



MINUTES

Southern Nevada District Board of Health June 25, 2020 – 9:00 a.m.

**Southern Nevada Health District, 280 S. Decatur Boulevard, Las Vegas, NV 89107
Meeting Conducted Via Webex Event**

**BOARD:
(Present)** Scott Black – Chair, Mayor Pro Tempore, City of North Las Vegas
James Adams – Council Member, City of Boulder City
Olivia Diaz – Council Member, City of Las Vegas (Joined 9:03 a.m.)
Marilyn Kirkpatrick – Vice Chair, Commissioner, Clark County
Brian Knudsen – Council Member, City of Las Vegas
Frank Nemeč – At-Large Member, Physician
Scott Nielson – At-Large Member, Gaming
Tick Segerblom – Commissioner, Clark County

(Absent): Vacant – At-Large Member, Regulated Business/Industry
Dan Stewart – Council Member, City of Henderson
Brian Wursten – Council Member, City of Mesquite

**ALSO PRESENT:
(In Audience)** None

LEGAL COUNSEL: Annette Bradley, General Counsel

**EXECUTIVE
SECRETARY:** Fermin Leguen, MD, MPH, Acting Chief Health Officer

STAFF: Heather Anderson-Fintak, Michelle Cintron, Robert Fyda, Andrea Green, Amy Hagan, Michael Johnson, Alfred McGugin, Joann Rupiper, Christopher Saxton, Jennifer Sizemore, Leo Vega, Karen White

I. CALL TO ORDER/ ROLL CALL/ SCOTT BLACK, CHAIR

Chair Black called the Southern Nevada District Board of Health Meeting to order at 9:00 a.m. All Board Members joined the meeting by teleconference and the roll call was administered by Michelle Cintron, Executive Assistant.

II. PLEDGE OF ALLEGIANCE

III. FIRST PUBLIC COMMENT: A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please 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.

Michelle Cintron, Executive Assistant, read two public statements into the record pertaining to the At-Large Member Selection for the representative of a non-gaming business or from an industry that is subject to regulation by the Health District. The first one was submitted by Cara Evangelista, Impact ([Attachment 1](#)), and the second was submitted by Greg Costa, Levy Restaurant ([Attachment 2](#)).

Cara Evangelista commented on the industry position agenda item for the industry position or business subject to regulation by Southern Nevada Health District (SNHD). She remarked she was an employee of the Health District for eight years, and for six of those years she represented small and large industries in Las Vegas regulated by the Environmental Health (EH) Division. The industry position for twenty years was held by a person representing the EH Division and it is the biggest department with

Nursing at SNHD. There are over 21,000 food permits in Clark County, and with the other areas of EH added, there are between 30,000 and 40,000 permits. Almost 100% of the EH budget is paid for by the 30,000-40,000 permit holders. Out of the EH department employees, almost 100% regulate Clark County. The industry position on the Board of Health is the lifeline for the 30,000-40,000 permit holders. EH is actively or almost finished writing the food regulations that have not been updated in ten years. Several years ago, there was a decision that the Board of Health was too big, that was when the Advisory Board was made, and the position was moved off the Board of Health. There used to be a Registered Environmental Health Specialist (REHS) representative on the Board of Health. All EH inspectors are licensed. The conversation about the REHS position and industry position were similar but the REHS position was moved to the Advisory Board. This is similar to the second doctor and nurse position which was moved to the Advisory Board, and the one doctor, Dr. Nemecek, left on the Board representing nursing and clinics as the one professional voice.

The industry position is the voice for the EH department like the doctor for the clinics. She remarked there have been issues with the process for the industry position. She called SNHD since February asking when the application would be available to send to industry people and no one knew. She regularly checked the website and discovered it was posted the day before it was due. Because of this only two EH representatives, whom she contacted, were able to apply. She noted there was only information sent from SNHD that a decision would be made for this position at today's Board meeting. She was aware there was going to be a subcommittee meeting and she only discovered it the Thursday night. The applicants then scrambled to make e-mails and phone calls and planned to be on the phone for Monday's meeting. The applicant submitted a public comment which was read. She pointed out no one from the Nevada Resort Association, one of the biggest groups representing restaurants, had no applications. She furthered this is not about the individual person selected to the position that is stated to be the industry representative regulated by SNHD. The EH department has 30,000-40,000 permits, almost 100% paid for by permit holders, and almost 100% of employees are regulating these permit holders.

By comparison, Community Health is almost completely paid for by grants and taxes and only has a small department regulated by SNHD. She requested if a Community Health representative is placed in the industry position that the REHS position be moved back to the Board of Health and allow the REHS individuals who are licensed to apply to the Board of Health. This would mean each division is represented. Also, the industry representative could fill the EH position and create a Community Health position. If not, the request is to have the industry position filled by a person working in the Environmental Health field because it's almost exclusively paid for by the regulated community, and especially because the food regulations are being rewritten for the first time in ten years. She thanked the Board for their consideration as she continues to work with anyone selected as a partner.

Greg Costa, Levy Restaurant, stated it was a unique opportunity to be present at the meeting and he's the type of individual who is present all the time. He noted he's present with the 120 permits that come to T-Mobile Arena. He's worked on the ballpark and has been responsible for securing the licenses and permits for when Allegiant Stadium comes on board in less than two months. Mr. Costa cherishes his business relationships; working with plan review; and working with Aaron Delgado as an advisor. These relationships are important because he can pass them along to constituents. They share the same constituents. There are 1000 team members working in T-Mobile Arena who need to understand what it's like to serve food in a safe manner and understand that process of working in a safe manner. That experience allows a small restaurant owner, that is an award winner, into a grand design like this. A lot of time has been spent over the last two or three months securing small restaurants for Allegiant Stadium to come on board and to be part of the food partners. This was done at T-Mobile Arena and it was started four years ago. No sports entertainment facility in the country has what is found here with food partners that are local.

The last thing he wanted to speak into is he's a fan in working in the community once a month and more importantly have started a program with Opportunity Village, which takes adult with learning disabilities and transitions them into the workforce. This is sometimes their first job and they are put into positions and are trained to make sure food is being handled in a safe manner. It's important the foundation is

set for these team members and to understand what it takes to do that. Last, he is a mentor at the UNLV Hospitality College to get people from college into the workforce as managers. It looks as though they will successfully place 100 people as supervisors and managers moving on from T-Mobile Arena to Allegiant Stadium to represent the great work that has been done there. Having 100 permits a year and having A's for passes is something to be proud of and it's done every day. He thanked the Board for their time and wants to be part of sports entertainment and continue being a liaison for the community.

Lorraine Oliver, SNHD and SEIU, announced she is leaving the Health District after 50 years of a nursing career, with 20 years of those years at the Health District. She commented the Healthy Start program was replaced with a different program, and it ended up with 11 people being cared for. She expressed her concern that black moms and babies are not being cared for. Black babies die twice as much and the moms three times as much after their third baby. There were a lot of suggestions issued when Healthy Start program was lost and none of them were taken into consideration. She noted there was a strong effort that she was not put in a position to continue fighting for these clients. She is leaving the district as a nurse, but this is not the end for her. The issue has not been addressed. What has been established is not working for black mothers with only 11 people.

Secondly, there was a position when the program was being disbanded, but the person who would have been dealing with the social injustice was never hired. This is the second thing that the Health District is not working on, racism. The last thing is the most contentious, and the people who want to know about this are too afraid to speak up. She remarked there is a knee on the neck of a black man who works here by a white woman and a white man and had there been something wrong with his work, the District would not have brought him back to work following administrative leave. She added watching this as a person who is sensitive to racism, having been born in black South Africa, requested please take the knee off his neck. He had access to finding problems and when he exposed them, it was taken away from him. Also, now he's functioning at most as someone who is a COVID tracer and he is capable of a lot more. The people who worked with him are crying out for his help to come back. Sit in a room together, get the lawyers for both parties and settle this issue. Someone needs to know he's a black man with a knee on his neck and he reports to white people. He's trained better than what he is being utilized for and this needs to be changed. She stated he is not aware that she would be speaking of this matter, nor was the union, and she's chosen to do this solo. She expressed she is tired of being afraid and the District should stop doing this. Racial justice needs to be done and he should be put back to work.

Victoria Harding, SNHD and SEIU, commented the makeup of the Board has always been very important to employees. In times of need the employees looked to the Board. She agreed with Ms. Evangelista on the regulated position, and that a lot of people who applied are not in a regulated industry. There has always been an Environmental Health person on the Board. This is important especially as the District works through environmental health fees and food regulations. Therefore, someone who has industry experience in environmental health for the position is a good idea. She congratulated Dr. Nemecek for being reelected as the physician representative for the Board. He is a member who has been on the Board prior to Dr. Iser and is likely to remember some of the items she speaks into, so for someone to have that knowledge on the Board is important.

Last, Ms. Harding reported there was a health equity position created a while ago and the position was never filled. African Americans have the worst health outcomes and, she would like to see the position become a higher priority than it's been.

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

IV. ADOPTION OF THE JUNE 25, 2020 MEETING AGENDA (for possible action)

A motion was made by Member Kirkpatrick seconded by Member Knudsen and carried unanimously to approve the June 25, 2020 Agenda as presented.

V. **CONSENT AGENDA:** Items for action to be considered by the Southern Nevada District Board of Health which may be enacted by one motion. Any item may be discussed separately per Board Member request before action. Any exceptions to the Consent Agenda must be stated prior to approval.

1. **APPROVE MINUTES/BOARD OF HEALTH MEETING:** May 28, 2020 (*for possible action*)
2. **PETITION #48-20: Approval of Services Agreement Between Southern Nevada Health District and MTD USA LLC for Use in the Non-Congregate Shelter Facility for Temporary Infrastructures for Drinking and Waste Water Services;** direct staff accordingly or take other action as deemed necessary (*for possible action*)
3. **PETITION #49-20: Approval of Professional Security Services Agreement for Use at the Non-Congregate Shelter Between Southern Nevada Health District and Universal Protection Services dba Allied Universal Security Services;** direct staff accordingly or take other action as deemed necessary (*for possible action*)
4. **PETITION #50-20: Approval of Amendment to Professional Service Agreement with Dr. Alireza Farabi, MD, PC;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

A motion was made by Member Kirkpatrick seconded by Member Nielson and carried unanimously to approve the May 28, 2020 Consent Agenda as presented.

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

1. **Staff Recommends Denial of Variance Request for an Existing Septic System, SNHD Permit #ON0030206, Located at 1215 Gloria Mountain Rd, Henderson, NV, to Allow Existing Trees to Encroach on the Septic System;** direct staff accordingly or take other action as deemed necessary (*for possible action*)

Robert Fyda, Environmental Health Engineer/Supervisor, presented the variance request for an existing septic system, SNHD Permit #ON0030206, located at 1215 Gloria Mountain Rd., Henderson, NV to allow existing trees to encroach on the septic system. Staff recommends denial of the variance request. The two applicable codes are Section 3.7 Tenant Improvement and Section 11.3 No Trees Within 10 Feet of Septic Tank and/or Leach Field. Should the item be approved, staff recommends approval with the noted conditions:

1. The applicant and their successor(s) in interest shall be required to connect to community sewage systems when future projects proposing additional plumbing are submitted for tenant improvement review. At that time, use of the ISDS shall be disconnected and the structure it serves shall be connected to the community sewage system;
2. The applicant and their successor(s) will abide by the operation and maintenance requirements of the most current SNHD regulations governing individual sewage disposal systems;
3. No more additional trees are allowed within 10 feet of the existing septic system;
4. The variance will be in effect until the existing residential septic system is inactivated, removed or if the property changes land use. Conversion of the existing septic system for commercial use will result in the variance becoming null and void;

5. The applicant and their successor(s) must provide a copy of the variance to potential buyers as part of the disclosure process per NRS 113.

Chair Black opened the public comment.

Following discussion regarding the noted conditions, Member Kirkpatrick voiced concerns regarding the District's liability. Chair Black asked staff to consider adding an additional condition to hold the Health District harmless for the root intrusion from the existing trees, which are incorrectly planted within the ten foot space, to the conditions proposed by staff, as well as noting there will be no additional landscape added in that area.

The Chair closed this portion of the agenda.

A motion was made by Member Kirkpatrick seconded by Member Adams and carried unanimously to approve the Variance Request with staff recommendations, plus the added recommendation to hold the Health District harmless, for an Existing Septic System located at 1215 Gloria Mountain Rd., Henderson, NV to Allow Existing Trees to Encroach on the Septic System.

VII. REPORT / DISCUSSION / ACTION

1. **Discuss and Approve the Compensation for the Acting District Health Officer**; direct staff accordingly or take other action as deemed necessary (***for possible action***)

Amy Hagan, Director of Human Resources and Organizational Development, presented the last three salary ranges for the previous Health Officers, which started at \$225,00 through \$265,881 annually. Most recently, the Health Officer had a salary range of \$235,000 at the start of his tenure and ended at \$265,881. Ms. Hagan noted she will be making a recommendation for a salary range between \$250,000 - \$300,000.

Ms. Hagan noted the current salary for the Acting Chief Health Officer (CHO) is a step 30 category which is significantly below the starting salary of the last Health Officer. The Chair noted the Acting CHO has been in an acting role approximately eight to nine months, with the last 90-100 days in a global pandemic and unprecedented circumstances in our community and region. The recommendation is to adjust the Acting Chief Health Officer's salary in an upward direction. Member Kirkpatrick recommended a salary of \$265,000. Chair Black added the salary would be retroactive as of February 1, 2020.

A motion was made by Member Segerblom seconded by Member Kirkpatrick and carried unanimously to approve the salary of \$265,000 for the Acting Chief Health Officer retroactive from February 1, 2020.

2. **Receive Report, Discuss, and Approve Recommendations from the June 17, 2020 District Health Officer Succession Committee Meeting**; direct staff accordingly or take other action as deemed necessary (***for possible action***)

Amy Hagan, Director of Human Resource and Organizational Development, provided an update from the June 17, 2020 District Health Officer Succession Committee meeting. She noted the Committee recommended the following:

- 1) Remove the requirement for the District Health Officer (DHO) to receive a Nevada medical license in the first six months
- 2) Allow the recruitment to be open to both physicians and non-physicians
- 3) Add language to maintain positive union relationships to the job description
- 4) Make recommended changes to the advertising brochure to be more reflective of Health District and to reflect the language changes in the job description

Ms. Hagan reported there was discussion about holding town hall meetings and to host them before accepting applications, once the applicants have been narrowed down, and/or a combination of the two. She added the DHO salary range was also discussed and the salary survey was completed. There is difficulty in bench marking this position because there aren't many Chief Health Officers who run a health department comparable to the District. The salary range falls between \$155,164 on the low end and \$305,000 on the high end; therefore, Ms. Hagan recommended a salary range of \$250,000 - \$300,000.

As discussion ensued, Chair Black noted the recruitment is on schedule with the timeline for having a placement by November. The recommendation was to hold two town hall meetings, one at the beginning of the recruitment process, followed by another towards the end phase of the recruitment. Hosting town halls in this manner, with one at the beginning phase, would allow the public to give recommendations for the District's strategic plan and to weigh in on the future of the agency related to its leader. The second one would be a way for the public to meet the candidates.

A motion was made by Member Black seconded by Member Kirkpatrick and carried unanimously to 1) accept the job description with changes made to the medical licensing and added language to maintain positive union relationships; 2) align the brochure with the job description and enhance photos relative to the agency; 3) conduct two Town Hall meetings: i) one at the front end coupled with a strategic plan and outreach to the community, and ii) the subsequent town hall meeting towards the tail end when the candidates have been vetted and narrowed down to two candidates for in-person meetings

3. Receive Report, Discuss and Approve Recommendations from the June 22, 2020 At-Large Selection Committee Meeting; direct staff accordingly or take other action as deemed necessary (for possible action)

The At-Large Selection Committee met on June 22, 2020, and the following recommendations for the Southern Nevada District Board of Health At-Large member positions for the two-year term beginning July 1, 2020 were made:

a. Southern Nevada District Board of Health

- Representative who is a physician licensed to practice medicine in this State;
- Representative of a non-gaming business or from an industry is that is subject to regulation by the Health District;
- Representative from the association of gaming establishments

Physician	Non-gaming/Regulated Industry	Gaming
Frank Nemec, MD	Bobbette Bond	Scott Nielson

A motion was made by Member Knudsen seconded by Member Segerblom and carried unanimously to approve the recommendations from the At-Large Selection Committee as presented for the District Board of Health.

The following recommendations for the At-Large Member positions, with a two-year term beginning July 1, 2020, for the Southern Nevada District Board of Health Public Health Advisory Board were made:

b. Southern Nevada District Board of Health Public Health Advisory Board

- Representative who is a physician licensed to practice medicine in this State;
- Representative who is a nurse licensed to practice medicine in this State;
- Representative with a background or expertise in environmental health or environmental health services

Physician	Nurse	Environmental Health
Kenneth Osgood, MD	Michael Collins	Francisco Rojas

A motion was made by Member Knudsen seconded by Member Nielson and carried unanimously to approve the recommendations from the At-Large Selection Committee as presented for the Public Health Advisory Board.

4. **Receive Report, Discuss and Approve Recommendations from the June 22, 2020 Nomination of Officers Committee Meeting**; direct staff accordingly or take other action as deemed necessary (***for possible action***)

The Nomination of Officers Committee met on June 22, 2020. The following recommendations for the Southern Nevada District Board of Health Officers for the one-year term beginning July 1, 2020 were made:

- a. Southern Nevada District Board of Health
 - Chair – Scott Black
 - Vice Chair – Marilyn Kirkpatrick
 - Secretary – Brian Knudsen

A motion was made by Member Nielson seconded by Member Kirkpatrick and carried unanimously to approve the recommendations of the Nomination of Officers as presented for the Southern Nevada District Board of Health.

The following recommendations for the Southern Nevada District Board of Health Public Health Advisory Board Officers for the one-year term beginning July 1, 2020 were made:

- b. Southern Nevada District Board of Health Public Health Advisory Board
 - Chair – Kenneth Osgood
 - Vice Chair – Michael Collins

A motion was made by Member Kirkpatrick seconded by Member Knudsen and carried unanimously to approve the recommendations of the Nomination of Officers for the Southern Nevada District Board of Health Public Health Advisory Board as presented.

VIII. **BOARD REPORTS**: The Southern Nevada District Board of Health members may identify and comment on Health District related issues. Comments made by individual Board members during this portion of the agenda will not be acted upon by the Southern Nevada District Board of Health unless that subject is on the agenda and scheduled for action. (***Information Only***)

Member Kirkpatrick remarked the body art apprenticeship program is very diverse and opined the program can be enhanced. She requested the establishment of an Advisory Board with body art individuals.

Member Segerblom requested to continue efforts for establishing additional Coronavirus testing sites in East Las Vegas. Member Diaz aligned with Commissioner Segerblom and thanked staff for their commitment to the community and urged securing something permanent in that geographic area for continued testing.

IX. **HEALTH OFFICER & STAFF REPORTS (Information Only)**

- CHO COMMENTS

Dr. Leguen reported the Health District has been in discussion with Clark County, UMC and other community partners about expanding COVID testing and identifying locations for ongoing testing. He added the Health District is committed to deploying strike teams across the county to continue administering Coronavirus testing to the community which will be funded by a CDC grant. There will also be more traditional testing sites created in partnership with the Multi-Agency Coordination Center.

There was a reported case of a minor with Multisystem Inflammatory Syndrome. This is a complication from COVID-19 that is seen in children; however, Dr. Leguen noted the condition is rare.

- Health District Reopening Update

Amy Hagan, Director of Human Resources and Organizational Development, provided an update on the Health District's reopening, and noted the District has created a return to work guide for employees to ensure the safest return possible. She reported 98.5% of the employees have been tested for COVID. Those who have not been tested are on long term leave; therefore, there has been 100% compliance with testing for those reporting to work on a daily basis.

- COVID Update

Michael Johnson, Director of Community Health, provided an update on the response to COVID-19. Positive trends are being reported across the board. ([Attachment 3](#))

- COVID Contact Tracing

Devin Raman, Senior Disease Investigation and Intervention Specialist, Office of Epidemiology and Disease Surveillance, presented the COVID-19 Contact Tracing update. The components for managing COVID-19 case investigations were reported to the Board. It was noted identifying contacts and ensuring they do not interact with others is critical in protecting communities. ([Attachment 4](#))

- Non-Congregate Shelter Facility Update

Alfred McGugin, FQHC Operations Officer, provided a brief update on the non-congregate shelter facility. He reported the buildings are set and the walkthrough has been completed for phase one.

Member Kirkpatrick exited 10:47 a.m.

X. INFORMATIONAL ITEMS

1. Administration Monthly Activity Report
2. Clinical Services Monthly Activity Report
3. Community Health Monthly Activity Report
4. Environmental Health Monthly Activity Report
5. FQHC Monthly Activity Report

XI. SECOND 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. Comments will be limited to five (5) minutes per speaker. If any member of the Board wishes to extend the length of a presentation, this may be done by the Chairman or the Board by majority vote.

Victoria Harding, SNHD and SEIU, remarked her intent is not to make a negative comment but to point out how things are perceived. The salary was increased for Dr. Leguen, which she commented is well deserved. However, when employees work out of class, they don't get paid at the level of the job being performed; there's a 5% max they can receive, and often it's not as high as the position they are going into. The District has suffered from an elitist attitude and it would be beneficial if it went away. If employees are managing COVID and everyone is asked to perform at a different level, they should also be respected and given the value they bring to the District and to the community. The line employees are seeing instability with finances; they're worried about being laid off, furloughs, pay cuts. There are no vacations in site and they're tired. This is the reality for the line employee; therefore, things should be mirrored in a more equal fashion and just because the contract lists 5% for out of class work, staff has been going above and beyond in this timeframe. Ms. Harding closed by noting the employees deserve it.

Lorraine Oliver, SNHD and SEIU, commented in the media there are reports about funds being sent to our state for various things, such as what impact COVID has had but not necessarily the treatment of the disease. Prior to COVID there was an unfavorable look on diseases such as syphilis and efforts will hopefully turn back to the true public health items which currently have been impacted by this circumstance. These funds should also be used for other things which have been impacted by the effects of COVID, like malnutrition in children or other diseases where systemically Nevada was looking worse before COVID. Ms. Oliver remarked it would be great to step back a little bit as well, as there was great hurry to begin the FQHC. There were many things thrown at staff. It would be a great time to step back as the initial hurdles have been managed and begin re-explaining to employees what this looks like from a public health perspective.

Chair Black closed by noting his appreciation for the Health District staff during these unprecedented times. The Board is thankful to all staff at every level for their work.

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

XIII. ADJOURNMENT

The Chair adjourned the meeting at 11:28a.m.

Fermin Leguen, MD, MPH
Acting Chief Health Officer/Executive Secretary

/mc