were given a specific schedule each day. Mr. Rogers said the inspectors are given their permit assignments; they decide which permits they inspect. He holds the Supervisors accountable for completing approximately 10% per month. For the individual inspectors, about six months ago, he started tracking them by time. Inspectors are required to document everything they do outside of general office actions like answering emails, calibrating equipment, and returning phone calls. There are 5.5 hours of the day that the inspectors are accounting for their time after breaks are subtracted. Staff is averaging about 90 minutes of office time. That information is tracked in our Envision Connect software. Activities are not tracked in real time; staff must return to the office to sync.

Member Valentine asked if there was an overtime savings if you have the same number of employees but are doing fewer inspections. Mr. Rogers agreed and said that

management has reduced overtime. Member Valentine would like more information on overtime numbers from the last five years.

Member Jacobi asked if Swing Shift inspectors go out in pairs. Mr. Rogers said there are five people on Swing Shift and they do inspections like any other Food Operations inspector. They sometimes go out in pairs on illegal vending or for safety reasons.

Chair Nielson asked why Mr. Rogers was recommending a reduction in the workload for inspectors from 390 permits down to 357. Mr. Rogers said the goal was set at 350 several years ago and we have not been able to meet that. Reducing the workload now would give staff flexibility as permits continue to increase. Management feels this will allow staff to continue the current level of services.

Mr. Wursten said we are talking about our inspectors doing four to five inspections per day to meet the proposed numbers. He would like to know where the justification is for another 11 staff members. Mr. Rogers said staff provide services when asked such as helping a facility with pest issues and we would like to continue to do that and maybe even improve services.

Member Wursten would like to know where those 11 positions are going. Mr. Rogers said that five positions will be regular inspectors to bring the permit load down to 357. Two positions will be exclusive to the Illegal Vending Program. Management has been receiving a lot of feedback from the community that they are not happy with our level of support for the Illegal Vending Program so staff are proposing two people to meet the community demand to make that a more robust program. The other positions are to maintain appropriate span of control.

Member Valentine asked how many vacant positions are budgeted. Mr. Newton said there are currently four vacancies in Food Operations. They have been hired and will start in a month. Mr. Saxton reminded everyone that new hires need to complete training for three to four months.

Member Arthur said that is a lot of supervisory people and she assumes those people don't leave the office to do inspections. Mr. Rogers said the Senior Environmental Health Specialists do leave the office and are expected to do inspections. They typically accompany other inspectors to do more complicated facilities where the owners/operators have had issues with noncompliance. They also fill in when inspectors are on vacation. Their permit load was removed so they would have that flexibility.

#### ***Consumer Health – Aquatic Health***

Karla Shoup informed the Committee that Aquatic Health has a Plan Review side and an Operations side. Each inspector is expected to conduct one inspection per year on each of their permits. The average inspection is two hours.

Ms. Shoup is asking for another staff member because there has been a large increase in permits and she must pull an Operations inspector regularly to help with plan reviews. Last year, there were only two fulltime plan reviewers. This was not an adequate number for the volume of work that was being done. There was over a 50 day wait time from the time the plans were submitted to the time they were reviewed which didn't include the field inspection time. A third reviewer was added and is about 95% trained. The wait time is now about 45 days. Chair Nielson said that it sounds like the backlog is being reduced with the third person. Ms. Shoup doesn't think that 45 days is a good wait time. Staff get complaints every day from contractors, especially now that we are getting close to pool season. People want to get their pools open and she doesn't have the bodies to do the work.

Ms. Shoup has pulled two more Operations inspectors to help Plan Review and they are focusing on remodels. There are 134 remodels in progress now. Remodels include anything that could potentially impact the circulation system. Staff must review the work to make sure the correct items are installed to maintain adequate disinfection and filtration. Even with five Plan Reviewers, 45 days is still not a customer friendly wait period.

Member Arthur asked if the program was self-supporting with the fees that are charged and if the increased fees would pay for the additional staff. She thinks people would pay more to get the work done faster. Ms. Shoup said that the additional fees would support the additional staff member.

Member Jacobi asked what happens in winter. Ms. Shoup said there are indoor pools to inspect. Inspections include more than just pools; it's the jacuzzies/spas in the resort hotel rooms also. Staff is working year-round. There is also an increase in plan reviews during the winter when contractors are trying to build for the upcoming pool season.

#### ***Consumer Health – Special Programs***

Ms. Shoup said that Special Programs is another office in the Consumer Health section that conducts operational inspections for schools, childcare facilities, body art facilities, jails, and children's camps. Schools are mandated by state law to have one inspection per semester. Body Art facilities also require two inspections.

There have always been five inspectors in Special Programs for the last 13 years. In the past few years, there has been a 48% increase in permitted establishments. Cara Evangelista commented that SNHD expects approximately 1,356 hours a year per inspector. So far in 2019, we are up to about 1,700 hours for the Special Programs staff. Most of the growth is in Body Art for microblading permits.

Chair Nielson asked if we charge fees for schools. Ms. Shoup said that schools do have permit fees, but they are reduced. Current fees charged for a school inspection probably do not cover the amount of time spent conducting the inspections and reinspections. The numbers do not include follow-up inspections. Staff is struggling now because they can meet the mandated inspection requirements, but they aren't able to do adequate follow-up for noncompliant facilities. This school year alone, we have had three schools put on bottled water alert for water quality issues because the buildings are aging, and the water heaters are going bad. There have also been pest issues covered by the news. As the facilities age and become harder to maintain, it takes longer to do proper follow-up inspections.

Chair Nielson asked if SNHD charges for reinspections on other facilities like childcare and body art. Ms. Shoup said that we don't always charge for reinspections. Staff generally don't charge if they are double checking on something. Chair Nielson said that it doesn't make sense not to charge for reinspections. Member Arthur agreed. Ms. Shoup clarified that a \$716 fee is charged for all closures that require a reinspection. It's difficult to justify charging a closure fee when you can't close the facility because of the burden on the community. Staff have discussed charging the \$239 reinspection fee for schools. It has not been done in the past because it is politically unpalatable to charge a school any more than you must since that is a publicly funded institution.

Member Valentine asked if schools were the only facilities that are charged a reduced rate. Ms. Shoup said that children's camps may have a reduced rate but everything else is the full rate. She can get the exact fees for Ms. Valentine and the number of facilities.

Mr. Newton clarified that schools are not paying a reduced rate. During the process for the last fee increase, the direction received from the Board of Health was to apply a lesser

rate to more sensitive programs like childcares and schools. It's not a reduced rate; staff were just directed to provide a different rate for those facilities at that time. We can provide whatever rate the Committee directs. There is nothing that mandates us to reduce their rate.

Ms. Shoup said that another project handled by Special Programs, starting in June, is the Summer Food Service Program. That is a program funded by the USDA. Schools and other organizations apply to get food to feed children over the summer when the schools are closed. Each one of those sites needs to be inspected. Member Valentine asked if this was a grant funded program. Ms. Shoup clarified that the site provides the food and gets the grant money. SNHD collects a nominal application fee.

***Consumer Health – Facilities Design Assessment and Permitting (FDAP)***

Ms. Shoup said FDAP is the section that handles plan review and permitting for all facilities except Aquatic Health and Solid Waste. Permits have been increasing. FDAP has historically had eight inspectors but an additional person was added in an attempt to lower the wait times for intake meetings and field inspections. There is still about a month between when plans are submitted and when a field inspection can be done. Again, that is not always an acceptable wait period for people trying to get their businesses open. To reduce that wait time, Ms. Shoup is requesting an additional staff member.

Ms. Shoup said that there are expedited inspections fees, but she does not have enough bodies to conduct the inspections. There is an after-hours fee, but staff have been directed to cut overtime. Overtime hasn't been utilized in FDAP for approximately three years, except for very extenuating circumstances.

Chair Nielson said that if people are willing to pay for overtime, staff should charge an appropriate rate to cover every aspect of the service. Chair Nielson asked why staff is not doing that? Was there a directive from the Board of Health or a policy regarding the issue? Mr. Rogers said that Marilyn Kirkpatrick has mentioned several times at the Board of Health that we are to minimize our overtime and Dr. Iser has taken that as a mandate, so staff minimize overtime as much as possible.

Member Arthur asked if the demand for expedited services would support the additional person? Ms. Shoup said that if staff could do expedited inspections on a regular basis, they would get requests for them every single day to an overwhelming amount and we would still not have enough people to do the inspections. Member Arthur said that expedited inspections would have to be capped but then it could be included in the budget.

Ms. Shoup said that another issue that comes up anytime you implement an expedited inspection is that now you are bumping ahead of someone else that has been in line. There is a fairness issue that needs to be considered and Ms. Shoup is welcome to suggestions.

Member Valentine said that she was on the Clark County Fee and Process Study for the Building Department and they dealt with the issue of expedited services also. They used a multiplier of normal fees and it had to be a major project. They set rules to manage it that way. It's always more cost effective when you have an existing employee on overtime rather than hiring a new employee. It can be a very effective way of managing your peaks.

Member Madrigal said that he has 230 employees doing construction cleanup throughout Las Vegas. When he needs extra bodies, he doesn't hire people; he uses subs. Mr. Saxton said that might work for some industries but that would be difficult for a regulatory body. We are mandated by the State to have a Registered Environmental Health Specialist and that requires special certification. There is also the question of whether they

would inspect the same way and have the same standards. Member Valentine said that there are third party life safety inspectors in other public agencies throughout the State. Sometimes the problem is still a shortage because there just aren't enough trained people. She wouldn't suggest that SNHD hire anyone that is not qualified to perform that regulatory function efficiently.

Chair Nielson said the Committee would like some ideas on charging expedited fees or using overtime to manage workload. The charge should be at least the amount it will cost to cover everything involved with the function. That may be a way to decrease the backlog and increase our service levels without increasing costs to the Health District.

***Solid Waste – Restricted Waste Management and Illegal Dumping***

Mr. Sequera said there are eight inspectors that handle illegal dumping and restricted waste audits. The inspectors spend about 75% of their day on illegal dumping and 25% on waste audits.

Staff began a new campaign this year, "See Dumping, Say Something." Staff have also created a poster board briefing and 3,000 flyers. Since this outreach was started, staff have seen a 17% increase in complaints. We are projected to set a record this year of 1,650 illegal dumping complaints. Mr. Sequera has borrowed two staff from another program to handle the increased workload. Staff have also streamlined the program by referring complaints to applicable agencies. Staff have referred approximately 200 complaints to other agencies. The current response time is six to seven days. If the workload continues to increase, the response time could increase to 10 days.

There are different types and degrees of illegal dumping which cause the time for those activities to vary. One type is domestic waste such as paint cans, swimming pool equipment, and furniture. A simple complaint takes approximately 1.5 hours which includes receiving the complaint, staff examining the location/reviewing property ownership, and communication with staff for field work.

Tires are being dumped around the community because a bill was enacted to prohibit vehicle tires from going into the landfill because of the danger they create. Tires create fire and vermin problems and allow mosquito harborage. Staff is talking with Republic Services to see if they can accept chipped tires. Chipped tires reduce the amount of space between the compaction of the landfill area, reduces the probability of a fire igniting, and eliminates pest harborage.

Member Madrigal said that he is familiar with the waste tire issues and recycling. There is a dollar being charged for every tire purchased in Las Vegas and there are three million people. Where is that money going? Mr. Newton clarified that SNHD does get a portion of that money as a pass through from the State to us. It's made quarterly and is approximately \$100,000 per quarter. Chair Nielson asked if this was reflected in the budget and it is.

Member Madrigal asked why we aren't charging for used tires. He's thinks the illegal tire dumping is coming from the used tire shops. Are they being charged the \$1 per tire also? Mr. Sequera did not know but the legal facilities have permits.

Another type of illegal dumping complaint is a sewage complaint. This can be any type of sewage overflow outside of a building. An average sewage complaint takes about 10 hours to complete. Staff give the property owner a set of instructions to perform and then staff verify compliance. Some sewage complaints have lasted 4-5 days. If we don't get cooperation, then SNHD must call a third party to perform the cleanup. The costs of that are the owner's responsibility but it is a long process. The issue becomes a Notice of

Violation. That Notice of Violation is heard monthly in front of a Hearing Officer and he adjudicates the penalties. Fees can range from \$500-\$5,000 per day but staff charge \$1,000 per violation. Staff negotiates if a person is willing to accept the violation. If the fine isn't reduced, the person can use a payment plan. If they fail to meet the payments, staff institute the full price. If they don't pay at all, the fines get sent to collections.

Chair Nielson thinks SNHD should fine people significantly for illegal dumping and they should be helping to pay for this program. Mr. Sequera agreed but the problem is that the violators do not have any money.

SNHD receives money for illegal dumping from tipping fees when people go to the landfill. The program gets 1% from a Memorandum of Understanding (MOU) with Republic Services. The Illegal Dumping Program doesn't have any mechanisms to fund it other than the violations and money received from the tipping fees.

In 2016-17, staff handled 3,900 restricted waste audit inspections. The Illegal Dumping Program had a staff of 10 at that time. In 2017-18, we lost a contract with NDEP to perform some waste audit inspections. Another thing reducing the number was that the medical field went from using silver for x-ray processing to digital processing. That eliminated a lot of work.

Waste audits are starting to grow again. SNHD is responsible for inspecting small quantity generators. This includes gas stations with dirty solvents onsite, drug stores that have returned and expired medications, paint shops, and cleaners that use certain types of chemicals.

Member Madrigal said that his company, Lunas Construction, has four permits. The inspectors are great, wonderful to talk, and very professional. One thing that frustrates him is that they are supposed to be visiting him four times a year to do his inspections, but staff are not grouping the permits together to inspect once a quarter. Mr. Sequera said that it's sometimes due to the inspector's schedule that day. Staff is doing illegal dumping and may have a follow-up in the area, but they only have time for one permit inspection. If they can do four permits, then staff will do four permits. Member Arthur commented that there is tremendous cost savings in efficiency. She can't imagine the cost of going to Member Madrigal's facility 12 times a year when it can be done in four.

Member Arthur did a comparison between the programs. If she does simple math on the expectations for restricted waste inspectors and the average time, you have 1,009 hours in actual inspection time per inspector. Karla Shoup's staff is the winner at 1,242 hours and Food is at 390 hours. These are such dramatic differences. There may be a scheduling inefficiency that is creating wasted time. Mr. Rogers said that staff do other activities besides mandated inspections such as complaints, reinspections, temporary events, and foodborne illness investigations. Member Arthur said the Committee needs to understand the count for each person. Before you use more money and people to solve a problem, you must understand what staff are doing.

*Member Madrigal left the meeting at approximately 10:30 a.m. and did not return.*

### **Solid Waste - Underground Storage Tanks (UST)**

Mr. Sequera stated that UST has 790 permits. Each inspector is assigned 395 permits and the average inspection time is 1.5 hours.

Member Jacobi wanted an explanation for the UST increase to \$620,000 in 2019. Ernest Blazzard said that the FY19 estimate includes project related funding and grant funding, for the current year. That is the main difference between the expense and revenue. Mr.

Newton said the revenue for FY18 was \$460,000. The FY19 estimate of \$620,000 includes \$170,000 from the Project Ledger, not the General Ledger. This is not a General Ledger statement; this is an overall combination of Project and General Ledger.

Member Arthur wanted more explanation on expenses. That expense would tell her that it should be potentially even lower because the expense is \$430,000. If we are saying the \$620,000 is a grant, then that should almost be a 1:1 ratio. If we are saying that the true revenue is only \$400,000 plus, she doesn't understand how the expense is so much higher. Mr. Newton said the whole line for Underground Storage Tanks may be prepared incorrectly.

***Solid Waste - Permitted Disposal Facilities (PDF)***

Mr. Sequera said this program includes Republic Services, Apex, and other facilities. There are 190 permits and inspections average 2.8 hours.

***Solid Waste – Individual Sewage Disposal Systems (ISDS)***

Mr. Sequera is requesting an engineer for the ISDS Program. This program deals with conventional sewer collection and nitrate removal systems. The State has evaluation zones and the limit of conventional sewer systems in the Valley is 161. When a subdivision is built and is in a community that already has a high level of conventional sewer systems, a nitrate removal system is required. Staff currently only look at subdivision development for nitrate removal system requirements but are revising our Regulations to include reviews for parcel development also. Nitrate removal systems cost more money and are more technical, so this will require an additional engineer.

When you have a lot of conventional systems in an area, nitrates can eventually affect the ground water. 10 mg/L is the maximum contamination level allowed into the ground water. The Las Vegas Valley Water District did a study with the Clark County Water Reclamation District on the effect of nitrates growing in the Valley. High nitrates can lead to kidney cancer, liver cancer, and blue baby syndrome.

The Valley has over 20,000 conventional septic systems and staff want to keep a closer tab on them. We permit them now for construction only, but staff want to permit them for a 10-year life span. At the end of the 10 years, staff want to return and ensure that the conventional system is still working properly. Chair Nielson asked if the changes would be for existing systems. Mr. Sequera said that it must start at the initial permit. For him to properly manage that program, from that point forward, he would need an additional engineer.

Member Valentine agrees this is important but wanted to know who was going to pay for it. If she's paying a sewer bill to the City of Las Vegas, she doesn't see why she should be paying for someone else's individual sewage disposal system. Chair Nielson said that the people receiving the inspections are the ones that should be paying all the costs associated with the new engineer. Mr. Sequera verified that.

Member Jacobi wanted details on additional equipment and supplies needed for costs no longer covered by ELC. Mr. Sequera said that's for the Vector Control Program and for Legionella. The equipment is vehicles and supplies. It also goes to pay the lab for supplies since we use our lab for mosquito testing.

Member Valentine asked if any fees were collected for the Vector Program. Mr. Sequera said they don't collect any fees now. If a sister agency in Clark County asks for our services, staff charge them for the chemicals and traps used but we can't charge for anything else. That's with a memorandum that was developed last year.

Heather Anderson-Fintak let the Committee know that the room was booked at 11:00 a.m. Chair Nielson said that the meeting should be concluded by that time.

Since the meeting duration was longer than scheduled, there was no Committee discussion on the following: the last four slides of the Environmental Health Presentation, Environmental Health Budget, Environmental Health Priority Scenarios, and Environmental Health Cost/Revenues by Service.

**b. Discuss and Approve Recommendations to the Southern Nevada District Board of Health on April 25, 2019**

Chair Nielson stated that the Committee would not be making any recommendations to the Board of Health at the April meeting.

**c. Discuss Proposal for Next Meeting(s)**

Heather Hanoff had some proposed dates in May for the next meeting. Monday, May 6, is available for an early morning meeting or a late afternoon meeting. This did not work for Member Arthur. Tuesday, May 7, was also available at 8:30 a.m. or 3:00 p.m. That day worked with everyone's schedule and 3:00 p.m. was the preferred time.

*A motion was made by Member Valentine and seconded by Member Arthur to have the next Environmental Health Fee Committee meeting on May 7, 2019, starting at 3:00 p.m. The motion was unanimously passed by the other Committee members.*

**VI. PUBLIC COMMENT:**

**Cara Evangelista, Impact Food Safety:** She thanked the Committee. We didn't even get to the EH budget numbers. She thinks there was good information provided by the Managers; however, it must match the budget. One thing that confuses her is that the Managers show that there were increases in permits. There are fees associated with permits so as permits increase, they should be able to hire more people because you have more revenue. She wonders where the permit fees went for the new permits and that's where she thinks the budget really needs to match the increases in permits. She thinks having a visual of the organizational chart, with people's names on it, would be helpful. How many foodborne illness outbreaks were there last year? Remember that the EPI Department in Community Health is involved in foodborne illness outbreaks. That's not the Environmental Health Division so there is a different division that comes in when there is a serious foodborne illness outbreak that is paid for separate from Environmental Health. Back to the Swing Shift. She remembers when there was a Finance Committee meeting and Marilyn Kirkpatrick said that she wanted to decrease overtime. What she read in that committee meeting was that it was about the Finance Department having people working 20 to 30 hours of overtime every month. What she got from the Board of Health was that they wanted to decrease overtime that was spent on regular activity. What happened in EH was that the previous Director took that to mean no overtime in EH. What happened was that overtime for temporary events and after hours, is paid by an unbudgeted separate fee called a Temporary Permit Fee. This fee pays for the inspector's overtime when they're working outside their 40 hours per week. Now management has created a Swing Shift. These Swing Shift people, instead of working on regular work, they are now spending a large amount of time covering these temporary permits. It's costing the District more money. It's hard to explain but it's kind of like a trick to decrease overtime but you are taking away time from regular work which is now why they need to hire seven more regular inspectors because we are doing temporary permits with regular inspector's time. The last thing she wanted to say was that we really need that grant breakout. We don't want people spending large amounts of time on a \$5,000 grant when no salary is being covered by that grant. Also, for some reason, she doesn't know why Vector and Public Accommodations was left out of the presentation. Landlord/tenant activities are unfunded and was left out of the presentation. How much time is being spent on those? She understood that the Legionnaire's program was moved out of Environmental Health and into Community Health, so Legionnaire's outbreaks and those types of things are not covered

by Environmental Health anymore. She looks forward to more meetings. Thank you.

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

**VII. ADJOURNMENT**

The Chair adjourned the meeting at 10:56 a.m.

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

CDS/hh

DRAFT