# CHURCHILL COUNTY BOARD OF HEALTH CHURCHILL COUNTY, NEVADA

155 N. Taylor Street, Suite 110 Fallon, Nevada 89406 (775) 423-4092

Fax: (775) 423-7069

Contact Person: Pamela D. Moore, Deputy Clerk of the Board

E-mail: pammoore@churchillcounty.org

## \*\*\*\*NOTICE OF PUBLIC MEETING\*\*\*\*

## PLEASE POST

**PLACE OF MEETING:** Churchill County Administration Building, Commission Chambers, 155 North Taylor Street, Suite 145, Fallon, NV

**DATE & TIME:** November 7, 2013 at 3:00 p.m.

TYPE OF MEETING: Churchill County Board of Health Workshop

## Notes:

- I. These meetings are subject to the provisions of Nevada Open Meeting Law (NRS Chapter 241). Except as otherwise provided for by law, these meetings are open and public.
- II. Action will be taken on all agenda items, unless otherwise noted.
- III. The Agenda is a tentative schedule. The Churchill County Board of Health may act upon Agenda items in a different order than is stated in this notice so as to affect the people's business in the most efficient manner possible.
- IV. In the interest of time, the Churchill County Board of Health reserves the right to impose uniform time limits upon matters devoted to public comment.
- V. Any statement made by a member of the Churchill County Board of Health during the public meeting is absolutely privileged.

## Agenda:

- 1. Call to Order.
- 2. Pledge of Allegiance.
- 3. Verification of the Posting of the Agenda.
- 4. Consideration and possible action re: Action to approve the Agenda as submitted or revised.
- 5. Consideration and possible action re: Approval of the Minutes of April 18, 2012.
- **6.** Public Comment: Comment upon matters not on agenda.
- 7. Consideration and possible action re: Discussion of Board of Health priorities and outreach.
- 8. Review of board duties and public health issues (no action to be taken).
- 10. Consider and schedule future meeting date on January 2, 2014 at 4:00 p.m.
- 11. Consider future Agenda items.

12. Adjournment.

# 13. Affidavit of Posting:

State of Nevada	)	
	:	SS
County of Churchill	)	

I, Pamela D. Moore, Deputy Clerk of the Board of Churchill County Commissioners, do hereby affirm that I posted, or caused to be posted, a copy of this notice of public meeting, on or before the 1st day of November, 2013, at the following locations in Churchill County, Nevada:

- 1. City Hall;
- 2. County Administration Building;
- 3. Public Library;
- 4. Churchill County Law Enforcement Center;
- 5. The Churchill County Website @ www.churchillcounty.org.

Deputy Clerk of the Board

Subscribed and Sworn to before me this 1st day of November, 2013, Pamela D. Moore.

Deputy County Clerk

Endnotes:

#### Disclosures:

## Accommodations:

\*Churchill County will make all reasonable efforts to assist and accommodate physically handicapped persons desiring to attend. Persons who are disabled and require special assistance may contact the Churchill County Commission, in writing at 155 N. Taylor Street, Suite 110, Fallon, Nevada 89406, or by calling (775) 423-4092.

#### Procedures:

- \*The public meetings may be conducted according to rules of parliamentary procedure.
- \*Persons providing public comment will be asked to state their name for the record.
- \*The Churchill County Board of Health reserves the right to restrict participation by persons in the public meeting where the conduct of such persons is willfully disruptive to the people's business.
- \* In accordance with Federal law and U.S. Department of Agriculture policy, Churchill County is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability (not all prohibited bases apply to all programs). To file a complaint of discrimination, write USDA, Director, Office of Equal Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800)795-3972 (voice), or (202)720-6382 (TDD).

<sup>\*</sup>Churchill County is an equal opportunity provider and employer.

# MINUTES OF THE CHURCHILL COUNTY BOARD OF HEALTH

155 No. Taylor Street, Fallon, NV Fallon, Nevada April 18, 2012

## CALL TO ORDER

The regular meeting of the Churchill County Board of Commissioners was called to order at 4:10 p.m. on the above date by Commissioner Frey.

PRESENT: Ben Trotter, Sheriff

Pete Olsen, Commissioner Carl Erquiaga, Commissioner Norm Frey, Commissioner

Craig Mingay, Civil Deputy District Attorney

Brad Goetsch, County Manager

Alan Kalt, Comptroller

Kelly G. Helton, Clerk of the Board

Pamela D. Moore, Deputy Clerk of the Board

ABSENT:

Dr. Timothy Hockenberry

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by the board.

# **VERIFICATION OF POSTING OF AGENDA**

Deputy Clerk Moore verified that the Agenda for this meeting was posted in accordance with NRS 241.

## **ACTION ITEMS**

## **AGENDA**

Commissioner Erquiaga made a motion to approve the Agenda as submitted.

Commissioner Olsen seconded the motion, which carried by unanimous vote.

## **MINUTES**

Sheriff Trotter made a motion to approve the Minutes of the regular meeting of October 19, 2011 as submitted. Commissioner Erquiaga seconded the motion, which carried by unanimous vote.

# PUBLIC COMMENTS

Commissioner Frey inquired if there were any public comments on issues that were not listed on the Agenda but there were none.

## **APPOINTMENTS**

THE BOARD MAY REQUIRE THE PROVISION OF AN OATH OR AFFIRMATION BY ANY PERSON PROVIDING ORAL TESTIMONY AT A PUBLIC HEARING.

# 4:00 P.M. CONSIDERATION AND POSSIBLE ACTION RE: APPOINTMENT OF DEPUTY PUBLIC HEALTH OFFICER.

Civil Deputy District Attorney Mingay said the board had received the resignation letter of Dr. Timothy Hockenberry. There has been some concern that, given his schedule, he has not been able to attend some meetings so we sent him a letter and he replied saying that his schedule did not allow him to continue as the County Health Officer. He did, however, provide a couple of suggestions of doctors in town that may be interested, Dr. Herzog and Dr. Amanda Casey. He would be happy to approach them and see if they would be interested, if that is the pleasure of

the board. So this board knows, the Board of County Commissioners appoint the County Health Officer, so that matter would be taken to an actual Commissioners meeting. He would like to get some opinions from the board as to whether or not the board wants him to approach these two doctors directly or if the board would like us to go through some kind of published notification process to solicit proposals. Under the law, we are not required to go out to bid or anything like that, so he can approach the doctors directly or we could do some kind of publication in the newspaper and see if we can get some proposals.

Commissioner Frey asked if there was any public comment but there was none. He said he felt that both recommendations are highly qualified people and he would suggest that Mr. Mingay move forward with contacting them. He does not know if Human Resources Director Stark would need to be involved or the County Manager could be a resource for help with putting out any notification of need. It seems that there would be some sort of public notice that we could request from others or we could just check with these two doctors. Mr. Mingay said he will work with HR Director Stark to go through our normal publication process and then, if we do not get any responses, he will start calling these two doctors to see what happens.

Commissioner Erquiaga agreed that either one of these doctors would be good choices and, if they were not interested, they would probably point him in the direction of other local doctors who might be interested and we have a few new good doctors, as well. Commissioner Olsen agreed and directed him to find someone. Sheriff Trotter suggested that the simplest solution be used to get another County Health Officer.

# REVIEW OF BOARD DUTIES AND PUBLIC HEALTH ISSUES

Civil Deputy District Attorney Mingay said he had not prepared anything in regard to this item but would hear what the board might have to say. We discussed this at our last couple of meetings because we did not had any other business to discuss.

# **CONSIDER AND SCHEDULE FUTURE MEETING DATES**

The next regularly scheduled meeting will be held on October 17, 2012 at 4:00 p.m. The record should reflect that no meeting was held on that date because a County Health Officer had not yet been appointed and there was no business to discuss.

## **CONSIDER FUTURE AGENDA ITEMS**

None.

## **PUBLIC COMMENTS**

Commissioner Frey inquired if there were any public comments on issues that were not listed on the Agenda but there were none.

# **ADJOURNMENT**

There being no further business to come before the board, the meeting was adjourned at 4:17 p.m.

APPROVED:
Ben Trotter, Sheriff
APPROVED:
Carl Erquiaga, Commissioner

APPROVED:
Pete Olsen, Commissioner
APPROVED:
Harry Scharmann, Commissioner
ATTEST:
Pamela D. Moore, Deputy Clerk of the Board



# Churchill County Board of Health

September 30, 2013

Dear Sir or Madam,

Churchill County welcomed Dr. Tedd McDonald as the newly appointed County Health Officer, July 17<sup>th</sup>, 2013. Dr. McDonald has a wealth of knowledge and expertise to serve our community and improve the health outlook for our county.

The Churchill County Board of Health would like to invite you to a **Public Workshop** to be held **November 7th, 2013** from **3:00pm to 5:00pm**, at the Board of County Commissioners' Chambers, located at 155 North Taylor Street, Fallon. The Board of Health consists of Dr. McDonald and our honorable Board of County Commissioners. The workshop will provide the following:

- An overview of the statutory functions/ requirements of the Board of Health
- Outline of identified public health issues
- Discussion and input on what you as community members feel are important issues within the community

If you should need additional information please contact the Churchill County Social Services Department at 775-423-6695.

Churchill County hopes you will be able participate.

Sincerely,

Tedd McDonald, M.D., O.D., M.H.A. Churchill County Health Officer Printed on: 10/29/2013 Page # 1

# NRS 439.280 County board of health: Composition; officers; service without additional compensation.

- 1. Each county shall establish a county board of health to consist of the board of county commissioners, the sheriff and the county health officer.
- 2. The county health officer shall act as chair of the county board of health, and the county clerk shall be the clerk of the board.
  - 3. All of the officers shall serve without additional compensation [27:199:1911; added 1919, 221; A 1947, 471; 1943 NCL § 5261]

#### REVISER'S NOTE.

Note that by the provisions of the source section (sec. 27) the county health officer is a member of the county board of health; yet in the same act (sec. 6) he is declared to be an ex officio member of the board. The provision of ec. 6 was deleted from the revision.

#### ATTORNEY GENERAL'S OPINIONS.

Responsibility for care of commodities purchased may not be delegated to an agent. Anyone authorized to contract for purchase agreements may receive or appoint an agent to receive the commodities purchased, although responsibility for care cannot be delegated to an agent. AGO 168 (5-10-1956)

Only county commissioners can bind the county board of health on purchases. Only county commissioners are authorized to bind the county board of health on agreements for purchases. AGO 168 (5-10-1956)

## NRS 439.290 County health officer: Appointment; qualifications; term.

- 1. On or before January 1 next following each general election, the board of county commissioners shall appoint a county health officer for the county
- 2. The county health officer must be appointed on the basis of his or her graduate education in public health, training, experience and interest in public health and related programs
  - 3. The term of office of the county health officer is 2 years or until a successor has been appointed and qualified. [Part 6:199:1911; A 1913, 126; 1919, 221; 1919 RL § 2957; NCL § 5240]—(NRS A 1981, 603)

#### ATTORNEY GENERAL'S OPINIONS.

Appointment is mandatory. Appointment of a county health officer is mandatory under RL § 2957 (cf.NRS 439.290). AGO 22 (6-5-1915)

Board of county commissioners may not dismiss the county health officer prior to the expiration of his term without a legal reason. Under NRS 439.290, which provides for the appointment of a county health officer and his term, the board of county commissioners may not dismiss such officer prior to the expiration of his term without a legal reason. AGO 93 (9-9-1959)

NRS 439.300 County health officer: Compensation. For performing the duties prescribed by law, the county health officer shall receive such compensation as is fixed by the board of county commissioners, which compensation shall not be less than \$25 per month. The board of county commissioners is directed to allow a claim for \$25 per month or for such greater sum as the board may deem proper for the work performed

[Part 6:199:1911; A 1913, 126; 1919, 221; 1919 RL § 2957; NCL § 5240]

NRS 439.310 County health officer: Vacancy; appointment by State Health Officer. In the case of refusal or neglect of any board of county commissioners to appoint a county health officer for 30 days after January 1 next following any general election, or if a vacancy shall exist in the office of county health officer for a period exceeding 30 days, the State Health Officer may make such appointment for the county for that term and fix the compensation; and a county health officer so appointed shall have the same duties, power and authority as though appointed by the board of county commissioners.

[Part 6:199:1911; A 1913, 126; 1919, 221; 1919 RL § 2957; NCL § 5240]—(NRS A 1963, 941)

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NRS 439.320 County health officer: Executive officer of county board of health; may be county physician. The county health officer is the executive officer of the county board of health and, if licensed to practice medicine in this State, may be county physician.

[Part 6:199:1911; A 1913, 126; 1919, 221; 1919 RL § 2957; NCL § 5240]—(NRS A 1981, 603)

### ATTORNEY GENERAL'S OPINIONS.

Trustees of a county hospital do not have the power to appoint a county physician to care for indigents outside of the hospital. County commissioners have the implied power to appoint a county physician to care for indigents outside of hospitals; the trustees of a county hospital do not have such power. AGO 722 (2-8-1949)

## NRS 439.330 Deputy county health officer: Appointment; compensation; duties.

- 1. With the approval of the board of county commissioners, the county health officer is empowered to appoint such deputies as may be necessary.
  - 2. Deputies shall receive such compensation as is fixed by the board of county commissioners
- 3. Not later than the 5th day of each month, deputy health officers shall file monthly reports with the county health officer. The reports shall be compiled by the county health officer and forwarded to the Health Division not later than the 10th day of each month.

[Part 6:199:1911; A 1913, 126; 1919, 221; 1919 RL § 2957; NCL § 5240]—(NRS A 1963, 941)

#### ATTORNEY GENERAL'S OPINIONS.

Appointment is not mandatory. Appointment of a deputy county health officer is not mandatory under RL § 2957 (cf. NRS 439.330). AGO 22 (6-5-1915)

Person who is not appointed a deputy may not act as the registrar of vital statistics. Under sec. 1, ch. 103, Stats. 1913 (cf. NRS 439.330 and 440.190), deputy health officers may be appointed, and also act as, registrars, but no one who is not a duly appointed deputy may act as the registrar. AGO 82 (8-17-1917)

NRS 439.340 County board of health: Supervision by Health Division; reports. The county board of health shall be subject to the supervision of the Health Division, and shall make such reports to the Health Division as the State Board of Health may require.

[Part 28:199:1911; added 1919, 221; 1919 RL p. 2891; NCL § 5262]—(NRS A 1963, 941)

## NRS 439.350 County board of health: Duties. The county board of health shall:

- 1. Oversee all sanitary conditions of the county in which the board is created
- 2. Adopt such regulations as may be necessary for the prevention, suppression and control of any contagious or infectious disease dangerous to the public health, which regulations take effect immediately upon approval by the State Board of Health.
  - 3. File a copy of all of its adopted regulations with the county clerk [Part 28:199:1911; added 1919, 221; 1919 RL p. 2891; NCL § 5262]—(NRS A 1983, 1130)

## ATTORNEY GENERAL'S OPINIONS.

Responsibility for care of commodities purchased cannot be delegated to an agent. Anyone authorized to contract for purchase agreements may receive or appoint an agent to receive the commodities purchased, although responsibility for care cannot be delegated to an agent. AGO 168 (5-10-1956)

Only the board of county commissioners may bind the county board of health on purchases. Only the board of county commissioners is authorized to bind the county board of health on agreements for purchases. AGO 168 (5-10-1956)

District boards of health are not political subdivisions under the Federal Highway Safety Act of 1966. Under the Federal Highway Safety Act of 1966, which requires political subdivisions within states to carry out highway safety programs, Nevada district boards of health are not political subdivisions because they do not have powers under NRS 439.350 and 439.360 to carry out highway safety programs and under NRS 223.200 are only authorized to assist a state agency in carrying out highway safety programs AGO 564 (2-27-1969)

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## NRS 439.360 County board of health: Powers. The county board of health may:

- 1. Abate nuisances in accordance with law.
- 2. Establish and maintain an isolation hospital or quarantine station when necessary for the isolation or quarantine of a person or a group of persons.
- 3. Restrain, quarantine and disinfect any person or group of persons sick with or exposed to any contagious or infectious disease that is dangerous to the public health.
- 4. Appoint quarantine officers when necessary to enforce a quarantine, shall provide whatever medicines, disinfectants and provisions which may be required, and shall arrange for the payment of all debts or charges so incurred from any funds available, but each patient shall, if the patient is able, pay for his or her food, medicine, clothes and medical attendance.
- 5. Subject to the prior review and approval of the board of county commissioners and except as otherwise provided in NRS 576.128, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from the board pursuant to a law of this state or an ordinance adopted by any political subdivision of this state. Such fees must be for the sole purpose of defraying the costs and expenses of the procedures for issuing licenses and permits, and investigations related thereto, and not for the purposes of general revenue.

[Part 28:199:1911; added 1919, 221; 1919 RL p. 2891; NCL § 5262]—(NRS A 1973, 1137; 1997, 1616, 3173; 1999, 649; 2003, 2195)

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