

WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING  
OCTOBER 27, 2011

PRESENT: Matt Smith, Chairman; Commissioner Kitty Jung, Vice Chair (arrived at 1:15pm); George Furman, MD; Councilman Dan Gustin; George Hess, MD; and Councilwoman Julia Ratti

ABSENT: Denis Humphreys, OD

STAFF: Dr. Joe Iser, District Health Officer Eileen Coulombe, Administrative Health Services Officer; Bob Sack, Director, Environmental Health Services; Dr. Randall Todd, Director, Epidemiology and Public Health Preparedness; Mary-Ann Brown, Director, Community and Clinical Health Services; Kevin Dick, Director, Air Quality Management; Jeanne Rucker, Environmental Health Specialist Supervisor; Bryan Tyre, PE, Senior Engineer; Lee Salgado, Environmental Health Specialist; Lori Cooke, Fiscal Compliance Officer; Peg Caldwell, RN, EMS Program; Julie Pomi, Public Health Nurse II; Sheryl Nolte, Office Assistant I; Jim Shaffer, Vector-Borne Disease Specialist; Stacey Akurosawa, EMS Coordinator; Cory Sobrio, Disease Intervention Specialist; Steve Fisher, Department Computer Application Specialist; Curtis Splan, Computer Application Specialist; Erin Dixon, Public Health Program Coordinator; Peggy Quinlan, Environmental Health Specialist; Jim English, Senior Environmental Health Specialist; Rick Sanchez, Environmental Health Specialist; Janet Smith, CPS, Recording Secretary; and Leslie Admirand, Deputy District Attorney

At 1:10pm, Chairman Smith called the Washoe County District Board of Health meeting to order, followed by the Pledge of Allegiance, led by Councilman Dan Gustin, member of the Washoe County District Board of Health.

ROLL CALL

Roll call was taken and a quorum noted. Mrs. Janet Smith, CPS, Recording Secretary, advised that Dr. Denis Humphreys is excused.

Ms. Ratti

Advised, accompanying her today is a delegation from Russia, "who are part of an exchange program to learn how local government functions; that all hold high-level administrative positions in their respective communities. The delegation attended the Sparks City Council meeting earlier this week."

WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING

October 27, 2011

Page 2

The representative/interpreter advised the exchange program is sponsored by the Open World Leadership Center at the Library of Congress.

Ms. Ratti

Extended a welcome to the delegation; and thanked the Northern Nevada International Center "for continually bringing these types of opportunities for sharing to our community; that the Center does amazing work usually under the radar."

Chairman Smith

Stated, he welcomes the delegation on behalf of the Board of Health.

Mr. Gustin

Stated, on behalf of the City of Reno he would welcome the delegation.

PUBLIC COMMENT

There was no public comment presented.

APPROVAL/DELETIONS – AGENDA – OCTOBER 27, 2011

Chairman Smith called for any deletions to the agenda of the October 27, 2011 District Board of Health meeting.

Dr. Joseph Iser, District Health Officer

Stated, item 11. Appointments – Reappointments of the District Board of Health Appointees to the REMSA Governing Board will be continued to the Board's November 17, 2011 meeting.

**MOTION: Mr. Gustin moved, seconded by Dr. Hess, that the agenda of the District Board of Health October 27, 2011 meeting be approved as amended.  
Motion carried unanimously.**

APPROVAL/ADITIONS/CORRECTIONS – MINUTES – SEPTEMBER 22, 2011

Chairman Smith called for any additions or corrections to the minutes of the September 22, 2011 meeting of the Washoe County District Board of Health.

**MOTION: Ms. Ratti moved, seconded by Dr. Hess, that the minutes of the District Board of Health September 22, 2011 meeting be approved as received. Motion carried unanimously.**

RECOGNITIONS AND PROCLAMATIONS

Chairman Smith and Dr. Iser presented Certificates of Recognition to Mr. Cory Sobrio for 15 Years-of-Service; Ms. Sheryl Nolte for 20 Years-of-Service; and Ms. Julie Pomi for 20 Years-of-Service.

CONSENT AGENDA – BUDGET AMENDMENTS/INTERLOCAL AGREEMENTS

The Board was advised Staff recommends approval of **Subgrant Amendment #1** from the **Nevada Department of Health and Human Services, Health Division** in the amount of **\$15,343**, bringing the **total CY 2011 funding** to **\$68,665** for the period of January 1, 2011 through December 31, 2011; and approval of amendments totaling an increase of **\$15,343** in revenue and expenses to bring the **FY 12 Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program budget, IO 10015** into alignment with the Subgrant in support of the **Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program (IN 10016)**.

The Board was advised Staff recommends approval of **Subgrant Amendment #2** from the **Nevada Department of Health and Human Services, Health Division** in the amount of **\$28,000**, bringing the **total CY 2011 funding** to **\$320,556** for the period of January 1, 2011 through December 31, 2011; and approval of amendments totaling an increase of **\$28,000** in revenue and expenses to bring the **FY 12 Immunization Grant Program budget, IO 10028** into alignment with the Subgrant in support of the **Immunization Grant Program (IN 10028)**

The Board was advised Staff recommends ratification of **Subgrant Amendment #2** issued to **Planned Parenthood Mar Monte** pertaining to the **HIV Prevention – Street Smart Program** in the **total amount of \$95,000** for the period of January 1, 2011 through December 31, 2011.

The Board was advised Staff recommends **ratification** of the **Interlocal Agreement** between the **Washoe County Health District** and the **Sierra Fire Protection District (SFPD)** to **provide storage and emergency operation activation of the VoiceStar CMS-T300 Series Portable Changeable Message Sign and Highway Advisory Radio** equipment for the period upon ratification through June 30, 2012, unless extended by the mutual agreement of the Parties; with automatic renewal for two (2) successive one-year periods for a total of three (3) years on the same terms unless either party gives the other written notice of nonrenewal at least sixty (60) days prior to June 30 of each year.

The Board was advised Staff recommends **ratification** of the **Interlocal Agreement** between the **Washoe County Health District** and the **North Lake Tahoe Fire Protection District (NLTFPD)** to **provide storage and emergency operation activation of the VoiceStar CMS-T300 Series Portable Changeable Message Sign and Highway Advisory Radio** equipment for the period upon ratification through June 30, 2012, unless extended by the mutual agreement of the Parties; with automatic renewal for two (2) successive one-year periods for a total of three (3) years on the same terms unless either party gives the other written notice of nonrenewal at least sixty (60) days prior to June 30 of each year.

The Board was advised Staff recommends **ratification** of the **Interlocal Agreement** between the **Washoe County Health District** and **Washoe County** through its **Parks Department** to **provide storage and emergency operation activation of the VoiceStar CMS-T300 Series Portable Changeable Message Sign and Highway Advisory Radio** equipment for the period upon ratification through June 30, 2012, unless extended by the mutual agreement of the Parties; with automatic renewal for two (2) successive one-year periods for a total of three (3) years on the same terms unless either party gives the other written notice of nonrenewal at least sixty (60) days prior to June 30 of each year.

The Board was advised Staff recommends **approval** of **Notice of Grant Award** dated October 6, 2011, from the **Department of Health and Human Services Public Health Service** in the amount of **\$902,705** in support of the **Family Planning Program** for the period of June 30, 2011 to June 29, 2012; and **approval** of **amendments totaling an increase of \$117,705** in both revenue and expense to the **FY 12 Family Planning Title X Federal Grant Program IO 10025**.

The Board was advised Staff recommends **approval** of **budget amendments totaling an increase of \$215,000** in both revenue and expense **Air Quality Management, EPA Air Pollution Control Program, IO 10019**.

**MOTION:** Dr. Hess moved, seconded by Mr. Gustin, that the Subgrant Amendments, with the corresponding budget amendments; the Interlocal

**Agreements; the Notice of Grant Award, with the corresponding budget amendments; and the budget amendments, be approved as outlined.  
Motion carried unanimously.**

REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY

A. Review and Acceptance of the Operations and Financial Report – September 2011

Mr. Jim Gubbels, Vice President, REMSA

Advised he Board members have been provided with a copy of the September 2011 Operations and Financial Report; that the overall emergency response times for life-threatening calls in September was 93% and 96% for non-life threatening calls; that within the eight (8) minute zone it was 92%; within the fifteen (15) minute zone it was 93%; and within the twenty (20) minute zone it was 100%. The overall average bill for air ambulance service for September was \$7,665, with a year-to-date average of \$7,355. The overall average bill for ground ambulance service for September was \$1,012, with a year-to-date average of \$995.

**MOTION: Ms. Ratti moved, seconded by Ms. Jung, that the REMSA Operations and Financial Report for the month of September 2011, be accepted as presented.  
Motion carried unanimously.**

B. Update of REMSA's Community Activities Since September 2011

Mr. Gubbels

Advised, Ms. Jane Miller, Past-President of Care Flight, now doing other duties; and who started the Care Flight Program in 1981, was inducted into the Nevada Aerospace Hall of Fame on October 14, 2011. Advised, the ceremony was conducted in Henderson, Nevada at the Executive Airport; that Ms. Miller was inducted as a "Flight Nursing Pioneer".

REVIEW – ACCEPTANCE – MONTHLY PUBLIC HEALTH FUND REVENUE AND EXPENDITURE REPORT – SEPTEMBER 2011

Ms. Eileen Coulombe, Administrative Health Services Officer

Advised, the Board members have been provided with a copy of the Health Fund Revenue and Expenditure Report for the month of September 2011. She reviewed the Report in detail advising the Environmental Oversight Account for September 2011 had a balance of \$108,247.80; that Staff recommends the Board accept the Report as presented.

**MOTION: Mr. Gustin moved, seconded by Ms. Ratti, that the District Health Department's Revenue and Expenditure Report for September 2011 be accepted as presented.  
Motion carried unanimously.**

APPOINTMENT – REAPPOINTMENTS – SEWAGE, WASTEWATER, AND SANITATION (SWS) HEARING BOARD

Mr. Bryan Tyre, PE, Senior Engineer

Advised, the Sewage, Wastewater, and Sanitation Hearing Board is a technical advisory board, which reviews regulatory revisions, and variance applications pertaining to the SWS Regulations, Well Drilling; and Public Bathing Places Regulations. Advised, a number of the members are Professional Engineers who provide expertise valuable to the Board.

Advised, Staff is recommending the appointment of Mr. Bruce Mackay to the SWS Hearing Board, replacing Ms. Karen Sage-Rosenau, who served for approximately fifteen (15) years and chose not to be re-appointed. Advised, Mr. Mackay has extensive experience in the well drilling/plugging business, and operating a public water system.

Advised, Staff is recommending the re-appointment of Mr. Steve Brigman, PE; Ms. Michele Dennis, PE; and Mr. George Georgeson, PE for a three (3) year term; that all have expressed a willingness to continue to serve; and all are excellent members.

**MOTION: Ms. Ratti moved, seconded by Mr. Gustin, that Mr. Bruce MacKay be appointed to the Sewage, Wastewater, and Sanitation Hearing (SWS) Board for a three (3) year term; that Mr. Brigman, PE; Ms. Dennis, PE; and Mr. Georgeson, PE, be reappointed to the SWS Hearing Board for a three (3) year term, all serving from October 27, 2011 through October 27, 2014.  
Motion carried unanimously.**

In response to Ms. Ratti

Regarding "a formal recognition process for those Hearing Board members who have served for a number of years", Ms. Smith stated the Board has recognized previous hearing board members with a Certificate of Recognition.

It was the consensus of the Board that Hearing Board members be recognized for years-of-service.

PUBLIC HEARING – PROPOSED REVISIONS – HEALTH DEPARTMENT FEE SCHEDULE

1:00pm: This being the time set in a Notice of Public Hearing, heretofore published in the *Reno Gazette Journal* on September 28, 29, and 30, 2011, to consider the proposed amendments to the Washoe County District Board of Health Fee Schedule, specifically:

- A. Air Quality Management Division, in Accordance with the Washoe County District Board of Health Regulations Governing Air Quality Management;
  
- B. Community and Clinical Health Services Division;
  
- C. Environmental Health Services Division, in Accordance with the Washoe County District Board of Health Regulations Governing Food Establishments; Washoe County District Board of Health Regulations Governing Sewage, Wastewater, and Sanitation; Washoe County District Board of Health Regulations Governing Vector-Borne Diseases; Washoe County District Board of Health Regulations Governing Liquid Waste; Washoe County District Board of Health Regulations Governing Invasive Body Decoration Establishments; Washoe County District Board of Health Regulations Governing Public Bathing Places; Washoe County District Board of Health Regulations Governing Public Spas; Washoe County District Board of Health Regulations Governing Mobile Home and Recreational Vehicle Parks; Washoe County District Board of Health Regulations Governing Solid Waste Management; and the Washoe County District Board of Health Regulations Governing Well Construction

Ms. Lori Cooke, Fiscal Compliance Officer

Advised, the Board members have been provided with the draft of the proposed revisions to the Washoe County District Board of Health Fee Schedule (a copy of which was placed on file for the record), with a recommended effective date of July 1, 2012. Advised, at the Board's direction, Staff

prepared alternative options to the Fee Schedule, including "full-cost recovery", recommended for approval by Staff in February. Stated, in March it was the determination of the Board to approve and adopt the recommended fee decreases; and delaying the implementation of the fee increases for a period of six (6) months.

Advised, the proposed Fee Schedule "is the same as what was proposed in February and March; utilizing the same methodology" in determining the proposed recommended fees. Stated, the Notice of Public Hearing was properly advertised in the *Reno Gazette Journal*; that to-date the Notice has resulted in "no comments or inquiries to her directly; that the proposed Fee Schedule was posted on the Health Department Internet site on September 29th." Advised, the Fiscal Impact Business Statements are "slightly different than what was presented in March, as the decreases were implemented; therefore, those decreases are not being calculated." Advised, as requested, the proposed fees have been presented by Division.

Stated, the effective date is July 1, 2012, due to "Department, County and stakeholder resources having the ability to implement the revisions." Stated, County Tech-Services, which would be responsible for incorporating the revisions into Permits Plus, "will be having six (6) staff members (the equivalent of 102 years of organizational service and knowledge) retire through the voluntary separation. Stated, with the limited resources, as in all Departments, projects have to be prioritized and the effort necessary to implement the revisions to Permits Plus will take time; that the implementation date of July 1, 2012, allows Tech-Services staff time to implement the new fees.

Advised, Councilman Gustin had requested information specific to loss of revenue data; that she determined the loss of revenue for the quarter (beginning July 1 through September 30), for Environmental is approximately \$19,700; and approximately \$39,104 in Air Quality for an approximate total year-to-date loss of \$58,804 in revenue.

Advised, as previously noted, "the fee increases are not being proposed of offset other funding decreases. The Fee Schedule has been prepared with the same methodology as previous schedules and past Board practices of, to the extent possible, recover full costs." Stated, the full cost recovery is included as a recommendation of Management Partners in the Fundamental Services Review; that the issue of full cost recovery was recently discussed in a review of the tiered fee schedule of the Regional Parks and Open Spaces.

In response to Dr. Hess

Regarding the proposed "significant increase in plan reviews" within the Air Quality Division, Mr. Kevin Dick, Director, Air Quality Management, advised the plan review fee is "for Federal Title V



major sources. The fee is based upon the amount of Staff time necessary; that a Title V major source review can require up to eighteen (18) months to process and coordinating with Federal Environmental Protection Agency (EPA) to obtain that approval." Stated, this review includes working in conjunction with other Federal agencies, including Endangered Species Act and Historical Preservation. Stated, it requires "a significant amount of Staff work", for which fees weren't being properly charged.

Advised, currently there are only two (2) companies which have Title V Permits; that Staff recently received an application for another one. Stated, he referenced this new application during the Retreat, commenting "the consultant not believing the current cost was so low."

In regard to "facility annual notification of asbestos", advised this is a Federal NESHAP (National Emission Standards of Hazardous Air Pollutants) for asbestos removal projects, requiring the submission of documentation of the size of the area that has been tested. Advised, asbestos-assessments are issued for a period of eighteen (18) months to those facilities with multiple buildings (i.e., UNR), which require repeated inspections.

Ms. Cooke

Stated, Staff has "binders containing the fee justifications, which references the different regulations and what each process entails, including the myriad of issues that occur during a plan review."

Stated, Staff recommends the Board approve and adopt the proposed revisions to the Health Department Fee Schedule, representing full-cost recovery, as outlined..

Chairman Smith declared the Public Hearing open and called upon anyone wishing to speak wither in favor or in opposition to the proposed revisions to the Washoe County District Board of Health Fee Schedule.

Mr. Larry Harvey, Attorney representing John Ascuaga's Nugget

Advised the Nugget opposed the proposed fee increases to the Environmental Health Services Division in February and March; and remains opposed to the increases.

Advised the Nugget has numerous annual operating permits for which fees are paid; that "business and revenues are down with the Nugget providing the same services for less money; that the Nugget is not in a position to pass on these increases." Stated, several other agencies are also proposing fee increases; that the "proposed general increases are 10% across-the-board, which are the same rates previously proposed."

In response to Ms. Jung

Regarding the "bottom line increase", Mr. Harvey stated "overall it is pretty much a 10% of those rates; however, he does not have [the breakdown] for every permit." Stated, the Health District Staff does work with the Nugget; and are always very professional and respectful; however, "in the past four (4) years there have been four (4) times trying to add on an area for new types of permits; that the showroom has been closed for fifteen (15) years and Staff wanted to add that on. In the Gift Shop there are pre-made sandwiches and Staff said it would require a new Permit for that." Stated, "he sees the Cities and the County not working together on business licenses to make it easier on businesses." Stated, "this will be one more increase from one more agency for one more thing that goes on." Stated, "it is not a matter of the cost, it is a matter of the principle of everything they are getting hit with."

Ms. Jung

Stated, the directive from the Board of County Commissioners to the Departments was "to implement what was determined in the Fundamental Review, which is full cost recovery, is the only way government can start to do business."

In response to Ms. Jung

Mr. Harvey

Stated, he is unaware of "what full cost recovery is based on; that he is given a budget that says 'you have to do with less'; and he has to make it work; that he does that and he expects government to try to do that as well." Stated, "he realizes there are increases and [the Board] has to deal with those issues; that he is saying how the Nugget feels about it."

Regarding "how much longer a reprieve he would be requesting for full cost recovery", Mr. Harvey stated he can't answer that; that "for the last three to four (3-4) years the Nugget has had to do more with less." Stated, the Nugget has noted "a flattening, which he believes is a great promising sign"; that if things improve "these things will happen – the [governmental agencies] will need

more, the Nugget will need more; and customers will need more; that obviously he expects this to happen."

There being no one else wishing to speak either in favor of or in opposition to the proposed revisions to the Washoe County District Board of Health Fee Schedule, the Public Hearing was closed.

Dr. Hess

Stated, although he is new to the Board, the proposed revisions to the Fee Schedule "seem reasonable; that the cost of providing services are going-up; and [the Health District] has to meet those."

Chairman Smith

Stated, fees for services and permits have increased; and those fees have decreased; that he would question if the fees charged to the Nugget have previously decreased.

In response to Chairman Smith

Ms. Cooke

Stated, previous to this proposed Fee Schedule the last two (2) Fee Schedules recommended decreases to the Environmental Health-related fees, including those of the Nugget. Stated, for the past two (2) years Staff "had to budget those fee decreases in conjunction with General Fund and grant funding decreases."

Stated, as delineated with regulations, the Health District can only charge for what it costs to provide the service. Stated, advances in technologies and other areas change and can result in revisions of how services are provided which can affect how the fees are calculated. Advised, "full-cost recovery does not include any of the indirect costs of the County, as the Health District does not recoup any of that portion."

Stated, there is the possibility Health District fees could decrease again in the future; that the largest components "are the expenses related to personnel and benefits."

Dr. Furman

Stated, it is necessary for the Health District to proceed "towards self-sufficiency; that other jurisdictions have higher fees; that it is unfortunate the fees have to be increased"; however, it is necessary.

Dr. Iser

Stated, there will be proposed increases to the Fee Schedule presented to the Board in 2012; that the review of and calculations for the Fee Schedule requires "a great amount of Staff time"; therefore, a new Fee Schedule will not be presented to the Board until "the Spring of 2013."

Stated, the Board may consider approving the implementation of the new Fee Schedule for "when Tech Services can have it implemented without a date certain."

In the discussion that followed, it was the consensus of the Board the implementation date for the Fee Schedule will be July 1, 2012.

In response to Mr. Gustin

Regarding, the comment specific to 'trying to find and apply new fees in multi-faceted businesses', Mr. Bob Sack, Director, Environmental Health Services, advised the change in the economy has not resulted in a change in how the Health District reviews facilities that have to be permitted. Staff inspects each operational aspect of a facility to determine if it has to be permitted; that Staff has not been directed "to try to find every possible permit from which the Health District should try to get revenue." Stated, Staff has always inspected facilities to ensure those facilities are permitted correctly; that there has not been any changes in this procedure; that Staff is not proposing any new types of permits. Stated, Staff has applied the same methodology in determining these fees as what has been approved by the Board and applied previously.

In response to Dr. Hess

Regarding the number of permits issued to a large establishment, Mr. Sack stated a large establishment can have approximately thirty to forty (30-40) food establishment related permits; that each operation is inspected and permitted individually. Advised, issuing one (1) permit for all operations of a facility could have an adverse effect in, if it was necessary to close one (1) of the operations the single permit would result in it being necessary to close the entire facility.

Ms. Ratti

Stated, while she understands Mr. Harvey's position for the Nugget, she will be supporting the proposed Fee Schedule, as the review of the Fee Schedule has been an annual process conducted by the Board of Health. Stated, as Staff explained, in this process "some fees go up some go down"; that the fees are based on an approved format which Staff has offered to provide Mr. Harvey with a copy of the justifications for these fees." Stated, "this is a rationale, annual process that not a new source of fees; that it is an analysis of those fees every single year." Stated, the Board had approved a six-month moratorium on the increase to any fee; however, it is necessary for the Health District to implement these increases. Stated, the Health District "has lived within its budget; and has made dramatic cuts as has local governments across the board; that at some point it has to stop being about budget cuts and become a balanced approach to sustainability. It is necessary to be very clear – these are not new fees or a new source of revenue to fill a hole in the budget."

Dr Furman

Stated, he concurs with Ms. Ratti and with Staff's recommendation.

**MOTION: Ms. Ratti moved, and it was seconded by Dr. Hess, that the Health Department Fee Schedule, which represents Full Cost Recovery, be approved and adopted as outlined.  
Motion carried unanimously.**

NATIONAL ASSOCIATION OF LOCAL BOARDS OF HEALTH (NALBOH) – 2011 ANNUAL CONFERENCE

Ms. Jung

Advised, she attended the 2011 Annual National Association of Local Boards of Health (NALBOH) Conference in Coeur d' Alene, Idaho, as the representative of the Washoe County District Board of Health.

Advised, the main theme of this year's conference "was obesity in general and specifically childhood obesity." Advised, there was discussion regarding obesity and planned development; and how not planning communities properly leads to childhood obesity, "as demonstrated on the Health District's ACHIEVE Chart." Advised, a startling statistic was "25% of all young adults ages 18-24 who apply for admission to the armed forces are deemed 'too fat to fight'; and are rejected." Stated, Mr. Anthony Bordaine, Chef on the Travel Channel has been quoted as saying "This has

become a matter of national security, as without men and women to serve in the armed forces, there is a homeland defense issue." Stated, this should result in the "community planners being more interested in food deserts, good public planning, etc." Stated, she had the opportunity to meet the Surgeon General.

Stated, she attended a session regarding "how to become accredited"; that accreditation has been discussed as a mandate; and "now there is an accreditation process; however, it is rather expensive, with no guarantee it will be advantage in applying for grants." Stated, her recommendation to Dr. Iser and the Board "is to take a wait and see approach" to applying for accreditation. Stated, the process would require Staff going to Washington, DC for the training; that representatives of other public health departments indicated "they would not be applying for accreditation because of the associated costs." Reiterated, she specifically questioned if accreditation would request in a higher consideration for grant funding, and was advised it would not." Stated, she conferred with Ms. Marena Works, Director, Carson City Health Department, which served as a Beta test site, and was advised by Ms. Works the accreditation process would require one FTE position "just to put it together; that it isn't something that could be added to the duties of an existing staff member."

Stated, she "did sign-up to be a member of the Program Committee for next year's conference, which she hopes to attend; that next year's conference will be held in Atlanta, Georgia."

Dr. Furman

Stated, the previous Surgeon General visited the Health District a number of years ago; and when asked "what he would like to accomplish", he indicated he wanted to address the obesity problem; that he (Dr. Furman) appreciates the new Surgeon General is interested in addressing he same issue.

Ms. Jung

Stated, "currently the fastest growing specialty in pediatrics is bariatric gastric bypass surgery." Stated, the lack of structured activities for "latchkey children" increases the risk of overweight and obese children. Stated, as funding for schools continues to decrease physical education programs are being eliminated; that it is known 'active children become active adults; that obesity already "costs" the American taxpayer through increased visits to Emergency Rooms; costs associated with treatment of diabetes and heart disease, etc. Stated, she commends the ACHIEVE Chart team "for already addressing these issues in Washoe County."

Mr. Gustin

Stated, there have been discussions regarding eliminating the different athletic events at school due to budget reductions; however, the school athletic teams "are the only exercise some children get." Stated, it has been proven a high percentage of children remain in school to participate on athletic teams; and would drop out of school if those athletic teams were eliminated.

The Board thanked Ms. Jung for the report.

PRESENTATION – STATUS – WASHOE COUNTY FUNDAMENTAL SERVICES REPORT

Ms. Katy Simon, Washoe County Manager

Advised, the Board members have been provided with a copy of the "*Washoe County Fundamental Review Program: Implementation Phase*" (a copy of which was placed on file for the record). Stated, the Fundamental Review was conducted after four (4) years of budget reductions in Washoe County totaling \$161 million, with the elimination of 915 positions from the County workforce, which represents 27% of the workforce. Stated, in excess of "20% of the County's budget has been reduced; that Washoe County is currently 40% below national averages for staffing of comparable jurisdictions that serve a population of [Washoe County's] size. Stated, Washoe County's average "full time employees per 1,000 population is less than six (6); that nationally the average is ten (10) employees per thousand population."

Stated, due to Washoe County's efforts, the County "won the Cashman *Good Government Award* this year from the Nevada Taxpayer's Association; and Washoe County recently had its bond rating affirmed as the highest bond rating in the history of Northern Nevada." Stated, these are the "results of all of the work employees have been doing to restrain spending and make the government sustainable." Stated, "this was the challenge of the Board of County Commissioners: to increase efficiency and reduce costs; to balance the budget in the short term, while positioning Washoe County for a financially sustainable future while still meeting the BCC's mission of safe, secure and healthy community." Stated, the County "has been working hard, not just on budget reductions, but on financial sustainability, ensuring in the long-term the County can continue to provide the services which are needed."

Advised the County developed an Organizational Effectiveness Committee "was charged with conducting a fundamental review of the County government to ensure the two (2) goals of short-term budget balancing; and long-term financial sustainability." Advised, the County contracted with

Management Partners to conduct the fundamental review; that Management Partners presented the Report to the BCC on August 9, 2011; that a Strategic Plan Committee and Technical Advisory Committee meeting in August and September to initiate the Implementation Plan.

Ms. Simon reviewed the five (5) categories of "opportunities; "milestones of the Fundamental Review; the recommendations, advising there were sixty-four (64) original recommendations, with the goal of achieving \$26 million with full implementation. Reviewed the timeline chronology of events beginning in the Fall of 2010 through the present. Advised the Board as to the members of the Implementation Team, which include Ms. Mary-Ann Brown, from the Health Department; and reviewed the Implementation Phase of the FSR Implementation Program, including the Implementation Program Principles.

Reviewed the "Implementation Kickoff" initiated by the Strategic Plan Committee (SPC); and the Technical Advisory Committee (TAC), advising the County will be utilizing a pilot approach on the implementation of a number of the revisions recommended. Advised forty (40) of the recommendations were accepted, with the County establishing further ranking criteria, based on sustainability.

Advised on September 27, 2011, the BCC accepted the "completed" project; the "in-process" projects; the "in-feasibility projects"; the policy decisions and the direction on eight (8) projects. Reviewed the completed, "in-process"; and "in-feasibility" projects; the BCC policy decisions; and those projects which will be considered next, advising the County will be prioritizing the eight (8) projects, developing "detailed action plans." Advising the County has been reviewing the approximate 1800 employee suggestions which were received during this process; consolidating those suggestions into approximately 180 suggestions.

Advised the Chairman of the County's Organizational Effectiveness Committee (OEC), Mr. Greg Peek, will be submitting the County's Fundamental Services Review Project for consideration as a Cashman Good Government Award.

Ms. Ratti

Thanked the County for these efforts, advising she is aware of how difficult these efforts have been; that "it is important what [the County] is doing."



Ms. Simon

Stated, the County has received recognition for its efforts; that the County appreciates "the comments as to what is working; and what isn't working."

The Board thanked Ms. Simon for the update.

PUBLIC HEARING – WASHOE COUNTY DISTRICT BOARD OF HEALTH SOLID WASTE MANAGEMENT PLAN

1:00pm: This being the time set in a Notice of Public Hearing, heretofore published in the *Reno Gazette Journal* on September 8, 9, and 12, 2011, to consider the approval and adoption of the Washoe County District Board of Health Solid Waste Management Plan.

A. Presentation and Recommendation for Approval of the Washoe County Solid Waste Management Plan

Ms. Jeanne Rucker, Environmental Health Specialist Supervisor

Advised, the Board members have been provided with a copy of the 2011 Solid Waste Management Plan (a copy of which was placed on file for the record). Advised, Washoe County Health District has proactively addressed the issues of solid waste management since 1975, adopting the first Solid Waste Management Plan (SWMP), prior to state and federal requirements. Stated, in the late 1980s requirements for solid waste management planning were developed when the US Environmental Protection Agency (EPA) determined solid waste disposal was contributing to environmental pollution. Stated, when the State of Nevada adopted a Solid Waste Management Plan, there was recognition "that Washoe County and Southern Nevada had Solid Waste Management Programs were designated the solid waste management authorities for the respective counties."

Advised, in accordance with *Nevada Revised Statute (NRS) 444.510* a Solid Waste Management Plan "had to be developed"; therefore, "in 1991 the District Board of Health adopted the revised *Solid Waste Management Plan and Plan Element of the Regional Plan*."

Advised, pursuant to Nevada Administrative Code (NAC), the SWMP is to be revised every (5) years; that there was an effort in 1996 and 1997 to revise the Plan; however, there were no updates to the current Plan. Advised, in accordance with NRS 444.510, the 1991 Plan remains in

effect, until such time as the 2011 Solid Waste Management Plan (SWMP), is approved by both the Board of Health and the State Department of Conservation and Natural Resources.

Advised, the State Board of Health adopted its Plan in 2007; that the Health District's Plan "must be as stringent as and in accordance with the State Plan." Stated, in 2010, Staff initiated the revisions to the 2011 Washoe County District Board of Health Solid Waste Management Plan; that Ms. Lee Salgado, Registered Environmental Health Specialist (REHS), is to be commended for her efforts in preparing the draft of the 2011 Plan.

Advised, Staff conducted workshops; that Staff received "positive feedback and support for the Plan from the State and the various stakeholders in the community." Stated, upon approval and adoption by the District Board of Health, the Plan will be forwarded to the State of Nevada Department of Conservation and Natural Resources for review, approval and adoption.

Ms. Lee Salgado, Environmental Health Specialist

Presented a Power Point (a copy of which was placed on file for the record), delineating the "Purpose and Scope" of the Solid Waste Management Plan in accordance with NRS 444.510; and the approval process. Reviewed, the chapters and topics of the Plan, including the updates, additions and findings; and the Appendices, advising "solid waste is anything anyone throws away." Advised, due to technological advancements the 2011 Plan has more options available; that Staff reviewed the generation rates of the State and national data from EPA it was difficult to determine "a concise number of what the actual per capita generation rate was." Advised, it was difficult to determine "what the waste stream of Washoe County 'looks like', as, although a study was done it is proprietary information, so methods must be developed to gather appropriate waste generation data; that this information will be useful for planning for different technologies."

Advised, determining "who is recycling, who is taking what, who is taking the garbage and where it is going; and illegal dumping had never been addressed before in the 1996 Plan, or in the State Plan."

Stated, Staff reviewed solid waste and hazardous waste complaints to determine "projections to determine if there has been a leveling-off"; and if Staff should apply more effort in addressing the complaints. Stated, Staff reviewed the "potential of a regional franchise agreement for garbage, as currently each entity has its individual Franchise Agreement with Waste Management for garbage pick-up and recycling service."

Stated, Staff reviewed the different waste diversion technologies (i.e., waste to energy; anaerobic-digestion); and cost comparisons with diversion of management alternatives – different management systems, including incentive-based recycling; zero waste initiatives, which “some municipalities are starting to adopt.”

Advised, a challenge is the public education and information component of the Plan, as Staff have never conducted focus groups or review “what the community needs”; therefore, the barriers to promote outreach efforts such as recycling, drop-off points, etc. are not known.

Advised, “financial sustainability was not in the original Plan”; that financial sustainability will be “the biggest barrier to any plan will be the resources” to expansion; that Staff discussed “in the Plan, how the program is funded; utilized; and how that limits the ability to grow.”

Advised the “Emergency Debris Management Plan” was not developed by Staff; however, there was a request to incorporate it into the Plan; that the Emergency Plan addresses “what would occur in a flood, or a strike” resulting in a large amount of solid waste “that will have to be managed.”

Stated, the program evaluation was not a component of the original Plan; however, it is important to be able to have performance measures; and determine progress; therefore, the performance measures utilized by the recycling program and the waste management program were incorporated into this Plan. Stated, the Plan “has goals, measurement for those goals” to assist in “determining how to go forward.”

Stated, the Implementation Plan has not yet been developed; that the Implementation Plan is the “strategy to develop the goals, prioritize the goals and to develop a budget.”

Advised, the proposed Solid Waste Management Plan “does not contain any new Regulations; no fiscal impact; that it is a requirement of the State and is utilized internally to progress the Program.”

Dr. Hess

Stated, “if all the goals are implemented all at once the fiscal impact would be huge”; that the goals will have to be prioritized. Stated, “there are a couple of goals, which the Franchisee should be required to achieve certain goals.”

In response to Dr. Hess

Ms. Rucker

Advised, previously "there have been a lack of evaluation tools"; therefore, the goals were established to determine "how far we have come and how far we have to go." Advised, for the SWM Plan "itself, there is no fiscal impact", which is why "the Implementation Plan will be "so important." Stated, the Implementation Plan "will be re-evaluating those goals; identifying those goals as they are prioritized, in what order, action plans to be addressed; and identifying budget or revenue sources to pay for those." Stated, "what is critical for some of these areas is a needs assessment, which has not been done"; and will be a component of the Implementation Plan. Stated, Staff cannot develop the Implementation Plan until after the Board of Health has approved and adopted the Solid Waste Management Plan. Advised, the proposed SWM Plan "identifies what is available today; what is currently occurring; and what may be available in the future"; and then "determining what works for Washoe County." Stated, "no fiscal impact now does not mean that in the future Staff won't be presenting some fiscal impact." Stated, it is "her goal to have the Implementation Plan written for presentation to the Board by January or February 2012; that Staff can then begin implementing a Plan in earnest." Stated, Staff will be reviewing and prioritizing the goal as a component of the Implementation Plan.

In response to Dr. Hess

Regarding the Franchisee "working for the three (3) entities; therefore, the entities should be part of the discussion", Ms. Rucker advised the three (3) entities have been involved in the process; that Staff did include staff representatives of the three (3) entities in this review process.

In response to Ms. Jung

Regarding "the data gaps referred to by Ms. Salgado as the result of proprietary data", Ms. Rucker advised Staff "has been provided the data"; however, due to the data being related to the operation of a private business, it is confidential proprietary data of that company. Advised, "the data is only a only a small piece of the solid waste composition; therefore, it is not the basis for reviewing the entire waste stream. It is important to identify what is in the waste stream; how much is actually being produced." Stated, Staff "has a sense of how much solid waste is being produced"; however, what is not known "is how much of it is at the residential level; how much of it is at the business level; and how much is produced by the tourists", which is a huge unknown."

In regard to obtaining that information, Ms. Rucker advised the Health District "cannot negotiate the Franchise Agreements"; therefore, "that information would have to be between the Cities, the County and the Franchisee."

In response to Dr. Hess

Regarding the three (3) entities "making such a recommendation", Ms. Rucker advised the entities can make such a recommendation.

Mr. Gustin

Stated, currently the City of Reno has eight (8) years remaining on its Franchise Agreement; that the goals can be developed; however, those goals cannot be incorporated until such time as the Franchise is "up for renewal or unless the parties agree to re-open the Franchise Agreement" to include the goals.

Ms. Ratti

Advised, she acknowledges Health District Staff work with representative staff of the three (3) entities; however, she doesn't think it is working", when there "differences of opinion as to who has the authority to do the basics and what is occurring." Stated, her concern is the differences of opinion "among the experts of the Health District and the experts within the Cities; and these differences cannot be resolved." Stated, "solid waste is as important as economic development and regional emergency medical services; that the three (3) entities have made a commitment to conduct summits on these types of topics on how to achieve progress." Stated, these delays hurt those businesses and individuals who are trying to recycle and divert trash from the waste stream and encounter government's inability to provide a solution. Stated, the Plan "is great, Staff's work has been fantastic"; however, "the collaboration piece necessary to move this issue needs to be figured out together."

Mr. Gustin

Stated, this issue was discussed "two (2) retreats ago; that the process has been slow; however, the entities and Health District are reaching a solidarity in what is being discussed and what can be achieved, even though there are the different Franchise Agreements."

Ms. Ratti

Stated, waiting until the end of the Franchise Agreements "will be too late to determine what needs to be done" during Franchise negotiations. Stated, it would be necessary "to begin working together now to achieve what she would like to see occur" in the next Franchise negotiations.

In response to Ms. Ratti

Ms. Rucker

Stated, during the last negotiations between the City of Sparks and Waste Management, "Health District Staff did attempt to have input into that process; that while Staff's comments were well received, it occurred at the tail-end of the existing contract negotiations. Therefore, there was not time to fully vet all the ideas to ensure [those ideas] were doable and could be implemented." Stated, the City of Sparks Franchise "may be a little different based on some of those discussions; that it never met the target either the City of Sparks or the Health District envisioned; however, it came a little bit closer."

Chairman Smith

Stated, it has been a slow process; however, progress is being achieved. Stated, as a Board member, he would commend Ms. Rucker and Ms. Salgado on the work that has been accomplished.

Ms. Rucker

Stated, Ms. Salgado is to be commended for "all of her efforts in this process."

Chairman Smith declared the Public Hearing open and called upon anyone wishing to speak either in favor of or in opposition to the proposed Solid Waste Management Plan.

Mr. Gary Duhon, representing Independent Sanitation, Reno Disposal and Waste Management

Stated, Independent Sanitation, Reno Disposal and Waste Management are in agreement with the proposed Solid Waste Management Plan.

Mr. Dan Reaser, Lionel, Sawyer and Collins

Advised, he represents Castaway Trash Hauling and 433 LLC, stated Castaway is in full support of the proposed Solid Waste Management Plan, "as it meets the requirements of the Statute; and is being done within the time period; and is more robust than the previous Plan." Stated, he would concur with Staff that the Implementation Plan will initiate the goals and measure the progress.

There being no one else wishing to speak either in favor of or in opposition to the proposed Solid Waste Management Plan, the Public Hearing was closed.

**MOTION:** Ms. Ratti moved, seconded by Dr. Hess, that the Washoe County District Board of Health Solid Waste Management Plan, be approved and adopted as submitted.

**Motion carried unanimously.**

PUBLIC HEARING – WASHOE COUNTY DISTRICT BOARD OF HEALTH REGULATIONS GOVERNING SOLID WASTE

1:00p.m. This being the time set in a Notice of Public Hearing, heretofore published in the *Reno Gazette Journal* on September 8, 9, and 12, 2011, to consider the amendments to the Washoe County District Board of Health Regulations Governing Solid Waste Management.

- A. Presentation and Discussion of Proposed Amendment to Section 010.300 (Definition – Garbage);
- B. Presentation and Discussion of Proposed Amendment to Section 050, Specifically Subsections 050.010; 050.017; and 050.018 (Waste Collection and Transport);

Ms. Jeanne Rucker, Environmental Health Specialist Supervisor

Advised, the Board members have been provided with a copy of the proposed amendments to Section 010.300 (Definition – Garage); and Section 050, specifically Subsections 050.010; 050.017; and 050.018 (Waste collection and Transport). Briefly provided a history of the review of the process for amending the definition of garbage, advising, as the Board is aware, Staff has been working with the stakeholders to revise the existing definition.

Advised, the Board members have been provided with an amended version (dated 10/26/11), of Sections 050; and 050.018 (a copy of which was placed on file for the record).

Advised, Staff recommends the definition of garbage as: "Putrescible animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of food.", which retains the essence of the definition. Advised, within Section 050, Subsection 050.010, the language "authorized or designated" has been revised to "permitted", as the Health District "permits and does not authorize or designate. Advised, Subsection 050.017 is the "language which was in the original garbage definition proposed for revision; that Subsection 050.018 is the language which has resulted in the majority of the controversy." Advised, she and legal counsel were advised the language in (version #2), provided to the Board today, "would be agreeable to parties involved."

Ms. Rucker read the proposed revision of Subsection 050.018 in full into the record. Advised, "she has been asked a number of questions prior to the meeting; that she will attempt to answer those questions now."

Advised, the District Board of Health has clarified the language specific to the management of solid waste, as established in Chapter 444 of the *Nevada Revised Statutes*; and the Regulations established in Chapter 444 of the *Nevada Administrative Code* (NAC). Stated, as she advised, Washoe County Health District is the solid waste management authority for Washoe County.

Advised, both the City of Reno and the Washoe County Administrative Codes stipulate "The District Board of Health may authorize a different treatment of the solid waste stream from the materials removed from the solid waste stream as 'recyclable material' as defined by Chapter 444 A of NRS and handled in accordance with Regulations issued by the State Environmental Commission (SEC) and the District Board of Health." Advised both Codes define recyclable material as "determined by the State Environmental Commission and the District Board of Health." Advised, in regard to the use of the de minimus terminology; that for purposes of enforcement, as the Health District is the regulatory agency in regard to solid waste management, de minimus would be "less than 1% by weight or volume of a load."

Advised, "food waste is listed as a recyclable material; that for it to be handled as a recyclable material, as there is no permitted Materials Recyclable Facility (MRF) company in the community at this time, the [food waste] would have to be separated at the source". Stated, the food could not be "mixed in a load with other kinds of waste streams prior to transport for composting and recycling." Advised, "mixed loads of waste containing garbage could not be hauled by anyone except the franchised hauler, as currently there are no facilities permitted in Washoe County to accept that type of waste stream." Advised, "only source segregated materials, including food waste, could be permitted at this time."



In response to Ms. Ratti

Regarding a review of the City of Sparks Administrative Code, Ms. Leslie Admirand, Deputy District Attorney, advised "the Sparks Administrative Code does not have similar language as the City of Reno and Washoe County Administrative Codes. Stated, the Sparks Code does contain a provision "for establishments that generate, or handle, or consume food products, which are normally presumed as generating garbage and are required to have some level of service with the Franchisee, unless the establishment obtains an exemption or waiver from the District Health Officer."

Chairman Smith

Disclosed, for the record, within the last week he was contacted by Mr. Gary Duhon, Waste Management Services; and Mr. Spike Duque, Castaway, regarding this item.

Dr. Furman

Stated, he too, was contacted by representatives of the stakeholders regarding this item.

Ms. Jung

Stated, she met with representatives of Castaway; and with Mr. Duhon, Mr. Martinelli and Mr. Barrett.

Mr. Gustin

Stated, he had a brief conversation with Mr. Reaser; and a meeting with Mr. Duhon.

Dr. Hess

Stated, he had a conversation with a representative from Castaway.

Ms. Ratti

Stated, she had meetings with representatives of both Castaway and Waste Management.

Chairman Smith

Stated, the Health District "is really attempting to get the community involved in recycling; that it is good for the community; for the economy; and all the way around." Stated, the proposed Regulations "are so that everything works; that the proposed language presented today, is right for all parties, which was the goal." Stated, he would commend Ms. Rucker and Staff or "all their work" in this effort.

In response to Mr. Gustin

Regarding a company, which is permitted by the Health District, having to adhere to the requirements of the governing entity in which it is operating, Ms. Rucker advised the Health Department's issuance of a Permit to Operate does not negate compliance with the other regulatory requirements of either the Cities or the County. Advised, it is not the responsibility of the Health District "to know what all the rules and regulations are for other entities; that the Health District "serves all of the residents of the Cities of Reno, Sparks, Incline Village, and all of the unincorporated areas of Washoe County. Advised, the Health District issues Permit(s) to Operate; however, companies would still be required to be in compliance with the licensing and regulatory requirements from the governing jurisdiction(s) in which it would be operating. Stated, approval and adoption of the proposed amendments would not change any aspect of the Franchise Agreements of the Cities of Reno, Sparks, or Washoe County.

In response to Ms. Ratti

Regarding the aspects of permitting by the Health District and the Cities for solid waste, Ms. Rucker advised "in order to issue a Permit, the [Health District] has "a checklist of items, which has to be provided to Staff, including a copy of the Business License from the entity in which it will be operating." Stated, the governing entities have approval processes for the issuance of business licenses; that the Health District is not a party to the Franchise Agreements the entities have; therefore, the Health District "can neither enforce the Franchise Agreement or advise a company it cannot operate because of the existence of the Franchise Agreement." Stated, the Health District can require a company to have a business license; that Staff is aware of what the conditions of the Franchise Agreements are and can provide counsel to a company." Stated, should a company receive a business license that she considered in violation of a Franchise Agreement, she would contact the entity questioning "how a business would be allowable under the Franchise Agreement prior to issuance of a Permit to Operate."

Mr. Bob Sack, Director, Environmental Health Services

Advised, the permitting process for solid waste "is no different than any of the other permits the Health District issues"; that an application is received, reviewed; and if the applicant is in compliance with all of the Regulations, the Health District "has a duty to issue the Permit to Operate." Stated, if an application is not in compliance with the regulatory requirements, a Permit to Operate will not be issued. Stated, as with all permits, the applicant is required to have a business license and "and comply what ever the licensing jurisdiction requires; that there are parallel process across-the-board."

Ms. Rucker

Advised, there are conditions of compliance for each Permit to Operate issued, which are specific to the business delineating "what the applicant agreed to do in accordance with the approved Operations Plan; that this is what the Health District enforces." Stated, when a Permit to Operate is issued, and an inspection performed ; and it is determined the operator is not in compliance with the conditions of the Permit to Operate or the approved Operational Plan, the Health District will take enforcement action.

Advised, "for everybody who is not a franchised waste hauler, the prohibition to haul garbage is on everyone of those permits."

In response to Ms. Ratti

Regarding the inspections, Ms. Rucker advised that permitted establishments are inspected; that these inspections "are not scheduled and not requested." Stated, "all waste haulers, with the exception of the Franchisee have a permit condition prohibiting the hauling of garbage."

C. Recommendation to Approve and Adopt the Amendment to the Washoe County District Board of Health Regulations Governing Solid Waste Management

Chairman Smith declared the Public Hearing open and called upon anyone wishing to speak either in favor of or in opposition to the proposed amendments to the Washoe County District Board of Health Regulations Governing Solid Waste Management.

Mr. Larry Harvey, John Ascuaga's Nugget

Advised, the Nugget fully supports the proposed amendments to the Regulations; that the Nugget is continually working towards "sustaining its environment."

Mr. Gary Duhon, representing Independent Sanitation, Reno Disposal and Waste Management

Advised, he has no objection to the proposed definition of garbage as presented, with the stipulation "050.017, specific to comingling is adopted at the same time." Stated, he supports Section 050.010; however, Independent Sanitation, Reno Disposal and Waste Management "strenuously object to the previous Section 050.018, which stipulated '...solid waste, including garbage can be collected and transported'..." Stated, the verbiage was "a clear and express authorization for hauling garbage in violation of the three (3) Franchise Agreements; and three (3) Codes in the Cities of Reno, Sparks, and Washoe County." Stated, he is in support of "version 2, which excludes garbage except in a de minimus amount." Stated, the Board members were provided with a copy of his letter, dated October 24, 2011 (a copy of which was placed on file for the record). Stated, should the Board be considering "version 1, as proposed, is in violation of the Franchise Agreements, he would request the opportunity to present his objections; however, if there is a general consensus supporting version 2, he has no objections."

Mr. Dan Reaser, Lionel, Sawyer and Collins

Advised, he represents Castaway and 433 LLC; that he fully supports version 2, dated October 26, 2011. Stated, he has provided the Board with a copy of a letter from Lionel, Sawyer and Collins, dated August 5, 2011 (a copy of which was placed on file for the record). Stated, "for the record Castaway and 433 LLC have appeared each time and supported each version Staff has proposed; that they are not trying to change the law. The law is and has been the same since the Board adopted the 2010 recycling regulations."

Stated, in response to Ms. Ratti regarding a review of the City of Sparks Code, in his letter of August 5<sup>th</sup>, he noted on page 7, the current Sparks Franchise stipulates the "Agreement is subject to changes, including District Board of Health changes, which may be made from time to time, into the future; that those automatically become a part of the Franchise. If necessary, and the Franchise Agreement has to be re-opened, if the Franchisee believes the Board of Health has done something to injure them; and then re-negotiate changes to the Franchise Agreement." Advised, all three (3) Franchise Agreements defer to the authority of the District Board of Health "to adopt a robust and not an aggressive recycling program."

Questioned, should version 2 be adopted by the District Board of Health, "it would not change existing business relationships with a company, such as Castaway, in which a restaurant self-separates and segregates food waste, and contracts for that food waste with Castaway (who has a Permit to Operate from the Health District to be a transporter), to take that food waste to the Donnelly facility, which has an 055 Permit, for composting."

Ms. Rucker

Stated, "Mr. Reaser is correct, the scenario he described would be allowable and would not interfere with the contractual arrangement."

Mr. Reaser

Stated, "the recycling regulations relate to commercial recycling; and require a Health District permitted and regulated recycling facility which is capable of accepting the particular solid waste stream." Stated, he would question, "if in the future, a resource recovery facility (a MRF), which is permitted by the Health District, and pursuant to its Plan of Operation, that MRF would be able to accept mixed loads, which include both food waste and perhaps trash; and it has the technology and equipment to separate and process those comingled waste streams into recyclable materials -- would that activity by the MRF be allowed; and would a licensed company, under 055, such as Castaway be allowed to collect and transport the segregated materials of that mixed load to that facility."

In response to Mr. Reaser

Ms. Rucker advised that would be allowable.

Mr. Gustin

Stated, "Mr. Reaser is asking if the solid waste is comingled, and can be deposited at a MRF, could [Castaway] be permitted to pick that up? Currently [Castaway] could not."

In response to Mr. Gustin

Ms. Rucker

Advised, "it is a hypothetical question; therefore, she is providing a hypothetical answer. Assuming at some time there will be a permitted Materials Recovery Facility, permitted to accept a variety of waste, including food waste, then potentially a company, such as Castaway, could be permitted to haul mixed loads of recyclable materials to that facility." Advised, this would be dependent upon "what materials the facility would be capable of handling; and what materials are actually being segregated by whoever is producing the materials to go to the facility." Stated, "the hypothetical presented was with the assumption there is a materials recovery facility that is capable of accepting a wide variety of materials." Stated, as there is not this type of facility currently available the questions and answers are speculative; that the existing facility accepts "mixed loads of rubbish, trash, construction/demolition debris; and remove recyclable materials from the waste stream, which are processed for down-stream use. There remains a fair amount of that waste that is processed as solid waste." Stated, "the focus cannot be just garbage as solid waste encompasses the entire waste stream. It is difficult to project what a facility would be capable of accepting and who would be using that facility." Stated, "if a load is a 60/40 mix and a facility is capable of processing the materials it would be permitted."

In response to Dr. Hess

Regarding the verbiage which stipulates "excluding garbage", Ms. Leslie Admirand, Deputy District Attorney, advised, garbage is not recyclable materials; that both are subparts of solid waste; however, recyclable materials are defined as materials which can be re-introduced into the economic mainstream. The materials themselves are not mutually exclusive; that if there is the capability of recycling it would come under the definition of recyclable materials."

Ms. Ratti

Stated, Ms. Rucker's response, "being in regard to a permitted facility, which could accept the materials, and less on the permit to haul it, as the hauling is dependent on the facility existing." Stated, "the act of carrying a load of materials that rots, such as food, where the truck goes and what happens to the materials at the facility" results in "the same act [of hauling] being regulated differently" from the perspective of the Health District. Stated, Ms. Rucker indicated "the Health District would have permitted the hauling of a mixed load, which may be within the definition of recyclable, being transported to a MRF; however, the Health District would not address whether the Cities' Codes and Ordinances and the Franchise Agreements would allow for this."

In response to Ms. Ratti

Ms. Rucker

Stated, "it would depend on where the [hauler] would take the materials; that it would be regulated differently; that the Health District would have to know where the end disposal or end use site is." Stated, the Health District would not address what is allowable within the individual Franchise Agreements, as that would be the responsibility of the Cities and the County; and "whether the City Attorneys would consider that act a violation of the Franchise Agreement(s)."

Ms. Ratti

Stated, she "would like that part of the record, as there is some disagreement on that point. Ms. Rucker's answer speaks only to what the Health District would do it is necessary to talk about what the Cities would do, but that is a different forum."

Mr. Reaser

Stated, "with those clarifications, including Ms. Ratti's comments, he "remains very comfortable with the Regulations, as he is aware of what the language is; and what its application would be."

Mr. Duhon

Reiterated, on behalf of his clients, "they do support version 2", as submitted today; however, based on the number of issues discussed "within the last few minutes, he would state, that by not speaking, is not an indication he agrees to everything that was said, or that [his client] is waiving any rights in any regard."

Ms. Ratti

Stated, with version 2 being presented today; and without having had the opportunity to discuss it with either City of Sparks Council members or staff, she "is happy everyone agrees; and will be voting today based on that, with the caveat she has not had the opportunity to have the experts from the City review this. Should there be concern, she would request the opportunity to bring such concern forth at some point in time."

Stated, it can be difficult for companies and businesses "to navigate what the Cities and County may require versus what the Health District requires"; therefore, she would encourage the entities to "get clarity as these companies and business want to do 'green things'; and the entities can make that difficult."

Ms. Jung

Stated, she would concur with Ms. Ratti's comments, as Mr. Harvey, representing John Ascuaga's Nugget, stated, businesses "also see the importance in terms of it being acceptable; and that the customers want to know a business is 'as green as it can possibly be.'" Stated, this is a quality of life measure"; and is a reason why people move to communities; that it is important to promote this among the various jurisdictional boards.

There being no one else wishing to speak either in favor of or in opposition to the proposed revisions to the Solid Waste Regulations, the Public Hearing was closed

**MOTION: Ms. Ratti moved, seconded by Ms. Jung, that the proposed amendments to the Washoe County District Board of Health Regulations Governing Solid Waste Management, specifically, Subsection 010.300 (Definition – Garbage); and Section 050, specifically Subsections 050.010; 050.017; and 050.018 (Waste Collection and Transport) – version #2, dated October 26, 2011, be approved and adopted as discussed.  
Motion carried unanimously.**

Mr. Gustin

Stated, today's discussion was good; that the two (2) companies involved "both have indicated a desire to be 'green companies'; that acknowledging the companies are competitors he believes "good things can happen and that the community is headed that way."

The Board recessed at 3:50pm; and reconvened at 4:00pm, with Ms. Jung excused.



PRESENTATION – DISCUSSION – WASHOE COUNTY FOOD PLAN ON NUTRITION  
THROUGH THE ACHIEVE GRANT PROGRAM – POSSIBLE DIRECTION TO STAFF –  
PROCEED WITH THE ESTABLISHMENT – WASHOE COUNTY FOOD POLICY COUNCIL

Ms. Mary-Ann Brown, Director, Community and Clinical Health Services

Advised, one (1) of the objectives of the Washoe County ACHIEVE Initiative Community Action Plan (CAP) for 2010 – 2012 was the development of the first-ever Washoe County Healthy Food Plan, ensuring all residents have access to affordable high-quality food.

Advised, “one of the accomplishments of the ACHIEVE CAP”, is the draft of Healthy Food Plan (a copy of which was placed on file for the record); that Staff is requesting the Board’s “guidance and recommendation(s) to proceed on one (1) of the issues.” Stated, as discussed at the Retreat, “one of the objectives from the ACHIEVE CAP is the development of a Washoe County Food Plan; that the first draft was prepared in May 2011, with public comments requested through an on-line public survey. Advised, page six (6) of the proposed Food Plan lists all of the partner agencies involved in the preparation of the proposed plan.

Advised, the “*Access to Healthy Food in Washoe County: A Framework for Food System Design*” delineates “the importance of the need for sustainability and implementation of the Food Plan.” Stated, “to establish a permanent oversight body responsible for monitoring healthy food access issues in Washoe County, it is the goal to begin to discuss a permanent mechanism for this monitoring through the formation and development of a Washoe County Food Policy Council.” Advised, Ms. Dixon will present information regarding “what is being requested in terms of a Food Policy Council; and for the Board of Health to be the originator and supporter; and the reporting entity to which the Community Food Policy Council would report.”

Ms. Erin Dixon, Program Manager, Chronic Disease Program

Stated, currently Food Policy Councils exist nationwide at local, regional and state levels, with the goals of “bringing together all sectors of the food system allowing for coordinated action for creating opportunities for discussion, strategy development among various interests.”

Stated, “after researching food policy councils and the structures, the ACHIEVE CAP, which developed the Food Plan, also developed a proposed structure for the local food policy council, which has been provided to the Board members. Stated, in the research, it was determined “the most effective councils have a strong relationship with the governing agency, but are not housed within that agency.” Stated, as Ms. Brown indicated, “the ideal structure would include formal

representation from all seven (7) sectors of the food system that are represented in the Food Plan and up to three (3) at-large members." Advised, the council members would be selected by the initial work group. Advised, "the council structure as proposed would be self-sufficient; and would not require any Health District dedicated Staff once it is established, nor would funding be provided for council activities."

Advised, "to ensure effective communication the council would be requested to provide updates on a quarterly basis to the District Health Officer, with presentations provided to the Board of Health as needed."

In response to Mr. Gustin

Regarding the information being dated 2008, Ms. Dixon advised "the Food Plan was prepared this spring, with that being the most recent data available."

Mr. Gustin

Questioned, "if the numbers of food deserts, restaurants and fast food outlets has increased or decreased."

In response to Mr. Gustin

Mr. Sack

Stated, he has not reviewed "the numbers; however, there have been very few fast food restaurants close and there have been new ones, although it has not been a dramatic increase."

Ms. Brown

Stated, another component of the ACHIEVE Program will be "the family engagement goal/objective, which delineates how families can be healthier with choices with food, specifically fast foods, school lunches, access to fruits and vegetables, etc." Stated, the ACHIEVE Program is attempting to address these issues from an educational standpoint, engaging the community and not just those in a public policy environment.

Ms. Ratti

Stated, "she is a big fan of volunteer coalitions, and the amazing work volunteer coalitions can get done, while being aware of the challenges of an unstaffed, unfunded volunteer coalition." She would question "if there are other partners" which will be assisting.

In response to Ms. Ratti

Ms. Brown

Advised, the people on the ACHIEVE CAP are "dedicated and want to continue with the idea of the Food Plan; that the sectors (i.e., the Food Bank), are very invested, not only in the Food Plan, but in the Food Plan being implemented in the community." Stated, therefore, "there is already the investment; that the Health District will not desert [these partners], and will offer meeting space and technical assistance"; however, it is necessary "this be driven by the passion and commitment of these agencies and individuals." Stated, Staff is being contacted by other agencies and individuals expressing an interest in "being involved in ACHIEVE; that the Food Council is one of those ways to promote issues around food." Stated, Staff will be capitalizing on the "momentum, providing space, and some technical assistance."

Ms. Dixon

Advised, "the proposed plan was fully vetted by representatives of each sector involved in the food system; that each one indicated 'when you initiate a food council let me know, as he/she wants to be on it'; that she is hopeful this momentum will carry the project forward."

**MOTION: Mr. Gustin moved, seconded by Dr. Hess, that Staff be directed to proceed with the establishment of the Washoe County Food Policy Council, charged with implementing the goals of the draft Washoe County Food Plan (*Access to Health Food in Washoe County: A Framework for Food System Design*), working towards reducing barriers ensuring all residents have access to healthy foods. It was further ordered, Staff and the ACHIEVE workgroup recruit and select Council members.**

**Motion carried unanimously.**

STAFF REPORTS AND PROGRAM UPDATES

A. Director – Epidemiology and Public Health Preparedness

Dr. Randall Todd, Director, Epidemiology 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

There was no Community and Clinical Health Services Report this month.

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

Advised, "EHS Staff is intensely involved in the discussions about the *Occupy Reno* facility, approved by the City of Reno yesterday." Stated, the organizers "are taking a very structured approach to planning this; that Staff is satisfied with how the directives of the Health District are being addressed. In response to Ms. Ratti regarding recycling, Ms. Sack advised "there will be recycling." Stated, the organizers are accepting input.

Mr. Gustin

Stated, he appreciates the Health District's involvement; that "it is starting with good intentions; that he has been advised there is a \$1 million bond" for this.

D. Director – Air Quality Management

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

E. Administrative Health Services Officer

Ms. Eileen Coulombe, Administrative Health Services Officer, presented her monthly Division Director's Report, a copy of which was placed on file for the record.

F. District Health Officer

Dr. Joseph Iser, District Health Officer, presented his monthly District Health Officer's Report, a copy of which was placed on file for the record.

Dr. Iser

Stated, he noted, the Board members did not receive his complete Health Officer's Report; that he will have Ms. Smith email that to the Board members.

Stated, he continues to meet with County department heads; and other community leaders and partners; that a meeting is scheduled with Mr. Kevin Schiller, Director, Social Services; and he continues to attempt to schedule a meeting with Commissioners Larkin and Humke. Stated, future meetings will include the members of the Reno and Sparks City Councils.

Stated, he has a presentation scheduled with the City of Sparks for next month; that he will be doing a presentation regarding REMSA to the Reno City Council, which he has also offered to present to the City of Sparks.

BOARD COMMENT

Dr. Furman

Stated, he recently toured the new University of Nevada, School of Medicine Pennington Building facilities; that he spoke with Dr. Stephanie Scopetone, Director of Development, regarding the District Board of Health touring the facility; and was advised such a tour could be arranged.

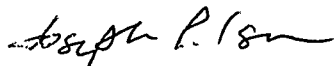
Ms. Ratti

Stated, in regard to the discussion the Board had regarding grocery stores labeling foods; that Councilman Ron Smith from Sparks is the manager of a Scolari's grocery store; and has indicated a willingness to do a presentation to the Board regarding healthy food labeling.

PUBLIC COMMENT

There was no public comment presented.

There being no further business to come before the Board, the meeting was adjourned at 4:15pm.



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JOSEPH ISER, MD, DrPH; MSc  
DISTRICT HEALTH OFFICER/SECRETARY



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JANET SMITH, CPS  
RECORDER