

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:30 A.M.

SEPTEMBER 13, 2016

PRESENT:

**Kitty Jung, Chair**  
**Bob Lucey, Vice Chair**  
**Marsha Berkgigler, Commissioner**  
**Vaughn Hartung, Commissioner**  
**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**  
**John Slaughter, County Manager**  
**Paul Lipparelli, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:30 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**16-0773      AGENDA ITEM 3 Public Comment.**

The following individuals spoke regarding concerns of the relocation of the Hillside Cemetery: Jay Carter, Frances K. Tryon, John W. Muran, Neil Brooks, Ardena Perry, Norm DeLorme, Berry Hall, Buck Sampson, Karel Rice, Barrie Lynn, and Ramona Richards. Barrie Lynn provided a handout, which was placed on file with the Clerk.

The above individuals' comments and concerns included: that 800 bodies would be moved to less than a one acre parcel of land; the property was not maintained; there were rumors that the new location would bury the remains seven layers deep; moving the remains of people who died from disease was dangerous; the deed stated the land was required to remain as a permanent cemetery; decades of ancestors were buried there; and Native American Indian Chief Johnson was buried in the cemetery and according to spiritual belief his remains could not be moved.

The following individuals spoke regarding the proposed changes to the Washoe County Code Chapter 55 regarding exotic animals: Ardena Perry, Elaine Carrick, Carole Fineberg, Kiska Icard, Paul Hurtado, Bill Maggiora, Tim Stoffel, Karin Benker, John Potash, David Knudsen, Richard A. Gammick, Daniel Gray, Willie J. Stevens Jr., Jimmie Martin and Anna Sheila Paul. Ardena Perry, Paul Hurtado, Kiska Icard, Tim Stoffel and Richard A. Gammick provided documentation, which were placed on file with the Clerk.

The above individuals' comments and concerns included: owners of exotic animals could not provide the care the animals deserved; the disbanding of the Animal Control Board; a restriction on the length and the weight of Python snakes could cause owners to withhold food to prevent them from becoming oversized; citizens believed the Animal Control Board should make decisions on any changes, not the Board of County Commissioners; the burdens on existing exotic animal owners; some exotic animals were classified incorrectly; changes would force exotic animal owners to own their pets illegally; there were more dog bite deaths than from exotic animals; species needed to be clarified for each Tier level; regulations were too stringent; people and animals needed to be trained to avoid rattlesnakes; allowing children to interact with exotic animals could teach them safe handling; non-congested areas could have increased dangers compared to congested areas; and there were no reported deaths from exotic animals.

Garth Elliott spoke regarding the State of the County Address and commended the progress the County had made to make life better for citizens. He said the County was on the threshold of a growth spurt. He indicated he was recently appointed to the Senior Citizen Advisory Board and he was very concerned for seniors in the future. He voiced his concerns about the recent changes to the sign Ordinance and the proposed exotic animal changes.

Doug Busselman introduced himself as the Executive Vice President of the Nevada Farm Bureau. He said the Nevada Farm Bureau wanted to be an active participant and provide input regarding the Economic Development and Conservation Act. He indicated the Farm Bureau informed their members, and other partners who had an interest in this type of legislation, about the upcoming open house events being held on September 16th and 19th. He wanted to ensure that consideration was given to livestock grazing operations when considering the wilderness designations. He said other recent wilderness bills contained provisions for effective management including the mechanical treatment of weeds, fire protection and the protection of access roads and other infrastructure that would allow for continued livestock grazing without restrictions. He stated there was a need to return unsuitable land into wilderness study areas for multiple uses. He thought it was essential to interact with those who had livestock grazing permits on the lands being sought for conversion.

Ron Williams displayed photos of debris present in the open space on Peavine Mountain. He asked for help to get the land cleaned up. He thought the dumping situation on Peavine Mountain, as well as other areas in the County, was out of control. He provided photos, which were placed on file with the Clerk.

William Naylor spoke regarding the South Valleys Area Plan. He stated recently he submitted a packet to the Board and he hoped they had time to review the information. He said there was a typographical error in Table Two of the allowed uses for Washoe Valley. He stated many times throughout the South Valleys Area Plan, an inconsistency was present regarding the actual zoning classification. He referred to the information provided to the Board, which stipulated what regulatory zones were

permitted within Old Washoe City. He provided the documents that were supplied to the Board, which were placed on file with the Clerk.

Elise Weatherly spoke about Marvin Neal and wondered about his dismissal from the Jan Evans Juvenile Detention Center.

Maureen O. Collins introduced herself as the President of the Old Washoe Estates Home Owners Association. She stated on September 6th a meeting was held in Carson City with Cody Phinney, Administrator of the Nevada State Department of Health and Human Services, and Chad Westom, Bureau Chief for Preparedness, Assurance, Inspections and Statistics. She indicated both of the Nevada State representatives confirmed that local governments were obligated to strictly adhere to local ordinances, rules, zoning restrictions, land use restrictions and building codes. She stated a violation of any of the above would cause the revocation of an existing medical marijuana establishment (MME) certificate. She commented that placing a marijuana business in a neighborhood residential area was equivalent to allowing an adult bookstore in the area and could reduce the home values by 10 percent. She stated the Nevada Revised Statute (NRS) 453A required compliance with the use table, which clearly indicated that MMEs were not allowed in Washoe City. She provided a copy of the business cards for Cody Phinney and Chad Westom, which were placed on file with the Clerk.

Sam Dehne spoke regarding professional football players and the National Anthem. He entertained the audience by playing his guitar and singing.

Marilyn Naylor spoke regarding a booklet entitled "Partners in Preservation", which she provided to the Board. She hoped the Board would read it and understand the amount of money and hours that had been invested in the preservation of Washoe Valley, Nevada. She thanked the Board and the past Commissioners who helped in the development and defense of the South Valleys Area Plan. She asked the Board to continue to respect the hard-earned framework when making decisions about Washoe Valley. She stated the future efforts towards stewardship and preservation would continue to be documented on the website [www.washoevalleyalliance.org](http://www.washoevalleyalliance.org). She provided a copy of "Partners in Preservation", which was placed on file with the Clerk.

David Stix introduced himself as the President of the Nevada Cattlemen's Association. He stated he was representing nearly 500 members statewide with nearly 300,000 head of cattle currently on the State's public ranges. He wanted to talk about the Federal Lands Bill; better known as the Economic Development and Conservation Act. He was very concerned about the cattle that was grazing on land that was included in the Lands Bill. He indicated the Bureau of Land Management (BLM) could not support the idea as the highest and best use of the land. He commented Nevada's agricultural impact amounted to \$2.7 billion; and \$466 million of that came from beef. He asked the Board to please consider there were a lot of people that liked to eat beef.

Jeff Church stated he ran the website [www.renopublicsafety.org](http://www.renopublicsafety.org). He indicated he was the individual who filed a lawsuit against Washoe County over WC-1,

the Washoe County School District Capital Projects Funding Ballot Question. He quoted information from a handout regarding statements which were made in regards to the selection process of the Pros and Cons Committee for WC-1. The handout was placed on file with the Clerk.

Cathy Brandhorst spoke about matters of concern to herself.

Lani Estill spoke regarding the Wilderness Act. She stated her family owned Estill Ranches, LLC, a ranch west of Gerlach. She indicated the ranch had livestock grazing permits, water rights, right of ways, and private land within the Fox Mountain Wilderness Study Area and the Buffalo Hills Wilderness Study Area. She stated she was also a member of the Vya Conservation District Board. She thanked the County for the workshops that were held and thought it was a great way to involve people who were interested. She stated that she and her family were opposed to any new wilderness acts, but they were thrilled to see something happening and wished the wilderness study areas would be considered for release. She stated her ranch needed continued access to the lands and the water developments they had established. She asked the Board to please protect their existing rights.

Barbara Pratt spoke regarding medical marijuana. She wanted to know where the County stood regarding medical marijuana and recreational marijuana, and where they would draw the line. She stated marijuana was a dangerous drug in the wrong hands. She asked for law enforcement officers to be provided with guidelines for the enforcement of illegal marijuana and not to be punished for doing their jobs.

**16-0774**      **AGENDA ITEM 4** Announcements/Reports.

Assistant County Manager Kevin Schiller stated Agenda Item 24 would be heard at 2:00 p.m.

Commissioner Herman stated it was an honor to have former District Attorney Dick Gammick present at the meeting. She wanted to know if there was any possible way for the seniors in Sun Valley to get the sign for a building approved. She thought there should be a variance to help get this resolved. She said the citizens who enjoyed shooting on Peavine Mountain had given up quite a bit because of areas that had become restricted. She commented there continued to be debris on the mountain and she wanted to offer a reward of \$1,000 to find the culprits. She noted there was still time to apply for the Verdi Community Advisory Board (CAB). She said her constituents were receiving diminished service from Waste Management and she wanted something to be done to resolve the problems. She requested information about obtaining a grant to study the drainage systems in the North Valleys and said if it took more than 2 hours she wanted approval for that. She wanted something to be resolved before the next flood. She wanted the Health District to investigate the permit to relocate the bodies buried in Hillside Cemetery. She spoke about the consolidation of the University of Nevada Reno (UNR) with the Cooperative Extension. She was apprehensive about the use of funds for the program and wanted to put a hold on the money until the experimental stage of the

program was complete. She said she had been working with Director of Planning and Development Bill Whitney and the Planning Department regarding a Revised Statute 2477 (RS2477) road in the County. She indicated there were many roads that would qualify under RS2477 and the Attorney General's Office was willing to assist the County. She suggested Mr. Whitney work on the project within the new land plan and said there would be a loss of many access roads in her District.

Commissioner Hartung wanted staff to research the issues at the Hillside Cemetery and come back to the Board with a resolution. He attended an opening for the Lincoln Way Senior Center in Sparks that included 45 apartments, of which 30 percent would be rented to veterans.

Commissioner Lucey requested approval for two hours of staff time to discuss legislation with the Nevada State Department of Agriculture in regards to the Reno-Sparks Livestock Events Center. He acknowledged the swearing in of the new Sparks Fire Chief Chris Maples. He mentioned the Reno Hot Air Balloon Races and the Reno Championship Air Races were major events in the County and he thanked all who participated. He was honored to be invited to speak to a civics class at Reno High School in regards to getting children involved in local government.

Commissioner Berkbigler stated she attended the Tahoe Regional Planning Agency (TRPA) meeting recently. She said there was a presentation from a group of people who were concerned about the loss of trees in Kern County. She indicated there were 66 million Sugar Pine Trees dying because of the Western Pine Beetle and the Mountain Pine Beetle. She stated there was a study program working to develop a Sugar Pine Tree that would be immune to the beetles. She said there was no solution to treating large areas of trees and this was a serious problem.

**12:29 p.m.** The Board recessed.

**12:40 p.m.** The Board reconvened with all members present.

**16-0775** **AGENDA ITEM 5** Proclamation – University of Nevada Reno, Mackay Stadium 50th Anniversary.

Commissioner Berkbigler presented a proclamation to Athletic Director Doug Knuth, Wolfie Jr., and cheerleaders McKenzie Rogers, Kinesiology Major; Ashley Espinoza, Philosophy Major; and Taylor Curtis, Veterinary Science Major.

Mr. Knuth stated it was an exciting time with a rapidly growing University. He indicated it was the 50th anniversary of Mackay Stadium where many people watched sporting events and made lifelong memories. He mentioned the stadium would be undergoing some renovations and reminded the audience there would be a home game Saturday night. He thanked the Board and the County for the continued support.

On motion by Commissioner Berkgigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 5 be adopted.

**CONSENT ITEMS 6A through 6F5**

- 16-0776** **6A** Acknowledge a grant award from the State of Nevada, Administrative Office of the Courts, Nevada Supreme Court to the Second Judicial District Court, [in the amount of \$40,000], [\$13,332 (33.33%) in-kind match required], to support dependency mediation in the Second Judicial District, effective August 16, 2016 through August 15, 2017, and direct the Comptroller's Office to make the necessary budget amendments. District Court. (All Commission Districts.)
- 16-0777** **6B** Approve the settlement of the claim Jeff Pierce against Washoe County et al, for a [total sum of \$53,062.79] for all claims against all defendants. Comptroller. (All Commission Districts.)
- 16-0778** **6C** Approve sole source purchase from Nor-Cal Battery Company of DC power systems and batteries for power upgrades at the Water tank and Snowflake Washoe County Regional Communication System (WCRCS) radio sites. Expenditures will aggregate [to exceed \$100,000] but [not exceed \$200,000] and will remain within the available adopted budget during Fiscal Year 2016-2017 for the WCRCS. Technology Services. (All Commission Districts.)
- 16-0779** **6D** Approve the First Modification of Parking License Agreement between Washoe County and the City of Reno Redevelopment Agency, retroactive to August 1, 2016 through July 31, 2019, to provide for the use of up to 100 parking spaces within the Parking Gallery located at 135 North Sierra Street [not to exceed \$54,048 annually]. Community Services. (Commission District 3.)
- 16-0780** **6E1** Approve the Washoe County Sheriff's Office to purchase and expend operational funds related to hosting the National Sheriff's Association's 2017 Conference [estimated costs to be \$30,000] within the Washoe County Sheriff's Office existing FY 16/17 budget authority. (All Commission Districts.)
- 16-0781** **6E2** Approve acceptance of reimbursement costs [up to \$11,975.10, no match required] from U.S. Immigration and Customs Enforcement Homeland Security Investigations (ICE-HSI) for the purchase equipment to be used to further assist the Internet Crimes Against Children (ICAC) unit for the retroactive period of 8/11/2016 – 09/30/2016. If approved, direct the Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)

- 16-0782** 6E3 Approve funding [\$1,219.21, no match required], provided by the U.S. Department of Justice, United States Marshals Service (USMS) to reimburse the Washoe County Sheriff's Office for overtime costs associated with the United States Marshals Service Task Force and the Regional Sex Offender Notification Unit for the fifth Sex Offender Compliance Sweep (Operation SOS) for the retroactive grant period of July 12, 2016 – July 14, 2016; and authorize Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 16-0783** 6E4 Approve acceptance of up to [\$35,506.00, no County match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Northern Nevada Child Exploitation Task Force (NNCETF). Washoe County will be reimbursed for overtime and benefit costs directly related to activities in conjunction with the FBI NNCETF for Federal Fiscal Year October 1, 2016 – September 30, 2017. If approved, direct Comptroller's Office to make necessary budget amendments. (All Commission Districts.)
- 16-0784** 6F1 Acknowledge Receipt of the Three-Year Schedule of Audits for Internal Audit Division. (All Commission Districts.)
- 16-0785** 6F2 Acknowledge Receipt of Annual Report from the Internal Audit Division for FY 2015-16. (All Commission Districts.)
- 16-0786** 6F3 Approve the revised Cooperative Agreement for the Creation of Nevadaworks. (All Commission Districts.)
- 16-0787** 6F4 Approve recommendation for Commission District Special Fund disbursement [in the amount of \$14,225] for Fiscal Year 2016-2017; District 5 Commissioner Jeanne Herman recommends [\$10,000] grant Catholic Charities designated specifically for the Crossroads program, and [\$4,225] for additional Peavine Congested Area shooting signage; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary budget appropriation transfers. (Commission District 5)
- 16-0788** 6F5 Approve to accept a 2016 Nevada State Emergency Response Commission, Hazardous Materials Emergency Preparedness Training grant for \$7,995.00, no County match required, retroactive for the period of August 29, 2016 through October 10, 2016 and if accepted, direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Consent Agenda Items 6A through 6F5 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6F5 are attached hereto and made a part of the minutes thereof.

**BLOCK VOTE (8, 9, 10, 11, 12, 13, 14, 15, 16 and 17)**

**16-0789** **AGENDA ITEM 8** Recommendation to approve a CHAFEE Sub-Grant Award from the State of Nevada - Division of Child and Family Services (DCFS) in the amount of [\$250,000 Match of \$62,500], retroactive to July 1, 2016 through June 30, 2017 to support youth in making the transition from foster care to economic self-sufficiency; authorize the Department to execute the Sub-Grant Award and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 8 be approved and directed.

**16-0790** **AGENDA ITEM 9** Recommendation to retroactively approve an Agreement with the Children's Cabinet [in the amount of \$425,983] to administer the Independent Living Program providing case management, independent living training and transitional services to youth ages 15-21 for the period of July 1, 2016 through June 30, 2017. Social Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 9 be approved.

**16-0791** **AGENDA ITEM 10** Recommendation to approve Collective Bargaining Agreements with the Washoe County District Attorney's Investigator Association (WCDAIA) for the Non-Supervisory and Supervisory bargaining units for the three (3) year period beginning July 1, 2016 through June 30, 2019, and ratify same: including cost of living adjustments in base wages of 3% retroactive to July 1, 2016 [FY 16/17 estimated fiscal impact \$42,446]; 3.5% beginning July 1, 2017 [FY 17/18 estimated fiscal impact \$51,728]; and 2.5% beginning July 1, 2018 [FY 18/19 estimated fiscal impact \$38,870]; and updated agreement language regarding sick leave (bereavement) calculations, salaries, property reimbursement, training, and health plans; and approve same for the Chief

Investigator (DA) with the exception of additional training pay. [Total estimated fiscal impact is \$133,044.] Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 10 be approved.

**16-0792**      **AGENDA ITEM 11** Recommendation to approve Collective Bargaining Agreements with Washoe County Nurses' Association (WCNA) for Non-Supervisory and Supervisory bargaining units for the three (3) year period July 1, 2016 through June 30, 2019; and ratify same; including Cost of Living Adjustments in base wage of 3% effective retroactive to July 1, 2016 [FY16/17 estimated fiscal impact \$73,673], 3.5% effective July 1, 2017 [FY17/18 estimated fiscal impact \$89,290], and 2.5% effective July 1, 2018 [FY18/19 estimated fiscal impact \$64,284]; and updated agreement language regarding salaries, sick leave/bereavement calculations, and health plans. [Total estimated fiscal impact \$227,247.] Human Resources. (All Commission Districts.)

On the call for public comment, Elise Weatherly recognized the difficult job the Board had to attempt to satisfy the entire community. She thought earnings should be based on the amount of work a person did, not just the job title.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 11 be approved.

**16-0793**      **AGENDA ITEM 12** Recommendation to approve Collective Bargaining Agreement with the Washoe County Public Attorneys' Association (WCPAA) for the two (2) year period July 1, 2016 through June 30, 2018; and ratify same; including Cost of Living Adjustments in base wage of 3% retroactive to July 1, 2016 [FY 16/17 estimated fiscal impact \$377,600] and 3.5% beginning July 1, 2017 [FY 17/18 estimated fiscal impact \$457,926]; and updated language regarding health plans; and approve same for Confidential Attorneys [estimated impact FY 17/18 \$86,355, FY 18/19 \$104,736]. [Total fiscal impact is estimated at \$1,026,617]. Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 12 be approved.

**16-0794**      **AGENDA ITEM 13** Recommendation to approve the Collective Bargaining Agreement with the Washoe County Sheriff's Supervisory

Deputies Association (WCSSDA) bargaining unit for the three (3) year period beginning July 1, 2016 through June 30, 2019, and ratify same: including cost of living adjustments in base wages of 3% retroactive to July 1, 2016 [FY 16/17 estimated fiscal impact \$491,486]; 3.5% beginning July 1, 2017 [FY 17/18 estimated fiscal impact \$585,123]; and 2.5% beginning July 1, 2018 [FY 18/19 estimated fiscal impact \$446,785]; and updated agreement language regarding holiday pay, sick leave/personal leave, salaries, longevity, health plans, uniform & safety equipment, assignment differential, and resident assignments. [Total estimated fiscal impact \$1,523,394.] Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 13 be approved.

**16-0795** **AGENDA ITEM 14** Recommendation to approve Cost of Living Adjustments in base wage of 3% retroactive to July 1, 2016 [FY 16/17 estimated fiscal impact \$37,728]; 3.5% beginning July 1, 2017 [FY 17/18 estimated fiscal impact \$45,027]; and 2.5% beginning July 1, 2018 [FY 18/19 estimated fiscal impact \$34,506]; and update sick leave/personal leave and health plans; increase Level II or Level III Ballistic Vest allowance from \$800 to \$1,400 per vest; increase Safety Equipment allowance from \$125/qtr to \$150/qtr.; add one-time Duty Weapon Replacement Allowance of up to \$525 for employees with a duty weapon ten (10) years or older effective September 1, 2017; add an 1.25% of base pay education incentive, effective October 3, 2016, for attaining a Nevada Executive P.O.S.T. certification; and cap longevity pay per classification; for the Confidential Undersheriff and Chief Deputy Sheriffs. [Total estimated fiscal impact is \$117,261.] Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 14 be approved.

**16-0796** **AGENDA ITEM 15** Recommendation to approve Collective Bargaining Agreements with the Washoe County Employees Association (WCEA) for the Non-Supervisory and Supervisory bargaining units for the two (2) year period July 1, 2016 through June 30, 2018, and ratify same: including cost of living adjustments in base wages of 3% retroactive to July 1, 2016 [FY 16/17 estimated fiscal impact \$3,552,969]; and 3.5% beginning July 1, 2017 [FY 17/18 estimated fiscal impact \$4,259,364]; and updated agreement language regarding salaries, holiday pay, sick leave/bereavement calculations, uniform allowances and health plans.

[Total estimated fiscal impact is \$7,812,333.] Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 15 be approved.

**16-0797**      **AGENDA ITEM 16** Recommendation to retroactively approve an Agreement with the Children's Cabinet [in the amount of \$425,983] to administer the Independent Living Program providing case management, independent living training and transitional services to youth ages 15-21 for the period of July 1, 2016 through June 30, 2017. Social Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 16 be approved.

**16-0798**      **AGENDA ITEM 17** Request by the Department of Human Resources/Labor Relations through the County Clerk pursuant to Washoe County Code 2.030 to approve a request to amend the Washoe County Code (Chapter 5) to update Attendance and Leaves language and directing the Clerk to submit the request to the District Attorney for preparation of a proposed ordinance pursuant to Washoe County Code 2.040. This amendment will allow unrepresented employee groups employees to follow suit with a recently negotiated provision with the Washoe County Employee's Association related to Holidays and Personal Leave. Human Resources. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 17 be approved and directed.

**1:00 p.m.**      The Board recessed.

**2:00 p.m.**      The Board reconvened with all members present.

**16-0799**      **AGENDA ITEM 24** Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from Washoe Dispensary, LLC to move a medical marijuana dispensary location issued a State of Nevada

provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to 275 S. U.S. Highway 395 (APN 046-080-04). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. Manager. (Commission District 2.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against approval of said item.

Maureen O. Collins spoke regarding the proposed move of the medical marijuana establishment (MME) in Washoe Valley. She asked that the minutes refer to additional public comments which took place during the August 9th Board of County Commissioners meeting.

Elise Weatherly spoke regarding the movement of the MME. She thought this was a moral issue rather than a legal issue and she wanted it to stay where it was.

Barbara Pratt spoke regarding her concerns about the side effects of medications. She said her main concern was the enforcement of Tier 1 drugs.

William Naylor thanked Commissioners Herman, Hartung and Lucey for their support. He stated information was given to the Board regarding the law against allowing MMEs in Old Washoe Valley. He was opposed to the move of the MME.

Cathy Brandhorst spoke about matters of concern to herself.

Douglas R. Studwell, Jr. spoke regarding marijuana taxes. He was concerned about resources, such as water and septic systems in Washoe Valley. He asked the Board to use common sense and not to allow the MME to move.

Arlene Lampert requested the Board conduct their votes for all MME related items in the form of a roll call vote to clarify who voted in favor and in opposition.

Richard Copp introduced himself as a retired police officer. He understood there would be a question on a bill in November for recreational marijuana. He commented that he had just returned from Oregon and the countryside had changed in devastating ways. He noted Washoe Valley was a quiet residential community and there had been a cultivation facility there since he moved there two years ago. He was concerned about the future and wondered what type of control law enforcement would have over marijuana offenses.

Susan Kennedy was concerned about Chair Jung being a supporter of recreational marijuana and wondered if that might skew the Board towards its approval.

Ed Alexander introduced himself as a member of the dispensary in Washoe Valley. He stated all the water used on-site and any run-off water used in processing would be taken to a facility to be cleaned. He said the request was for a single storefront on one side of the street because it made sense to have the facilities together. He reiterated this was not a vote for marijuana, but a vote to move an approved facility.

Lance Bedard was concerned the security lighting at the MME would create urban blight. He noted what was proposed contradicted the South Valleys Master Plan to limit development and minimize the negative impacts on the character of Washoe Valley. He noted the majority of the impacts related to the degradation of light. He said best management practices included dark sky standards. He indicated his biggest concern was about the grow facility that was going to be located at 913 Washoe Drive. He said the property around that facility was mostly residential.

Pat Casagranda was concerned there were going to be five medical marijuana facilities and said they should not be located under one roof. She thought they needed to obtain a separate facility for each one of the MMEs. She stated there were already marijuana establishments on both sides of the road.

Chair Jung asked Legal Counsel Paul Lipparelli whether she should recuse her vote because she was a spokesperson for recreational marijuana. He stated it was fine to disclose the information, but he did not view it as an issue because medical and recreational marijuana were different topics.

Commissioner Berkbigler asked if any master plan or area plan in the County stated specifically that marijuana was as an allowed use. Assistant County Manager Kevin Schiller replied he did not believe so because the plans were all approved prior to 2014 when medical marijuana was passed.

Commissioner Berkbigler questioned whether a business type that was not specifically listed as an allowed use would ever be allowed in that area. Director of Planning and Development Bill Whitney replied several of the area plans detailed what was and was not allowed in specific areas. He said if an area plan went through a review and the Planning Commission and the Board adopted it, it would include restrictions on land uses, which would overrule the general Code. He indicated until that discussion occurred, the general Development Code for the entire County was followed. He explained that if an item was not mentioned in an area plan, the general Development Code would rule over the allowance or disallowance of the use.

Commissioner Berkbigler wondered whether the proposed relocation of the MME was allowed within the general Development Code and Mr. Whitney replied it was within an allowed area. He stated in 2014, the County Commission amended the Development Code to allow MMEs in certain types of regulatory zones. He said the proposed location was within one of the regulatory zones which allowed medical marijuana dispensaries. He stated Legal Counsel and the Planning Commission Attorney

would be able to explain more in depth, but he indicated the County was within the law based on the zoning regulations.

Commissioner Berkbigler wondered if the MMEs were intended to be patterned after pharmacies. Mr. Schiller stated, from the appearance and business perspective, they were modeled after pharmacies.

Commissioner Berkbigler asked whether the MMEs were required to have locked doors and if patients were required to have a card to gain access. Mr. Schiller confirmed that patient access required a card and there were various security provisions that were statutorily set as part of the submission for a security plan. He explained the businesses were required to adopt a security plan and receive approval from the Planning Commission and the Sheriff's Office.

Commissioner Berkbigler noted that Lieutenant Eric Spratley agreed that moving the dispensary to the grow and production facility would be safer because it would all be under one roof. She stated she was not a big supporter of marijuana but she thought that one owner should have one facility, which was all under one roof.

Commissioner Lucey asked Truckee Meadows Fire Protection District (TMFPD) Fire Marshal Amy Ray's opinion of having a combined facility. Fire Marshal Ray stated it would be easier and safer in her professional opinion.

Commissioner Lucey stated that after much consideration and discussion, medical marijuana was going to be in Washoe Valley and there was no other choice. He indicated he did not want to create more issues for Washoe Valley but it was important to move forward and resolve the issue in a proper manner.

Commissioner Herman stated the Board had no control over whether or not there was a dispensary in Washoe Valley, but she thought it made more sense to have the facilities all together. She noted there were citizens who did not want the medical marijuana facilities on both sides of the street, but that was already the case even if the proposed move did not occur.

Chair Jung stated combining the facility made more sense and to not vote for the move across the street would be unfair.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried with Commissioners Hartung and Herman voting "no", it was ordered that Agenda Item 24 be approved and directed.

**16-0800**      **AGENDA ITEM 7** Department presentation by the Health District highlighting services and operations. (10 minutes.)

County Manager John Slaughter stated this item would be heard at a later meeting.

**16-0801**      **AGENDA ITEM 18** Discussion and possible direction to the County Manager to utilize two or more hours of staff time to research the possibility to incorporate dental services into regional health care system emergency rooms. (Requested by Commissioner Vaughn Hartung.)

Discussion took place regarding this item; however, the Board did not find enough merit to spend staff time to research the request. Commissioner Hartung withdrew his request.

There was no public comment on this item.

**16-0802**      **AGENDA ITEM 19** Request by the Director of Regional Animal Services through the Washoe County Clerk, and pursuant to Washoe County Code (“WCC”) 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl) to include: modifying the current kennel/cattery permit process in favor of creating a variance permit for persons who possess over the legal limit of three dogs or seven cats; modifying the current exotic animal permit process; vacating the animal control board; modifying the regulations concerning private possession and ownership of exotic animals within Washoe County; creating an animal exhibitor’s permit; and to incorporate policy direction related to the proposed code amendments provided at the Board of County Commissioners’ March 23 and June 28, 2016 meetings; and to direct the County Clerk to submit the request to the District Attorney’s Office for preparation of proposed ordinances in accordance with WCC 2.040. Regional Animal Services. (All Commission Districts).

Animal Services Manager Bobby Smith recommended hearing any public comments prior to the Board’s discussion.

Chair Jung requested Legal Counsel to clarify the language of the Open Meeting Law to ensure it could be handled as Mr. Smith suggested.

Legal Counsel Paul Lipparelli stated Agenda Item 19 followed the requirements for initiating amendments to the County Code. He indicated this was the Board’s opportunity to give direction to the Department to use department time and staff resources, including the District Attorney’s Office, to draft the bill. He indicated not only did this meet with the open meeting law, but it was a requirement of the County Code.

Commissioner Berkbigler asked Mr. Smith whether there was intent to put any one out of business or if it was just to allow for the permitting and licensing of exotic animal. Mr. Smith stated there was no intent to put anyone out of business.

Commissioner Berkbigler said if the United States Department of Agriculture (USDA) at the State or Federal level currently allowed a permit, a citizen would only need to submit a local permit for the security of the first responders who

might respond to a home where an exotic animal was kept. She inquired whether that could be included in the proposal.

Mr. Smith stated the USDA permit was for people who were exhibiting exotic animals. He explained there was both the private ownership and the exhibitor sides to consider. He explained the USDA permit did not regulate local laws so it was not covered under the County's jurisdiction. He said the USDA permit was a welfare permit to possess the animals and to exhibit them.

Commissioner Berkbigler stated the County did not intend to put exotic animal exhibitors out of business. She inquired whether the USDA permit was not enough protection for Nevada. Mr. Smith stated the protection was enough and if the USDA permitted a citizen, the County permit should be a simple process to complete.

Commissioner Hartung wondered about exotic animals being prohibited in congested areas. He indicated his home was on a little more than an acre and he thought he could easily house some of the animals in his rural lifestyle. He stated in Spanish Springs there were 10 acre parcels which were considered to be in a congested area. He was unclear of the difference between congested and non-congested areas.

Mr. Smith stated there were two proposals in the agenda item and it was up to the Commissioners to decide the direction. He reviewed a section of a PowerPoint presentation with detailed information about the difference in the Tier levels and the permitting process. The presentation was placed on file with the Clerk.

Commissioner Hartung referred to page 11 of the staff report, which stated Tier 3 exotic animals were prohibited in congested areas of the County in both proposals.

Chair Jung reminded Commissioner Hartung that this issue had been discussed the last time the topic came before the Board. She stated one of the concerns was that if it was dangerous in a congested area to own an exotic animal, then it was equally or even more dangerous in a non-congested area because there were less eyes and ears on where a potential escapee could be. She inquired whether private owners had UDSA inspections and Mr. Smith stated they did not.

Chair Jung thought there was confusion between commercial and private owners. She noted that people who advocated for exotic animals did not always possess the required licensing.

Commissioner Herman wanted to hear from the stakeholders and Chair Jung indicated the stakeholders would be the other 490,000 citizens in the County.

Commissioner Lucey stated he did not consider himself an expert in this area even though he owned a business that provided for animal safety and he owned veterinary hospitals. He wondered whether this was for exotic animals owned in a private

manner or a commercial manner. Mr. Smith indicated both private and commercial ownership were being discussed and needed the Board's direction.

Commissioner Lucey inquired whether the tiered system that was being proposed was for private ownership and Mr. Smith confirmed it was.

Mr. Smith stated the proposed recommendation was for a three Tiered system for exotic animals. Tier 1 would be based on what would typically be seen in pet stores; Tier 2 would be any intermediate exotic animal that could carry viruses; and Tier 3 would include the animals that would be seen in a zoo or zoo-like habitat. He indicated the tiered system was in place in the majority of Counties across the United States including California, Florida, Arizona and even Clark County, Nevada.

Commissioner Lucey thought this should be standard business for all of the 490,000 residents in the County. He stated they were not attempting to take anyone's animals away; they were creating a system in which the "bad actors" could not participate. He thought there could be more owners who were out of compliance and causing issues with these types of animals. He inquired whether the language was already in the current Code and was merely being clarified.

Mr. Smith stated the current Code was more restrictive for Tiers 1 and 2, and it was vague. He indicated the proposed changes would provide clarification and less restrictions for the private ownership of exotic animals.

Mr. Lipparelli stated in the past Commissioner Lucey had recused himself from voting on animal issues. He asked Commissioner Lucey if there was any reason to believe that his business interests would be affected negatively or positively if the proposal passed.

Commissioner Lucey stated it would not affect his business positively or negatively because they did not work with exotic animals.

Commissioner Hartung wondered if there was interest from the Board to give exemptions to the Great Basin Herpetological Society and the Animal Ark since they provided great services to the community.

Chair Jung was concerned about businesses that were not regulated visiting local schools where the children were allowed to interact with the exotic animals.

Mr. Smith stated they were not being regulated currently; however, in the exhibitors permit section, any exhibitor, non-profit zoological park or exhibitors who were non-profit for educational purposes could apply for an annual permit and the fees could be waived.

Chair Jung wanted the Great Basin Herpetological Society to comply with public safety standards for the community. She stated the Board was not making policy at

this point but was directing staff. She wanted clarification that the intent was to direct the County Clerk to request the District Attorney's Office to prepare the Ordinances to modify regulations and the animal exhibitors permit, vacate the Animal Control Board, change the variance permit and modify the current exotic animal language. She noted the only policy change would be vacating the Animal Control Board and directing the Clerk to alert the District Attorney's Office.

Mr. Smith stated they were seeking clarification and direction on multiple topics. He said there were three sections that needed clear direction from the Board and also the direction to proceed or not to proceed. Lastly, the Board would need the to give the Clerk direction.

The following individuals spoke regarding the proposed changes to the Washoe County Code Chapter 55 regarding exotic animals: Vicky Maltman; Bill Maggiora; Karin Benker; Alexandra Reid; Tim Stoffel; John Potash; Jeff Pierce; and Daniel Gray. Tim Stoffel and John Potash provided documents, which were placed on file with the Clerk.

The above individuals' comments and concerns included: the meaning of exotic was an animal from out of the area, not that it was inherently dangerous; there were minimal incidents involving exotic animals; requiring a million dollar insurance policy was excessive; there was no requirement for liability insurance for large breed dogs; there were more dog bites reported compared to exotic animal incidents; the weight limitations on snakes could encourage owners to starve their animals; education and outreach were more effective than punishments and fines; the need for detailed lists of the individual tiers and what specific animals belonged to which tier; blanket bans on exotic animals; possession of exotic animals prior to applying for a USDA permit would be out of compliance; citizens were not opposed to regulations as long as they were not excessive; more realistic lengths and weights for snakes; Poison Dart Frogs in captivity were not dangerous; there were no regulations for cold blooded animals by the USDA so they would not issue an exhibitor permit; first responders should not have to face additional dangers when responding to a property where dangerous animals were housed; animals could be trained to avoid venomous snakes while using non-venomous snakes for the training; there was a lack of education about exotic animals; and sterilization was impractical for some exotic animals.

Barbara Pratt stated she was speaking on behalf of the Reno-Sparks Livestock Events Center in regards to the Reno Rodeo. She said she heard many complaints from livestock handlers that they had been falsely accused of animal abuse. She did not believe the animals were treated badly. She wanted the Board to place some focus on the wild Mustangs during the exotic animal discussions.

Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Hartung stated a good point was made regarding the requirements for a million dollar liability insurance policy considering the liability for

automobile insurance was only required to be \$300,000. He wondered if the restrictions were excessive.

Commissioner Lucey stated he agreed with Commissioner Hartung regarding the liability insurance coverage. He said other counties relied on the discretion of a city or risk manager to evaluate the level of liability insurance on a case by case basis. He thought the level of required insurance should be somewhat less.

Commissioner Herman stated the proposal included many topics and she thought many of them were excessive. She commented that the requirement to spay or neuter all dogs and cats was not feasible. She said she had raised animals of all sorts throughout her life and she could not understand taking away individuals Constitutional Rights to own the animals of their choice. She was not convinced there were enough reasons for most of the proposed rules.

Chair Jung stated she agreed with the liability insurance level that staff had suggested. She commented that staff had researched the information thoroughly before bringing it to the Board. She noted people might think that personal liability insurance was sufficient to cover animal incidents, but renters might not carry liability insurance at all. She stated she was ready to start considering the items one-by-one to provide staff with direction and to ensure the County was in conformance with the laws.

Mr. Smith stated he would provide a brief review of the information from staff before each item that needed direction. He reviewed a PowerPoint presentation with slides entitled: Animal Control Board (ACB); ACB; Private Ownership of Exotic Animals, and Exhibitor Permits. He reviewed Exhibit A from the staff report, which compared permit approvals from other jurisdictions. He stated in many of the areas that were researched, exotic animals were prohibited across the board. He said in some areas, Animal Control and the Zoning Department would issue the permit; in another area, the Department of Agricultural was who issued the permit and in Maricopa County, Arizona, the Board of County Commissioners was the issuing agency. He explained Exhibit B of the staff report, which detailed the liability insurance coverage requirements based on the types of exotic animals.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigger, which motion duly carried with Commissioner Herman voting "no", it was approved to direct the County Clerk to request the District Attorney's Office to prepare a proposed ordinance regarding vacating the Animal Control Board, the Kennel/Cattery permit process and the exotic animal permit process.

Mr. Smith continued the PowerPoint presentation review for the next proposal. He read the list of the animals that qualified as exotic animals and he corrected the staff report language for the Tier 2 exotic animals stating it should have read any constrictor snake 10 feet "and" 30 pounds. He noted the Animal Services Department worked very closely with the Nevada Department of Wildlife (NDOW) to determine the proper tiers for the various species. He stated some of the species that were recommended

to be Tier 3 level animals by the NDOW would remain as Tier 2 animals as recommended by the Animal Services Department.

Mr. Smith reiterated Proposals 1 and 2 regarding the Tiered System for clarification. He stated Proposal 1 would require approximately 29 hours of staff time and Proposal 2 would require approximately 20 to 24 hours of staff time.

Planning Manager Bob Webb said the reason staff was recommending an administrative permit versus a Special Use Permit, was to allow an applicant to obtain written consent from the surrounding property owners within 500 feet, so the process could be approved by a Hearing Examiner; or if consent was not obtained in writing, the application could be heard by the Board of Adjustment. He noted in both cases a decision could be appealed to the Board of County Commissioners.

Mr. Smith commented that there were concerns regarding Tier 3 exotic animals in congested and non-congested areas. He noted Proposal 2 would prohibit Tier 3 animals throughout the County and only allow Tier 1 and Tier 2 animals. He stated the benefits would be public protection, public health, less issues with invasive species, and less concerns with animal welfare. He indicated it would require less staff time with no changes to Chapter 110 and prevent non-conformance issues when areas were annexed outside of the County.

Mr. Smith reiterated the proposed amendment to Chapter 55 of the County Code. He stated the approval would be for the breakdown of species of exotic animals into a three-tiered system

Commissioner Herman wanted a professional opinion regarding into which tiers the exotic animals should be placed.

Commissioner Hartung thought the item was being over-regulated and it would push many people to the Black Market to own exotic animals illegally.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Herman voting "no", it was approved to direct the County Clerk to request the District Attorney's Office to prepare a proposed ordinance to breakdown the species of exotic animals into Tier 1, Tier 2 and Tier 3 animals.

Mr. Smith reiterated the proposed amendments to Chapter 55 of the County Code regarding the private ownership of exotic animals and the two proposals suggested by staff for the specific breakdown of the tiers of exotic animals.

Chair Jung wondered what mechanisms were in place for citizens who owned Tier 3 exotic animals currently to be grandfathered in if Proposal 2 was chosen.

Mr. Smith stated according to his communications with the District Attorney's Office, the citizens who were currently permitted for a Tier 3 animal would be grandfathered in, even if the proposal to prohibit them passed.

Chair Jung stated her opinion would be that Proposal 2 would be the best choice for the County. She said Proposal 1 and Proposal 2 were the same except that Proposal 2 would prohibit Tier 3 exotic animals throughout the County including in non-congested areas unless they had a permit for the animal.

Chair Jung moved to approve Proposal No. 2 regarding the breakdown of species of exotic animals into Tier 1, Tier 2 and Tier 3 animals. Commissioner Lucey seconded the motion. The motion failed on a vote of 3 to 2, with Commissioners Berkbigler, Hartung, and Herman voting "no".

Commissioner Berkbigler moved to approved Proposal No. 1 regarding the breakdown of species into Tier 1, Tier 2 and Tier 3 animals seconded by Commissioner Hartung. The motion failed on a vote of 3 to 2, with Chair Jung and Commissioners Lucey and Herman voting "no".

It was directed for this item to go back to staff.

Mr. Smith reiterated the proposed amendment to Chapter 55 of the Washoe County Code governing animal exhibitors. He stated this was a new Code section to manage the exhibitors throughout the County. He said it would include circuses, zoological parks, animal demonstrations and animal demonstrations for the purpose of education. He stated the process would include an application process with inspections and conditions as set forth in the staff report. He noted the items, which would be inspected would include housing, health certificates, insurance coverages and emergency plans for the transportation of animals through or within the County. He indicated Animal Control Officers would inspect the property or the exhibit and report to the Director for permit issuance or denial. He stated they were seeking direction for the new area of code section to include animal exhibitor's permits.

Commissioner Hartung thought the USDA permit process was backwards because the animal had to be possessed to apply for the permit. He said a citizen should apply for the permit prior to gaining possession of the exotic animal.

Mr. Smith explained that a USDA exhibitor's permit was provided to exhibitors, circuses and traveling exhibits. He stated if it was not required to be permitted by the USDA, then it would not be required in the Code. He used Mr. Potash's business "Get Rattled" as an example.

Commissioner Lucey asked for an explanation of the difference between an exhibitor and a commercial animal business.

Mr. Smith explained an exhibitor would be a traveling business such as a circus, performing animal show, animal demonstration, traveling animal exhibit or zoological park; and a commercial animal business was used to deliver educational programs or training to the public.

On motion by Commissioner Berkgigler, seconded by Commissioner Lucey, which motion duly carried, it was approved to direct the County Clerk to request the District Attorney's Office to prepare a proposed ordinance to create an animal exhibitor's permit.

**4:11 p.m.** Commissioner Lucey left the meeting

**16-0803** **AGENDA ITEM 20** Discussion and direction to staff regarding a recommendation to declare certain real property as surplus to the needs of Washoe County and authorize staff to begin disposition of each asset in accordance with the appropriate section of NRS; specifically Assessor's Parcel Numbers: 552-132-01, 552-132-02, 012-150-12, 018-164-07, 080-283-03, and a portion of 038-401-02; and certain Truckee River water rights appropriated under Claim No. 14 (362 acre-feet). Community Services. (All Commission Districts.)

Commissioner Hartung stated he preferred to sell the water rights as a block only.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 20 be authorized to be sold only as a block.

**16-0804** **AGENDA ITEM 21** Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Director of Planning and Development Bill Whitney stated there were two open houses scheduled at the County Complex and they anticipated many people would attend to obtain information about the Public Lands Bill. He indicated he met with the Bureau of Land Management's (BLM) upper management recently and they were interested in what the County was doing. He stated he was scheduled to meet with the US Forest Service District Ranger in Carson City and would keep them and the BLM informed of the County's progress. He said that with the various constraints on the land, there was not much land which would be considered developable.

Commissioner Hartung asked for clarification on the land constraints. Mr. Whitney stated slopes were the largest constraints and the smaller constraints would be considered as environmental, such as high base and the petroglyph areas east of Sparks.

He stated the Moonrocks area was a special off highway vehicle (OHV) recreation area with extreme interest from the constituents who used the area.

Commissioner Berkbigler asked whether Mr. Whitney was referring to large or small mining interests. Mr. Whitney replied he would categorize them as smaller mining interests and prospectors.

Mr. Whitney stated that Commissioner Herman previously asked how many grazing permits were located within the disposal boundary. He indicated there were currently seven grazing permits. He had requested the status of the permits and would report to the Board when he received the information.

Commissioner Berkbigler wondered whether grazing would be prohibited in what she considered the old style wilderness areas that were rarely used except for grazing.

Mr. Whitney stated he was unsure if the language would prohibit grazing but he knew of other public lands bills that included special stipulations to allow for the continuance of certain entitlements such as grazing cattle or accessibility to a water feature that watered the cattle.

There was no action or public comment on this item.

**16-0805** **AGENDA ITEM 22** Possible action to introduce and conduct the first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, Allowed Uses, at Section 110.302.05.3, Table of Uses (Commercial Use Types) to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (Use Classification System) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (Parking and Loading) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto. And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for September 27, 2016. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Bill No. 1770.

There was no public comment on this item.

Bill No. 1770 was introduced by Commissioner Berkbigler, and legal notice for final action of adoption was directed.

**16-0806**      **AGENDA ITEM 23** Regulatory Zone Amendment Case Number RZA16-004 --- Public Hearing and possible action: (1) To affirm, modify, or reject the findings of fact of the Washoe County Planning Commission recommending approval of the requested zoning change; (2) To approve a resolution adopting an amendment to the Spanish Springs Regulatory Zone map. The amendment would change the current regulatory zones on two parcels from: a. Public and Semi-Public Facilities (PSP) to Medium Density Suburban (MDS) on a ±8.04-acre portion of a ±22.04-acre parcel (APN 532-020-12); and b. Medium Density Suburban (MDS) and Public Semi-Public Facilities (PSP) to Parks and Recreation (PR) on ±13.98 acres of the same ±22.04-acre parcel (APN 532-020-12); and c. Parks and Recreation (PR) and Public Semi-Public Facilities (PSP) to Medium Density Suburban (MDS) on a ±1.969-acre portion of a ±70.34-acre parcel that is part of the Eagle Canyon Ranch Tentative Map Case Number TM13-002 (APN 532-020-19). If adopted, APN 532-020-12 will consist of 8.04 acres of Medium Density Suburban (up to 3 dwelling units per acre), 13.98 acres of Parks and Recreation (no dwelling units allowed), and 0.02 acres of Open Space (no dwelling units allowed). APN 532-020-19 will consist of 68.66 acres of Medium Density Suburban and 1.65 acres of Open Space. (3) If adopted, to direct the Director of the Planning and Development Division to sign and certify the amended Spanish Springs Regulatory Zone Map; and (4) If adopted, to authorize the Chair to sign a Resolution adopting the amendment to the Spanish Springs Regulatory Zone Map. • Applicant: Spanish Springs Associates LP; • Owner: Eagle Canyon Investors, LLC; • Location: Silent Sparrow Drive and Lanstar Drive, Community Services. (Commission District 4.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against approval of said item.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Lucey absent, it was ordered to affirm the findings of the Planning Commission; adopt the Regulatory Zone Amendment Case; direct the Director of Planning and Development to sign and certify the amended map; and authorize the Chair to sign a Resolution. The Resolution for same is attached hereto and made a part of the minutes thereof.

**16-0807      AGENDA ITEM 25 Public Comment.**

Cathy Brandhorst spoke about matters of concern to herself.

John Potash spoke regarding the grandfather clause and stated that 14 years ago he was deemed grandfathered-in by the previous administration of the Animal Control Board when the consolidation from the City of Sparks to Washoe County occurred. He said recently he was informed he was no longer grandfathered-in and the location of the documentation proving it was unknown. He indicated he possessed a State Business License and a license from the Nevada Department of Wildlife, but when he applied for his jurisdictional business licenses he was told he could not get them without an exotic animal permit. He noted he had a giant sign on his door warning people that there were venomous reptiles inside. He stated he had safeguards and protocols in place. He said he recently had a risk assessment performed for his million dollar liability insurance policy and the Assessor was very impressed with the set-up of his operation and paperwork. He commented he had been working with venomous snakes for 16 years and had trained thousands of dogs. He noted the methods other trainers used with non-venomous snakes generally failed when a dog encountered a live rattlesnake on the ground.

**16-0808      AGENDA ITEM 26 Announcements/Reports.**

There were no announcements or reports on this item.

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**4:37 p.m.** There being no further business to discuss, the meeting was adjourned without objection.

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**KITTY K. JUNG, Chair**  
Washoe County Commission

ATTEST:

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**NANCY PARENT, County Clerk and  
Clerk of the Board of County Commissioners**

*Minutes Prepared by:  
Doni Gassaway, Deputy County Clerk*

Pending Board Approval

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

SEPTEMBER 20, 2016

PRESENT:

Kitty Jung, Chair  
Marsha Berkgigler, Commissioner  
Vaughn Hartung, Commissioner  
Jeanne Herman, Commissioner

Nancy Parent, County Clerk  
John Slaughter, County Manager  
David Watts-Vial, Legal Counsel

ABSENT:

Bob Lucey, Vice Chair

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**16-0811** AGENDA ITEM 3 Public Comment.

Elise Weatherly swore on her Bible to tell the truth, which she said was the same thing they did in the court system. She spoke about Marvin Neal's dismissal from the Jan Evans Youth Center. She submitted a handout, which was placed on file with the Clerk.

Sam Dehne spoke about patriotism and Levi Hooper's announcement that he would be running for the office of County Commissioner. He played his guitar and sang a patriotic song.

Levi Hooper stated he would be running for a seat on the County Commission. He said he had been homeless for five years and considered himself the voice of the downtrodden.

Doug Busselman, Executive Vice President of the Nevada Farm Bureau, stated the Farm Bureau wished to encourage the Board to take a greater leadership role in the public process necessary to formulate a workable legislative proposal for the Washoe County Economic Development and Conservation Act. He said the Farm Bureau prepared supportive testimony for the Pershing County Landfill that would be heard by the Senate Energy and Natural Resource Committee later in the week. The Farm Bureau also attended open houses to publicly formulate the details embodied in the Pershing

County Economic Development and Conservation Act, S.3102; however, they felt the public conversation fell short of the structured system needed for a legitimate collaborative process. He said the Farm Bureau maintained that livestock grazing rights needed to be addressed and was troubled by the lack of official engagement for the tradeoff of proposed wilderness designations. He argued the proposed maps represented the requests of special interest groups with desires for nearly 500,000 acres of designated wilderness and presented areas that were different than the wilderness study areas recognized by the Bureau of Land Management. He encouraged the Board to follow the model set by the Pershing County Commission by offering collaborative ways for public stakeholders to engage in crafting a proposal that would be worthy of support.

**16-0812**      **AGENDA ITEM 4** Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses.

John Slaughter, County Manager, recognized the following employees for successful completion of the Excellence in Public Service Certificate Programs administered by the Human Resources Department:

**Essentials of Personal Effectiveness Certificate Program**

Julie Baskins, Health Department

**Essentials of High Performing Teams**

Alicia Christensen, District Attorney

Chair Jung congratulated the employees and thanked their respective Departments for allowing staff the time to improve their resumes and skills.

There was no public comment or action taken on this item.

**CONSENT ITEMS 5A THROUGH 5B**

**16-0813**      **5A** Approval of minutes for the Board of County Commissioner's regular meetings of August 9, 2016, August 16, 2016 and August 23, 2016.

**16-0814**      **5B** Acknowledge receipt of the 34th consecutive annual Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada for the County's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2015. Comptroller. (All Commission Districts.)

Mary Solorzano, Accounting Manager, stated the County had earned the certificate for 34 years running and she was honored to have led the team of professionals who had achieved it. She explained the Comprehensive Annual Financial Report (CAFR) required a great deal more disclosure than a normal financial statement and her team had worked very hard. She introduced the following individuals:

Darlene Delany, Senior Accountant  
Robert Andrews, Accounting Manager  
Crystal Varnum, Senior Accountant  
Asta Dominguez, Senior Accountant  
Russ Morgan, Senior Accountant  
Joyce Garrett, Accountant II  
Marty Williams, Accountant II

Chair Jung thanked the staff in both the Comptroller's Office and the Manager's Office.

There were no public comments on Agenda Items 5A through 5B.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Commissioner Lucey absent, it was ordered that Consent Agenda Items 5A through 5B be approved.

#### **AGENDA ITEM 6 DONATIONS**

**16-0815** **6A** Approve the donation of eleven decommissioned ballistic vests [approximate value \$0] to the State of Nevada, Nevada Legislative Police from the Washoe County Sheriff's Office. Sheriff. (All Commission Districts.)

**16-0816** **6B** Accept the donation of a 2002 Ford E450 activity bus to Washoe County Senior Services from the Washoe County School District with an [estimated value of \$12,000]; and transfer the vehicle to the Equipment Services Division. Senior Services. (All Commission Districts)

There were no public comments on Agenda Items 6A through 6B.

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Items 6A through 6B be approved.

#### **AGENDA ITEM 7 PROCLAMATIONS**

**16-0817** **7A** Proclamation – September 2016 is Hunger Action Month

Chair Jung read and presented the Proclamation to Shane Piccinini, Public Policy advocate for the Food Bank of Northern Nevada. She commented the Food Bank did great work and she encouraged everyone to visit their warehouse at the Tahoe Regional Industrial Center. She spoke about a Facebook challenge which she called the "Reverse Advent Calendar". She explained the idea was to put something in a basket for people in need every day up until December 25th for the purpose of donating the items to

the Food Bank. She challenged her fellow Commissioners to do this during the holiday season.

Mr. Piccinini expressed gratitude for the great relationship the Food Bank had with the County. He noted the Food Bank distributed over 12.7 million pounds of food through their partner agencies as well as through their direct services. He spoke about a new social media campaign which was intended to encourage people to post pictures showing how people could make a difference in the community's food security.

**16-0818**      **7B** Proclamation – September 2016 is National Preparedness Month.

Commissioner Hartung stated 15 years ago, on September 11th, 2001, the Nation experienced a day of grief, courage and mourning, which had become an important day of remembrance. The date was also a reminder to reflect on preparedness. He read and presented the Proclamation to Aaron Kenneston, Emergency Management Administrator, and Liz Paulsen, Emergency Management Program Assistant.

Mr. Kenneston invited everyone in the County to join in the effort to develop a culture of preparedness. He explained September had been designated as National Preparedness Month in a tradition that dated back to the civil defense days of the 1950's. He stated the government was preparing and he encouraged all citizens to prepare as well.

Chair Jung commented she heard great feedback whenever the emergency system was activated. She said she knew preparedness involved being ready 24/7.

**16-0819**      **7C** Proclamation – October 12, 2016 is International Walk to School Day.

Commissioner Berkbigler commented one of her favorite activities last year was walking to school with some children. She read and presented the Proclamation to MJ Cloud, Washoe County School Police Officer and Coordinator for the Safe Routes to School.

Officer Cloud said she looked forward to this event every year. She stated walking and bicycling to school was a great way to get healthy, get some fresh air and decrease the amount of traffic and emissions. Additionally, she felt there were academic lessons to be learned by the activity, such as learning to draw maps, calculate miles, observe nature and even write poetry. She related a story about her son who had recently been hit by a truck in a crosswalk near his school. She said her son was merely bruised by the experience; however, she believed there were many more such incidents than those that had been reported. She thought the International Walk to School Day offered a great opportunity to remind motorists about the need for extreme care in school zones every day of the year.

**16-0820**      **7D** Proclamation – October 1, 2016 is Gerlach Volunteer Fire Department recognition day in Gerlach Nevada.

Commissioner Herman read the Proclamation.

There were no public comments on Agenda Items 7A through 7D.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Items 7A through 7D be approved.

**16-0821** **AGENDA ITEM 8** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no need for a Closed Session.

**16-0822** **AGENDA ITEM 9** Public Comment.

Elise Weatherly remarked on the excellence she observed in some County employees and spoke about the Bible.

**16-0823** **AGENDA ITEM 10** Announcements/Reports.

John Slaughter, County Manager, announced the Walk with Washoe series would commence at 5:30 p.m. at the Sun Valley Regional Park on the Sun Rock Trail. He hoped to see everyone there.

Commissioner Berkbigler stated the Economic Development Authority of Western Nevada (EDAWN) met during the previous week. During the meeting, statistical information had been provided related to Washoe County's education system which showed Washoe County's statistics were significantly better or equal to those in the middle of the Country. She noted SAT scores for the Washoe County School District (WCSD) came in at 494 as compared to the national statistics of 487. American College Testing (ACT) scores for the WCSD came in at 32 percent as compared to the national statistics of 28 percent. She thought the numbers were significant and the School District was doing a much better job than they were getting credit for. She noted a national study regarding economic development indicated the greater Washoe County area, which she thought included Carson City and Douglas County, was the fastest growing area in the Nation. She felt this was a very positive thing; however, she expressed concerns about rising rents and the lack of housing options. She stated it was interesting that Nevada, and specifically Reno, was getting so much attention.

Chair Jung thanked Commissioner Berkbigler for everything she did to promote the Region's economic development.

Commissioner Hartung spoke about the Donate Life Walk at the Sparks Marina which he attended on the previous Sunday. He noted the Dolan Family was a

major sponsor of the event and it was well attended. He encouraged everyone to become an organ donor for the purpose of saving lives. He mentioned some businesses provided discounts to people who had the organ donor designation on their driver licenses. He expressed concerns about the upcoming emergency meeting in relation to the Open Meeting Law as the agenda did not contain the names of the individuals who would be considered for the vacancies in the State Legislature.

Commissioner Herman stated she wanted to ensure the concerns raised by Doug Busselman, Executive Vice President of the Nevada Farm Bureau, would be addressed. She thought the organization should be provided with an opportunity to fully disclose the nature of their interests and concerns in a public forum.

Chair Jung responded to Commissioner Hartung's remarks about the upcoming special meeting and the Open Meeting Law. She stated the process had been fully vetted by Legal Counsel. She explained, at the request of Governor Brian Sandoval, she was asking the Commissioners to submit their top picks for the three open legislative seats in writing to the County Manager before the close of business on the next day. She encouraged anyone interested in the positions to provide the supporting documentation they believed the Commissioners would need to make their decisions. She said the names of those who would be considered for the positions would be published and posted before the final interviews during the special meeting.

David Watts-Vial, Legal Counsel, urged the Commissioners not to meet or discuss the candidates with each other in advance of the special meeting. As he understood the process, each of the Commissioners would submit a top choice for each of the individual seats to the County Manager. No action would be taken on any of the nominations until the meeting, which was set for the upcoming Thursday.

Chair Jung further remarked Thursday's meeting was scheduled for 3:30 p.m. and any and all interested persons were encouraged to apply for the legislative seats.

Mr. Slaughter indicated the Manager's Office had been receiving inquiries and as people called in, staff asked whether or not they were interested in the positions and if they wanted to add their names to the list. He explained individuals were informed that once their names were added to the list, the information would become public. As soon as the list was compiled, after the deadline of 5:00 p.m. the next day, the names would be submitted to the Commissioners for their consideration. He stated he knew there were other parties who would be interested in the list of names and indicated the information would be provided and made public.

Commissioner Hartung stated he wanted to ensure everyone was informed about the deadline for the submission of names. Chair Jung asked him if he thought the deadline should be earlier. Commissioner Hartung replied "no"; he merely wanted to ensure the deadline was announced. Chair Jung stated communications staff would be instructed to make sure that information was pushed out to the public.

There was no public comment or action taken on this item.

\* \* \* \* \*

**10:51 a.m.** There being no further business to discuss, the meeting was adjourned without objection.

\_\_\_\_\_  
**KITTY K. JUNG**, Chair  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
**NANCY PARENT**, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:*  
*Cathy Smith, Deputy County Clerk*

Pending Board Approval

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

SEPTEMBER 27, 2016

PRESENT:

**Kitty Jung, Chair**  
**Bob Lucey, Vice Chair**  
**Marsha Berkgigler, Commissioner**  
**Vaughn Hartung, Commissioner**  
**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**  
**Dave Solaro, Acting County Manager**  
**Paul Lipparelli, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**16-0826      AGENDA ITEM 3 Public Comment.**

Jim Galloway spoke in favor of Thomas Taber to fill the vacant Nevada State Senate District 15 seat. He said Mr. Taber was a level-headed, sensible person with community spirit. He provided information from Mr. Taber's resume which included Mr. Taber's military service. He asked that his remarks and Mr. Taber's resume be included in the record. The documents were placed on file with the Clerk.

Kenneth Johnson spoke about the plight of senior citizens. Regarding money seniors received to live on, he noted seniors had not received a raise in three years. He added many seniors could not afford a decent place to live nor had enough money for food or insurance. He expressed his concerns about the possibility of social security benefit cuts and questioned when seniors would be given more money.

Roger Edwards expressed his concerns about the Governor's request to quickly fill the vacant State Senate and Assembly seats. He added the issue with appointments was it made the appointed individual an incumbent in the next election. Although picking a developer might make sense for the current situation in Las Vegas, he stated it was not the best choice for a State Senate position. He praised Thomas Taber and spoke in favor of appointing a non-developer to the State Senate.

Elise Weatherly spoke about the death penalty and she displayed various documents related to the death penalty and the Bible. She mentioned Polly Klaas' murder

and how the State of California refused to put Richard Allen Davis to death. The documents were placed on file with the Clerk.

Sam Gettle stated he owned property west of Veterans Elementary School. He thanked the Board for resolving an issue he previously brought forward regarding UPS. He alerted the Board to an issue involving garbage cans being left out in the street by a property owner on Vassar Street. He explained the dangers this posed to children's safety as people had to drive around the garbage cans.

Cathy Brandhorst spoke about matters of concern to herself.

Rick Snow expressed his ongoing frustration regarding the property located at 275 Magnolia Way. He presented a piece of burnt wood to the Board. He noted the individual paying the property taxes for the subject property had ignored the County's compliance letters. He requested the Board to place the issue on an agenda so it could be resolved. He added the issue had been going on for more than two and a half years since the property burned down.

Vicky Maltman said she was against providing a rubber stamp to the Legislature to place a football team in Las Vegas. She remarked the football team might be good for Las Vegas but it would not provide any benefits to the rest of the State. She added Las Vegas had the ability to fund the football team on its own if it truly wanted it. She asked the Board to consider Thomas Taber, regarding Agenda Item 17, since he was good at listening to all of the facts.

Tim Stoffel supported Ms. Maltman's comments about the football team and Thomas Taber. He asserted the elimination of the Animal Control Board was highly political and it supported the continuing takeover of Animal Services by animal rights groups. He mentioned the rescheduling of a hearing in which Animal Services presented its case against an individual who was attempting to obtain an exotic animal permit for his 30 pound lynx. The permit was denied. He believed the hearing was purposely rescheduled in order to affect the vote by ensuring that Richard Simmonds, Chair of the Animal Control Board and Exotic Animal Specialist, could not attend. He noted it was time for the Board to reverse its decision to eliminate the Animal Control Board.

Katherine Snedigar voiced her displeasure with the individuals who wanted to bring the Oakland Raiders football team to Nevada. She noted the Oakland Raiders organization had defaulted at their last two locations. She asked whether there were any assurances the Oakland Raiders would not default in Nevada. She mentioned the missteps governmental entities in Nevada made regarding the tax breaks given to companies like Cabela's and Tesla. She said the Board owed a fiduciary responsibility to act in the best interest of the people within the County.

Karel Rice concurred with Ms. Snedigar's comments. She stated the tax payers were no longer being represented. She held up a campaign sign which read, "Elect Republican Eugene Hoover for State Senate 15". She asked why Mr. Hoover was not

given any consideration since he was running for the seat. She spoke about various taxes and voiced her displeasure with them. She mentioned welfare recipients were receiving more assistance than those who paid into social security. She said Governor Brian Sandoval had been a dismal failure for Nevada.

**16-0827**      **AGENDA ITEM 4** Announcements/Reports.

Commissioner Herman addressed Mr. Snow's concern regarding the subject property on Magnolia Way by stating she had looked into getting volunteers. She said the cost for hauling away material from the property would cost between \$10,000 and \$20,000, and she noted the money would be difficult to raise. She suggested the Health Department figure out a way to commence removal of material from the property due to health issues.

Commissioner Hartung added the Sheriff's Office informed him utilizing a work crew was not an option since it was private property. He asked staff to bring forward options to resolve the issue with the subject property on Magnolia Way. He reported he and his wife saw the cheetahs running while in attendance at the Paws and Claws event.

Commissioner Berkbigler requested a staff report regarding the rules for vacation rentals versus bed and breakfast establishments. She noted there was obviously a difference in the way they were treated but she was not clear on the specifics.

Chair Jung announced Agenda Items 16, 17 and 18 would be held at 11:00 a.m. She explained the process. The applicants would be given five minutes to speak and then the appointments would be made through a roll call vote for each agenda item.

**CONSENT AGENDA ITEMS 5A THROUGH 5E, 6A THROUGH 6D, 7A THROUGH 7B, AND 8A THROUGH 8D**

**16-0828**      **5A** Approve the temporary job reclassification for Reno Justice Court of the "Assistant Court Administrator" position (#70000380), to "Assistant Court Administrator & Technology", from the hourly range of \$29.16 to \$39.41 to the hourly range of \$35.25 to \$50.42, and the reclassification of Justice Court Technology Manager (Position # 70000377), pay grade J187 to Court Tech. Business Systems Analyst II, pay grade K450, effective September 19, 2016. [\$0 net impact]. Reno Justice Court. (All Commission Districts.)

**16-0829**      **5B** Accept Registrar of Voters' report of early voting locations and schedule for the 2016 General Election per NRS 293.3561 (2b). Voters. (All Commission Districts.)

**16-0830**      **5C** Recommendation to approve amending the Washoe County 457(b) Deferred Compensation Plan Document and MassMutual Administrative

Services Agreement, effective October 1, 2016, to allow an employee who does not make an affirmative election to defer or not to defer a portion of his or her Compensation under the Plan to be automatically enrolled in the County's 457(b) deferred compensation plan if the employee is covered by a collective bargaining agreement that authorizes automatic enrollment in the County's 457(b) deferred compensation plan ; and if approved, authorize Director of Human Resources/Labor Relations to execute same. [No fiscal impact.] Human Resources. (All Commission Districts.)

- 16-0831** 5D Approve the submission of a grant for the Non-emergency Medical Transportation in Unincorporated Washoe County from Access to Health Care Network,[in the amount of \$74,607] to the State of Nevada Community Development Block Grant (CDBG) program for funding consideration in Round 2 of the FY17 funding cycle; and if approved, authorize the Chair to execute the documents concerning same. Manager. (All Commission District.)
- 16-0832** 5E Approve to accept a Child Abuse and Neglect (CANS) Sub-Grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$15,000; no County Match required], retroactive to July 1, 2016 through June 30, 2017 to conduct a safety assessment for the purpose of developing and establishing improved operating systems as it relates to the assessment and investigation of child abuse and neglect, and authorize the Department to execute the sub-grant award and direct the Controller's Office to make the appropriate budget amendments. Senior Services. (All Commission Districts.)
- 16-0833** 6A Approve the Termination of Agreement on Management of Water Rights Appurtenant to Street Rights-of-Way between Reno, Sparks and Washoe County Community Services. (All Commission Districts.)
- 16-0834** 6B Approve the Contract for Storage of Non-Project Water among the United States and Washoe County Water Conservation District, the City of Reno, the City of Sparks and the County of Washoe. Community Services. (All Commission Districts.)
- 16-0835** 6C Approve the Water Sale Agreement between Randall J. Warner, dba Washoe Valley Veterinary Hospital and Washoe County. Community Services. (Commission District 2.)
- 16-0836** 6D Approve the following Lease Agreements for two non-profit entities to lease the Washoe County Plumas Street Building: (1) a lease agreement between Washoe County and Keep Truckee Meadows Beautiful from October 1, 2016, through June 30, 2021, with two three-year extensions, and (2) a lease agreement between Washoe County and the Nevada Land

Trust from October 1, 2016, through June 30, 2021, with two three-year extensions. Community Services. (Commission District 1.)

- 16-0837** 7A Approve the direct grant award from the State of Nevada, Office of Criminal Justice Assistance FFY 2016/2017 Justice Assistance Grant (JAG), Project No. 16-JAG-28 for [\$21,000, no County match required] to purchase a Narcotics Screening Instrument to be used in the Forensic Science Division for the grant period of 10/1/16 through 9/30/17 and if approved, direct Comptroller's Office to make necessary budget amendments. Sheriff. (All Commission Districts.)
- 16-0838** 7B Approve the direct grant award from the State of Nevada, Office of Criminal Justice Assistance FFY 2016/2017 Justice Assistance Grant (JAG), Project No. 16-JAG-27 for [\$30,000, no County match required] to support the All Threats All Crimes (ATAC) task force for the grant period of October 1, 2016 through September 30, 2017 and if approved, direct Comptroller's Office to make necessary budget amendments. Sheriff. (All Commission Districts.)
- 16-0839** 8A Approve to accept a Subgrant Amendment #1 award from the State of Nevada Department of Health and Human Services Division of Public & Behavioral Health [\$112,500; no County match required] for the period of October 1, 2016 through June 30, 2017 to support the position and activities of a Behavioral Health Program Coordinator; authorize the Department to execute the Sub-Grant Award and direct the Comptroller's Office to make the necessary budget amendments. Social Services. (All Commission Districts.)
- 16-0840** 8B Approve to accept the Children's Justice Act (CJA) sub-grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$8,710; no County Match required], retroactive from August 1, 2016 through September 30, 2016 to support and strengthen staff competency related to child fatality, abuse and neglect cases accomplished through specialized forensic and fatality training and purchase of necessary supplies to document injuries; and authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)
- 16-0841** 8C Approve to accept a Children's Justice Act (CJA) sub-grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$30,000; no County Match required], retroactive to July 1, 2016 through June 30, 2017 to conduct a safety assessment for the purpose of developing and establishing improved operating systems as it relates to the assessment and investigation of child abuse and neglect, authorize the Department to execute the sub-grant award and direct the

Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

- 16-0842** **8D** Approve to accept the Children's Justice Act (CJA) sub-grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$10,000; no County Match required] retroactively from July 1, 2016 through June 30, 2017 to provide Children's Advocacy Center workers with the technology to map to remote locations, to document with photography the salient aspects of injury and abuse of children; and authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

On the call for public comment, Elise Weatherly spoke on Consent Agenda Item 5A. She asked the Board to assess each employee on an individual basis and reward those who worked hard rather than rewarding everyone equally regardless of the amount of work they did.

Cathy Brandhorst spoke about matters of concern to herself regarding Consent Agenda Items 5E and 6B.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5E, 6A through 6D, 7A through 7B, and 8A through 8D be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5E, 6A through 6D, 7A through 7B, and 8A through 8D are attached hereto and made a part of the minutes thereof.

**BLOCK VOTE – AGENDA ITEMS 10, 11, 12, 13 AND 14**

- 16-0843** **AGENDA ITEM 10** Recommendation to approve the Collective Bargaining Agreement with the Washoe County Sheriff's Deputies Association (WCSDA) bargaining unit for a one (1) year period beginning July 1, 2016 through June 30, 2017, and ratify same: including a cost of living adjustment in base wage of 3% retroactive to July 1, 2016 [FY 16/17 estimated fiscal impact \$1,181,329]; and updated agreement language regarding health plans, safety equipment, deferred compensation, and salaries. Human Resources. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

Chair Jung commended all of the negotiating teams.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 10 be approved and ratified.

**16-0844**      **AGENDA ITEM 11** Recommendation to accept the 2015 Continuum of Care renewal Grant for Shelter Plus Care from the United States Department of Housing and Urban Development (HUD) in the amount of [\$110,208; \$26,335 County match required], retroactive to August 1, 2016 through July 31, 2017; authorize the Department to execute the sub-grant award; authorize a subgrant agreement for Continuum of Care services between Washoe County and Volunteers of America Northern California and Northern Nevada, Inc., in an amount not to exceed \$136,543, approve resolution necessary for same; and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 11 be accepted, authorized, approved and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**16-0845**      **AGENDA ITEM 12** Recommendation to accept a Sub-grant Award from the State of Nevada Division of Child and Family Services (DCFS) in the amount of [\$206,835; no County match required], for the period of October 1, 2016 through September 30, 2017, to assist the Department of Social Services with the Adoption Incentive program; and authorize the Department to execute the Sub-Grant Award and direct the Comptroller's Office to make the necessary budget amendments. Social Services. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 12 be accepted, authorized and directed.

**16-0846**      **AGENDA ITEM 13** Discussion and possible direction to the County Manager to utilize two or more hours of staff time to research access to RS 2477 roads within the context of the Washoe County Economic Development and Conservation Act. (Strategic Objective: Stewardship of our Community). (Requested by Commissioner Jeanne Herman.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 13 be directed.

**16-0847**      **AGENDA ITEM 14** Recommendation to adopt the One Truckee River Management Plan. Manager. (All Commission Districts.)

On the call for public comment, Angela Fuss, on behalf of the entire One Truckee River team, acknowledged and thanked everyone who supported their project. She noted over 120 groups came together in a collaborative effort; however, the Nevada Land Trust and Keep Truckee Meadows Beautiful organizations were the heart and soul of the project. She placed 420 signed affidavits in support of the One Truckee River Management Plan on file with the Clerk.

Chair Jung thanked Ms. Fuss.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 14 be adopted.

**16-0848**      **AGENDA ITEM 9** Appearance: Renown Health [10 minutes]  
Dr. Anthony Slonim, President & CEO Renown Health, Presentation and update on Renown Health Services.

Dr. Anthony Slonim, President and CEO of Renown Health, gave a PowerPoint presentation on what was new at Renown. The heading for the slides were as follows: 1) Population Health Example, Child Health Institute. 2) Expanding Access to Care. 3) Expanding Access to Care – Recruiting. 4) Expanding Access to Care – Training. 5) Partnerships. 6) Focus on Improving the Health of Our Community. 7) Investing in Our Community Partners. 8) Formal Partnerships in the Community. 9) Update on the 89502 Project. 10) Formal Partnerships. 11) Future Partnerships? 12) Institute of Health Innovation.

He highlighted the following information: 1) Zip code 89502 was one of the most impoverished areas in the community. 2) Stanford physicians would be rotating through Reno. 3) Renown partnered with the Desert Research Institute (DRI) and their scientists would help identify where the gaps were in caring for people within the community. 4) Renown invited 23 and Me, a national genetics company, into their partnership with DRI to engage in the largest community based research endeavor in the Country. 5) Renown, through its partnerships, enrolled 10,000 people in Northern Nevada for free personal genetic testing within 48 hours.

Commissioner Berkgigler stated she was thrilled with all of the interactions between Renown, the University of Nevada, and various entities. She hoped a partnership would be formed between the Coroner's Office, the University of Nevada and Renown for more training. She thanked Dr. Slonim.

Commissioner Lucey thanked Dr. Slonim for his presentation and he acknowledged all Renown had done for the community. He mentioned Renown had made strides within the community and was more than just a hospital. He noted Renown's pro-active approach to healthcare.

Commissioner Hartung said Dr. Slonim's leadership was phenomenal and he was thrilled to have him here. He mentioned he and his wife were part of the 10,000 individuals who signed up for the 23 and Me project. He thanked Dr. Slonim for all he had done.

Commissioner Herman commended Dr. Slonim for his work.

Chair Jung echoed all of the compliments given by the other Commissioners. She remarked Commissioner Lucey provided the initial funding to start the 89502 Project through his discretionary funds, and she thanked him for helping her constituents. She stated she appreciated Dr. Slonim for being here and she hoped he was here to stay.

Dr. Slonim thanked the Board for its support.

There was no public comment or action taken on this item.

**16-0849** **AGENDA ITEM 16** Consideration and possible appointment from a list of County Commissioner nominated and qualified persons including Julia Ratti, to fill the vacancy of the Nevada State Senate District 13 seat pursuant to NRS 218A.260, and as requested by Nevada Governor Brian Sandoval in a letter to Chair Jung dated September 16, 2016. (All Districts)

Al Rogers, Management Services Director, explained the process in which the nominees were selected. He noted at the previous regular Board meeting the Chair requested all Commissioners to submit their choices. He added the Manager's Office reached out to the community to request additional names of qualified citizens for consideration and nomination by a Commissioner. The Commissioners provided the nominees in accordance with the Open Meeting Law to the County Manager. In regards to Agenda Item 16, he noted there were three qualified applicants and given the nominations put forth by the Commissioners, there was one nominee.

The following candidate came forward to present her qualifications and experience.

1. Julia Ratti, City of Sparks Councilwoman

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

Gary Schmidt requested his handout regarding Article 4 Section 12 of The Constitution of the State of Nevada be attached to the minutes for Agenda Items 16, 17 and 18. He claimed the Board's attempt to appoint individuals to the Legislature was illegal and he stated he would be filing an Open Meeting Law complaint. He read from

his handout which was placed on file with the Clerk and attached to the minutes as Exhibit A.

Katherine Snedigar contended there was no community outreach in regards to the Legislative appointments. She asserted the Board seemed to think the rules and regulations did not apply to them. She spoke about the Board's fiduciary responsibility to its citizens.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Julia Ratti be appointed to fill the vacant Nevada State Senate District 13 seat effective immediately.

**16-0850**      **AGENDA ITEM 17** Consideration and possible appointment from a list of County Commissioner nominated and qualified persons including Jesse Haw or Thomas Taber to fill the vacancy of the Nevada State Senate District 15 seat pursuant to NRS 218A.260, and as requested by Nevada Governor Brian Sandoval in a letter to Chair Jung dated September 16, 2016. (All Districts)

Al Rogers, Management Services Director, informed the Board there were 12 eligible candidates for Senate District 15. From those eligible candidates, he said the Commissioners nominated two.

The candidates came forward in the following order to present their qualifications and experience.

1. Jesse Haw
2. Thomas Taber

On the call for public comment, Ray Lake provided a handout which was placed on file with the Clerk. The handout included a survey and Mr. Taber's resume. As Chairman of the Washoe County Republic Information Technology Committee, he said commissioned the survey after he became aware of the need to fill the vacant seat. He noted he received 160 replies and Mr. Taber received 67.5 percent of the votes. He added he believed Mr. Haw's loyalties would lie with the construction and financing businesses. He believed Mr. Taber would be loyal to the citizens of the community. He asked the Board to appoint Mr. Taber to fill the vacant seat.

Alex Christopher spoke in favor of Mr. Taber. He spoke about Mr. Taber's experience and ability to get people to work together. He said Mr. Taber would be a wonderful asset in the position.

Ken Koepp endorsed Mr. Taber. He said Mr. Taber had done a lot of good things in the community. He mentioned Mr. Taber was a Vietnam veteran who served honorably and proudly.

Gary Schmidt requested the handout he provided for Agenda Item 16 be attached to Agenda Item 17. He also requested his comments be included in the minutes in detail and not in summation. He reiterated his previous comments under Agenda Item 16. He informed the Board he was filing an Open Meeting Law complaint. He expressed his concerns about the appointment process, the nominations, the deadlines, the vetting, the outreach, and the advertising. He noted all had to be determined by a motion and a vote by the Board in a properly noticed public meeting, which he contended had not been done. He said proper notification had always been done in the past. He believed the Chair violated the Open Meeting Law by discussing the process, including the application, deadlines, and vetting of individuals, in private with two or more other Commissioners. He said if he did not agree with the Attorney General's opinion regarding the Open Meeting Law violation charges, the issue could be brought before the District Court. He also said if he did not agree with the ruling by the District Court, the issue could be brought before the State Supreme Court. He stated the process could put the entire special session in jeopardy for months. He said the Governor should postpone the issue until after the elections, so whoever was elected would be entitled the opportunity to convince other Legislators how to vote. He asserted the process was flawed, a total farce, and a waste of taxpayers' dollars. His handout was placed on file with the Clerk and attached to the minutes as Exhibit A.

Katherine Snedigar endorsed Mr. Taber. She said the County needed someone with even temperament who was not connected to developers, the banks or the State Contractors Board. She noted the County suffered from the bad decisions made by those people.

John Mishler spoke on behalf of Mr. Taber's nomination. He said Mr. Taber was an inclusive person who sought different points of view before making a decision.

Paul Lipparelli, Legal Counsel, stated a violation of the Open Meeting Law was a serious matter. He said he conferred with the Attorney General's Office in the days leading up to the scheduling of the meeting. He confirmed the Attorney General's Office's view of the Open Meeting Law requirement was that the names of the people who were going to be considered had to be published in an agenda item. He added that requirement was met, which was the only requirement that existed for the Board to be able to take action on the Governor's request to fill the vacancies. If time was available, he noted the Board could have any process it wished and it could have taken several meetings to do such. He remarked in the past the Board held several meetings to figure out the way in which it wanted to make an appointment; however, in order to honor the request that was made and to act in the specified time frame, the approach was determined not to be a violation the Open Meeting Law.

Commissioner Hartung said he had not conversed with anyone else on the Board regarding the matter. He added he had conversations with both the County Manager and Legal Counsel, and neither one divulged any information as to what the other Commissioners were thinking.

Commissioner Berkgigler said she had not spoken to any other Commissioners about their choices. She noted the nominees lived in her District, and she happened to know both of them. She stated no one, including the parties involved with the football stadium, had encouraged her to vote for one or the other.

Commissioner Herman stated her preference by recommending Thomas Taber.

Commissioner Hartung stated his preference by recommending Jesse Haw.

Commissioner Berkgigler stated her preference by recommending Jesse Haw.

Commissioner Lucey stated his preference by recommending Jesse Haw.

Chair Jung stated her preference by recommending Jesse Haw.

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman voting "no", it was ordered that Jesse Haw be appointed to fill the vacant Nevada State Senate District 15 seat effective immediately.

**16-0851**      **AGENDA ITEM 18** Consideration and possible appointment from a list of County Commissioner nominated and qualified persons including Jim Nadeau, Dominic Brunetti, or Todd Vinger to fill the vacancy of the Nevada State Assembly District 25 seat pursuant to NRS 218A.260, and as requested by Nevada Governor Brian Sandoval in a letter to Chair Jung dated September 16, 2016. (All Districts)

Al Rogers, Management Services Director, noted there were five individuals who sought to fill either the Senate District 15 or the Assembly District 25 vacancy. For Assembly District 25, he said there were eight qualified applicants with only three nominees.

The candidates came forward in the following order to present their qualifications and experience.

1. Jim Nadeau
2. Dominic Brunetti
3. Todd Vinger

On the call for public comment, Gary Schmidt requested the handout he submitted for Agenda Items 16 and 17 to be attached to Agenda Item 18. He also requested his previous comments be included in the minutes for this item. He stated the

Board, at its last meeting, was about to violate the Open Meeting Law because it did not have a list of names for consideration to fill the vacant seats. He questioned the process in which the Board created the list of names, how it reduced the list of names from over 30 individuals to around four to five people, and how it vetted the individuals listed. He said that process had to be conducted in an open public meeting, which was properly agendized and noticed. He also noted the process included deadlines which he accused the Board of changing several times. He added it was also a violation of the Open Meeting Law if a Commissioner spoke about the creation of the list of names with Legal Counsel or the County Manager, and if Legal Counsel or the County Manager spoke to another Commissioner about it. He read an excerpt of the Open Meeting Law regarding knowingly violating any provisions of its chapter, which would be a misdemeanor. He said if an individual was found guilty of violating the Open Meeting Law, they would be removed from office. His handout was placed on file with the Clerk and attached to the minutes as Exhibit A.

Commissioner Berkbigler stated her preference by recommending Jim Nadeau.

Commissioner Lucey stated his preference by recommending Dominic Brunetti.

Commissioner Hartung stated his preference by recommending Dominic Brunetti.

Commissioner Herman stated her preference by recommending Todd Vinger.

Chair Jung stated her preference by recommending Dominic Brunetti.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman voting "no", it was ordered that Dominic Brunetti be appointed to fill the vacant Nevada State Assembly District 25 seat effective immediately.

12:10 p.m. The Board recessed.

12:26 p.m. The Board reconvened with all members present.

## PUBLIC HEARINGS

**16-0852** AGENDA ITEM 19 Master Plan Amendment Case No. MPA16-002 and Regulatory Zone Amendment Case No. RZA16-003 – Hearing, discussion, and possible action to approve (1) an amendment to the High Desert Area Plan to change the Master Plan Category on the subject parcel of land (APN: 071-240-13) totaling approximately 19.4 acres from Rural (R) to Suburban Residential (SR); and (2) an amendment to the High

Desert Regulatory Zone Maps to change the Regulatory Zone on the same parcel of land totaling approximately 19.4 acres from General Rural (GR - 1 dwelling unit per 40 acres) to Medium Density Suburban (MDS - 3 dwelling units per acre) subject to the adoption of Master Plan Amendment Case No. MPA16-002. If approved, the change would result in an increase in residential potential from 1 dwelling unit to 58 dwelling units for a total increase of 57 dwelling units. To reflect changes requested within the application and to maintain currency of general area plan data, administrative changes to the High Desert Area Plan are proposed. These administrative changes include a revised map series with updated parcel base and updated applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments. The applicant is the Gerlach General Improvement District and the property is located on the north edge of Gerlach adjacent to existing development on Diablo Drive. The parcel is located generally in the northeast corner formed by the intersection of Diablo Drive and Main Street. The property is located outside the Truckee Meadows Service Area and is served by the Gerlach General Improvement District. And if approved, authorize the Chair to sign the resolutions to adopt the amendments to the High Desert Area Plan and the High Desert Regulatory Zone Map after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. Community Services. (Commission District 5.)

Commissioner Hartung stated he had never seen a General Improvement District (GID) ask for a land use change as requested.

Eric Young, Senior Planner, said he had never seen it either; however, it was not unheard of for a GID to sell some of its property. He provided a brief history stating Gerlach used to be a railroad town and all the property was owned by the railroad. Prior to 1976, the railroad gave all of the property to the Gerlach Improvement Association. When the Gerlach GID was formed in 1976, the Gerlach Improvement Association disbanded and all of the property was transferred to the GID. He noted when the railroad first gave the land to the community there was a caveat which required the proceeds of land sales to be used to further develop the town.

Commissioner Hartung brought up an example in which a park was no longer being utilized as a public facility. Due to the deed restrictions, the land would be given back to the original grantor.

Mr. Young explained the Gerlach GID had a special fund called a Local Government Improvement Pool, which was held by the State. In order to withdraw money from the fund, the Gerlach GID had to show they were using the funds to further improve the town.

On motion by Commissioner Herman, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 19 be approved and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

**16-0853** **AGENDA ITEM 20** Hearing and possible action to conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, Allowed Uses, at Section 110.302.05.3, Table of Uses (Commercial Use Types) to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (Use Classification System) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (Parking and Loading) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto. (Bill No. 1770) Community Services. (All Commission Districts.)

The Chair opened the public hearing.

Nancy Parent, County Clerk, read the title for Ordinance No. 1586, Bill No. 1770.

Commissioner Herman asked why someone would want to place a winery in a residential area.

Chad Giesinger, Senior Planner, replied in 2015 the Legislature passed Assembly Bill (AB) 4 which authorized wineries in Washoe and Clark Counties. After AB4 passed, he said staff looked at the Code to see if the Code actually authorized winery use. The only use that authorized the production of wine was a use called Liquor Manufacturing. That use was only allowed in the urban, industrial and tourist commercial zones which were not a good fit for a winery. He added staff's intent was to allow such uses within residential areas. He also added it would allow commercial use to take place in a residential zoning district.

Commissioner Herman inquired about the size of the lots.

Mr. Giesinger displayed a PowerPoint slide with the following heading: Proposed Amendments – Article 302, Allowed Uses would be amended as follows. He said a consensus was reached after staff worked with a group of industry experts and

wine enthusiasts for about six months. He noted there would be two use types: 1) A winery by itself. 2) A winery with special events. He explained how the use table on the slide worked and noted wineries in Low Density Rural, Medium Density Rural and High Density Rural areas would be on two and a half acre, five acre and ten acre lots respectively. Wineries in General Rural and General Rural Agriculture regulatory zones would be on 40 acre lots.

On the call for public comment, Ms. Parent indicated Jason Schultz submitted written comments which were part of a packet provided to the Board, along with comments from another constituent.

Jason Schultz stated it was a privilege to work with staff to create the amendment. He said the ability to locate wineries in both commercial and residential areas would be beneficial to the industry. The amendment would help diversify the industry while promoting economic and social advantages for the County. The regulations within the amendment would help launch a new industry and create new and successful businesses in the area. He spoke about the winery experience; as well as, the different types of licenses for different sized businesses.

Commissioner Hartung said this was the first step to opening up a number of areas, including D'Andrea. He thought grapes were perfectly suited for the area due to their tolerance to draught. He applauded the group that came forward to amend the Code.

Commissioner Herman remarked the County's latitudinal coordinates were the same as the wine growing areas in France and Spain, therefore, this area was well-suited for grape growing.

Commissioner Lucey commended the Board and staff for their work on the initiative. He noted it would be a welcomed addition to the Truckee Meadows and Washoe Valley. He added the initiative would bring more businesses and opportunities to the area.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, Chair Jung ordered that Ordinance No.1586, Bill No. 1770, be adopted, approved and published in accordance with NRS 244.100.

**16-0854** **AGENDA ITEM 15** Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Bill Whitney, Planning and Development Division Director, stated the process was moving ahead with positive momentum. He mentioned the County held two successful open houses. At the workshops, he said he heard from geologists, ranchers, recreationalists, and people who had land next to federal lands that were within the disposal boundary. He noted there were questions about the land transfer map on the County's website which showed the areas the different entities were asking to acquire

from the Federal Government. He mentioned a large 400 acre plus parcel in the mountains adjacent to Diamond Peak that Diamond Peak wanted transferred to them for future expansion. The University of Nevada, Reno was also interested in the parcel which it wanted to add to their Whittell Forest and Wildlife Area. There were also questions about the very large parcels the Truckee Meadows Water Authority (TMWA) was asking for. He said TMWA had provided the County with data that showed exactly what they needed on those large parcels. He added the next steps would include another round of public meetings, an appearance before the Reno City Council to address any of their concerns, and the creation of a large map of the entire county which could be utilized at workshops and meetings.

Commissioner Lucey thanked Mr. Whitney and his staff for the time they committed to the entire process. He mentioned there were some continuous issues in regards to open grazing and public land utilization of various easements. He asked if the County was working on those processes; as well as, on the Revised Statute (R.S.) 2477 road issue.

Mr. Whitney replied the Bureau of Land Management was working on providing him with information on the grazing allotments. He believed there were seven or eight allotments within the disposal boundary. He noted there would have to be language in the Bill regarding how to deal with grazing allotments because they were an entitlement of sorts. In regards to the questions about access issues and roads in the proposed wilderness areas, he noted the wilderness proponents were working on that. He stated there would be a point when the Board would be able to weigh in on the wilderness side of the Bill. He said the current focus was on the economic development side and the land transfers. In regards to the R.S. 2477 road issue, he noted under the Block Vote the Board had given staff permission to spend some time on the issue.

Commissioner Lucey inquired about the mineral rights issues and initiatives; as well as, whether a claim process was being established.

Mr. Whitney replied there were existing concerns all the way through the process. He remarked the small miners and exploration geologists he spoke to were working to provide more information to him regarding the location of mineral deposits and other useful information which could be utilized. In regards to the claim process, he stated it was being worked on. He said his department reached out to other counties to see what they could learn from those who had already dealt with these types of mining claim issues.

Commissioner Hartung noted there appeared to be a public fear that if the Bill was approved, all of the land would go on the auction block.

Mr. Whitney stated he also heard those concerns. He said if the Bill passed, the land would not automatically go on the auction block. The County would be in charge of directing the process by which areas would be put up for auction. Before any areas were sold at auction, local entities would have an opportunity to request access,

roadway, and utility easements. He believed the Board would hear about public and recreational access issues because of the concerns. He concluded that the wilderness part of the Bill would set aside large amounts of acreage in Northern Washoe County; however, the reality was the majority of people in the area tended to recreate on the lands in the disposal boundary.

Commissioner Hartung remarked every single parcel was once public land. He saw this as an orderly process and not a land grab.

There was no public comment or action taken on this item.

**16-0855**      **AGENDA ITEM 21** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

**16-0856**      **AGENDA ITEM 22** Public Comment.

Jane Taber thanked the Board, especially Commissioner Herman, on behalf of herself and her husband, Thomas Taber. She added her husband would have liked to thank the Board himself; however, he had a meeting to attend. She also thanked all of the citizens who wrote, called and attended the meeting to offer their support for her husband to fill the vacant seat for Senate District 15. She said she and her husband wished Commissioner Herman every success in her future endeavors in politics and her personal life. She noted Commissioner Herman's support for her husband; as well as, the stewardship and responsibility she had shown to her constituents.

**16-0857**      **AGENDA ITEM 23** Announcements/Reports.

Commissioner Lucey asked for an update from staff regarding the Asante Project.

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**12:59 p.m.** There being no further business to discuss, the meeting was adjourned without objection.

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**KITTY K. JUNG**, Chair  
Washoe County Commission

ATTEST:

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**NANCY PARENT**, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:  
Michael Siva, Deputy County Clerk*

Pending Board Approval

Fwd:

gary schmidt

Tue 9/27/2016 9:47 AM

To: gary schmidt <nobullschmidt@hotmail.com>;

Sent from my iPhone

Begin forwarded message:

From: gary schmidt <nobullschmidt@hotmail.com>  
Date: September 27, 2016 at 9:28:36 AM PDT  
To: gary schmidt <nobullschmidt@hotmail.com>

Article Four Section Twelve of the Nevada State Constitution authorizes County Commissions to appoint replacements for vacancies in the State Legislature. It does not grant any authority to the Chair Person of the County Commissions in said regards.

Admittedly the Chair most often sets agendas and Calls Special Meetings. However, where the Commission as a whole is charged with some responsibility and/or authority, the Commission as a whole would also be charged with the responsibility and/or authority of determining the process, rules, procedures and guidelines to be exercised in executing the principle responsibility and authority with which the Commission is charged.

Of course, the Open Meeting Law obligates the County Commission to conduct ALL it's business in Open Meetings properly agendaized and noticed. This would include, in the present situation, establishing how the process of the Commission making appointments to the vacant legislative seats will be conducted.

No such public meeting has been agendaized, noticed , or conducted to determine the course of action or process in said regards.

There have been very public announcements, including on the County Website, as to the alleged process to be exercised in making these appointments to said vacancies. They include a process for members of the Public to apply for said vacancies, deadlines for said applications, a vetting process to be conducted by County administrative staff of said applicants, discussion of nominations by individual Commissioners, as well as other parameters.

Since no Public Meeting has been conducted to discuss, move, and/or vote on any of the forgoing it leaves that either the Chair has unilaterally established these processes in violation and defiance of the charge of the State Constitution that the County Commission "shall appoint" or the County Commission has conducted an illegal secret or serial meeting to establish and agree upon said processes. It is also suspect that the processes have changed and/or evolved over a period of days again without the benefit of a Public Meeting process as is required under the Open Meeting Law.

It should be noted that in previous occasions where the County Commission has been called upon to make such vacancy appointments, it is believed that they did properly establish the processes to be used at a properly noticed and conducted Public Meeting.

- BCC 9-27-16 #16-18  
GARY SCHMIDT