

CARSON CITY BOARD OF HEALTH

Minutes of the June 1, 2017 Meeting

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A meeting of the Carson City Board of Health was held during the regularly scheduled Carson City Board of Supervisors meeting on Thursday, June 1, 2017, in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Susan Pintar
Vice Chairperson Robert Crowell
Member Karen Abowd
Member Brad Bonkowski
Member Lori Bagwell
Member John Barrette
Member Ken Furlong

STAFF: Nick Marano, City Manager
Sue Merriwether, Clerk - Recorder
Adriana Fralick, Chief Deputy District Attorney
Kathleen King, Chief Deputy Clerk

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are part of the public record. These materials are on file in the Clerk's Office, and available for review during regular business hours.

17. CALL TO ORDER AND ROLL CALL (10:00:13) - Chairperson Susan Pintar called the Board of Health meeting to order at 10:00 a.m. Ms. Merriwether called the roll; a quorum was present.

18. PUBLIC COMMENT (10:00:43) - Chairperson Pintar entertained public comment. (10:01:12) Tony Pastini, representing the National Restaurant Association Educational Foundation as the local ServeSafe Instructor, discussed the requirement for "a person in charge with the knowledge for food safety." He suggested that the Board of Health be "a little more proactive in educating the people that are handling the food for the general public because there basically, right now, is really no training for the owners and managers. And the food handlers class that's being offered is not effective whatsoever."

Mr. Pastini further recommended "that the Board of Health give the operators more of an opportunity to make corrections on non-critical violations before they're written up and their reputations are destroyed for items that are not really that important. When it does come to critical, imminent health hazards, they should be written up. ... the minor violations, the general public does not understand."

Mr. Pastini requested to "make a presentation ... of a general outline of the type of training that is required under [NAC] 466. ... it's our responsibility, the owners of the businesses as well as the Board of Health, to protect the general health of our ... citizens who don't really know what to look for and get wrong impressions on when things are written down improperly. ... I've been doing this since 1988. I'm what's known as an advanced instructor."

In response to a question, Mr. Pastini discussed his opinion of the letter grade versus the point system. He discussed the importance of continuing ServeSafe education. Chairperson Pintar entertained additional public comment; however, none was forthcoming.

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19. POSSIBLE ACTION ON APPROVAL OF MINUTES - March 16, 2017 (10:08:34) - Chairperson Pintar entertained a motion. **Vice Chairperson Crowell moved approval of the minutes. Member Bagwell seconded the motion. Motion carried 7-0.**

20. HEALTH AND HUMAN SERVICES

20(A) POSSIBLE ACTION ON HEALTH OFFICER'S REPORT FOR APPROVAL, WITH FEEDBACK AND DIRECTION FROM THE BOARD DISCUSSED AT THE MEETING, INCORPORATED (10:09:01) - Chairperson Pintar introduced this item, and presented her report in conjunction with displayed slides. Chairperson Pintar entertained questions or comments and, when none were forthcoming, a motion. **Member Abowd moved to accept the Health Officer's report. Member Barrette seconded the motion.** Chairperson Pintar called for a vote on the pending motion.

RESULT:	Approved [7 - 0]
MOVER:	Member Karen Abowd
SECOND:	Member John Barrette
AYES:	Members Abowd, Barrette, Bonkowski, Bagwell, Furlong, Vice Chair Crowell, and Chair Pintar
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(B) PRESENTATION AND POSSIBLE ACTION TO PROVIDE FEEDBACK TO STAFF ON CARSON CITY HEALTH AND HUMAN SERVICES COMMUNITY HEALTH NEEDS ASSESSMENT AND THE IDENTIFIED UNMET NEEDS AFFECTING THE HEALTH OF THE COMMUNITY (10:13:20) - Chairperson Pintar introduced and provided an overview of this item. Health and Human Services Department Director Nicki Aaker reviewed the agenda materials in conjunction with displayed slides. Chairperson Pintar and Ms. Aaker responded to questions of clarification, and extensive discussion ensued. Member Bagwell suggested integrating the community support services grants.

20(C) PRESENTATION ON THE CURRENT MOSQUITO ABATEMENT PROGRAM AT CARSON CITY HEALTH AND HUMAN SERVICES (10:48:27) - Chairperson Pintar introduced this item, and suggested addressing item 20(D) first. [At Vice Chairperson Crowell's request, this item was deferred to the next Board of Supervisors meeting.]

20(D) ENVIRONMENTAL HEALTH PRESENTATION AND POSSIBLE ACTION TO PROVIDE FEEDBACK TO STAFF ON THE ENVIRONMENTAL HEALTH PROGRAM, THE RECOMMENDED GRADE CARD SYSTEM, AND THE SUGGESTED CARSON CITY MUNICIPAL CODE CHANGES (10:49:02) - Chairperson Pintar introduced this item, and entertained disclosures. Member Abowd read a prepared disclosure statement into the record, and advised that she would participate in discussion and action. Disease Control and Prevention Manager Dustin Boothe narrated a PowerPoint presentation which was displayed in the meeting room and included in the agenda materials.

Chairperson Pintar entertained public comment. (11:11:27) Charlie Abowd, chef and co-owner of Adele's, discussed concerns regarding a "reactive and punitive" approach on the part of the Health Department. Mr. Abowd advised of having "dealt with many jurisdictions," including "Washoe County, Reno, Carson City,

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Douglas County ... up at Glenbrook.” Mr. Abowd discussed his experiences in Washoe County. “Their inspectors are ProSafe certified and also work with the employees on any violations or any areas that there may be problems, to work out the problems. So rather than just going through, marking a binder, putting down the violations, and then sitting down at the end and talking to the operator in charge at that time, they actually stop, talk to the workers, and show them the different areas where they may be lacking which I call proactive.”

Mr. Abowd advised of having received a 95 rating during the last inspection of Café at Adele’s. “... one of the things that was found was there was a little leak in a sanitizer line to the dishwasher. We are on contract with our dishwasher company and a chemical supplier. They had a tech on site repair the dishwasher ... before the inspector left. Went to the inspector, inspector checked it, it works. Great. At that point, he tells the dishwasher that all the dishes that have been run through there need to be re-run ... Not a problem. Done. At the end of the meeting, my manager ... signs the report, the inspector on site apparently had problems with his printer. No problem. Next day, I’ll drop it by. No drop by. The first time I get to look at this report is in the *Nevada Appeal*. ... No mention of the dishwasher actually being fixed on site. And, under public comments which I have finally ... after sitting down with Dustin and calling a meeting about this, did get a written report. No mention of the fact that a tech was on-site before he left and actually repaired the dishwasher.

“Another point of contention on that same one is I have a dishwashing station which is ... ill-designed ... and needs to be re-done. Mind you, the restaurant, about 12 years ago went through a \$1.5+ million remodel, including the entire kitchen. When I say the entire kitchen, I mean we tore that part of the building down, went from foundation to roof. During that design period, we had a certified kitchen designer work with me on my personal needs, as a chef, and all of that stuff went to the health department, signed off. Twelve years ago, it was good. Now, I have not been issued any paperwork from the health department telling me how this dishwasher, all of a sudden, needs to be totally replaced. ... probably about \$20,000. ... it’s easy for them to make that judgment, but forget the little incidences. We have traditionally had very, very good working relationships with the health department and, in fact, I have a very good relationship with Dustin. He’s always very responsive, but I have a problem with the attitude of some of the inspectors. I will not mention any names here, but some of them have a tendency to have a Caesar attitude.

“I do not travel with the inspector and go through his inspection, looking over his shoulder. They have free wheel to go anywhere they want, any place they want, write the reports and then, typically, I will sit down with them at the end and go over the violations or recommendations. So, they can’t claim that I’m using some sort of pressure on them during their inspections. But, ... we are sitting in this position that ... we’re looking out for the public’s health. And I don’t know anybody in this room that’s in the restaurant business that doesn’t have public health as their number one issue that they deal with and are more than happy to work with the health department to solve those problems. Sometimes there’s a practicality,” and Mr. Abowd reviewed several examples.

“... we are in a us versus them. ... If the health department had public safety and health in their cross hairs, then why weren’t they there at 8:00 a.m. that morning they decided to close the Cracker Box down? Why did they show up at 12:00, mid-day, close them down, make Jerry go to the tables, remove their food from the tables? That’s the kind of atmosphere we’re working in. You’re wasting your time talking about areas like [letter or numeric grades.] Should we make them post their scores or not post their scores? Every

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jurisdiction has their own way. We'll work with it no matter what. It doesn't make any difference to me. We've been posting our scores in Reno ever since we've been there. That's 20-some years ago. ... You're wasting your time. You've got to go to the stem of the problem and that's a non-proactive, working with, showing people, teaching people, how and when there are problems. The Caesar attitude has got to end and I am willing to put my butt on the line on this one for my friends that all are in this business."

Member Bagwell suggested "there's a happy medium ... that what you have, as an employee whose job is to do the form. Coming from the audit world ..., I know what that's like. I've got my little check box, I've got my little form ... And so, coming from the restaurant side, I also see your point." Member Bagwell advised of having requested Ms. Aaker to distribute the restaurant inspection forms "so that we all could get perspective ... as to what the restaurant owner is experiencing. And my question is, as a team, should we look to amend that report for anything? Should we look at what items are put out as the public inspection versus items of comment? ... maybe the dishwasher part didn't need to be in the public eye because it's just a recommended fix and it was corrected on site. ... If we worked on the form together, with both the restaurant team, staff, and everyone, maybe we could develop a much more proactive environment."

Member Abowd compared the subject situation "to the changes that we went through with the Building Division a few years back. And it's not about the form, and it's not about ... check boxes. It's about the inspectors being solution-oriented and thinking out of the box in order to solve a problem, realistically in the field. Building inspectors have to do that all the time. Fire inspectors have to do that all the time. This is what we're talking about. It's a practical solutions thought process with regard to how the inspections are conducted." Additional discussion followed.

In response to a question, Mr. Boothe advised that he encourages the health inspectors "to be ... educators before regulators but, at some point, there has to be some regulation. ... we work with the operators. Sometimes it doesn't work out but we try to work with the operators and we do look at the violations and there are sometimes that ... there's a section of the inspection report that is for the operator only. It's a conversation between the inspector and the operator ... We work with them to try to give them a heads up on certain things so that they can be compliant the next time we go around. ... I'm not out there with every inspection, every inspector, but that's the philosophy that I talk to my staff about is to be educators before we're regulators. We have to be good communicators also ... as we're being educators and trying to provide that education to my staff ... A lot of times, our education that we do is very specific about food safety or that particular topic. I'm working on adding some new ... communication education to my staff ... to understand that, as educators, we need to communicate well with our operators."

Chairperson Pintar entertained additional public comment. (11:36:24) Discussion took place regarding an earlier comment relative to a botulism report in Sacramento. Tony Pastini described Washoe County's restaurant inspection form, and suggested revisions to Carson City's form. "Most violations that are not critical can be corrected in just a minute." Mr. Pastini reviewed ServeSafe requirements relative to final testing. He advised of having distributed informational materials to the board members, and offered to provide a PIC ServeSafe Manager's Course and a Food Handler's Course at cost to any restaurant owner in Carson City and Douglas County.

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Discussion took place among the board members, and Vice Chairperson Crowell requested for staff to present a proposal to switch to the letter grading system. Mr. Boothe reviewed statistical information for inspections done during calendar year 2016.

Chairperson Pintar summarized the discussion, as follows: "... there will be some things coming back to the board. One is suggested revisions to the food code, including the ABC cards, requiring a certified food manager on premises, adding regulations for outdoor food establishments and outdoor food carts, a cooperative revision of the inspection form." Discussion followed and, in response to a question, Mr. Boothe clarified that portion of NAC 446 relative to the food safety manager. Additional discussion followed.

21. PUBLIC COMMENT (11:50:46) - Chairperson Pintar entertained public comment; however, none was forthcoming.

22. ACTION TO ADJOURN BOARD OF HEALTH (11:50:59) - Chairperson Pintar adjourned the Board of Health meeting at 11:50 a.m.

The Minutes of the June 1, 2017 Carson City Board of Health meeting are so approved this _____ day of September, 2017.

SUSAN PINTAR, M.D., Chair

ATTEST:

SUSAN MERRIWETHER, Clerk - Recorder