

WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING  
May 28, 2009

PRESENT: Denis Humphreys, OD, Chairman; Mr. Matt Smith, Vice Chairman; George Furman, MD; Councilman Dan Gustin; Commissioner Kitty Jung; Amy Khan, MD; and Councilwoman Julia Ratti

ABSENT: None

STAFF: Dr. Mary Anderson, District Health Officer; Bob Sack, Director, Environmental Health Services; Andrew Goodrich, Director, Air Quality Management; Dr. Randall Todd, Director, Epi and Public Health Preparedness; Mary-Ann Brown, Director, Community and Clinical Health Services; Patsy Buxton, Fiscal Compliance Officer; Lori Cooke, Fiscal Compliance Officer; Stacey Akurosawa, Administrative Assistant; Jennifer Stoll-Hadayia, Public Health Program Manager; Robin Albrandt, EPHP, Education and Training Coordinator; Steve Fisher, Department Computer Application Specialist; Jeanne Rucker, Environmental Health Services Specialist Supervisor; Daniel Inouye, Senior Air Quality Specialist; Jeanne Harris, Administrative Secretary; Dr. Jeff Brasel, Senior Environmental Health Specialist; Dave Taylor, Store Keeper, Darleen Bidlake, Account Clerk; Trudy Enfield, Plans/Permits Application Aide; Duane Sikorski, Air Quality Supervisor; Gerald Dermid, Health Educator II; Phil Ulibarri, Development Officer; Judy Davis, Public Information Officer; Janet Smith, Recording Secretary and Leslie Admirand, Deputy District Attorney

At 1:00pm, Chairman Humphreys called the Washoe County District Board of Health meeting to order followed by the Pledge of Allegiance led by Dr. George Furman, District Board of Health member.

ROLL CALL

Roll call was taken a full membership of the Board noted.

PUBLIC COMMENT

No public comment was presented.

APPROVAL/ADDITIONS – AGENDA – MAY 28, 2009

Chairman Humphreys called for approval of the agenda of the Washoe County District Board of Health meeting of May 28, 2009.

**MOTION: Mr. Gustin moved, seconded by Mr. Smith, that the District Board of Health agenda for the May 28, 2009 meeting be approved as presented. Motion carried unanimously.**

APPROVAL/ADDITIONS/CORRECTIONS – MINUTES – APRIL 23, 2009

Chairman Humphreys advised that in the minutes of April 23, 2009, he would note that on page seven (7) the third paragraph should be corrected to read: "...the increased average monthly billing was not a result of the Hirschdale response." Chairman Humphreys advised that on page seventeen (17), the second paragraph the last portion of the sentence should read "...may not receive a do pass." Chairman Humphreys called for any further additions or corrections to the minutes of April 23, 2009.

**MOTION: Mr. Gustin moved, seconded by Mr. Smith, that the minutes of the April 23, 2009 District Board of Health meeting be approved as corrected. Motion carried unanimously.**

RECOGNITIONS

Chairman Humphreys and Dr. Mary Anderson, District Health Officer, presented a Certificate of Recognition to Ms. Darleen Bidlake for 5 Years-of-Service.

Dr. Anderson advised that a Certificate of Recognition will be presented to Mr. David Kelly for 5 Years-of-Service.

Chairman Humphreys and Dr. Anderson introduced Ms. Robin Albrandt, EPHP Education and Training Coordinator, advising that Ms. Albrandt has completed the Excellence in Public Service receiving the Train the Trainer Certification Program.

Chairman Humphreys and Dr. Anderson introduced Ms. Gertrude "Trudy" Enfield, Plans/Permits Application Aide, advising that Ms. Enfield has completed the Excellence in Public Service in Essentials of Personal Effectiveness and Essentials of Support Staff Certification Program.

Chairman Humphreys and Dr. Anderson introduced Mr. Dave Taylor, Storekeeper, advising that Mr. Taylor has completed the Excellence in Public Service in Essentials of Support Staff Certification Program.

Chairman Humphreys and Dr. Anderson introduced Mr. Phil Ulibarri, Development Officer, advising that Mr. Ulibarri received "a major award", which is the "*Commissioner's Award*" for the State of Nevada, from the US Department of Health and Human Services during the 17<sup>th</sup> Annual Conference on Child Abuse and Neglect. Dr. Anderson advised that this award was in recognition of Mr. Ulibarri's numerous efforts in child abuse and neglect prevention activities and public health initiatives, including his statewide public information education campaigns for Nevada's Children Trust Fund Child Abuse Prevention Program, which has been viewed by "hundreds of thousands." Dr. Anderson stated that Mr. Ulibarri has also worked in the Statewide WIC Program promoting the efforts and benefits of WIC services, receiving two (2) US Department of Agriculture Food and Nutrition Services and Administrative Citation; and in 2003 he received the National WIC Advocacy Award. Dr. Anderson stated that in 2006 Mr. Ulibarri was appointed for a three (3) year term as a member to the WIC Fetal Nutrition and Commodities Advisory Council to the USDA Secretary, Mr. Mike Johnson, in recognition of his efforts for WIC. Dr. Anderson presented postcards, which are part of this year's Child Abuse and Neglect Prevention Campaign "*If you see it, sense it, or know it, report it!*"; that all postcards related to the campaign are printed in both English and Spanish. Dr. Anderson stated that Mr. Ulibarri is featured in the brochure featuring a picture and write-up for each award winner from each State; that Mr. Ulibarri is to be commended for this achievement.

CONSENT AGENDA – BUDGET AMENDMENTS/INTERLOCAL AGREEMENTS/AUTHORIZED POSITION CONTROL NUMBERS

The Board was advised that Staff recommends **ratification** of the **Interlocal Contract** between the **State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection** and the **Washoe County Health District** in the **total amount of \$180,000 (\$90,000 per fiscal year)** in support of the **Safe Drinking Water Act (SDWA) Grant Program** for the period upon Board of Examiners approval through June 30, 2011.

The Board was advised that Staff recommends **acceptance** of the **Notice of Subgrant Amendment #1** from the **Nevada State Health Division** in the **total amount of \$1,008,474** in support of the **Public Health Preparedness (PHP) Program**, for the period of August 10, 2008 through August 9, 2009; **approval of amendments totaling an increase of \$100,862** in revenue and expense to the **PHP Base Carry Forward Grant Program (internal order #TBD) FY 08/09 Budget**; and **approval of amendments totaling an increase of \$114,480** in revenue and expense to the **PHP Pan Flu Carry Forward Grant Program (internal order #TBD) FY 08/09 Budget**.

The Board was advised that Staff recommends **approval** of an **Interlocal Agreement** between the **Washoe County Health District** and the **University of Nevada School of Medicine Integrated Clinical Services, Inc.**, and the **University of Nevada School of Medicine Multi-Specialty Group Practice North, Inc.**, dba **MEDSchool Associates North (MSAN)** in the total amount of **\$2,000**, to provide a faculty member to serve as a consultant on pediatric Tuberculosis (TB) cases for the period of July 1, 2009 through June 30, 2010.

**MOTION:** Ms. Ratti moved, seconded by Ms. Jung, that the Interlocal Contract; the Notice of Subgrant Amendment #1, with the corresponding budget amendments; and the Interlocal Agreement, be approved as outlined and the Chairman authorized to execute on behalf of the Board.  
Motion carried unanimously.

#### CONSENT AGENDA – ACCEPTANCE – DONATION

The Board was advised that Staff recommends **acceptance** of a **\$500 donation** from **Catholic Healthcare West** for assisting with **Immunization Program** expenses, specifically for the **Immunization's Program's participation in the National Infant Immunization Week of April 25 – May 2, 2009**.

**MOTION:** Ms. Ratti moved, seconded by Ms. Jung, that the \$500 donation from Catholic Healthcare West be accepted as outlined.  
Motion carried unanimously.

#### REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY

##### A. Review and Acceptance of the Operations and Financial Report – April 2009

Mr. Patrick Smith, President of REMSA, advised that the Board members were provided with a copy of the April 2009 Operations and Financial Report; that the emergency response time for life-threatening calls in April 2009 was 92% and 96% for non-life threatening calls, with an overall average response time of five minutes fifty-one seconds (5:51); and an overall average travel time of four minutes forty-seven seconds (4:47). Mr. Smith advised that the overall monthly average bill for air ambulance service was \$6,933, with a year-to-date average of \$6,161. Mr. Gubbels advised that the overall monthly average bill for ground ambulance service was \$887, with a year-to-date average of \$881.

Mr. Smith stated that, in response to the Board's concerns regarding the "appearance of an increased number of negative comments", Mr. Gubbels determined that the positive comments and

the negative comments are separated; that the negative comments were "immediately being processed and typed in; however, the individual who was typing up the positive comments is no longer in that position and the positive comments "are sitting there" waiting to be entered into the system by a replacement.

Mr. Gustin stated that he appreciates Mr. Smith and Mr. Gubbels providing a response to his question; that he further appreciates REMSA including customer comments in the monthly report for the Board and Health Department review; that this is "an excellent gauge as to the business in the community." Mr. Gustin stated that Care Flight had "nothing but praises for life-saving situations." Mr. Gustin stated that he "has nothing but the utmost respect for REMSA as he is aware of the kind of company it is and how well they do their business."

Mr. Smith stated that REMSA employees "are some of the best in the country if not the world."

In response to Chairman Humphreys regarding three (3) comments specific to "finding the location", Mr. Smith advised that the mapping systems "keep up with all the new roads as much as possible"; that REMSA works directly with the 911 Center receiving the "map downloads as fast as possible to download into its system." Mr. Smith stated that some roads are new, are dirt roads, are unmarked and have not been entered into the mapping system, etc.; that when comments regarding 'hard to find locations' are received REMSA attempts to obtain the information from the 911 Center; that if the information is not available from the 911 Center REMSA "can draw in the locations by longitude and latitude and label those roads."

In response to Ms. Jung regarding developers having to provide that information for downloading in the system, Mr. Smith stated that it is "a matter of getting the information into the 911 Center feed which REMSA then downloads that information into its system and sometimes it may not be done fast enough."

**MOTION: Mr. Gustin moved, seconded by Mr. Smith, that the REMSA Operations And Financial Report for April 2009 be accepted as presented.  
Motion carried unanimously.**

**B. Update of REMSA's Community Activities Since April 2009**

Mr. Smith advised the Board that REMSA staff, the Health Department, and the area hospitals are to be commended for the response to the first and subsequent cases of swine flu in the community. Mr. Smith stated that, as the Board has been advised, REMSA Dispatch Center has the "regional computer tracking system, which reports if certain levels of a variety of symptoms are being hit." Mr. Smith stated that the First Watch System was modified "on the fly" by the National Academy,

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with certain questions specific to flu-related symptoms. Mr. Smith advised that the REMSA dispatchers were trained over-night, the card was installed, and immediately available. Mr. Smith stated that REMSA was advised by the owners of the First Watch System that REMSA was either the third or the fourth system nationwide to "be: 1) up and running that fast; and 2) is linked to the Health Department." Mr. Smith stated that when First Watch alerts REMSA the Health Officer or the Health Department Epidemiologist is alerted also; that this system "worked very well." Mr. Smith stated that further, Dr. Anderson and Dr. Todd coordinated a meeting with REMSA and representatives of area hospitals to discuss the response to potential swine flu-related calls; that it was determined "REMSA became the central distribution point for all the first responders (i.e., fire, police); that as REMSA received updates REMSA immediately them." Mr. Smith stated that "the feedback" received from all regional police and fire agencies (in all rural Northern Nevada) was that REMSA's efforts "were very, very much appreciated." Mr. Smith advised that this level of cooperation "hadn't really occurred well in the past"; that the coordination efforts "were great; that this regionalized system type of effort works very well when these types of situations occur."

Ms. Jung stated that she would suggest a media release "on the coordination of efforts and quick response" in updating the First Watch system and being the third or fourth in the nation that had this dispatch capabilities. Ms. Jung stated the swine flu has received "so much media attention locally" with concern as to the increasing number of cases that it "may be beneficial" to issue a media release advising that testing is performed locally, which "could explain why there seems to be a greater number of cases in Washoe County than in other counties."

In response to Ms. Jung, Mr. Smith stated that REMSA would be willing to work with the Health Department in such an effort.

In response to Ms. Jung, Dr. Anderson stated that a media release would "reiterate the capabilities within the community with First Watch and school attendance surveillance; that it is a good idea to reassure the public as to the capabilities to identify issues quickly and respond appropriately. Dr. Anderson stated that she would commend Ms. Judy Davis, PHP Public Information Officer, for "her excellent efforts in distributing the updates on a daily (or more frequently) basis keeping Staff and the Board members apprised as to the current status of cases and presenting it in an easy to understand format. Dr. Anderson advised that Ms. Davis' efforts were "well appreciated by many people" and she is to be commended for that.

The Board thanked Mr. Smith for the update.

PRESENTATION – APPROVAL – WASHOE COUNTY DISTRICT HEALTH DEPARTMENT'S  
2007/2008 ANNUAL REPORT – REMSA'S COMPLIANCE – FRANCHISE AGREEMENT

Dr. Anderson advised that the Board members have been provided with a copy of the Washoe County Health District's Annual Report specific to REMSA's compliance with the Franchise Agreement. Dr. Anderson advised that Staff conducted an in-depth analysis of REMSA's compliance with the 31 Sections of the Franchise Agreement for the period of July 1, 2007 through June 30, 2008. Dr. Anderson stated that the Report specifically addresses each of the 31 performance requirements of the Agreement; that Staff determined REMSA to be in compliance with all 31 of the Sections of the Franchise Agreement. Dr. Anderson stated that Staff recommends the Board of Health determine REMSA to be in compliance with the 31 performance measures of the Agreement and to approve the report.

Mr. Gustin commended REMSA for compliance with all 31 performance measures.

**MOTION: Mr. Smith moved, seconded by Ms. Jung, that the Health District's Annual Report for fiscal year 2007/2008 on REMSA's compliance to the Franchise Agreement be accepted and approved as presented.  
Motion carried unanimously.**

REVIEW – ACCEPTANCE – MONTHLY PUBLIC HEALTH FUND REVENUE AND  
EXPENDITURE REPORT – APRIL 2009

Ms. Patsy Buxton, Acting Administrative Health Services Officer, advised that the Board members have been provided with a copy of the Health Fund Revenue and Expenditure Report for the month of April 2009. Ms. Buxton advised that Staff recommends the Board accept the Report as presented.

**MOTION: Dr. Khan moved, seconded by Mr. Gustin, that the District Health Department's Revenue and Expenditure Report for April 2009 be accepted as presented.  
Motion carried unanimously.**

ACCEPTANCE – FISCAL YEAR 2010 BUDGET UPDATE – DIRECTION TO STAFF

Ms. Buxton advised that the Board members have been provided with a copy of the update of "what has occurred since the Board's April 9<sup>th</sup> budget meeting." Ms. Buxton stated that the Board's direction to Staff at the April 9<sup>th</sup> meeting was: 1) a minimum Ending Fund Balance of \$258,000; 2) to fund eight (8) vacant positions in mandated programs (2 Environmental Health Specialists, 1 Environmental Health Specialist Supervisor, 1 Vector-Borne Disease Specialist; 1 Senior Air Quality Specialist; 1 Epidemiologist, 1 Public Health Investigator; 1 Department Computer

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Application Specialist – all these positions will be funded effective July 1, 2009); 3) reduce the Family Planning Program by \$339,608, which provides a 10% match and allows the Program to retain its revenue; 4) reduce the Home Visiting Program by 50%, which equates to \$398,535; and 5) allow for flexibility in personnel changes due to program reductions which may be required.

Ms. Buxton advised that the Budget has been balanced with an Ending Fund Balance of the \$258,000; the eight (8) vacant positions in mandated programs have been funded as of July 1, 2009; the Family Planning Program has been reduced by \$339,608; the Home Visiting Program has been reduced by \$398,535; and personnel reassignments will be determined based on program reductions. Ms. Buxton advised that the personnel reassignments are being determined by the Division Directors “at a Department level” to achieve the budget reductions while “allocating the personnel resources to the areas of the highest priorities within the Department.” Ms. Buxton stated that, to-date, there has been one (1) reassignment, which is in transition with other reassignments pending.

Ms. Buxton stated that to achieve the reductions within the Family Planning Program one (1) Advanced Practitioner of Nursing has requested the voluntary incentive separation; there will be an elimination of Sub-recipient funding (i.e., Planned Parenthood Mar Monte and Nevada Health Centers will no longer receive funding); services and supplies (i.e., biologicals, labs, medical supplies) will be reduced and position reassignments to achieve the \$339,608 in reductions.

Ms. Buxton advised that within the Home Visiting Program there were three (3) existing vacancies resulting in a savings of \$198,330; that position reassignments – the CCHS Division has two (2) positions (a PHN II and Disease Intervention Specialist) who have requested the voluntary incentive separation; that the value of those two (2) positions equates to \$200,205 for a total reduction of \$398,535. Ms. Buxton advised that two (2) Public Health Nurses within the Home Visiting Program will be transitioned to the Immunization Program and the Sexually Transmitted Disease Program, from which the two (2) voluntary separations will occur.

Ms. Lori Cooke, Fiscal Compliance Officer, advised that these efforts will result in no workforce reductions for FY 10; that the net reassignment value equates to approximately \$88,950, which Staff is “confident” this can be achieved through various incentives or vacancies. Ms. Cooke stated that should the reassignments not achieve this reduction it will be achieved through “operating net.” Ms. Cooke advised that savings from reduction reassignments equates to \$251,919 with \$162,969 from final budget adjustments. Ms. Cooke advised that from April through May the Department received different revenues, the majority of which is from deferrals; that deferrals are budgeted by utilizing the Ending Fund Balance “and taking money off the top; that these are restricted funds for pollution control (i.e., DMV funding, solid waste tire funding).” Ms. Cooke stated that when those



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revenues are received the Department must "account for the excess revenue or it goes to the Fund and those revenues cannot be reserved for the statutory required activities." Ms. Cooke stated that those adjustments resulted in the net of \$88,950. Ms. Cooke advised that salary savings from potential voluntary separation incentives is \$870,043 with the net savings being \$781,093. Ms. Cooke advised that the "realized savings" will be utilized for "cash flow and the County requirement for Return on Investment (ROI), which is calculated at 2x the incumbent's salary and benefits plus the cost of the incremental incentives. Ms. Cooke advised that the incentives as currently calculated to achieve the ROI is \$2.8 million; that this amount does not have to be achieved within the first year; however, it is an amount the Health Department must achieve.

Ms. Cooke advised that issues that may have to be addressed: 1) voluntary separation incentives are not executed, which would affect the projected salary savings; that currently one (1), has been executed and five (5) separations are pending as of tomorrow. Ms. Cooke advised that it is possible the Health Department would receive an employee from another Department through "bumping or brokering", as it is possible a vital position, which must be filled, cannot be filled internally, although that is the intent. Ms. Cooke stated that the Budget does not include any future vacancies which may occur. Ms. Cooke advised that the Budget does not include the potential for future employee concessions; that the current 2.5% reduction for Washoe County Employee Association (WCEA) is through December 20, 2009; that the Washoe County Nurses Association (WCNA) health insurance concession is through June 30, 2010. Ms. Cooke advised that unfunded or unanticipated expenditures occur every year; that, while the costs of unfunded or unanticipated expenditures cannot be determined, Staff is monitoring the costs associated with the H1N1 in regard to the man hours and services and supplies. Ms. Cooke advised that there could be revenue impacts – grants being received at a higher or lower amount than budgeted; that revenues from fees could be more or less than what was budgeted. Ms. Cooke advised it is not anticipated that the General Fund Transfer will be increased; however, it is possible another reduction could be required.

Ms. Cooke stated that, as directed by the Board, Staff allowed for flexibility in the Budget with no reduction in the workforce. Ms. Cooke advised that it is a matter of balancing the Department's "program Delivery and personnel" with "cash flow, the Ending Fund Balance requirement and the Return on Investment (ROI)."

In response to Dr. Khan regarding the reduction of \$71,037 in services in supplies in the Family Planning Program, Ms. Buxton advised that 40% of the reduction was the biological line item; that 19% of the reduction is lab cost and basic medical supplies; that there has been adjustment to some contracts and miscellaneous line items and general operating expenditures.

In response to Dr. Khan, Ms. Mary-Ann Brown, Director, Community and Clinical Health Services, advised that as a component of the re-design and reviewing efficiencies, the Family Planning Program has reduced services to those required by Title X. Ms. Brown advised that the Family Planning Program previously performed additional lab tests "offering services beyond what was required by Title X"; that this has resulted in a reduction in the services and supply costs for the Program. Ms. Brown stated Staff is working in conjunction with its community partners to ensure "any gaps in services can be filled" by one of the partnering agencies.

Dr. Khan questioned the percentage the \$70,000 reduction was in "actual services provided within the grant."

In response to Dr. Khan, Ms. Brown stated that it would be necessary to review the records, as there were several lab tests the Family Planning Program would provide, which were "beyond the scope" of what was required. Ms. Brown stated that a number of the efficiencies developed previously in regard to the ordering, protocols, the amount of lab work being ordered and how frequently it was being ordered assisted in achieving the \$70,000 in reductions. Ms. Brown advised that the elimination of additional services have allowed for "a streamline of lab testing"; that the Program Staff "have been very aggressive in what the formulary offers and doesn't offer", which assisted in achieving that \$70,000. Ms. Brown stated that some of the measures instituted were recommended by the consultant from Region IX who reviewed the Program and the workflow.

In response to Dr. Khan regarding the elimination of the sub-recipients, Ms. Brown advised that the Health District's Family Planning Program will assume some of the duties previously performed by the grant sub-recipients; that other services won't be provided. Ms. Brown advised that Staff worked with the community partners, including Planned Parenthood and Nevada Health Centers (previously Children's Cabinet) regarding the decrease of funding and how that would impact those programs. Ms. Brown advised that it was a consensus it was best to "reinvest those funds in Family Planning Clinic Services that the Health Department will offer in lieu of some of those services which had been offered." Ms. Brown stated that Staff worked collaboratively with these partners advising that those Subgrants would no longer be available.

In response to Mr. Gustin regarding the time frame for the ROI (incentive separations), Ms. Cooke advised that initially the County provided direction the ROI would be applied to the incentive position and that the Departments would have to have a year's funding for the ROI. Ms. Cooke stated that it cannot be determined which employees will accept the incentive separation offer and which employees will not; therefore, although the ROI would be "position by position it will be at a fund level." Ms. Cooke advised that the cost-savings from vacancies which occur, and are not

incentive separations, can be utilized for the ROI allowing for an incentive position to be filled while complying with the financial requirements.

Dr. Furman stated that he would commend Ms. Brown and the CCHS Staff for "doing a good job on the program reductions."

In response to Mr. Smith regarding position reassignments, Ms. Brown advised that a Staff Disease Intervention Specialist in the Sexual Health Program who has applied for an incentive separation, which is a mandated program and is budgeted. Ms. Brown advised that "the most qualified" Staff member will be reassigned to that position; that ultimately the "loss of two (2) positions will be in the Home Visiting Nursing Program for both vacant position in mandated programs. In response to Mr. Smith regarding the \$200,205 savings for position reassignments in the Home Visiting Nursing Program, Ms. Brown advised that the savings from the Home Visiting Nursing Program is not being transferred to the Immunization Program. Ms. Brown stated that ultimately there will be seven (7) position reassignments in the CCHS Division; that most are incentive separations and several won't be replaced; that one (1) will transfer to another Division in the Department; one (1) is potentially transferring to another Division within the District; and two (2) positions are not being replaced. Ms. Brown stated that "there is no new funding in her Division relating to any of these positions; that when Staff leaves she is reassigning Staff to the mandated services as directed."

**MOTION:** Mr. Smith moved, seconded by Ms. Ratti, that the FY 2010 Budget Update for the Washoe County Health District be accepted as presented.  
**Motion carried unanimously.**

PUBLIC HEARING – PRESENTATION – DISCUSSION – SUBMISSION – REQUEST FOR REDESIGNATION – MAINTENANCE PLAN – TRUCKEE MEADOWS 24-HOUR PM<sub>10</sub> NON-ATTAINMENT AREA – REVISION – PM<sub>10</sub> STATE IMPLEMENTATION PLAN

A. Recommendation to Approve and Adopt Redesignation Request and Submission of the Maintenance Plan for the Truckee Meadows 24-Hour PM<sub>10</sub> Non-Attainment and Revision to the State's PM<sub>10</sub> Implementation Plan

1:00pm: This being the time set in a Notice of Public Hearing, heretofore published in the *Reno Gazette Journal* on April 23, May 13 and 25, to consider the recommendation to approve and adopt the Air Quality Management's recommendation to submit a request to US Environmental Protection Agency (EPA) for redesignation of the Truckee Meadows 24-hour PM<sub>10</sub> non-attainment area status; and approval of the revision to the PM<sub>10</sub> State Implementation Plan (SIP).

Mr. Daniel Inouye, Senior Air Quality Specialist, advised that the US EPA has established health-based National Ambient Air Quality Standards (NAAQS) for six (6) criteria pollutants, including Particulate Matter less than, or equal to ten (10) microns in diameter (PM<sub>10</sub>). Mr. Inouye advised it is known that PM<sub>10</sub> is an irritant to eyes, nose, throat, and the lung and may also aggravate existing heart and respiratory conditions.

Mr. Inouye advised that the Truckee Meadows (the valley portion of the Reno/Sparks area) is currently designated as "Seriously Non-Attainment" for the 4-hour PM<sub>10</sub> Standard; however, due to effective control measures developed, implemented and maintained during the last twenty (20) years, the Truckee Meadows has attained the PM<sub>10</sub> Standard. Mr. Inouye advised that the "*Redesignation Request and Maintenance Plan for the Truckee Meadows 24-Hour PM<sub>10</sub> Non-Attainment Area*" document (a copy of which was placed on file for the record), dated March 26, 2009, is the formal request to US EPA to redesignate Truckee Meadows to an "Attainment/Maintenance Area. Mr. Inouye reviewed the document, advising that the Plan has two (2) components: the Redesignation Request and the Maintenance Plan; that the Redesignation Request delineates how the ambient air quality in the Truckee Meadows improved and how the PM<sub>10</sub> Standard was attained; that the Maintenance Plan delineates how the Standard will continue to be achieved.

Mr. Inouye displayed a chart, advising that the chart displays the highest 24-hour ambient PM<sub>10</sub> concentrations since 1990, with the red line representing the PM<sub>10</sub> Standard. Mr. Inouye advised that the "overall trend" has been improvement in monitored PM<sub>10</sub> concentrations, with a reduction in peak concentrations. Mr. Inouye advised that the most recent exceedance of the PM<sub>10</sub> Standard was in 2005 and was "much lower" than the typical exceedances which occurred in the 1980s and 1990s. Mr. Inouye advised that the reductions "are all the more impressive due to the corresponding population growth of the area, which occurred at the same time", as between 1990 through 2008 the population of Washoe County increased from 257,000 to 424,000, representing a 65% increase. Mr. Inouye advised that increases in population equates to an increase in "Vehicle Miles Traveled" (VMT), energy consumption and anthropogenic (man-made) activities "typically resulting in increased PM<sub>10</sub> emissions."

Mr. Inouye advised that these improvements were achieved through aggressive "Control Measures" (CM) "targeting the most significant PM<sub>10</sub> categories (i.e., residential wood combustion (RWC); street sanding/street sweeping operations; and mass grading). Mr. Inouye advised that "Serious Non-Attainment Areas" (NAA) (i.e., the Truckee Meadows) are required to implement "Best Available Control Measures" (BACM), which are established in other "Serious" PM<sub>10</sub> Non-Attainment Areas within the Western United States. Mr. Inouye advised that the rationale is "if

BACM can be demonstrated in one area, then it must be implemented in other "Serious" PM<sub>10</sub> Non-Attainment Areas."

Mr. Inouye advised that "much of the air quality improvements can be attributed to Washoe County's "Residential Wood Combustion (RWC) Program, which was one of the first and remains one of the most stringent Programs in the United States." Mr. Inouye advised that the RWC Program requires: cleaner EPA certified stoves in new homes, older non-EPA certified woodstoves must be upgraded or removed in existing homes during real estate transactions, and mandatory wood burning curtailment (or cessation) during air pollution episodes. Mr. Inouye advised that additional PM<sub>10</sub> control measures addressed control measures for street sanding/street sweeping operations, which is applied to the roads during wintertime storms to increase traction. Mr. Inouye advised that the control measures require: a harder and cleaner sand specification; a reduction in sand application per lane mile; more frequent sweeping (specifically after a winter storm event to reduce re-entrainment); and improved efficiency for new street sweepers.

Mr. Inouye advised that the AQM's Dust Control Program "targets" mass grading operations, and requires control the fugitive dust emissions; that common control techniques include water trucks, application of palliatives, and revegetation of groundcover. Mr. Inouye advised that "The Emergency Episode Plan" addresses wintertime periods of high ambient PM<sub>10</sub> levels, which are typically characterized by stable atmospheric conditions, a strong temperature inversion, cold nighttime temperatures and light winds. Mr. Inouye advised that these conditions result in PM<sub>10</sub> being "trapped in the valley and ambient PM<sub>10</sub> levels increasing"; that should a Stage I Alert be issued all burning, including Residential Wood Combustion (RWC) would be prohibited. Mr. Inouye advised achieving these control measures required revisions to the District Board of Health Regulations Governing Air Quality Management and are included in the State Implementation Plan (SIP).

Mr. Inouye displayed a Table, advising that the Table depicts the reductions (in pounds per a typical winter day) in PM<sub>10</sub> levels associated with the control measures; that the street sanding/street sweeping programs have additional benefits as it results in reduced fugitive PM<sub>10</sub> emissions from paved roads. Mr. Inouye advised that these emission reductions have led to measurable improvements in the ambient air quality.

Mr. Inouye advised that the second component is the State Implementation Plan (SIP), which establishes measures that will be continued to ensure the PM<sub>10</sub> NAAQS will be maintained; that further, it includes contingency provisions to promptly address any violations.

Mr. Inouye advised that the four (4) main components of the Maintenance Plan are: the Monitoring Network, Emissions Tracking, a Motor Vehicle Emissions Budget (MVEB) and the Contingency Plan. Mr. Inouye advised that the Monitoring Network consists of six (6) PM<sub>10</sub> monitoring sites in the Truckee Meadows; that the monitors are sited in accordance with EPA requirements and reviewed on an annual basis to ensure compliance with PM<sub>10</sub> monitoring objectives. Mr. Inouye advised that emissions are "tracked" by two (2) primary methods: periodic emission inventories and source specific surveys. Mr. Inouye advised that emission inventories are comprehensive updates of all emissions sources in Washoe County; that inventories identify changes in actual emissions that may also relate to increased ambient PM<sub>10</sub> levels; that inventories are prepared on a triennial schedule with the last update completed for Calendar Year 2005 with the next update will be prepared for Calendar Year 2008; that it is anticipated this update will be completed in the spring of 2010. Mr. Inouye advised that due to RWC being a significant source of PM<sub>10</sub> emissions in the Truckee Meadows, a special survey targeting this category is completed "every few years"; that this survey also gauges the effectiveness of the RWC program. Mr. Inouye advised that a commitment for this survey is included in the CO (Carbon Monoxide) Maintenance Plan, which was adopted by the District Board of Health in 2005. Mr. Inouye advised that the PM<sub>10</sub> MVEB specifies the level of motor vehicle emissions consistent with attainment and maintenance of air quality standards. Mr. Inouye advised that MVEB includes six (6) emission categories: road construction dust; paved road fugitive dust; unpaved road fugitive dust; on-road motor vehicle tailpipe emissions; heavy-duty diesel truck idling; and a safety margin. Mr. Inouye advised that the MVEB was developed cooperatively with local, state, and federal agencies, including the Metropolitan Planning Organization (the equivalent of the RTC of Washoe County); the Federal Highway Administration (FHWA); EPA Region IX; Nevada Department of Transportation (NDOT); and Nevada Division of Environmental Protection (NDEP). Mr. Inouye advised that planning assumptions (i.e., land use, population, employment, and Vehicle Miles Traveled (VMT) are key factors in projecting future emissions; that the assumptions in this Plan are the most current and are consistent with those utilized by the MPO. Mr. Inouye advised that Transportation Plans from the MPO (i.e., the 2040 Regional Transportation Plan and the Transportation Improvement Plan) are subject to transportation conformity and the MVEB. Mr. Inouye advised that the Federal Highway Administration (FHWA) can not approve these transportation plans unless the plans conform to this Maintenance Plan.

Mr. Inouye advised should a PM<sub>10</sub> exceedance or violation occur the Contingency Plan of the Maintenance Plan will provide direction as to "what will be done"; that the Contingency Plan includes Trigger Mechanisms, Contingency Measures and Timelines. Mr. Inouye advised that the Trigger Mechanisms will be based upon PM<sub>10</sub> monitoring data; that should PM<sub>10</sub> levels "approach the 24-hour Standard" the Emergency Episode Plan will be implemented. Mr. Inouye advised that the PM<sub>10</sub> 24-hour NAAQ Standard is 150 ug/m<sup>3</sup>, more commonly referred to as the Air Quality Index (AQI) of "Unhealthy for Sensitive Groups", or as a "Stage I AQ Alert". Mr. Inouye advised that the first priority of the Emergency Episode Plan is to protect human health by providing information to the public as to what measures should be taken. Mr. Inouye stated that, should the

cause of the PM<sub>10</sub> episode be RWC a mandatory curtailment (or cessation) of RWC would be implemented and enforced. Mr. Inouye advised that should an episode result in a PM<sub>10</sub> exceedance or violation additional control measures may be required; that additional control measures that are included in the PM<sub>10</sub> SIP must be adopted by the District Board of Health. Mr. Inouye advised that PM<sub>10</sub> emission categories will be reevaluated on a regular basis to ensure that any proposed control measure will be effective in improving air quality. Mr. Inouye stated that, as the Emergency Episode Plan has been adopted it can be implemented immediately should it become necessary; that prompt and expedient action to an event may prevent additional exceedances or violations of the PM<sub>10</sub>.

Mr. Inouye advised it is the recommendation of Staff that the District Board of Health approve and adopt the "Redesignation Request and Maintenance Plan for the Truckee Meadows PM<sub>10</sub> Non-Attainment Area" as an amendment to the Truckee portion of the Nevada PM<sub>10</sub> State Implementation Plan (SIP).

Mr. Inouye stated that should the Board approve and adopt the Redesignation Request and Maintenance Plan, and upon approval of the minutes of today's hearing, the Redesignation Request and Maintenance Plan will be forwarded to NDEP and subsequently formally submitted to US EPA as a revision to the PM<sub>10</sub> SIP. Mr. Inouye advised that approximately ninety (90) days after the submittal, EPA will determine an "adequacy" finding of the MVEB; that "long and short range transportation plans" will be prepared by the MPO utilizing the PM<sub>10</sub> MVEB in the transportation conformity analysis. Mr. Inouye advised that EPA will also initiate a formal review of the entire redesignation request and maintenance plan; that should the request be accepted, EPA will recommend approval in the Federal Register for the Truckee Meadows to be redesignated from a "Serious" NAA to an "Attainment/Maintenance" area. Mr. Inouye advised that this portion of the process can require a "few months to 18 months" to complete. Mr. Inouye advised that after "redesignation", and providing there are no exceedances or violations of the PM<sub>10</sub> Standard, the next required action will be in 2018, when the PM<sub>10</sub> Maintenance Plan will be updated as will the MVEB, demonstrating continued attainment of the Standard through 2030. Mr. Inouye advised that it is anticipated the update will occur in 2014 when an updated Carbon Monoxide (CO) Maintenance Plan is to be prepared.

Ms. Jung commended Mr. Inouye on an excellent presentation.

In response to Ms. Jung regarding the location of the six (6) monitoring stations, Mr. Inouye advised that the monitoring stations are located at downtown Reno (adjacent to Bertha Miranda's); at the Department of Transportation yard (on Galletti Way); at the Sparks Post Office location; Nevada Energy facility at Neil Road; Washoe County School District yard on Geiger Grade; and at

Kietzke and Plumb Lane. Mr. Inouye advised that the "worst wintertime PM<sub>10</sub> air pollution occurs in the valley portion of Washoe County; that this is "where the concentrations are the highest" during inversions and stabilized weather. Mr. Inouye advised that EPA requires annual review of the monitoring system network.

In response to Mr. Gustin regarding the requirements of the Residential Wood Combustion, Mr. Inouye advised that there is no formal review requirement for control measures; that the AQM Division and the US EPA have agreed upon a review every three (3) years. Mr. Inouye advised that "there may not be significant changes in a one (1) year period; however, there may be in a three (3) year period." Mr. Inouye advised that this is performed in conjunction with the District's Periodic Emissions Inventory Report.

Mr. Smith stated that the Air Quality Management Division is to be commended for achieving compliance with the PM<sub>10</sub> Standard; that the new Board members may be unaware that had the District continued to have exceedance US EPA would have assumed control of the County's Air Quality Management District, with the Board of Health having no further "influence or say" regarding air quality issues. Mr. Smith stated that for the Air Quality Management Division achieve attainment status with the increased population "is a real success story."

Dr. Anderson stated that Mr. Inouye is to be commended for authoring the "*Redesignation Request and Maintenance Plan for the Truckee Meadows 24-Hour PM<sub>10</sub> Non-Attainment Area*".

Chairman Humphreys declared the Public Hearing open and called upon anyone wishing to speak either in favor of or in opposition to the proposed redesignation request and maintenance plan. There being no one wishing to speak the Public Hearing was closed.

**MOTION: Mr. Smith moved, seconded by Ms. Jung that the District Board of Health approve and adopt the "Redesignation Request and Maintenance Plan for the Truckee Meadows PM<sub>10</sub> Non-Attainment Area" as an amendment to the Truckee Meadows component of the Nevada PM<sub>10</sub> State Implementation Plan (SIP), as outlined. Motion carried unanimously.**



Public Hearing - Washoe County District Board of Health Regulations Governing Food Establishments

1:00pm: This being the time set in a Notice of Public Hearing, heretofore published in the Reno Gazette Journal on April 15, 18 and 21, 2009, to consider the approval and adoption of amendments, additions and deletions to the District Board of Health Regulations Governing Food Establishments.

- A. Presentation and Discussion of Proposed Amendments to Sections 170.050, Subsections 6-9 (Application for Permit to Operate a Special Event); 170.100, Subsections 1-10 (Application for Permit to Operate a Temporary Food Establishment); 170.110, Subsection 6 (Temporary Food Establishment Permit to Operate); 170.120, Subsections 5 and 12 (Temporary Food Establishment Permit Exemption); 170.215, Subsection 1 (Fee for Annual Sampling Permit for Special Events); 170.220, Subsection 1 (Fee for Low Risk Foods); 170.225 (Limited Fee for Non-Profit Organizations); 170.310, Subsection 5 (Food Cooking, Holding and Service Equipment); 170.400, Subsection 1-3 (Defrosting of Potentially Hazardous Foods); 170.405, Subsections 1-6 (Food Temperatures); 170.410, Subsections 4, 5, 10-20 (Food Protection); 170.420, Subsection 3 (Hand Washing Facilities); 170.430, Subsections 1-3 (Utensil and Equipment Cleaning and Sanitizing); 170.440, Subsection 5 (Potable Water); 170.480, Subsection 1 (Liquid Waste); 170.490, Subsection 1 (Grease and Cooling Oil Waste); 170.500 (Non-sewered Toilets); 170.510 (Hand Washing Facilities for Non-sewered Toilets); 170.700 (Inspections); 170.710 (Compliance);
- B. Presentation and Discussion of the Proposed Additions of Sections 170.229 (Re-Inspection Fee); 170.250, Subsections 1-5 (Safety of Food for Consumption; Use of Food from Private Home; Labeling); 170.260 (Alcohol Consumption While Pregnant); 170.320, Subsection 4 (Temporary Food Establishment Construction Requirements); 170.330, Subsection 7 (Food Handlers); and 170.412 (Service and Display of Food; Temperatures);
- C. Presentation and Discussion of Proposed Deletions of Section 170.105 (Permit Issuance Requirements); 170.200 (Fees); 170.250, Subsection 6 (Package Food; Labeling);

Ms. Jeanne Rucker, Environmental Health Specialist Supervisor, advised that the Board members have been provided with a copy of the proposed amendments, additions and deletions to the District Board of Health Regulations Governing Food Establishments (a copy of which was placed on file for the record), specific to special events and temporary foods. Ms. Rucker advised that every two (2) years Staff reviews the special events and temporary foods sections of the District Board of Health Food Establishment Regulations to ensure that the Regulations are current with changes and recent trends in the industry. Ms. Rucker advised that Staff reviewed the Nevada Administrative Code (NAC) to ensure the proposed amendments, additions and deletions are in compliance with the requirements of the NAC regarding special events and temporary foods.

Ms. Rucker advised that Staff conducted two (2) public workshops with four (4) individuals attending; that Staff responded to a number of email and telephone inquiries requesting clarifications; that Staff received no objections to the proposed language. Ms. Rucker advised that Staff prepared a Business Impact Statement specific to the proposed regulatory amendments, as there is a new re-inspection fee proposed.

Ms. Rucker advised that the majority of the proposed amendments, additions and deletions are in an effort to codify "what is already being required" by the Department; that the Regulations had not previously "specified what the application requirements are."

Ms. Rucker advised that Section 170.229 (Reinspection Fee) stipulates this fee will be assessed against non-compliant food operators. Ms. Rucker stated that should a food operator be determined to be non-compliant Staff will conduct reinspections "as often as necessary to achieve compliance or until Staff suspends the Permit to Operate." Ms. Rucker stated that previously there was no fee charged for what "can be multiple inspections"; therefore, Staff is attempting to "recover some of those operational costs." Ms. Rucker stated that approximately 99% of the temporary food operators do comply with the requirements of the Regulations; however, there can be "the 1% which does not comply."

Ms. Rucker advised that Section 170.420 (Hand Washing Facilities) requires potable water "be made available for hand-washing" at the non-sewered toilets. Ms. Rucker stated that many of the non-sewered toilets at special events have hand-washing stations; however, Staff noted that when the service providers service the toilets "the same non-potable water used to clean the toilets out is being used to fill the hand-washing stations.

Ms. Rucker advised that other provisions address temperature requirements to ensure consistency with the language of the NAC. Ms. Rucker advised that the proposed revisions will allow for the discharge of potable water to the sanitary sewer "if approved in advanced by the pre-treatment authorities."

Ms. Rucker stated that when Staff distributes handouts of the "Temporary Food Regulations", a copy of the Nevada Revised Statutes (NRS) will be attached, as specific NRS requirements "are referred to often." Ms. Rucker advised that the authorities and requirements within the NRS specifically, the definition of Temporary Food Establishments; that within NRS the limit for a Temporary Food Establishment Permit is fourteen (14) days. Ms. Rucker advised that the requirement is "very specific"; that further, a Temporary Food Establishment "must be in

conjunction with a carnival, festival, or similar-type transitory gathering." Ms. Rucker advised that this restriction is important, as Staff will receive inquiries and requests to "set-up a stand (i.e., taco, ice cream, etc.) on the corner in conjunction with nothing"; that Staff denies these application requests; that "without Legislative revision(s) Staff cannot deviate" from these restrictions.

Ms. Rucker stated that the re-inspection fee will have "minimal impact upon the majority of the operators as the majority of the operators are compliant"; that, again, this will pertain to those operators who "aren't or won't comply." Ms. Rucker advised that the fee will not be implemented immediately; that should the Board approve and adopt the amendments, additions and deletions to the Regulations Staff will present the revisions to the State Board of Health for review and consideration for approval. Ms. Rucker stated that it will further be necessary to "acquire the data to determine how much of Staff's time is required to conduct the re-inspection(s) prior to assessing the fee." Ms. Rucker advised that "it is unlikely the fee will be assessed during this calendar year of special events and temporary food permits."

In response to Dr. Khan regarding the deletion of the provision which required a scoop to serve ice and food packaging requirements, Ms. Rucker advised that some of the deletions are due to duplication of language; that the requirement for an ice scoop and food packing requirements are addressed within other Sections of the Regulations.

Mr. Gustin stated that there was a segment on Channel 4 News last night regarding illegal food vendors; that it was an excellent report and indicated the Health District is "getting the point across and that those who are finding out about illegal vendors are telling the other people out about it; that security at one location ordered the unlicensed vendor off the property." Mr. Gustin stated that should Staff be required to conduct a number of re-inspections at the special events, he would request Staff contact him or another City Council member "as the City of Reno special events personnel are very confident and try to adhere to the rules."

In response to Mr. Gustin, Ms. Rucker advised that Staff works "very closely" with the special events personnel from the City of Reno and the City of Sparks, including the Code Enforcement agencies' staff and the licensing agencies. Ms. Rucker advised that Staff attends the planning meetings for these events at Reno and Sparks; that all of the vendors and operators are advised as to what the requirements are; that further, Staff "makes contact with all applicants prior to the events" to review the requirements. Ms. Rucker introduced Dr. Jeff Brasel, the Special Events Program Coordinator, advising that Mr. Brasel attends "all of the planning meeting; that Mr. Brasel knows every event promoter and vendor." Ms. Rucker stated that Mr. Brasel is aware of "what the particular weaknesses are" for every event and attends the "after event meetings with the promoters and the Cities. Ms. Rucker stated that should a vendor "be particularly problematic, Staff will advised the City and the promoter(s)"; that "that is usually all it takes and the vendor is not

invited back" to the event. Ms. Rucker stated that Staff "does not want to put anyone out of business"; however, if a vendor presents a "risk to public health or are just a problem across the board with what other agencies require, there is no reason for them to come back."

Mr. Gustin stated that these controls are vital; that the majority of attendees are "from out of town and won't come back if they get sick on food served at a special event in Reno/Sparks." Mr. Gustin stated that he would commend Mr. Brasel and Staff for "being on top of that."

Ms. Rucker advised that due to Staff's diligence in this Program and the "because the District's Regulations are so stringent there have been less than a dozen complaints related to special events in excess of twenty (20) years." Ms. Rucker advised that there have been a minimal number of "foodborne illness complaints related to these events"; that she "credits the amount of attention paid to" regulating these events; that this is "not a program in which resources can be reduced." Ms. Rucker stated that there has been a reduction in "requests for services in other programs; however, the requests for services in the special events/temporary foods program continues to increase, with the same number of applications with the same number of event requests.

In response to Ms. Ratti regarding "an increased number of individuals selling produce on street corners, Ms. Rucker advised it is the consensus of Staff that the selling of produce on street corners is "pretty low risk"; however, Staff is reviewing this issue and working cooperatively with the Cities and other regulatory partners locally and at the State "to address the overall issue of illegal vendors." Ms. Rucker advised that Mr. Sack has addressed this in his Division Director's Report. Ms. Rucker stated that specific to fruit/produce vendors "if the fruit is whole and uncut" and has a "source" label on the box or bag "it prevents a very low risk, as Staff can conduct a trace-back" and determine the location; that the greatest risk is "probably pesticides; that there are very few micro-organisms", which pose a concern "provided people wash the produce." Ms. Rucker stated that Staff has noted an increase approximately "ten-fold from previous years." Ms. Rucker stated that, while the State and Carson City require a Permit for these street vendors, the Washoe County Health District does not; that neither the State nor Carson City assesses a fee for these Permits issuing "Exempt Permits." Ms. Rucker advised that the Department of Agriculture exempts farmers "who sell their own produce" from having to have a Permit; that it is the vendors selling food products other than produce, "which are of more concern."

Mr. Gustin stated that the concern is when "the fruit vendors use their knife to cut the fruit for sampling" and the possibility of contamination.

Mr. Bob Sack, Director, Environmental Health Services, advised that next month Staff will be presenting a report specific to the issues of illegal vendors; that this "has become a real issue and there are no easy answers" to this problem. Mr. Sack advised that, as Ms. Rucker indicated, other jurisdictions to regulate "some of the whole fruit sales"; however, due to the low risk associated with uncut fruit it's been the determination of EHS Staff not to regulate these vendors. Mr. Sack stated that with budgetary and staffing reductions attempting to regulate these vendors would not be feasible.

In response to Ms. Ratti regarding addressing the "supply side" of the fruit vendors, Ms. Rucker advised that "usually a van will drop off several people in different areas; that Staff has conducted 'trace-backs' to suppliers and the problems are the suppliers, as the vast majority of the fruit comes from very reputable growers; that some of the produce is organic/pesticide-free." Ms. Rucker advised that these are "very low risk"; that currently there is a "high visibility" of these individuals throughout the area. Ms. Rucker advised that there is a "serious concern regarding the source of higher risk foods being sold on the street and how those foods are prepared"; that Staff is working very diligently internally to address these issues. Ms. Rucker advised that the Cities and County can review ordinances to determine "what is allowable in terms of selling products on the street", with the acknowledgement that "when these products are disallowed it is driven underground then there is no way to monitor it." Ms. Rucker stated that the Special Events Staff has observed "the underground side of illegal food vendors for a number of years"; that Staff "stops these vendors when possible, issuing Notice(s) of Violation and possibly condemning the food"; however, an illegal vendor cited one week in one location will be at a different location the following week. Ms. Rucker advised that it is more effective to "get the word out and work with these vendors to establish a legal and safe way for them to sell food." Ms. Rucker advised that the illegal vendors are "not a temporary food issue; however, these vendors pose a serious public health issue."

Dr. Anderson questioned if the fruit vendors are aware the State offers exemption permits.

In response to Dr. Anderson, Ms. Rucker advised that the majority of fruit vendors are not aware of the availability of exemption permits; however, those permits would not be valid in Washoe County; that the State exemption permit specifically excludes Washoe County, Clark County and Carson City.

D. Approval and Adoption of Amendments, Additions and Deletions to the Washoe County District Board of Health Regulations Governing Food Establishments

Chairman Humphreys declared the Public Hearing open and called upon anyone wishing to speak either in favor of or in opposition to the proposed amendments, additions and deletions to the

District Board of Health Regulations Governing Food Establishments. There being no one the Public Hearing was closed.

**MOTION: Ms. Jung moved, seconded by Ms. Ratti, that the amendments, additions and deletions to the District Board of Health Regulations Governing Food Establishments, specifically Special Events/Temporary Foods, be approved and adopted as outlined.  
Motion carried unanimously.**

UPDATE – POSSIBLE ACCEPTANCE – STAFF’S MAY REPORT MAY REPORT – 2009  
LEGISLATIVE SESSION

Ms. Jennifer Stoll-Hadayia, Public Health Program Manager, advised that the Board members have been provided with a copy of the Department’s Legislative Team Report for the month of May (a copy of which was placed on file for the record). Ms. Stoll-Hadayia advised that to-date the Legislative Team has monitored fifty-six (56) Bills, either at the request of County Government Affairs or because the Bills pertained to the Health District’s and/or Divisional priorities. Ms. Stoll-Hadayia advised that as the date of the Report eleven (11) of the Bills were enrolled; fourteen (14) of the Bills failed and several remain exempt; that the outcome of the exempt Bills will not be “known until the end of the Session.”

Ms. Stoll-Hadayia advised that Staff has been reporting on SB 372, which would have altered the Nevada Clean Indoor Air Act (NCIAA); that the Bill “in the current form did fail”; however, advocates “have been very diligent about this Legislation.” Ms. Stoll-Hadayia advised that this Bill has been discussed “as a proposed amendment to another Bill; that the amendment was not accepted and the Bill passed without those changes added to it.” Ms. Stoll-Hadayia advised that the proponents of SB 372 “continue to seek opportunities to make those changes to the Clean Indoor Air Act”; that the advocates for the Clean Indoor Air Act also “remain diligent in this process.”

Ms. Stoll-Hadayia advised that two (2) Bills passed, which establish statewide programs addressing chronic diseases – one establishes an advisory program regarding cardio-vascular disease, which is the leading cause of death in Washoe County; that the second establishes a chronic obstructive pulmonary disease (COPD) program; that Washoe County’s COPD rates “are higher than the rest of the State.”

Ms. Stoll-Hadayia advised that the Bill allowing for the collection of data on Body Mass Index (BMI) among school children was enrolled; that this is “good news for the District’s Chronic Disease Program.” Ms. Stoll-Hadayia advised that a Bill, which will increase the testing for syphilis and HIV in Washoe County was enrolled; that this is a priority in the community. Ms. Stoll-Hadayia advised

that a Bill was enrolled establishing a cancer-drug donation program; that this will allow for the donation of unused cancer-treatment medications to "individuals who may not otherwise be able to afford those medications." Ms. Stoll-Hadayia advised that a Bill establishing a statewide lead-awareness program for children was enrolled.

Ms. Stoll-Hadayia advised that the 2009 Legislative Session ends Tuesday, June 2, 2009; that the Board members will receive the final legislative matrix on Friday, June 5, 2009; that she will provide a final Legislative Report to the Board at the June meeting.

In response to Mr. Gustin regarding SB 372 being "attached to another Bill", Ms. Stoll-Hadayia advised that there has only been the one (1) Bill, of which she is aware, AB 229, which would have required all cigarettes sold in Nevada to "be fire safe cigarettes" in which there had been discussion of "attaching some form of SB 372" to it; however, AB 229 passed out of Committee unamended. Ms. Stoll-Hadayia advised that there is the potential opportunity "to attach SB 372" to any Bill "that may have any relation to cigarettes"; that there are two (2) tax-related Bills presented – one specific to the cigarette tax and the other specific to smokeless tobacco products; that both of the Bills are exempt; that these issues may be presented as a component of "the year-end tax package." Ms. Stoll-Hadayia advised that there "is a large base of support for SB 372"; that Staff continues to closely monitor that Bill.

In response to Dr. Khan regarding the proposed amendments specific to the "lessening of the qualifications" for the State Health Officer, Ms. Stoll-Hadayia advised that Staff has not been monitoring that Bill; that she "not aware of the rationale" regarding that Bill. Ms. Stoll-Hadayia advised that the Bill is in Conference Committee, which is an indication there are "problems in achieving a compromise" on the Bill.

In response to Dr. Khan, Dr. Anderson advised that this Bill has been discussed by herself and Dr. Sands, Chief Health Officer of the Southern Nevada Health District; that she, Dr. Sands and other public health officials are opposed to "the weakening of the requirements for a State Health Officer." Dr. Anderson stated that the "rationale presented is that it has been difficult to recruit a Health Officer with the appropriate certifications and medical license for the State of Nevada"; however, it is the consensus of herself and Dr. Sands that "through weakening the requirements for the State of Health Officer it weakens the perception of public health as a whole to the entire State." Dr. Anderson advised that those in opposition to the Bill have "been adamant about not removing the requirements for a license for the State Health Officer." In response to Dr. Khan regarding the "author and sponsor of this Bill", Dr. Anderson advised that it was proposed by the State Health Department.

**MOTION: Mr. Gustin moved, seconded by Ms. Jung, that the Health Department's**

- **May 2009 State Legislative Session Activities Report be accepted as presented and discussed.**  
**Motion carried unanimously.**

PRESENTATION – RECOMMENDATION – ADOPT – PROCLAMATION – SUPPORT –  
DECLARING JUNE 7, 2009 – DAY OF HONOR – INTERNATIONAL AIDS CANDLELIGHT  
MEMORIAL

Mr. Gerold Dermid, Health Educator, Community and Clinical Health Services, advised that the Board members have been provided with a copy of the Proclamation declaring June 7, 2009, as a day of honor in recognition of the International AIDS Candlelight Memorial. Mr. Dermid advised that HIV/AIDS is a public health concern, which can be addressed through prevention education, awareness, and treatment activities. Mr. Dermid advised that the annual International AIDS Candlelight Memorial is an annual event to increase this awareness and to honor friends and family infected and affected by HIV/AIDS. Mr. Dermid advised that this is the 26<sup>th</sup> Annual International AIDS Candlelight Memorial, conducted in 115 countries and in excess of 1200 locations; that this year's Memorial will be held at the 1<sup>st</sup> United Methodist Church, 209 West 1<sup>st</sup> Street in downtown Reno on Sunday, June 7, 2009, at 7:00pm; that this year's theme is "Together". Mr. Dermid advised that the Annual Memorial is presented through a collaborative effort among approximately fourteen (14) community partners, including the Health Department. Mr. Dermid advised that as of July 2007, there were 7,488 Nevadans living with HIV/AIDS; that the cumulative AIDS-related deaths claimed the lives of 3,066 Nevada residents, which is greater than the national rate of new HIV diagnosis of infection for all age categories.

Mr. Dermid stated that Staff recommends the Board approve and adopt the Proclamation. Mr. Dermid questioned if a Board of Health member would be available to present the Proclamation at the Memorial event.

Ms. Jung stated that she is willing to represent the District Board of Health at the event and present the Proclamation.

**MOTION: Ms. Jung moved, seconded by Mr. Smith, that the Proclamation declaring June 7, 2009 as a day of honor in recognition of the 26<sup>th</sup> Annual International AIDS Candlelight Memorial be approved and adopted as presented.**  
**Motion carried unanimously.**



PRESENTATION – IMMUNIZATION PROGRAM AUDIT FINDING UPDATE

Ms. Lori Cooke, Fiscal Compliance Officer, advised that, as the Board is aware there was an audit finding from fiscal year ending 2008, which occurred “when the auditors tested the income portion of the Immunization Program, specific to “how to trace the payments from deposit back to activity.” Ms. Cooke advised that the Health District applies for State and Federal grants “through Washoe County’s umbrella, utilizing the DUNS number and tax ID number”; therefore, it is vital to comply with the requirements.

Ms. Cooke advised that the FY09 Budget for Washoe County was comprised of \$59 million in Federal grants and \$29 million in State grants, representing a substantial portion of revenue for the County. Ms. Cooke advised that adherence to the guidelines is a requirement for accepting Federal funds. Ms. Cooke advised that the District must adhere to OMB Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments), which has been codified as 2 CFR Part 225; that OMB Circular A-102 (Administrative Requirements for State, Local and Indian Tribal Governments) has been codified in 45 CFR Part 92 for Health and Human Services; that OMB Circular A-133 (Audits of States, Local Governments and Non-Profit Organizations) is currently in the process of being “relocated to CFR.” Ms. Cooke advised that “what was previously considered guidelines have now been codified” and therefore, the Health District must comply.

Ms. Cooke displayed a A-133 Audit Compliance Matrix, advising that the Immunization CFDA (Catalog of Federal Domestic Assistance) number is 93268 (located approximately in the middle of the page); that the matrix delineates “the line item requirements for which the Program “is tested during an A-133 single audit.”

Ms. Cooke presented a “timeline” delineating the District’s response to the audit finding; advising that the “finding” was received on October 24, 2008; that on November 4, 2008 Staff submitted a response (through Ms. Coulombe). Ms. Cooke reviewed the subsequent meetings conducted to address the concerns presented in the audit findings, advising that the “go live date” was March 2, 2009, which was the date for initiating Insight (the Clinic database) for cash receiving. Ms. Cooke advised that Staff will no longer maintain “hand tallies of clients receiving services the activity is entered into Insight and at the end of the day obtain a cash receipt/cash drawer report, which includes the names of the clients.” Ms. Cooke advised that this method allows for “easy reconciliation” of the day’s accounts. Ms. Cooke advised that the cash drawers were installed in the Immunization Clinic on Tuesday, May 26, 2009. Ms. Cooke advised that this project was completed in “a very short time frame considering the constraints of Technology Services and internal Staff “as this was an additional project while conducting normal day-to-day business.”

Ms. Cooke advised that the Insight upgrade is being tested; that there has been a test for the Medicaid billing, which can be accomplished through Insight; that there will be a daily automated reconciliation; that progress is being achieved towards a fully automated system. Ms. Cooke advised that accomplishment of these goals has been a "cross-functional/divisional/department effort." Ms. Cooke advised that she would commend the Insight Team of: Mr. Dan Clark and Mr. Matt Bradshaw, Technology Services; Ms. Sharon Clodfelter, Mr. Steve Fisher, Ms. Cindy Hawks, Ms. Maria Magana; Mr. Steve Kutz, Ms. Pam Carlson, Ms. Jackie Goatley and Ms. Patsy Buxton from the Health Department for their efforts in this project.

Ms. Cooke advised that the Health Department's Immunization Program is audited annually; however, due to the "finding" the Program will be retested in July 2009; that in the interim Staff will continue to "work on systems issues (i.e., system generated receipts for payments on accounts); and will continue testing Insight upgrade. Ms. Cooke advised that Ms. Buxton has conducted "spot checks"; that the finding has been addressed and Staff will continue to monitor for possible future enhancements.

Chairman Humphreys commended Staff on these efforts.

Mr. Gustin stated that he would concur with Chairman Humphreys; that "this was a lot of work and Staff performed it very well.

The Board thanked Ms. Cooke for the report.

#### PRESENTATION – UPDATE – A(H1N1) STATUS AND ACTIVITIES REPORT

Dr. Randall Todd, Director, Epi and Public Health Preparedness, provided an in-depth power point presentation regarding an update on the Novel A(H1N1) aka "swine flu", delineating the Health District's response, surveillance and mitigation efforts (a copy of which is attached to the minutes as Attachment #1). Dr. Todd stated that on Friday, April 24, 2009, the Health Department established an Incident Command Center to address the developing A(H1N1) situation. Dr. Todd stated that he would commend all Health Department Staff for assisting in the response efforts.

Dr. Todd advised that there are 102 cases in Nevada and 63 cases in Washoe County, which is the greatest number in the State.

Dr. Todd stated that the CDC (Centers for Disease Control and Prevention) have made the determination to develop a vaccine for the A(H1N1) swine flu; that CDC will proceed with the manufacturing of the vaccine and anticipate that by mid/late fall there will be 40 million doses of vaccine available. Dr. Todd stated that the vaccine will be administered in two (2) doses to each individual vaccinated; that indications are that the vaccine will (probably) be administered to "critical infrastructure type personnel" initially. Dr. Todd stated that there will be discussions regarding whether the vaccine should be administered to the "most vulnerable or the most critical" populations. Dr. Todd stated that administration of any vaccine would be conducted in a POD setting.

In response to Ms. Ratti regarding the collaboration of Staff from the other Divisions, Dr. Todd stated that initially the need was for assistance in answering telephone inquiries; that Staff temporarily established a call center; however, the Governor established a toll-free call center for the State, which was "staffed 24-7 with bi-lingual operators." Dr. Todd stated that Staff from other Division contacted individuals to ask questions specific to swine flu and to record that information; that Staff from EHS to assist in the epi investigations and working logistics; that Staff from CCHS and AQM answered telephone inquiries. Dr. Todd stated that this event allowed Staff to participate in an ICS (Incident Command System), which "wasn't an exercise; that all five (5) Divisions were involved in the response.

Ms. Jung stated that she would recommend the Department's Public Information Officer (PIO) issue a media release regarding the Department's "innovative methods (i.e., monitoring school absenteeism rates, First Watch, surveillance, the 1150 AM radio signal, etc.). Ms. Jung stated that there should be emphasis on the radio station being solar/battery powered and the other methods in which it can be utilized.

Dr. Anderson advised that the radio station was featured in an article in the *Nevada Business Weekly*.

Dr. Todd stated that Staff is planning to promote the radio station.

Dr. Anderson and Dr. Todd stated that Ms. Judy Davis, Public Information Officer, is to be commended for her efforts in issuing daily updates throughout this event.

Chairman Humphreys thanked Dr. Todd for an informative report.

STAFF REPORTS AND PROGRAM UPDATES

A. Director – Epi and Public Health Preparedness

Dr. Randall Todd, Director, Epi and Public Health Preparedness, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

B. Director – Community and Clinical Health Services

Ms. Mary-Ann Brown, Director, Community and Clinical Health Services, presented her monthly Division Director's Report, a copy of which was placed on file for the record.

Ms. Brown advised that several of her Staff members "filled key positions in the Incident Command System; that this was a great learning opportunity for Staff." Ms. Brown advised that the Home Visiting Nursing Program was suspended for a brief period of time to allow the Nurses to Staff the ICS. Ms. Brown advised that the staffing-plan developed through this event will be reviewed to determine how the CCHS' limited resources can best be utilized in case of a similar type event. Ms. Brown stated that at the same time the swine flu outbreak was occurring CCHS Staff was investigating two (2) large Tuberculosis (TB) incidences which were being investigated as detailed in her Report.

C. Director – Environmental Health Services

Mr. Bob Sack, Director, Environmental Health Services, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

Mr. Sack stated that in regard to enforcement of the Nevada Clean Indoor Air Act (NCIAA), Staff has issued three (3) criminal citations; that two (2) to these will be proceeding to trial; that there are "a couple of rulings which are being appealed to the Nevada Supreme Court" prior to the trial. Mr. Sack advised that the Health Department did obtain a conviction on the third case. Mr. Sack advised that neither Staff nor the District's Attorney has issued a press release on the conviction; that this "is a big case for the Department with a lot of time expended on it."

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D. Director – Air Quality Management

Mr. Andrew Goodrich, Director, Air Quality Management, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

Mr. Goodrich advised that the 4<sup>th</sup> Annual Bike to Work Day was again very successful; that this is also a multi-divisional event; that Mr. Duane Sikorski (who was the impetus in implementing the first event) represented the Air Quality Management Division and Ms. Erin Dixon representing the Community and Clinical Health Division, are to be commended for their efforts in coordinating this event. Mr. Goodrich advised that there were in excess of 979 registered participants; that Corporate Challenge participated with more than 48 companies registering as part of the Challenge. Mr. Goodrich advised that this year there will be a "1<sup>st</sup> Awards event for those who participated; that this event will be this Sunday, May 31<sup>st</sup> at the West Street Market from 12:00 Noon to 4:00pm. Mr. Goodrich advised that the Bike to Work Committee is comprised of Staff from Air Quality, CCHS, Tour de Nez; Access to Health Care Network; St. Mary's; REMSA's *Safe Kids Program*; NDOT, Office of Traffic and Safety; RTC; Widespread Wellness Project and the Nevada Bicycle Coalition.

E. Administrative Health Services Officer

There was no Administrative Health Services Officer Report this month.

F. District Health Officer

Dr. Mary Anderson, District Health Officer, presented her monthly District Health Officer's Report, a copy of which was placed on file for the record.

Dr. Anderson stated "it is important the Board members are aware that what is in the newspapers regarding the demographics on various patients was not information released by the Health Department to the newspaper." Dr. Anderson stated that the Health Department "does its best to protect the confidentiality of the patients"; that in those incidents where there may be one (1) or two (2) patients associated with "a daycare center" by revealing the age of the patient(s) and the name of the school the identify of those patients then becomes known. Dr. Anderson stated that this is why the Health Department did not "wish to release the name of the particular pre-school as requested by the *Reno Gazette Journal*."

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Dr. Anderson stated that "everyone involved is to be commended for the great team work" in responding to the A(H1N1) "swine flu" event; that this occurred in a brief period of time, "which was very intense; that all are to be thanked."


Chairman Humphreys stated that the Board "has their pride in the Health Department; that the pride comes from the good people, who make the Health Department work and take pride in the Department." Dr. Humphreys stated that the Division Directors are really to be commended for the cooperative effort among the Divisions which was displayed when the need arose and to observe the response and how it came together; that there is a lot more pride there." Dr. Humphreys stated that the on behalf of the Board he would again commend Staff for the pride displayed in their work.

BOARD COMMENT

Ms. Jung requested Staff forward a copy of a Staff Report to Ms. Rosanna Coombs of the Regional Planning Governing Board, for presentation to the RPGB, regarding the Board of Health adopting the five (5) acre minimum requirement for the installation of a septic tank; that she would request she also be provided with a copy of the Report.

Chairman Humphreys requested a Report from Staff to the Board regarding that requirement.

There being no further business to come before the Board, the meeting was adjourned at 3:30pm.

  
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MARY A. ANDERSON, MD, MPH, FACPM, DISTRICT HEALTH OFFICER  
SECRETARY

  
JANET SMITH  
RECORDER