

Washoe County District Board of Health Meeting Minutes

Members

Dr. John Novak, Chair
Michael D. Brown, Vice Chair
Marsha Berkbigler
Kristopher Dahir
Dr. Reka Danko
Oscar Delgado
Tom Young

Thursday, August 22, 2019
1:00 p.m.

Washoe County Administration Complex
Commission Chambers, Building A
1001 East Ninth Street
Reno, NV

1. *Roll Call and Determination of Quorum

Chair Novak called the meeting to order at 1:00 p.m.

The following members and staff were present:

Members present: Dr. John Novak, Chair

Michael Brown, Vice Chair

Marsha Berkbigler

Kristopher Dahir

Dr. Reka Danko (Arrived 1:13 p.m.)

Oscar Delgado (Arrived 1:03 p.m.)

Tom Young

Members absent: None

Ms. Rogers verified a quorum was present.

Staff present:

- Kevin Dick, District Health Officer
- Dania Reid, Deputy District Attorney
- Leslie Admirand, Deputy District Attorney
- Anna Heenan
- Charlene Albee
- Lisa Lottritz
- Randall Todd
- Daniel Inouye
- Christina Conti
- Catrina Peters
- Laurie Griffey
- Sunhwa Lee

2. *Pledge of Allegiance

Mr. Young led the pledge to the flag.

3. *Public Comment

As there was no one wishing to speak, Chair Novak closed the public comment period.

4. Approval of Agenda

August 22, 2019

Mr. Young moved to approve the agenda for the August 22, 2019, District Board of Health regular meeting. Councilman Dahir seconded the motion which was approved five in favor and none against.

5. Recognitions

A. Years of Service

- i. Elizabet Munoz, 5 years, Hired 8/4/2014 - CCHS

Ms. Munoz was not in attendance.

- ii. Jeffrey Brasel, 25 years, Hired 8/22/1994 - EHS

Although Mr. Brasel was not able to be in attendance, Mr. Dick congratulated him on his years of service and informed that he is currently a Senior Registered Environmental Health Specialist in EHS.

- iii. Michael Ezell, 25 years, Hired 8/22/1994 - EHS

Mr. Dick informed that Mr. Ezell is a Registered Environmental Health Specialist and was also not in attendance. He congratulated these staff members, noting they have a combined fifty-five years of service between them.

B. Promotion

- i. Amber English, Sr. Environmentalist to Environmental Health Specialist Supervisor - EHS

Mr. Dick introduced Ms. English, stating he wished to congratulate her on her promotion from Senior Environmental Specialist to an Environmental Health Specialist Supervisor in EHS. He expressed that it was well deserved.

Councilman Delgado arrived to the meeting at 1:03 p.m.

C. New Hires

- i. Raquel DePuy Grafton, 8/5/2019, Program Coordinator - EPHP

Dr. Todd introduced Ms. Depuy Grafton, stating she is the new Program Coordinator with the Public Health Preparedness Program. He informed that Ms. Depuy Grafton has a Master's Degree in Internal Relations and comes to the Health District by way the university system. He stated she will be working on several different initiatives within the Program to include mass care, volunteer management and First Responder safety and health, and that she attended Fresno State University in Fresno, California. He expressed EPHP was pleased to have her on their staff.

- ii. Megan Bowling, 8/5/2019, Medical Billing Specialist - CCHS

Ms. Lottritz informed that Ms. Bowling comes to the Health District from Carson Medical Group with experience in medical billing, stating she has a wonderful, positive outlook and enjoys having her on their team.

iii. Windi Altemeyer, 8/19/2019, Public Health Nurse I – CCHS

Ms. Lottritz stated that Ms. Altemeyer is their new Public Health Nurse in the Immunization Program and has ten years of nursing experience. She informed Ms. Altemeyer previously worked at Renown as an Infection Preventionist and has experience as an RN Case Manager. Ms. Lottritz expressed that her diverse background will be beneficial for CCHS's Programs, and that they are excited to have her on their staff.

6. Consent Items

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

A. Approval of Draft Minutes

i. July 22, 2019

B. Budget Amendments/Interlocal Agreements

- i. Accept cash donation in the amount of \$4,500 from the Burning Man Project to purchase birth control methods to help decrease unintended pregnancy rates; approve amendments totaling an increase of \$4,500 in both revenue and expense to the FY20 Burning Man Donation budget, IO# 20471.

Staff Representative: Nancy Kerns Cummins

- ii. Retroactive approval of Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period July 1, 2019 through June 30, 2020 in the total amount of \$931,330 (with \$93,133.00 or 10% match) in support of the Centers for Disease Control and Prevention (CDC) Public Health Preparedness Program; and if approved authorize the District Health Officer to execute the Subgrant Award and approve subsequent amendments and give the District Health Officer authorization to execute MOU agreements with partnering agencies.

Staff Representative: Jennifer Hoekstra

- iii. Retroactive approval of Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period July 1, 2019 through June 30, 2020 in the total amount of \$392,346 (with \$39,234.60 or 10% match) in support of the Assistant Secretary for Preparedness and Response (ASPR) Public Health Preparedness Program; approval of authorization to travel and travel reimbursements for non-County employees that are Inter-Hospital Coordinating Council (IHCC) Coalition members (to be designated by IHCC leadership) in an amount not to exceed the FY20 travel budget to attend the Health Care Coalition Conferences (dates to be determined); and if approved authorize the District Health Officer to execute the Subgrant Award and approve subsequent amendments and give the District Health Officer authorization to execute MOU agreements with partnering agencies.

Staff Representative: Jennifer Hoekstra

- C. Approve FY20 Purchase Requisition (#TBD) issued to Adapco Inc. (Bid#3049-18) in the amount of \$158,885.60 for Mosquito Abatement Products, on behalf of the Environmental Health Services Division of the Washoe County Health District.

Staff Representative: Jennifer Hoekstra

- D. Recommendation to Uphold Citations Not Appealed to the Air Pollution Control Hearing Board.
- i. Rigoberto S. Uribe, Case No. 1213, NOV No. 5770
 - ii. Cemex Construction Materials Pacific Inc., Case No. 1214, NOV 5609
Staff Representative: Dan Inouye
- E. Acknowledge receipt of the Health Fund Financial Review for July, Fiscal Year 2019
Staff Representative: Anna Heenan

Councilman Dahir moved to accept the Consent Agenda items as presented. Vice Chair Brown seconded the motion which was approved six in favor and none against.

7. International Overdose Awareness Day Proclamation

Staff Representative: Sunhwa Lee, and Jennifer Delett-Snyder, Executive Director, JTNN

Ms. Lottritz informed Ms. Delett-Snyder is the Executive Director of Join Together Northern Nevada, a non-profit substance abuse prevention coalition, and that she has worked in the prevention field for the past fifteen years. Ms. Delett-Snyder currently serves as a member of the Washoe Regional Behavioral Health Policy Board and several other State boards. Ms. Lottritz expressed appreciation for the ongoing partnership between JTNN and CCHS.

Mr. Dick read the Proclamation for International Overdose Awareness Day and presented the Proclamation to Ms. Delett-Snyder.

Commissioner Berkbigler moved to adopt the International Overdose Awareness Day Proclamation. Councilman Delgado seconded the motion, which was approved six in favor and none against.

Dr. Danko arrived to the meeting at 1:13 p.m.

8. Resolution: Vision Zero Truckee Meadows

Staff Representative: Lisa Lottritz, and Rebecca Kapuler, Planner, RTC

Ms. Lottritz informed that Ms. Kapuler is a Senior Planner with the Regional Transportation Commission and stated she was present today to discuss the Vision Zero Truckee Meadows Task Force.

Mr. Dick read the Resolution for those present.

Ms. Kapuler thanked the Board for inviting Vision Zero to present at this meeting. She informed there are over fifteen active agencies involved in Vision Zero, and the newest partners to join in the effort are the Washoe County Sheriff, Safe Kids Coalition and Renown Hospital. She explained one of the values Renown brings to the Task Force is the involvement of their Trauma Center in the care of the injured, noting the impact to those involved in an accident of the physical trauma and cost. Ms. Kapuler noted that the Health District and Air Quality Management have been instrumental in their partnership, as well.

Ms. Kapuler stated the Task Force has been meeting since 2017, and informed the group identified four focus areas; downtown Sparks, midtown, the University and West Fourth Street. In the last two years, she stated the group has collected and assessed data in those areas to potentially identify ways to improve safety. This information is available on their website, <http://visionzerotruckeemeadows.com/>.

Ms. Kapuler informed their research included over five hundred and fifty pedestrians interviewed in person in November 2018 and received over one thousand responses from an online survey with the same questions. With the entire data set, the Task Force developed the Vision Zero Action Plan, which she informed was included in the Board's packet and on

their website.

Ms. Kapuler explained there are three components to the Action Plan that will require a regional effort and a shared responsibility to reach the goal of zero fatalities by 2030.

Ms. Kapuler stated that this message is being presented to many boards and commissions throughout the area and thanked the District Board of Health for their time and Resolution, as it underscores support from the Health District leadership. She informed they are working toward submitting their application in September to Vision Zero, a national program, to become the first Vision Zero community in Nevada. She expressed hope they would be able to announce their success in October at the Sparks Nugget 2019 Safety Summit, noting it was a free event and the Board and Health District staff would be invited to a press conference that will be held at the event.

Ms. Kapuler thanked the Board again for their time, and informed she was happy to answer any questions.

Mr. Young asked what new things the Task Force learned from their interviews of pedestrians that they had not anticipated that could help curb injuries and fatalities. Ms. Kapuler informed the response to the question regarding whether pedestrians felt safe in crossing the road at night in a safe crossing area was affirmative in the majority of responses. From the survey, the drivers indicated they did not feel they could clearly see pedestrians in the same setting. Because of this disconnect, Ms. Kapuler informed that, in the action plan, there is a regional lighting study to define needed improvements utilizing new technology.

Councilman Delgado moved to adopt the Resolution for Vision Zero Truckee Meadows. Vice Chair Brown seconded the motion which was approved unanimously

9. *Regional Emergency Medical Services Advisory Board August Meeting Summary

Staff Representative: Christina Conti

Ms. Conti stated the FY18 Annual Report is included in the Board's packets; she informed the FY19 report is on track to be heard by the EMS Advisory Board at their November meeting and will be brought before the District Board of Health at their next scheduled meeting.

Regarding the CAD to CAD Interface update included in her report, she informed the DBOH that discussions have not gone as the EMS Advisory Board (EMSAB) would have liked for the region. She stated EMSAB requested Central Square to present to their Board regarding their issues and why the timeline for completion of the project has been extended. That request is being scheduled by the City of Reno IT Director Khimji. Director Khimji and Director Heinz of REMSA made clear to Central Square that the extension of the timeline for completion was not acceptable; Ms. Conti stated she expressed to them that the DBOH was not appreciative of the current status of the project and needed definitive dates. At this point, she informed the soonest date of implementation of the CAD to CAD would be January 2020.

10. Regional Emergency Medical Services Authority

Presented by: Dean Dow and Adam Heinz

A. Review and Acceptance of the REMSA Operations Report for July, 2019

Mr. Dow, President and CEO of REMSA and CareFlight, informed he was available to answer any questions

Councilman Delgado moved to accept the REMSA Operations Reports for July, 2019. Vice Chair Brown seconded the motion which was approved unanimously.

B. *Update of REMSA's Public Relations during July 2019

Ms. Jobson, Public Affairs Manager for REMSA, stated that, through the ongoing and successful partnership that REMSA has with Washoe County's Academy of Arts, Careers and Technology, REMSA's Education and Public Affairs Departments were able to reinforce the importance of early technical career opportunities, particularly in the EMS industry, when they welcomed thirty Career and Technical Educators from across the state who were in town for a conference.

Ms. Jobson informed that REMSA continues to work with the Reno Dad's Blog on a series of submissions this summer that highlights ways to keep children safe during fun summer activities. She stated a second blog in the series featured dad and EMS Manager at REMSA, Todd Kerfoot, who posted information on being prepared for emergencies while camping. The public can view the postings at <https://renodadsblog.com/>.

Earlier this month, Ms. Jobson informed EMS Supervisor Ryan Ramsdale was interviewed for a story on KTVN regarding pedestrian safety, particularly during the back to school season.

Ms. Jobson stated REMSA's Education Department received some excellent coverage from Fox Reno regarding in-depth, live interviews with Alma Marin, REMSA's Public Education Coordinator, that highlighted CPR certification, the importance of learning how to provide high-quality CPR and how businesses can work with REMSA to arrange CPR trainings for employees.

11. Review, discussion, and possible adoption of the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035 Open Fires with a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for September 26, 2019 at 1:00 pm.

Staff Representative: Daniel Inouye

Mr. Inouye stated that earlier this year, the DBOH directed Air Quality Management (AQM) to review their open fire regulation and that Ms. Hunter was assigned as the project manager. He noted that Ms. Hunter is also the Smoke Management Coordinator for the Smoke Management Program.

Ms. Hunter introduced herself as the Senior Air Quality Specialist. She noted that the current open fire regulation prohibits open burning throughout Washoe County from November through February and that, as of March 1st, open burning is allowed with specific exemptions within the Truckee Meadows hydrographic basin, also referred to as HA87. She stated those specific exemptions to allow for open burning in HA87 are currently for divisions of local municipalities, divisions of state or federal government, operators of agriculture facilities greater than two acres in size, operators of ditch and water delivery facilities and the owner of any property where the fire control agency and the Air Quality Officer jointly determine, based on an on-site inspection, that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.

Ms. Hunter informed that AQM held meetings with the four fire protection districts, as well as AQM's enforcement branch, to develop this regulation revision. She stated the proposed open burning regulation will allow for open burning throughout Washoe County year around and will also have more flexible exemptions on properties of two acres in size or greater, divisions of state or federal government, divisions of local municipalities, canal and

irrigation ditches, and the on-site inspection with the fire control agency and the Air Quality Management District.

Ms. Hunter informed that three public workshops were held; one in June and two in July, with AQM and the Truckee Meadows Fire Protection District, noting they received public comment from four individuals and that a summary of those comments is listed under Item 1 in the Business Impact Statement. She explained there are no fees from AQM proposed at this time, however, if there is a request for a public safety inspection requested and conducted, AQM will evaluate the burden and propose fees to recover those expenses to the Division at that time.

Ms. Hunter stated staff recommends the District Board of Health approve and adopt the Business Impact Statement and set a public hearing for the possible adoption of the regulation revision, and that she was available to answer any questions.

Chair Novak opened the public comment period.

Chief Moore introduced himself as Fire Chief of Truckee Meadows Fire Protection District (TMFPD), and stated he was present to support this revision to the regulations. He complimented the Air Quality Management staff for their good work on this project, noting that Ms. Hunter and Mr. Inouye worked very hard on this project and TMFPD is very appreciative of their efforts.

Chief Moore expressed that it has always been counterintuitive that it was not possible to encourage residents to create defensible space in the winter when fire risk is the lowest. He noted these proposed regulation revisions will serve to align the goals of the Health District and the Fire District and wholeheartedly urged the Board to support the revisions.

Mr. Dahir stated he also supports these regulation revisions, informing that residents will benefit by being able to eliminate fuels on their properties without incurring the expense of having it done, and expressed it is a good balance of protecting air quality and removing fire fuels from properties.

Chair Novak closed the public comment period.

Councilman Dahir moved to adopt the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Air Quality Management. Commissioner Berkbigler seconded the motion which was approved unanimously.

Ms. Reid stated the motion to schedule the public hearing for adoption of the resolution at the September 26th District Board of Health meeting needed to be included in the motion for adoption.

Councilmen Dahir amended the motion to include setting a public hearing for possible adoption of the proposed revisions to the Regulations for September 26, 2019 at 1:00 pm. Commissioner Berkbigler seconded the motion which was approved unanimously.

12. *Presentation – CBD as a Food Additive

Staff Representative: Charlene Albee

Ms. Albee informed this presentation was prepared at the request of the Board at the last DBOH meeting. She stated there is a tremendous amount of information being circulated nationwide, and the purpose of the presentation is to provide the Board information to dispel some of that information which is inaccurate.

Ms. Albee provided the definition of CBD and THC, noting the latter comes from the

marijuana plant and produces the ‘high’, while CBD is derived from hemp, and that both marijuana and hemp are members of the cannabis family. She explained marijuana is federally regulated as a Schedule 1 drug by the DEA, and those laws include the dispensaries. CBD contains less than .3% of THC and was declassified as a Schedule 1 drug by the 2018 Farm Bill; hemp and hemp derived products are now legal in all fifty states. Ms. Albee informed that the last portion of the 2018 Farm Bill states that it does not affect or modify the FDA or Public Health Service regulations, and stated the focus of her presentation is to explain how the FDA regulations drive the Health District’s response to CBD used as a food additive.

Ms. Albee explained that the approved substances containing CBD are to be used topically, such as oils, lotions, creams and lip balms. She informed the USDA regulates the growing of hemp while the FDA, through the Food, Drug and Cosmetics Act, approves the use of CBD in the topical products.

Ms. Albee stated the FDA will not approve a substance until they have completed their research on it, and informed that they have not done so because CBD had been classified as a Schedule 1 drug. She explained research cannot be conducted on Schedule 1 drugs because they are illegal and to do so could cause loss of grant funding for the research facility. Therefore, CBD as a food additive and supplements that have medical claims have not been approved by the FDA.

Ms. Albee informed that, per the Department of Agriculture, there are two hundred and seven hemp growers, fifty-three licensed, certified handlers and thirty-seven seed producers registered in the state of Nevada. She stated there is a significant interest nationwide in the financial opportunity of this new industry.

Ms. Albee stated the FDA regulates food additives and CBD is not an approved additive at this point. The FDA has begun to issue warning letters to major manufacturers of products that are being shipped across the country. She noted that Denver has adopted their own regulations to approve CBD as a food additive for the city of Denver only, and that Oregon State has also, but the regulations cover only products manufactured and distributed in those covered areas.

Ms. Albee informed the FDA has approved the use of hemp seed oil, powders and proteins as food additives, noting the percentage of CBD in these products is negligible and products containing these additives cannot be advertised as containing CBD.

In January 2019, Ms. Albee stated a statewide conference call was held between Washoe County Health District, Southern Nevada Health District, Carson City Health and Human Services (which includes Douglas County via an interlocal agreement), and the Nevada Department of Health and Human Services (NDHHS) and Department of Agriculture. An agreement was reached between all stakeholders at that meeting that each entity would act in a consistent manner in their application and interpretation of regulations across the state.

When information of products containing CBD in the area was first brought to the Health District’s attention, Ms. Albee explained their first step was to confirm with NDHHS that there had been no change in status. At that point, actions began to have merchants remove the illegal product from their shelves as not for sale. She explained they have communicated with the regulated entities via social media, emails through their listserv and postcards.

In July, Ms. Albee informed a follow up call between all of the previous participants was held to share information on how WCHD was responding to instances of the CBD infused products being found in Washoe County permitted facilities, noting that this has opened up a chain of communication between these entities.

Ms. Albee informed that the Department of Taxation contacted the Health District during

the week of August 12 to inform one of their employees found CBD infused water on the shelves at a mini market that was manufactured in Sparks. She stated Mr. Macaluso went out with the area inspector to the facility and was pleased to find the product had already been pulled, shrink wrapped and marked as not for sale.

Ms. Albee stated the 2019 Legislative Session did pass SB209 which provides the authority through the Nevada Revised Statutes (NRS) for NDHHS to develop regulations for testing and labeling of any hemp commodity intended for human consumption, including CBD. She informed this sets forth in that section the development of testing protocols and procedures and have targeted an effective date of July 1, 2020.

The FDA is still conducting research with the goal of protecting the health and safety of the public. Ms. Albee informed they are finding toxicity in the liver due to the reaction of some drugs when taken in conjunction with CBD, such as Warfarin, Benzodiazepines, opioids and alcohol, and cannot approve CBD for consumption until a warning label can be developed. Another issue is cumulative exposure; the FDA has not yet identified a safe dosage for recommended daily allowance and has not determined the effects on special populations which include the elderly, children, adolescents and pregnant or lactating women. She informed products are being produced with a wide range of CBD concentration and the amount safe for consumption has not been determined.

Ms. Albee informed that Environmental Health Services regulations were amended to adopt FDA regulations by reference, and that they will continue to enforce the FDA regulations until such time as the State develops regulations and instructs EHS to alter their procedures.

Commissioner Berkbigler thanked Ms. Albee for an excellent presentation and good information. She inquired if EHS was inspecting dispensaries that sell marijuana and if it is legal for them to sell CBD infused products. Ms. Albee informed EHS does not have jurisdiction over dispensaries; they are regulated by the State Department of Taxation that has their own Registered Environmental Health Specialist who oversees those operations.

Commissioner Berkbigler inquired if EHS was requiring the removal of every product infused with CBD, regardless of where they are manufactured. Ms. Albee confirmed that to be correct. She stated the business owner is informed those products are not legal to be sold in Washoe County and recommends the business try to return the product. AQM then will contact the state or local health authorities where the product is manufactured. Ms. Berkbigler inquired if product is confiscated by EHS. Ms. Albee informed that it is not, however, she informed that the Southern Nevada Health District requires proof of the product's disposal if it is a large quantity that has been identified.

Commissioner Berkbigler stated that these products are widely available and expressed confusion how that can be since the products are illegal. Ms. Albee informed there are large retail chains that have realized these products are not legal to be sold and have removed them from their stores, and opined that they didn't realize that it was an issue with the excitement that surrounds this new product. She stated this seems to be the case throughout the area and nation, and it is a project to bring the regulated entities back into compliance.

Commissioner Berkbigler stated that when medical marijuana laws were approved in Nevada, three types of entities were approved that included marijuana growing facilities, dispensary and bakery. She inquired how that differs from the CBD products. Ms. Albee informed medical marijuana is regulated by State law, noting the DEA and the Federal Justice Department decided early in this process that they would not take enforcement actions in states that demonstrated they strictly regulated distribution by the state, and opined Nevada has done an excellent job of that.

Commissioner Berkbigler expressed concern for potential liability should all regulated entities not be required to remove CBD infused product. Ms. Albee informed that there are several thousand permitted facilities in Washoe County, as well as the temporary food vendors, and stated EHS' limited resources do not allow all facilities to be inspected immediately. They have, however, been contacted by various methods to inform them of the regulations. She noted that all facilities are inspected within a year. Commissioner Berkbigler opined this is one of the instances where additional compliance officers are necessary.

Councilman Dahir expressed his support of EHS upholding laws as they stand, and stated it is important to make it clear to the permitted entities that all are held to the same laws. He requested Ms. Albee to report updates to the Board and opined it important to relate this information to the Health District's constituents to educate the public on possible related health issues associated with CBD. Ms. Albee informed they are communicating the facts that have been related in this presentation. She stated that the NDHHS meets every other month and are required to give public notice, hold workshops, business impact statements and regulation adoption, so in order to have regulations in place by July 1, 2020, they will need to have them completed by January 2020. Ms. Albee informed EHS has expressed interest in being involved in the process. She stated the regulations will include warning labels, dosages, testing and quality control to include the extraction process and pesticides.

Councilman Dahir wished to state for the record the Health District's position; whether manufactured here or imported, the sale of CBD infused products for consumption is not allowed by law in Washoe County. Ms. Albee concurred, stating CBD is not an approved additive for consumption.

Councilman Delgado made the clarification that CBD can be sold for consumption through a dispensary, and Ms. Albee confirmed that is correct; Environmental Health does not have jurisdiction over dispensaries. He stressed the importance of clearly providing that message to the public to avoid confusion.

Councilman Delgado reiterated the possibility that the Health District may have clarity in July 2020 as to whether CBD will be allowed to be sold in EHS permitted facilities. Ms. Albee requested the Board's guidance should the State approve CBD as food additive if those regulations are not in agreement with those of the FDA.

Mr. Dick informed that, under State law for recreational and medical marijuana, they have established a regulatory structure that regulates and makes legal the production and manufacture of these products and for them to be sold in a dispensary. He explained it is not only that the dispensaries are not under EHS' jurisdiction, they are made legal under State law and there is a complete regulatory program in place to cover the manufacture of those products. Outside of the chain of supply to the dispensaries, he informed there is no regulatory structure and sale of those types of products outside the dispensaries is not legal.

Commissioner Berkbigler stated this situation creates confusion for the public. Ms. Albee informed the product sold in dispensaries has been manufactured under the regulatory oversight of the Department of Taxation. She stressed that the products sold outside of a dispensary are not regulated and would not be allowed to be sold at a dispensary. She stated EHS is communicating in all avenues available to them to educate business owners and the public, as well.

Mr. Young stated that product is still on the shelves of EHS permitted facilities. Ms. Albee informed staff are now looking for CBD product during inspection and are responding to tips coming into the Health District, and all of those products are being removed from sale. Mr. Young stated the public may not understand that product manufactured in Nevada using

certified CBD would not be allowed. Mr. Dick stated the only manufacturers that the Health District would have a basis for trusting would be ones that are regulated by the Department of Taxation for the supply chain that results in the products sold at a dispensary. He explained products being sold at a store have not been manufactured with any oversight as to how that product is produced and whether or not it is safe. He stressed that is why the Health District is waiting for the State's regulatory program to govern products produced with CBD. Mr. Young expressed that he certainly wants the Board and Health District to maintain high health standards for the public.

Chair Novak stressed that CBD is a huge topic and was heavily discussed at the NALBOH Conference. He stated that they were informed that marijuana and CBD were in the process of being reclassified as Schedule 2 drugs to allow for research, and noted there have been reasons found that it should not be approved for consumption. He thanked Ms. Albee for her hard work.

13. Presentation and possible acceptance of the annual progress report on the 2018-2021 Strategic Plan. - (For possible action)

Staff Representative: Kevin Dick and Catrina Peters

Ms. Peters, Director of Programs and Projects, stated she would be providing highlights on progress made in FY19 on the Strategic Plan initiatives. She informed that, out of one hundred forty-three items, one hundred thirty-two are either achieved or on target.

Regarding the first priority Healthy Lives, Ms. Peters informed there are thirty-five items; thirty-two were either on track or achieved and she detailed those successes including the Wolf Pack Challenge, healthy vending, smoke and vape-free park policies and CCHS outreach services.

Priority Two, Healthy Environment items number twenty-six, of which nineteen have been achieved or are on track. Ms. Peters stated air quality was within the healthy range 95% of the days in FY19. She informed installation progress has continued on the new air quality monitoring station at Libby Booth Elementary School. The area's Ozone standard was slightly above the goal and is being addressed through the development of an Exceptional Events Package. She informed that recycling rates were below their goal, but informed staff is participating in a GreenBiz program to evaluate businesses for green practices.

For Priority Three, Local Culture of Health, twenty-three of the twenty-seven items were on track or achieved. Ms. Peters stated that four of the five Health District priority areas had wins in the Legislative Session, and the Government Affairs Liaison, Ms. Gutman, was able to be hired and was actively engaged in helping bring about those wins. She detailed media other and outreach efforts and their successes.

Priority Four, Impactful Partnerships – Ms. Peters informed sixteen of the seventeen priorities were met or are on track and provided highlights of the successes. She noted that the Health District provided funding for the Signs of Suicide Program, a partnership with the School District and Children's Cabinet, in which five thousand seventh graders received the suicide prevention education, twelve hundred were screened and thirty percent of those were found as positive for high risk of suicide or depression. Ms. Peters informed there has been great partnership involvement in the implementation of the Community Health Improvement Plan, noting it is a three year plan, and, at the half-way mark, seventy seven percent of the goals have been accomplished.

Ms. Peters stated that Financial Stability is Priority Five, and that of the seven items, six are on track. She explained that staff continues to engage the State in conversations around increasing the Health District's funding.

Regarding Priority Six, Organizational Capacity, Ms. Peters stated thirty-six of the thirty-

eight items are on track or achieved and detailed successes including the submission of documents for accreditation and the completion of the site visit.

Ms. Peters then summarized the items that were not achieved and informed she would be happy to answer questions.

Mr. Young expressed appreciation for how the Health District is tracking progress on these Priorities, and thanked Ms. Peters for her work.

Councilman Dahir opined it is always good to have goals for improvement and know when progress hasn't been made as expected in order to address those shortfalls. He informed he would be involved with the Waste Management contract when it comes due for review and hoped they would be able to negotiate a more robust recycling program. Ms. Peters stated that Waste Management does have a waste composition study, which may be a good place to start.

Mr. Dick wanted to acknowledge that the Board has done an excellent job in developing a Strategic Plan that is actionable and that the Health District has tracked and made significant progress in implementing; it is progress in areas the Board has targeted as important for the Health District to improve.

Mr. Dick reminded the Board that there is a Strategic Planning Retreat scheduled for November 7th from 8:30 a.m. to 1:30 p.m. with lunch provided, and that will be the opportunity to revisit the Strategic Plan and set a fresh path forward.

Councilman Dahir moved to accept the annual progress report on the 2018-2021 Strategic Plan. Dr. Danko seconded the motion, which was approved unanimously.

Chair Novak commended Ms. Peters for her work and informed she has been assigned very large and complex projects, such as the push for Accreditation.

14. Recommend to approve a 3% Cost of Living Adjustment (COLA) retroactive to July 1, 2019, a 2.5% COLA effective July 1, 2020, and a 2.5% COLA effective July 1, 2021 in base wage; and updated health plan changes to keep the District Health Officer's position in alignment with the other Unclassified Management positions.

Staff Representative: Laurie Griffey

Ms. Griffey, HR Representative for the Health District, informed this item is to ask the Board's approval to grant the District Health Officer the same cost of living increases that were approved by the Board of County Commissioners for the other unclassified management, several other associations, and the employees of Washoe County.

Mr. Brown moved to approve a 3% Cost of Living Adjustment (COLA) retroactive to July 1, 2019, a 2.5% COLA effective July 1, 2020, and a 2.5% COLA effective July 1, 2021 in base wage; and updated health plan changes to keep the District Health Officer's position in alignment with the other Unclassified Management positions. Commissioner Berkgigler seconded the motion which was approved unanimously.

15. *Staff Reports and Program Updates

A. Air Quality Management, Daniel Inouye, Acting Director

Program Update - Open Burning Revisions, Divisional Update, Program Reports (Monitoring/Planning; Permitting/Enforcement)

Mr. Inouye informed much of the underground work and electrical have been completed on the Reno4 air monitoring station, the fencing is complete and staff is finalizing specifications on the modified container. He informed the goal is to have the container ordered and in place by early fall and be collecting data by late fall.

Mr. Dahir opined it would be appropriate to hold a grand opening to thank the school for allowing the monitoring station to be built at that location. Mr. Inouye informed AQM has begun to engage with the new Principal to develop lesson plans around the monitoring station, and agreed the completion of this project will be something to celebrate. He stated he would coordinate the event with the newly hired Communications Manager.

B. Community and Clinical Health Services, Lisa Lottritz, Director

Divisional Update – National Immunization Awareness Month; Data & Metrics; Sexual Health, Immunizations, Tuberculosis Prevention and Control Program, Family Planning/Teen Health Mall, Chronic Disease Prevention Program, Maternal Child and Adolescent Health, and Women Infants and Children

Ms. Lottritz stated it is National Immunization Awareness Month and that CCHS held the Give Kids a Boost Clinic on August 10th. She informed one hundred forty-two children were vaccinated and four hundred thirty-five doses of vaccine were given. She informed the Clinic is continuing to see a daily increase in clients with back to school immunizations which required increasing the number of nurses on staff to provide services.

C. Environmental Health Services, Charlene Albee, Director

Environmental Health Services (EHS) Division Program Updates – North Valleys Closed Basins, Child Care, Community Development, Epidemiology, Food, Land Development, Safe Drinking Water, Vector, Waste Management, and Inspections.

Ms. Albee informed that Mr. Dick, District Health Officer, and she attended a meeting earlier that day regarding Swan Lake in which the stakeholder's group of all regional partners met to discuss information sharing and communications.

D. Epidemiology and Public Health Preparedness, Dr. Randall Todd, Director

Program Updates for Communicable Disease, Outbreaks, Measles, PHP Program, Grants, Radiation Training, Ebola, Silver Crucible Full Scale Exercise, Personnel Changes, Emergency Medical Services, Trainings, EMS Protocols, REMSA Response Data

Dr. Todd informed the suspected plague case in his report was determined not to be the plague, however, it was diagnosed as hantavirus. He explained that case did survive, but a second hantavirus case did not survive.

Councilman Dahir inquired what the public should know about hantavirus. Dr. Todd explained EPHP has been working to educate the community on ways to prevent being infected, including that it does not spread person to person but does come from the droppings of infected deer mice. He detailed the safe method of cleaning up feces that is being communicated to the public.

Councilman Delgado inquired how the Health District is responding to the Public Charge Rule in regards to concerns of the population of residents who may choose not to receive immunizations and other services it provides in this climate of mistrust of the government. Mr. Dick informed the Health District has been working to communicate with persons accessing clinical health services that none of the services provided at the Health District currently fall under the Public Charge Rule. He explained the Rule states that if a person is beneficiary of a government program that provides for support, i.e.: Welfare or SNAP, this can prevent them from becoming a citizen of the United States. He stated this Rule is not retroactive if services were received before October 15th, and, if some of the Health District's services were added to those under the Rule, they would

also not be retroactive. That said, Mr. Dick informed that clients have declined services for fear they would be penalized. He opined the Public Charge Rule to be detrimental to public health; it impacts not only persons that are not citizens, but is also leading to those that have children who are citizens from receiving the benefits they need.

Councilman Delgado stated that misinformation can spread quickly if the Health District is not actively reaching out to educate the public, to the detriment of those initially affected and to the general public as well.

Chair Novak informed that NACCHO and NALBOH, of which he is Treasurer, have been communicating directly with Government Affairs and, at this point, NACCHO and NALBOH are not going to make a public statement on this topic due to the great number of law suits filed up to this point by state governments. He stated there are bills in place to prevent tax dollars being spent on enforcement of this Rule. He concurred this is a major detriment to public health.

Chair Novak inquired if Dr. Todd would speak to the issues with vaping that have arisen. Dr. Todd stated that is a bit outside of his programmatic area. Dr. Novak informed of the eight vaping related cases in the state of Wisconsin at that time, all eight affected were on respirators. He stated it is something the Health District needs to watch closely.

Ms. Admirand stated that this may be a topic for a future agenda item.

E. Office of the District Health Officer, Kevin Dick, District Health Officer

District Health Officer Report - Public Health Accreditation (PHAB), Workforce Development, Accela Regional Permitting and Business License Platform, Community Health Improvement Plan, Substance Abuse Task Force, Truckee Meadows Healthy Communities (TMHC), Other Events and Activities and Health District Media Contacts

Mr. Dick informed there had been an Accela Regional Oversight Group meeting on 8/21 to discuss the Health District's payment processing on Accela, the regional platform used to process payments for permitting activities. He stated the discussion concluded with the recommendation that the Health District do a joinder under the City of Reno's contract that they established with Gray Quarter for implementation.

Mr. Dick explained the Health District has been using a payment processor, OPC, but there have been difficulties with them. With this decision to proceed with Gray Quarter as the Health District's implementer, they can set up the interface between Accela and the payment processor, NCR, to accept credit card and Echeck payments. If this transition does not take place before the end of October, the end of the OPC contract, Mr. Dick informed they have the option of using PayPal on a month to month basis as a safety net.

Regarding Truckee Meadows Healthy Communities, there will be presentations on the Regional Strategy for Housing Affordability provided by Enterprise Community Partners at the Reno and Sparks City Council meetings, both to be held on September 23rd, and the Washoe County Commissioners meeting on September 24th. Mr. Dick informed the Nevada League of Cities is meeting in Henderson on September 25th and 26th.

Mr. Dick requested that, if possible, the appointed members of the DBOH attend one of those meetings and hear the presentation since part of the Community Health Improvement Plan initiative is to develop this Regional Strategy for Housing Affordability. He also requested, as the schedule is filled out for Enterprise Community Partners, that there be an opportunity on Tuesday the 24th for the appointed Board members to have time to meet them. He informed he would forward the information about available time slots for these meetings to the Board members. Mr. Dick informed

there will be a Behavioral Health Forum held on October 2nd at the BCC Chambers from 8:30-11:00 a.m. where there will be a number of presentations. He encouraged the Board to attend that meeting also, if possible.

Mr. Dick mentioned that it is Employee Appreciation Night at the Aces ball game on Friday the 23rd, and reminded the Board of their recognition of Ms. Chaidez for the amazing amount of Shining Stars she has received. He informed she has over forty of those Shining Stars now, more than any other employee in the entire County, and will be throwing out the opening pitch for the Aces game.

16. *Board Comment

Chair Novak opened the Board comment period.

Chair Novak requested there to be a presentation on vaping at the next scheduled meeting, as well as information provided on Hepatitis A.

Chair Novak noted that this Health District is far advanced from others he encountered at the NALBOH conference in regards to the hands-on Emergency Preparedness exercises that are held here.

Chair Novak informed there is an opportunity coming in November in which other members of the Board may have the ability to act as a patient in an exercise.

Chair Novak closed the Board comment period.

17. *Public Comment

Chair Novak opened the public comment period.

Mr. Adler, representing Dorinda's Chocolates, thanked Washoe County Health District for their work on the CBD presentation. He stated WCHD has been reasonable to work with and opined the federal government needs to update the regulations to determine if CBD should be allowed for sale in consumables, and, if so, set guidelines for appropriate testing and safe production of the products to protect public health.

Chair Novak closed the public comment period.

18. Adjournment

Chair Novak adjourned the meeting at 2:56 p.m.

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The District Board of Health Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E. 9th Street, Building B, Reno, NV 89512, or by calling 775.328.2415, 24 hours prior to the meeting.

Public Comment: During the "Public Comment" items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. In order to speak during any public comment, each speaker must fill out a "Request to Speak" form and/or submit comments for the record to the Recording Secretary. Public comment and presentations for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations, five minutes for a speaker representing a group, and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair.

Response to Public Comment: The Board of Health can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Board of Health. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Board of Health will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Board of Health may do this either during the public comment item or during the following item: "Board Comments – Limited to Announcement or Issues for future Agendas."

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, Notice of this meeting was posted at the following locations:

Washoe County Health District, 1001 E. 9th St., Reno, NV Reno

City Hall, 1 E. 1st St., Reno, NV

Sparks City Hall, 431 Prater Way, Sparks, NV

Washoe County Administration Building, 1001 E. 9th St, Reno, NV

Downtown Reno Library, 301 S. Center St., Reno, NV

Washoe County Health District Website www.washoecounty.us/health State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Laura Rogers, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Rogers is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at lrogers@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website www.washoecounty.us/health pursuant to the requirements of NRS 241.020.