

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

TUESDAY

10:00 A.M.

MARCH 14, 2017

PRESENT:

Bob Lucey, Chair
Marsha Berkgigler, Vice Chair
Kitty Jung, 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 10:02 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:

17-0175 **AGENDA ITEM 3** Public Comment.

Tammy Holt-Still expressed her frustrations regarding the processes the County took to resolve the flood issues in Lemmon and Antelope Valleys. She thought the County should spend money to solve the flooding issues and repair the affected roads. She believed county staff disrespected affected residents. She explained the flooding would not have happened if proper mitigation had been done when the area was being developed. She said the cost of mitigation should have been assessed to the developers and the monies should have been placed into a fund to complete mitigation that would have avoided this disaster. She asked the Board to vote yes to ratify the emergency status for Lemmon Valley. She provided a handout, which was placed on file with the Clerk.

Katie Green stated she received the answers she was seeking and thanked the Board for its time.

Kevin Brett spoke regarding his concerns with a new agreement with Waste Management. He stated he was a resident of St. James Village and in order to keep his property free from yard waste and fire danger he would need to purchase an additional 110 stickers, which would cost him \$281 per year. He wanted areas of the unincorporated County to be exempt from charges for excess trash bags. He stated prior to the change in service he was allowed to place six trash bags with his trash container on a weekly basis without additional fees. He was concerned the residents would not be as thorough with removing yard waste and the fire danger would increase. He wanted an

agreement that was fair to the residents in forest areas. He submitted a handout, which was placed on file with the Clerk.

Donna Peterson stated she was a homeowner in St. James Village. She was concerned about a Waste Management contract that would require tags on each additional trash bag placed with her trash container. She stated each resident was provided 25 bag stickers per year but she said that was not enough. She noted in May and November she was allowed six additional trash bags per week, but she thought in heavy forest areas it should be allowed throughout the months of May to November. She indicated the additional bags were filled with yard waste that was a fire hazard and could create more fuel for fires if not maintained. She stated the neighborhood took fire preparedness seriously and noted they had worked with the Truckee Meadow Fire Protection District (TMFPD) to create preparedness drills. She asked to Board to amend the sticker program in heavy forest areas. She provided a handout, which was placed on file with the Clerk.

William Puchert stated he resided on Everett Drive in Northwest Reno and was concerned about the installation of a large sign that was obstructing his view. He indicated a lawsuit was in process between the sign company and the City of Reno, although work continued on the sign after a stop order was issued. He was concerned the sign was not up to Code standards and could fall. He thanked the Board for its support. He submitted a handout, which was placed on file with the Clerk.

Patricia Puchert was concerned about a large sign which was installed without her knowledge. She stated her son approached the people who were installing the sign and the work stopped at that time, although the workers returned and finished the installation during the night. She was concerned about the sign depreciating the value of her property and obstructing her view.

Doug Melson was concerned about the changes to the Waste Management agreement. He stated Waste Management had done a good job the past 10 years and the area had made great progress to clear debris around the forest areas. He explained the previous disposal agreement allowed for additional bags of yard debris without additional fees, but the new agreement would require the residents to pay for excess bags. He said it would be a shame to undo the progress that had been made towards fire prevention with the new agreement. He asked the Board to readdress and reconsider the changes to the disposal agreement.

Elizabeth Knott was concerned about a large billboard in Northwest Reno that was installed without a permit. She wanted the sign removed.

Carol Mansfield stated a large sign was installed in Northwest Reno and it was just one of many signs that were erected within a week. She said the sign in Northwest Reno was close to homes and was offensive to the residents.

Peewee Henson spoke regarding signs on Peavine Mountain. He stated he was waiting for the meeting about the signage to ensure the signs were applicable. He said he spoke with Community Services Director Dave Solaro and was informed the County was still waiting for additional funding from the Poedunks Group. He wanted a progress update to be provided to the community.

Woldoymyr Ravenzoll thought payday loans should be illegal in a gambling town. He commented the County needed to protect the senior citizens against loan sharks that charged so much interest. He indicated for many seniors, it was a choice to pay a payday loan or eat for the month. He said he had received payday loans over the past few years and he thought it was comparable to being held hostage. He asked the Board to protect citizens from payday loans.

Carol Burns brought in an award that she received in November 2000 for obtaining a bond for the May Arboretum and the Botanical Garden. She hoped she was not too late to ask about budgets for Rancho San Rafael Park. She stated the park needed money to maintain the machinery and for materials and supplies. She encouraged people to come stroll through the gardens.

Vicky Maltman thanked Commissioner Jung for her effort to resolve a problem with ditches and with a road which was falling into a ditch. She was concerned regarding a lack of communication from staff when a complaint was submitted to the County. She thought staff should communicate with the person that submitted the complaint to confirm it was received and was going to be addressed.

Nikki Berry thanked Commissioner Herman for being attentive to the needs in Lemmon Valley and the solutions which were put in place.

17-0176 **AGENDA ITEM 4** Announcements/Reports.

County Manager John Slaughter stated some items would be taken out of order, Agenda Items 8 and 13 were going to be pulled from this meeting, and Agenda Items 14 and 15 would be heard as one item.

Commissioner Herman was concerned Waste Management (WM) continued to bill residents in Lemmon Valley who were not receiving service due to flooding and the inability to reach certain areas affected by the flooding. She encouraged WM to be fair to the customers and to remove charges for services not rendered. She commented the Rancho Haven community was not receiving disposal service yet. She thought many areas were as dissatisfied with the disposal services as she was.

Commissioner Hartung requested approval for two hours of staff time to discuss an issue on Nicole Drive in Sparks. He indicated the street was being used as a detour from heavy traffic areas and many people were speeding on the residential street. He said it was dangerous and he wanted to discuss possible solutions. Next, he asked if the County could assist low-income homeowners with flood insurance. He thought if the

homeowners had insurance to cover property damage, the County could save money during the mitigation and clean-up processes. He then asked for an update on an alarm fee issue pertaining to erroneous late charges assessed to County residents. He stated there had been more than 1,600 erroneous late fees assessed. Next, he said he was waiting for WM to bring options and solutions for the current issues to the Board. He was concerned about equestrian related disposal issues in Spanish Springs. Lastly, he suggested asking the Legislature to opt out of daylight savings time for the State of Nevada. He thought it resulted in a loss in productivity for many people because they were tired while their bodies were adjusting to the time change.

Commissioner Jung requested approval for two hours or more of staff time to discuss the ongoing issues with WM. She asked staff to tell the decision makers at WM what the County wanted related to services and add-on options. She requested staff to research the best practices in other areas with the same demographic as the County. She stated the residents who were responsible for cleaning up equestrian areas and forested areas should be rewarded, not charged additional fees. Next, she requested an update regarding when the meeting with the Poedunks was going to occur about the signage on Peavine Mountain. She then stated a payday loan in a gambling town was not a good idea. She wondered if there was a legislator interested in addressing the issue. She agreed some people really needed the payday loan services but there were people on fixed incomes that could become trapped without a way to pay the loans. Next, she addressed the budget regarding parks and indicated there would be a seven percent increase to the park budget. Lastly, she noted Vicky Maltman, who spoke during public comment, brought up a good point regarding notification of the status of an issue. She stated with the addition of the new call center, citizens should be informed their issues were being addressed and should receive an estimated time for completion. She thought this should be added to the policy and procedures. She said when staff did not respond to a complaint, it was an unfavorable reflection of the Board.

Commissioner Berkbigler was also concerned with the issues regarding WM. She indicated Incline Village trash was not being collected due to snow but the residents were being billed for service. Next, she addressed the billboard that was placed on County property. She requested Community Services Director Dave Solaro work to have the sign removed.

Commissioner Hartung noted disposal customers in Scottsdale, Arizona, could show their monthly receipt for service and drop off excess trash at no charge.

Chair Lucey stated the WM agreement was not executed yet. He was concerned about waste and fuel management issues. He said the Galena Forest area had to contend with fuel management to protect from fire and the Spanish Springs area had equestrian biological waste issues, which was a health hazard. He indicated staff had time to bring agreement changes back to the Board. Next, he commented on Ms. Maltman's concerns about communication. He noted follow through was simple customer service and should be a standard practice. He then asked staff to work with the Courts and the Justice System regarding the pretrial risk assessment. He said he spoke with Supreme

Court Justice James Hardesty recently regarding the pretrial risk assessment and noted Washoe County was one of the only Counties in Nevada currently working on this assessment. He said challenges existed with the program because the District Attorney's Office, the Sheriff's Office, Alternative Sentencing, and Human Services were making the roll out difficult. He asked staff to work with the Justice Department to do an audit and stated Judge Hascheff and Judge Pearson could assist in facilitating the audit. He mentioned discussions among Commissioners and said the public needed to be professional and respectful. He noted each Commissioner was an elected official, public figure and represented the County as a mediator.

County Manager John Slaughter responded to earlier discussion related to park funding. He stated a review of all departments budgets would be performed and cuts would be prioritized.

17-0177 **AGENDA ITEM 12** Notice and possible action to ratify a Declaration of a State of Emergency by the Washoe County Manager; and update of related emergency operations. Manager. (All Commission Districts.)

Truckee Meadows Fire Protection District Battalion Chief Sam Hicks provided an operations update, which highlighted the current flood damaged areas. He displayed a map of the flooded areas and stated he was monitoring Silver Lake, White Lake and the North Valleys in an attempt to mitigate flooding. He said the flooding was more complex than usual due to many variables affecting water flow, water content and evaporation. The Army Corps of Engineers performed a preliminary report, which mentioned various options for the short-term mitigation of the issue. He stated the main problem was the lack of technical and accurate data from Peavine Mountain. He indicated data from a different mountain was used to show enormous amounts of snow and water content. He said he was working with the technical experts at the Desert Research Institute (DRI) to obtain accurate data regarding the amount of water that would drain into Swan Lake and potentially Silver Lake from Peavine Mountain. He stated a Hesco Barrier System was recommended as the best barrier in addition to sandbagging to mitigate and minimize the impacts to the residents of Lemmon Valley. He referred to a map which depicted the strategic locations for the installation of barriers in order to lessen further impacts to the residents. He said there was no place for the water to go so the experts were relying on the water to evaporate. He said experts believed with the current weather the water could continue to rise some, but they did not believe it would be catastrophic. They thought the barrier system should protect from additional flooding. He noted the areas where barriers could not be placed due to topography or fencing issues would be sandbagged for protection. He explained once the barriers were in place, the water would be pumped into Swan Lake. He said there was a tremendous amount of work that went into the plan to move the water away from the affected areas. He stated this plan was a short-term fix and a long-term fix was in the planning phase.

Commissioner Berkbigler referred to the map shown and asked whether the blue water area on the map was the current level or the projection with snowmelt.

Battalion Chief Hicks explained the images were of the current water level and were taken on March 8th or 9th when the Regional Aviation Enforcement Unit (RAVEN), helicopter, flew over the area. He said the barriers were tied to elevation marks where the experts thought the water would reach.

Commissioner Berkbigler asked how high the barriers were. Battalion Chief Hicks stated they were four feet tall.

Commissioner Jung wondered about having the water trucked out instead of putting it back into Swan Lake. Battalion Chief Hicks explained it would take 54,000 trucks to move that amount of water.

Commissioner Jung wondered how residents would live with the conditions once the water dried up and if there was a plan for when the water was gone. She was concerned about the area being uninhabitable due to bugs and sewage. She asked if federal mitigation funds were available to help relocate residents. She thought the short-term resolution was a decent plan, but noted the area flooded often and was in need of a long-term mitigation plan. She wanted to have a discussion regarding state and federal resources that would allow relocation for residents whose homes were uninhabitable. She commended Battalion Chief Hicks for his endless communications and his dedication to the mitigation efforts. She thanked the first responders and staff for their diligence and commitment to the cleanup.

Commissioner Berkbigler was concerned that this was a dry lakebed and the water could be pumped away, but if the water table was full, the water would come back.

Battalion Chief Hicks stated he could not answer that because it was not his area of expertise. He knew the hydrologists were researching the variables, but there were many variables to be considered. He said they needed a lot of expertise and planning to create a long-term fix.

Commissioner Berkbigler said she appreciated the time and effort that was put into this situation.

Commissioner Hartung thanked staff for their hard work. He stated the Truckee River Flood Management Authority (TRFMA) had discussed a long-term solution although no matter what measures were instituted, it would not endure every event. He thanked the families that donated sand and materials to assist with the mitigation process.

Chair Lucey thanked Battalion Chief Hicks for his work over the past seven days with an extremely challenging situation. He stated Battalion Chief Hicks remained calm and focused on the ultimate goal and his number one priority had been the safety of residents. He said meeting with the residents was difficult and he and Battalion Chief Hicks tried to answer as many questions as they could. He said this was not an

anticipated event and he knew the residents were upset about the time it took for a solution, but once a plan was approved, the crews were in place and progress was being made quickly. He stated regarding Commissioner Jung's question about federal funds, the Federal Emergency Management Agency (FEMA) had a program called Blue Acres, which was established after the floods in Louisiana. FEMA used money to purchase property by eminent domain so the residents could relocate. He hoped with receipt of the executed state of emergency documents from the White House and with the continued work with FEMA, flood resolutions would occur soon. He thanked Assistant County Manager Kevin Schiller and Health and Human Services Department staff for their efforts to relocate residents to semi-permanent or permanent housing. He stated he believed in the plan and thought it would be successful.

County Manager John Slaughter stated currently there were 47 residences that were threatened, 16 were damaged and one commercial property was damaged. He said currently 42 individuals were being housed due to the flooding impacts. He indicated approximately 450 individuals were working in the field and the work force would increase as the barriers were placed. He noted the estimated incident cost-to-date was \$3,008,927 and the costs continued to increase as the plan was implemented. He stated there would be a future meeting regarding emergency flooding to discuss funding for the event.

Chair Lucey stated the Hesco Barriers estimated cost was \$2 to \$2.5 million.

Battalion Chief Hicks indicated with the material costs and sand it was closer to \$2 to \$3 million.

Chair Lucey asked Battalion Chief Hicks if he knew what contractor received the contract for the sand. Battalion Chief Hicks replied Road and Highway Building was awarded the contract and started hauling materials immediately.

Commissioner Herman commented that the flooding was not just isolated to Lemmon Valley; it could happen in any District.

Commissioner Jung thought once the emergent issue in Lemmon Valley was cleared, other potential flood plains needed to be identified and addressed. She wanted staff to meet with FEMA and include the identified areas that were not sustainable.

Chair Lucey stated the water in Washoe Lake was to the edge on both sides, there were residents on the west, and north sides of the valley that could be affected if the water continued to rise. He said the water that flowed from Mount Rose and Slide Mountain could be significant when the weather was warmer. He indicated the declaration of emergency covered the entire County, not only currently affected areas.

Mr. Slaughter stated the declaration provided certain authorizations to the manager and some of those had been exercised. He said in normal situations those types of decisions would be brought to the Board for discussion and ratification.

Commissioner Hartung said he requested an agenda item at the next Western Regional Water Commission (WRWC) meeting to create a map of the storm water run-off of the entire region. He stated it would address all of the agricultural ditches and regional lakes. He thought the WRWC was equipped to generate the maps and the data that were needed for the entire region.

There was no public comment on this item.

On motion by Commissioner Herman, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12 be ratified.

CONSENT AGENDA ITEMS – 5A THROUGH 5E2

- 17-0178** **5A** Approve retroactive and continued purchases for needed supplies, materials, equipment and contractual services from various suppliers that have or [will exceed in the aggregate \$100,000] during this fiscal year, but will remain within available adopted budget funding. All such purchases will continue to be subject to and in accordance with the provisions of the Local Government Purchasing Act. Comptroller. (All Commission Districts.)
- 17-0179** **5B** Approve to acknowledge a DUI Specialty Court grant award from the Judicial Council of the State of Nevada (JCSN) and the Administrative Office of the Courts (AOC), to establish a DUI Court, [\$25,000.00/ no match required], retroactive from January 18, 2017 through June 30, 2017; and direct the Comptroller to make the appropriate budget adjustments. Reno Justice Court. (All Commission Districts.)
- 17-0180** **5C** Recommendation to approve funding [\$13,000.00, no match required] from the USDA Forest Service Humboldt-Toiyabe National Forest for reimbursement of overtime costs incurred while involved in the Cooperative Law Enforcement Agreement #16-LE-11041701-008 for the retroactive period of 10/01/2016 – 09/30/2017; and if approved, authorize Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 17-0181** **5D** Approve amendments totaling an increase of [\$4,000] in both revenue and expense to the FY17 Arctica Ice Donation budget, IO# 20424 and direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)

17-0182 5E Recommendation to approve reclassification requests for a vacant Carpenter Supervisor, pay grade L, to Carpenter, pay grade J (Community Services), and a vacant Office Support Specialist, pay grade H, to Office Assistant II, pay grade E (Regional Animal Services), as reported to the Job Evaluation Committee. Net annual savings is [estimated at \$18,070]. Human Resources. (All Commission Districts.)

17-0183 5F1 Approve the use of General Fund Contingency required to cover unanticipated expenses for Fiscal Year 2016-2017; and direct the Comptroller's Office to make the appropriate budget appropriation transfers (net impact to County Budget is zero). (All Commission Districts.)

17-0184 5F2 Approve interfund appropriation transfers to track certain grant and capital funds; and, direct the Comptroller's Office to make the appropriate appropriation transfers (net impact to County Budget is zero). (All Commission Districts.)

Cathy Brandhorst spoke about matters of concern to herself regarding Agenda Item 5F1.

11:28 a.m. **Commissioner Jung left the meeting after the motion but before the vote.**

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Jung absent, it was ordered that Consent Agenda Items 5A through 5F2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5F2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 7, 9, AND 10

17-0185 AGENDA ITEM 7 Recommendation to approve setting fees (estimated to generate at least an [additional \$215,000] in General Fund revenue in Fiscal Year 2018), effective May 1, 2017, to be charged and collected for services provided by the Washoe County Regional Medical Examiner's Office, including but not limited to extra-jurisdictional government agencies, businesses, and citizens. Medical Examiner. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 7 be approved.

17-0186 **AGENDA ITEM 9** Ratify the reimbursements requested from the Washoe County, Nevada OPEB Trust for the fiscal years 2015 and 2016 [totaling \$21,249,089] for retiree health insurance costs to the Washoe County Health Benefits Fund. Comptroller. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 9 be ratified.

17-0187 **AGENDA ITEM 10** Discussion and possible direction to the County Manager to utilize two or more hours of staff time to initiate a review of Washoe County Code Chapter Five for a possible modification to the requirements for Citizen Advisory Board membership. Request by Commissioner Herman. (Commission District 5)

On the call for public comment, Vicky Maltman was concerned that a Sun Valley Community Advisory Board (CAB) member was a Trustee for the Sun Valley General Improvement District (SVGID). She noted two CAB members ran for the Trustee position for SVGID and one was elected and was still serving on the CAB. She thought the CAB was for citizens and not Trustees because it could be construed as a conflict of interest. She was afraid projects could get pushed through with pressure from a Trustee.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 10 be approved.

11:35 a.m. **Commissioner Jung returned to the meeting.**

17-0188 **AGENDA ITEM 6** Appearance: Jay Aldean, Executive Director, Truckee River Flood Management Authority, and Greg Ferraro, President, The Ferraro Group. Presentation and update on the of the project and discussion regarding BDR 473 in which TRFMA is pursuing forming a committee to recommend a funding mechanism for a 2018 ballot question.

Truckee River Flood Management Authority (TRFMA) Executive Director Jay Aldean conducted a PowerPoint presentation regarding the history of flooding within the area. The presentation included slides entitled: Downtown Reno Flooding History; Downtown Reno Flooding 1955; UNR Farms Flooding 1986; Industrial Sparks Flooding 1997; Hidden Valley Flooding 2005; Industrial Sparks Flooding 2017; Revised 2-D Model of Existing Flood Plain; Flood Management History/Operations; Infrastructure/funding; Capital Projects Completed; TRFMA: The community's early warning system; Truckee Meadows Simulation Flood Map January

2017; The TRFMA Project; The Truckee River Project; Financial Responsibility; Proposed Legislation; and Your support is critical. He explained the 2017 flood event was considered minor compared to many other years with major flooding. He stated in 1862 the most significant storm was reported which included two 100-year storms within two weeks of each other. He said to consider the magnitude of those storms, most of the North Valleys would be underwater. He said the two largest years of record, 1982 and 1983, were not significant enough to flood the Truckee River although there was enough water to flood the outlying areas including Lemmon Valley. He reviewed the slides that explained the creation of the TRFMA and where it's funding was derived from. He reviewed the Capital Projects Completed slide and highlighted the new Virginia Street Bridge as one of the largest, most impactful projects to protect downtown Reno from floodwaters. He stated one of the projects TRFMA had committed to was the development of an accurate model of the hydraulics of the region. He referred to the Revised 2-D Model of Existing Flood Plain slide showing the increase of water in the different areas. He explained the model of the hydraulics would correctly predict water travel shown on the Truckee Meadows Simulation Flood Map 2017 slide. He spoke regarding a 100-year plan and stated funding was needed for the project. He indicated the TRFMA needed a tax that could assist with the federal contributions to complete the project. He stated Assemblyman Mike Sprinkle committed to sponsor a bill for proposed legislation. He asked for support and asked if the Board of County Commissioners would sign a resolution of support to take to the State along with the proposed legislation for a Bill Draft Request.

Commissioner Berkbigler was concerned the TRFMA was focused only on the Truckee River and not the ditches and tributaries that suffered damage due to flood events. She thought it was important to expand their focus to include the various waterways throughout the area. She noted Verdi residents had water under their homes. She stated the entire region had been affected by the flood events and she wanted to know if the flood design would be changed or if there was only funding for the design that currently existed.

Mr. Aldean stated Assemblyman Sprinkle was concerned about every area and was working with staff and the community to try to include additional provisions in the legislation that would allow the TRFMA to expand their focus. He assured the Board its concerns were not being ignored, but funds were needed to expand the focus area.

Commissioner Berkbigler stated it was her understanding last year when there were discussions to put a Bill Draft Request on the ballot for a special tax, it would only be directed to the people who were directly impacted by the Truckee River and would not include people in areas that were not impacted.

Mr. Aldean stated at this time the tax was to be directed towards a direct benefit and then towards the rest of the County, but currently the benefits were limited to the Washoe Valley. He said they were going to include Incline Village only because that area drained to the Truckee River, but would not include Gerlach and areas away from the river. He said if a tax was passed, he did not know how it would be differentiated but

he thought Greg Ferraro, had he been able to stay, could have better answered that question.

Commissioner Berkbigler stated Incline Village water drained into the lake but was nowhere near the Truckee River and the residents were going to have a fee imposed on them eventually to keep Lake Tahoe clear of particulates. She indicated residents of Incline Village and Crystal Bay would be double taxed on water issues. She thought that was unreasonable and unfair.

Mr. Aldean said he was thankful he did not have to make that decision. He stated the committee would deliberate about those issues and make a recommendation to be put before the voters. He indicated he would answer as many questions regarding the issues as he was able.

Commissioner Hartung stated if another tax did pass, the residents in Spanish Springs would also be double taxed. He said residents were already paying \$9.31 per month for storm water utilities in the Spanish Springs Valley. He indicated the water flowed through Sparks via an ore ditch and its terminus would ultimately be where Sparks was finishing the North Truckee Drain Project. He suggested a regional approach to the water issues to include not only the Truckee River but also the many lakes, ditches and tributaries around the region. He thought Incline Village had different concerns but the issues were still with water quality. He spoke regarding the water level at Lake Tahoe and stated it was anticipated to be above full by the end of the season. He thought the regional approach was the better solution and more controllable because so many waterways ultimately flowed into the Truckee River.

Chair Lucey stated Truckee River Flood Management was an important project, however this Commission had made an effort to review all storm water run-off issues and how flooding affected the entire region. He thought it was imperative, if a committee was created by the Legislature, that storm water be considered region wide. He stated the County had been collecting funds for 20 years to assist with flooding and there had been some successes but they were nowhere near completion in those efforts. He wanted the County to make some progress towards a solution considering the devastation that had occurred in the past winter season. He stated until the TRMFA projects were in place or other solutions were determined for the remainder of the County this Commission could not put support towards the legislative action Mr. Aldean was asking for.

Commissioner Hartung asked Mr. Aldean about a program for raising houses in the Hidden Valley flood area and wondered if that was possible in Lemmon Valley.

Mr. Aldean replied that was a possibility. He stated TRFMA worked with Senator Heller's Office to resolve issues due to flooding. He said they granted the money to homeowners to raise the homes but the Internal Revenue Service considered the money granted as taxable income.

Commissioner Hartung said he recognized it would be a taxable event, but asked whether it was possible to move funds to other areas for potentially raising homes.

Mr. Aldean stated the funds were mobile within the realm of the 377B Plan, which was previously approved by this Board and later adopted by the TRFMA.

Commissioner Hartung asked about the process for a resident to have their home raised.

Mr. Aldean replied he would deliver the request directly to the TRFMA Board and it would occur quickly.

There was no public comment on this item.

12:10 p.m. The Board recessed.

12:15 p.m. The Board reconvened with all members present.

17-0189 **AGENDA ITEM 11** Receive presentation on a regional dispatch consolidation study; and provide direction to staff. Manager. (All commission Districts.)

Kevin Kerns of IXP Corporation conducted a PowerPoint presentation regarding the possibility of combining the 911 services into one shared service within the County. He presented slides entitled: Discussion Topics; Existing Communications Center Organizations – Washoe County; Existing Communications Center Organizations – City of Reno; Existing Communications Center Organizations – Shared Resources; Successful Communications Center Governance Strategies; Local Examples of Governance; No Major Barriers to Consolidation; Consolidated Staffing Model; Financial Model Scenarios; Wrap-up; Questions and Discussion. He reviewed each of the slides in the presentation. He explained the City of Reno and Washoe County were operating in the same location with common technology systems but were operating as separate operational entities, which would make consolidation between the two agencies easier. He talked about the importance of working collaboratively with a shared service and multiple entities. He noted it was imperative that all entities understood the cost allocations and the division of fees when working with shared services. He stated there would be some changes made to the operation to ensure consistency. He thought the County was at an advantage because of the regional relationships it already formed with other agencies. He explained the Financial Model Scenarios slide and noted there could be a substantial cost reduction with two of the three proposed models.

Commissioner Jung stated her only concern was in the hybrid approach, employees working together could have disparate pay for the same work in the same building.

Mr. Kern stated for the hybrid approach, employees would not be required to take a cut in pay but would stay at their current rate of pay until they caught up to the County ladder, then they would continue to climb the ladder from that point.

Commissioner Jung was concerned that two people doing the same job could be paid much differently.

Mr. Kern replied unless all employees were adjusted to the same pay scale that would be that scenario.

Commissioner Jung stated she was concerned about having employees with different compensation packages. She said notably, employees in dispatch positions took more sick time than normal due to excessive stress levels. She stated it would be fair to bring the employees up to the same level and then move forward from there. She thought it would be easier to attract and retain good employees who would love their jobs. She said the compensation was great, the potential for overtime was high, and she thought it would be wrong to reduce the pay or to have disparate pay for the same job.

Mr. Kern stated he often reviewed new consolidation orders created to bring all employees to one pay scale. He asked the Board not to be concerned about what was in these specific papers but to review the organizational structure, the responsibilities and determine the compensation accordingly. He stated the compensation could be slightly higher or lower than what the County was currently paying. He noted his mission was to give the Board an overview with three proposed approaches.

Commissioner Hartung thought there was a real issue with the disparity between dispatch and forensic services. He stated that issue needed to be addressed. He said if there was going to be a consolidated service; it needed to be a stand-alone agency that none of the current entities had control over, such as the Truckee Meadow Water Authority (TMWA) or the Reno Sparks Convention and Visitors Authority.

Chair Lucey stated he agreed with Commissioner Hartung, but he thought there should be parity. He said if there was a consolidated forensic crime lab, a consolidated dispatch or both, then everyone would be required to pay for their portion of the costs and there should be no trade for services.

Mr. Kern stated that was not included in the scope of work he was asked to perform.

Chair Lucey stated it was something that needed to be discussed by this Board before making a decision to move forward with the consolidation. He thought that had been the continuous message of this Board for some time. Nothing had ever changed and he was not sure why that was not conveyed in the study or in the scope of work. This was something that needed to be taken up with staff.

Chair Lucey asked Legal Counsel Paul Lipparelli if a motion was needed to accept the report.

Mr. Lipparelli stated the Chair could take a motion to accept the report or provide direction to staff.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be accepted.

Commissioner Hartung asked if the Board wanted to provide direction to staff to come back with some of the issues that were discussed.

Commissioner Berkbigler thought that should happen otherwise the study was completed just to have another study. She agreed with Chair Lucey's concern regarding a mutual agreement but the issue was what was best for the County overall. She asked staff to bring back information to the Board regarding the pros and cons for a consolidation as far as the County was concerned.

Chair Lucey agreed with Commissioner Berkbigler and stated the city boundaries did not define a citizen of Washoe County. He noted that everyone that lived within the 6,600 square miles of the County was a resident of Washoe County. He encouraged the consolidation to be decided upon by geographical area. He directed staff to research alternative options to move forward.

Commissioner Hartung stated the closest agency that could respond, should respond but the local agency should be notified as well.

Chair Lucey agreed and stated they had challenges in south Washoe Valley with that issue and it needed to be resolved.

Commissioner Berkbigler stated that in addition to asking staff to look at the models, she thought the regional partners should be included in the discussions. She wanted the motion to include direction to staff to look at the study and determine direction, and to meet with the City of Reno to create an agreement.

Commissioner Herman thought the discussed meeting should include the Sheriff's Office and the fire services entities to obtain input that would be important.

Chair Lucey noted there was no need at this time to amend the motion.

There was no public comment on this item.

PUBLIC HEARING

17-0190 **AGENDA ITEM 16** Public Hearing, discussion, and possible action on Appeal Case Number AX16-007 (Brian and Terry Nelson), an appeal of the Board of Adjustment's approval of Variance Case VA16-006 (Jeffery Eget) for the property at 45 E. Tuscarora Road, Crystal Bay, NV (APN 123-136-02) to: 1) reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck; 2) reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; 3) reduce the front yard setback along Teresa Court from 20 feet to 10 feet, reduce the front yard setback along Tuscarora Road from 20 feet to 8 feet and reduce the side yard setback from 8 feet to 7 feet for a detached accessory structure to be used as a garage; 4) permit a second story above the garage; 5) allow additional plumbing fixtures in the accessory structure. The possible actions to be taken are to affirm, reverse, or modify the decision of the Board of Adjustment. Manager. (Commission District 4)

The Chair opened the public hearing by calling on anyone wishing to speak for or against this Agenda Item.

Community Services Department Planner Eva Krause stated the variance applicant, Jeffery Eget, was present to speak regarding his case and to answer any questions. She explained Mr. Eget applied for a variance because he had an unusual shaped parcel that was narrow and steep with front yard setbacks on three sides. He had many issues trying to develop his property. She stated there was an existing cabin on the property that Mr. Eget wanted to maintain; therefore, he proposed to build a new garage with a second level on the upper portion of the lot. She indicated instead of tearing down the house and starting over, Mr. Eget wanted to make modifications and improvements to the property so he could better use the residence year-round. She indicated the variance request included setbacks, a garage, an upper story above the garage, additional plumbing and fixtures, a first floor addition on an existing residence and expansion of the second floor to be in-line with first floor addition. She said this went to the Board of Adjustment in October of 2016 and it was noted the bathroom on the side yard setback was incorrectly stated. At that time, the Board of Adjustment approved the garage, additional plumbing and fixtures, and the second story above the garage. She indicated staff prepared a new staff report correcting the side yard setback errors and in February of 2017, the Board of Adjustment reviewed and approved the side yard setback and additions to the existing residence. She noted the Board of Adjustment approved everything Mr. Eget requested. She indicated Brian and Terry Nelson appealed the decision stating that the guest room above the garage was a secondary residence. Ms. Krause explained that under Code, the structure did not qualify as a secondary residence because it did not have a kitchen, just a full bath. She continued that the Nelson's appeal included discrepancies with the slope on the lot, the driveway setback, and the removal of

healthy trees. She stated each of the Appellant's complaints were explained in the staff report.

James Borelli introduced himself as the architect and representative for the applicant, Mr. Eget.

Chair Lucey wanted confirmation that all requests had been granted by the Board of Adjustment. He was under the impression the Appellant was not in attendance.

Mr. Borelli stated the Appellants were not present nor had they attended any of the hearings.

Commissioner Berkgigler stated she had done research on the Board of Adjustment's approval and had received many comments from the Tahoe Regional Planning Agency (TRPA). She said the Appellants were unable to attend due to a scheduling conflict; however, they provided documents, including an email, which were placed on file with the Clerk. She stated she had issues with the maximum square footage of the new dwelling, which could not exceed 576 square feet pursuant to Tahoe Modifiers that applied to Incline Village and Crystal Bay. She indicated the original structure had to be the larger structure. She noted the supplied reports indicated the upper floor of the original structure was 456 square feet, the lower floor was 673 square feet and the basement was 507 square feet but the records indicate that property was only 774 square feet total.

Mr. Borelli stated those figures reflected the approved modifications for the existing residence.

Commissioner Berkgigler asked if the figures indicated what the original residence would be when it was completed.

Mr. Borelli stated that was correct.

Commissioner Berkgigler was concerned about the Tahoe Modifiers and the impact they had on building in the area. She thought the height of the property and the second story would exceed the TRPA height restrictions and possibly impede neighboring views of the lake.

Mr. Borelli stated the project would conform with the TRPA height restrictions.

Commissioner Berkgigler asked if the TRPA had approved the height of the proposed structure.

Mr. Borelli indicated he had not submitted anything to the TRPA for approval because he did not have an approved variance as of yet. He stated the project was designed to conform to all the TRPA regulations regarding coverage and height.

Commissioner Berkbigler wanted a guarantee that the old residence would be completed before the accessory dwelling was built. She stated she did not have a problem with building them together, but she did not want the new dwelling to be built and the original residence not to be completed. She indicated that would be a direct violation of County Ordinances and a violation of the TRPA Ordinances. She was also concerned that the accessory dwelling could easily be transformed into a living area by adding a refrigerator and microwave, which would change the structure to a secondary residence on the property. That would then be in violation of the TRPA Ordinances. She said if the Board was to approve the issue, she wanted it documented by the owners that the dwelling would never be in violation of the Ordinance. She did not want it to be perceived that the Board was providing special treatment to the owner.

Commissioner Hartung stated his concern was assuring compliance in perpetuity.

Commissioner Berkbigler stated there needed to be assurances that a kitchen of any kind would not be installed in the new structure.

Commissioner Hartung thought it was not possible to make assurances in perpetuity. He noted the County had no way to know what he had done in his home since the last permit he pulled a number of years ago.

Commissioner Berkbigler thought the issues needed to be fixed before any approval could occur.

Director of Community Services Dave Solaro stated this was problematic throughout the County, not just in this instance, which was the reason for Code compliance. He said there were many eyes throughout the County ensuring neighbors were not getting away with something. He admitted there was no guarantee that a property would never be utilized in a way that was against Code. However, there was a process in place that citizens could avail themselves of to ensure the County was following up with Code compliance. The process would be for the owner to provide a letter stating a kitchen would not be added to the structure, but after the property was sold to another owner compliance could not be guaranteed.

Ms. Krause stated this was a common occurrence in the County and was the reason the Code required a deed restriction which was placed on any accessory building. She explained it did not matter if it was a pool house, a tack room with a bath area, or a shop with a complete bathroom and wash station; if a structure was attached to plumbing and sewer a deed restricting the property was required. The deed restriction would state that unless the accessory dwelling was brought up to Code there could be no changes to the structure. She stated the deed restriction was attached to the property title and would continue to be in force upon the change of ownership. She noted a condition for approval of this variance was the requirement to place a deed restriction on the property.

Commissioner Hartung was still concerned that the County could not ensure compliance unless the building of the accessory dwelling was not approved. He stated he had seen many instances where dwellings were converted to accommodate the residents but were out of compliance with the Code.

Legal Counsel Paul Lipparelli stated there were three options, to uphold the decision of Board of Adjustment and find there were no errors; to reverse the decision, claiming there were errors that the Board of Adjustment made in making its findings; or the third option was to modify the decision made by the Board of Adjustment. He suggested if the Board opted for the third option, he would encourage a discussion with the Appellant and the Applicant to ensure the modifications were agreeable.

Chair Lucey stated he was notified the Appellants were present as well as their attorney.

Mr. Borelli stated living spaces above garages were routinely approved and this was not a unique situation in the County. He explained his client was not interested in having a kitchen in the dwelling and a deed restriction was already discussed with staff. He thought there were adequate mechanisms in place to address the Board's concerns. He explained there were many inaccurate statements made about the property by the Appellants. He indicated the Appellants were claiming the Applicant was being granted special privileges, although the Appellants had been granted the same variances. He spoke regarding the reference of the accessory dwelling as being a second residence, which was not the intent for the addition. He mentioned it was indicated that the driveway was only 10 feet deep when it was actually 16 feet deep. He stated during the design phase he met with a representative of the Washoe County Roads Department to review the setback variances to ensure the requested changes were acceptable. He was concerned the accessory dwelling was being referred to as a four-story house, when in fact it was a two-story accessory dwelling with a basement and an attic. He stated that was much different from a four-story house.

Rick Elmore introduced himself as the attorney for Brian and Terry Nelson, the Appellants. He stated Mr. and Mrs. Nelson had lived in their home for a number of years and were just a couple of lots away from the subject property. He indicated at the time their house was constructed there were different circumstances than the one currently presented. He said the circumstances and the Codes were different and that Mr. Borelli was certainly familiar with those circumstances because he was involved with the design of the Nelson's residence. He indicated there was not an existing house on the property when the Nelsons purchased the parcel. He thought there was more square footage going in to the new structure than existed in the current structure, which was a violation of Code. He stated the property owner was required to obtain an administrative permit when they filed for the variances. He claimed these variances would impact the neighbor's views and the new structure would create a safety hazard for

drivers going around the corner from Teresa Court onto Tuscarora Road due to the proximity of the structure to the street.

Commissioner Berkbigler thought neighbors did not get to tell property owners what they could do on their property as long as they complied with the rules. She stated she was concerned that these variances did not comply with the rules because of the square footage of the existing home. She wondered if the Board should deny the Board of Adjustment's approval and ask the owner and developer to reapply for the permit with the administrative permit and start the process again. She was concerned at the thought of having two living structures on one piece of property.

Property Owner Jeff Eget stated his intentions were for safety reasons because East Tuscarora Road was very steep and slippery during the winter months. He indicated a garage with access from Teresa Court was essential and the reason for the additional structure. He stated he was not trying to break any rules or be granted any special privileges; he was only trying to honor the historic 1936 cabin and create a safe entry and exit from his property. He said economically, he could build a new larger home for less money than what he was spending to preserve the cabin and gain safe access.

Commissioner Berkbigler thought that was a valid point and she understood his concern. She hoped Mr. Eget understood her concern that this could create a possible Code violation with two houses on the same property in Lake Tahoe. She asked Mr. Solaro if the Board approved the variances, would it go to the TRPA for review.

Mr. Solaro replied yes, it would along with the entire building permit process. He stated before the applicant could obtain any permits, a list of steps had to be completed first and the variance approval was one of the steps. It would still be required to go through the TRPA and the Washoe County Building and Safety Department.

Commissioner Berkbigler asked whether the TRPA would require a public hearing. Mr. Solaro replied he did not believe it would.

Commissioner Hartung stated he had no issue with a garage being built, as long as it did not contain a living space. He was concerned if the accessory dwelling was approved there would be no way to guarantee compliance. He did not argue the safety of the current situation where the garage access was, but he was against the building of an accessory dwelling.

Chair Lucey stated testimony from both sides of the party had been heard and he asked Commissioner Berkbigler to make a motion.

County Clerk Nancy Parent stated that earlier in the meeting there were statements about documents placed on file with her office and she indicated the only document she received was an email from Jana Murphy and a few attachments of

Washoe County Code. Commissioner Berkbigler stated she would provide the Clerk with the rest of the documents.

Commissioner Berkbigler stated in light of the concerns that she and Commissioner Hartung had, she thought the motion should be to reverse the Board of Adjustment's approval of variances and for the plan to be sent back for changes to be made. She wanted staff to work with Mr. Borelli and the owners to see if they could find some solutions for the issues.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, it was ordered that the Board reverse the approval of the Board of Adjustment variance case number VA16-006 (Jeffery Eget) for the property at 45 East Tuscarora Road in Crystal Bay.

Mr. Lipparelli stated the Board's role was to decide to affirm, reverse or to modify the decision of the Board of Adjustment for the appealed variances. He indicated if the Board believed the Appellants had proved their case and the decision of the Board of Adjustment should be reversed; then he would urge the Board to review the criteria for granting of variances, and indicate for the record the ways in which the findings had not been met so that the parties understood what was wrong with the Board of Adjustment's decision and how to address it differently if it came back.

Commissioner Berkbigler thought the findings were not met from the perspective of special privileges; she thought special privileges were being granted because this would be two housing-type structures on the same lot. She suggested just building a garage with no bedrooms or laundry facilities so that Code would not be violated. She stated the appearance that there could be two houses on the property could indicate special privileges were granted for this property.

Commissioner Hartung thought there was detriment under finding number 2, which could be found on page 6 of the staff report, as he believed it would impair and affect the intent of the Development Code. He also believed the variance would potentially authorize use and activity that was not permitted by Code. He stated he could not make findings for finding numbers 2, 3 and 4.

Mr. Lipparelli asked if that was an amendment to Commissioner Berkbigler's motion.

Commissioner Berkbigler replied yes.

Commissioner Hartung agreed to second the amended motion.

Chair Lucey stated he had a motion from Commissioner Berkbigler, seconded by Commissioner Hartung with the amended language to include not being able to make findings for finding numbers 2, 3 and 4 for the approval of the variance.

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

Ms. Krause asked for clarification regarding the overruling. She wanted to confirm if all aspects were being overruled or just the garage, the second floor of the garage and the plumbing.

Mr. Lipparelli stated the application that was initially submitted had two different components: one was the setbacks, which were a common thing in the Tahoe areas because of the topography and log configuration; and the other component was related to the plumbing in the accessory dwelling. He stated the Code limited fixtures to one in accessory structures and there was a variance sought for having more than that. He said the Board could reverse all the decisions or part of the decisions depending on how the findings were made. He noted he provided the Clerk the documents Commissioner Berkgigler referred to earlier, which was a 13 page double-sided packet of information containing Code sections and color photographs.

Commissioner Hartung stated he had no issues with the setbacks. He had an issue with the fact that the structure could be turned into an accessory living space and there was no possible way to deal with that in perpetuity.

Commissioner Berkgigler said she agreed with Commissioner Hartung that there were no issues with the setbacks and the only issue was the plan for the accessory dwelling as proposed.

Commissioner Hartung stated he agreed.

Commissioner Berkgigler clarified her motion stating she had no issues with the setbacks, only with the new structure due to the possibility of there being two living structures on one parcel.

Mr. Lipparelli said to ensure clarification, the Board's decision, if there was a majority vote, would be to sustain the Board of Adjustment's granting of a variance to reduce the front yard setback from along Wassou Road 20 feet to 7 feet; to reduce side yard setback from 8 feet to 5 feet, to expand the 2nd floor to be in line with the existing proposed first floor addition, to reduce setback on Teresa Court from 20 feet to 10 feet; the front yard setback along Tuscarora from 20 feet to 8 feet and the side yard setback from 8 feet to 7 feet. He indicated the dimensions were taken from the summary section of the staff report, which was part of the Board packet.

Commissioner Berkgigler confirmed Mr. Lipparelli's clarification.

Ms. Krause wanted to clarify the items being objected to were the 2nd-story above the garage and the additional plumbing fixings in an accessory structure, otherwise the setbacks were all related to the building placements and the 2nd floor

addition was for the main house going over into the side yard setback over the bathroom, and those were approved.

Chair Lucey stated that was correct.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, on a vote of 4 to 1 with Commissioner Herman voting “no”, which motion duly carried, it was ordered that the Board affirm the approval of variance items 1 through 3 and reverse the variance items 4 and 5 of the Board of Adjustment’s variance case number VA16-006 (Jeffery Eget) for the property located at 45 East Tuscarora Road in Crystal Bay.

17-0191 **AGENDA ITEM 14** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County Manager. (All Commission Districts.)

John Slaughter stated Agenda Items 14 and 15 would be opened at the same time as the items were both related to legislative issues. He said he did not have any information related to legislative issues from Truckee Meadows Fire Protection District Chief Charles Moore. He asked whether any of the Commissioners had any particular issues that needed to be discussed.

Chair Lucey stated there were no items that needed to be discussed.

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

17-0192 **AGENDA ITEM 15** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Truckee Meadows Fire Protection District or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board of Fire Commissioners to be of critical significance to Truckee Meadows Fire Protection District. Truckee Meadows Fire Protection District. (All Commission Districts.)

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

17-0193 **AGENDA ITEM 17** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

17-0194 **AGENDA ITEM 18** Announcements/Reports.

Commissioner Herman stated she had heard that Reno was benefitting from marijuana by way of a privilege tax and wondered if the County could impose a similar tax. She questioned about the arboretum budget and thought they had received a \$5 million donation. She stated she had a small amount of money left in her discretionary funds and wanted to send it to the Vya Conservation District. She thanked the Army National Guard for their diligent work in Lemmon Valley filling sandbags and assisting homeowners with the sandbagging process. She said some Veteran groups were also volunteering their time. She thanked Governor Sandoval, Homeland Security Advisor Caleb Cage and all the people that donated their time and effort.

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

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

COMMUNICATIONS:

17-0195 Letter from the Chairman of the Washoe County Commission, Bob Lucey, dated January 11, 2017 regarding "Authorization to Accept Process Service of Summons and/or Complaint". The letter provides authorization to the Washoe County Manager, John Slaughter, and any member of the Office of the County Manager Mr. Slaughter designates to accept process service of any summons/or complaint on behalf of Washoe County, as well as on behalf of Mr. Lucey as Chairman of the Washoe County Commission.

17-0196 Letter from Washoe County Commissioner Jeanne Herman, dated January 14, 2017 regarding "Authorization to Accept Process Service of Summons and/or Complaint". The letter provides authorization to the Washoe County Manager, John Slaughter, and any member of the Office of the County Manager Mr. Slaughter designates to accept process service on behalf Commissioner Herman.

17-0197 Letter from Washoe County Commissioner Vaughn Hartung, dated January 11, 2017 regarding "Authorization to Accept Process Service of Summons and/or Complaint". The letter provides authorization to the Washoe County Manager, John Slaughter, and any member of the Office of the County Manager Mr. Slaughter designates to accept process service on behalf Commissioner Hartung.

- 17-0198 Letter from Washoe County Commissioner Kitty Jung, dated January 11, 2017 regarding "Authorization to Accept Process Service of Summons and/or Complaint". The letter provides authorization to the Washoe County Manager, John Slaughter, and any member of the Office of the County Manager Mr. Slaughter designates to accept process service on behalf Commissioner Jung.
- 17-0199 Letter from Washoe County Commissioner Marsha Berkbigler, dated January 11, 2017 regarding "Authorization to Accept Process Service of Summons and/or Complaint". The letter provides authorization to the Washoe County Manager, John Slaughter, and any member of the Office of the County Manager Mr. Slaughter designates to accept process service on behalf Commissioner Berkbigler.
- 17-0200 Letter from Washoe County District Attorney Christopher Hicks to Washoe County Clerk Nancy Parent, dated January 31, 2017, regarding claims made against Truckee Meadows Fire Protection District for tortious conduct for the calendar year 2016.
- 17-0201 Letter from Washoe County District Attorney Christopher Hicks to Washoe County Clerk Nancy Parent, dated January 31, 2017, regarding claims made against Sierra Fire Protection District for tortious conduct for the calendar year 2016.
- 17-0202 Letter from Washoe County District Attorney Christopher Hicks to Washoe County Clerk Nancy Parent, dated January 31, 2017, regarding claims made against Washoe County Fire Suppression District for tortious conduct for the calendar year 2016.
- 17-0203 Letter from Washoe County District Attorney Christopher Hicks to Washoe County Clerk Nancy Parent, dated January 31, 2017, regarding claims made against Nevada Tahoe Conservation District for tortious conduct for the calendar year 2016.
- 17-0204 Letter from Washoe County District Attorney Christopher Hicks to Washoe County Clerk Nancy Parent, dated January 31, 2017, regarding claims made against Washoe County for tortious conduct for the calendar year 2016.
- 17-0205 Letter from Washoe County Treasurer, Tammi Davis, dated February 23, 2017 regarding Banking Services Agreement between Washoe County and Bank of America to be extended for one more year effective through December 31, 2017. Original agreement is dated December 8, 2009 and was previously extended to December 31, 2016. A copy of the agreement is attached.

MONTHLY FINANCIAL STATEMENTS:

- 17-0206 Office of the Washoe County Treasurer, Monthly Statement for Month Ending December 31, 2016.
- 17-0207 Office of the Washoe County Treasurer, Monthly Statement for Month Ending January 31, 2017.
- 17-0208 Office of the Washoe County Treasurer, Monthly Statement for Month Ending February 28, 2017.

QUARTERLY STATEMENT:

- 17-0209 Washoe County School District, Quarterly Report – First Quarter July 1, 2016 – September 30, 2016.
- 17-0210 Washoe County School District, Quarterly Report – Second Quarter July 1, 2016 – December 31, 2016.

* * * * *

1:49 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

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

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

TUESDAY

10:00 A.M.

MARCH 21, 2017

PRESENT:

Bob Lucey, Chair
Marsha Berkbigler, Vice Chair
Kitty Jung, 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 10:04 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:

Adelle and Elise Evans, two students from Roy Gomm Elementary School, introduced themselves.

17-0213 AGENDA ITEM 3 Public Comment.

Chair Lucey announced new technology would be utilized to display agenda items on the screens in Chambers. He stated he would call to the podium those signed up for public comment.

Mr. Sam Dehne stated he attended every City and County meeting since 1994. He spoke about newly-appointed City Manager Sabra Newby, the Reno Gazette Journal, and Reno basketball.

Ms. Lorrie Olson, General Manager of the Caughlin Ranch Homeowners Association (HOA), stated she worked with Assistant County Manager Kevin Schiller and Management Analyst Sarah Tone on the Waste Management (WM) agreement relating to animal-resistant containers. She recalled a bear problem in Caughlin Ranch in 2014-2015 which resulted in new rules being put in place and remarked the problem could not be fixed permanently without County help. She was told at the end of 2016 the distribution of animal-resistant containers was worked into the amended agreement and she was invited to a meeting with Washoe County to assist with the program. The meeting was cancelled twice and she had not received a response to her emails about rescheduling it. She requested an update on the status of the rollout and the cost of this program.

Mr. Rod Dimmitt, volunteer at the Wilbur D. May Arboretum, spoke about the upcoming fiscal budget. He asked that the budget for the Arboretum be approved in its entirety. He stated it was the only ArbNet-certified arboretum in the State of Nevada and the plants at the museum offered health, safety, tranquility, and education. He said almost 1,000 students visited the Arboretum the prior year. He pointed out most organizations could not function at 40 percent of their expected budget and asked the Board to support the gardens financially. He claimed the Great Basin Adventure Areas had not been supported by the County or the May Foundation since 2008 and suggested they build a 3,000 seat amphitheater there. He alleged the revenue generated from concerts could fund the entire Parks Department budget.

Ms. Lenita Powers acknowledged the difficulty the Board faced dividing up funding for all area parks, especially given the damage suffered over the winter. She praised the Arboretum as a unique place to see trees and flora native to the high Sierra and the Great Basin Desert. She emphasized the teaching possibilities as thousands of students came from Washoe County, Douglas County, Carson City, and Susanville as part of national Science Technology Engineering and Mathematics (STEM) programs. She claimed it would attract entrepreneurs who wanted their employees to work in a tranquil setting and offered to give the Commissioners a tour. Among the events the Arboretum held were Lavender Day, a native plant sale, and Arts in the Park. She asked the Board to invest in the Arboretum.

Ms. Lynn Short, President of the May Arboretum Society, read a letter she had emailed to the Commissioners. She admitted it was understandable the Arboretum's funding was cut during the recession but said it was unacceptable for it to maintain itself at 40 percent of its 2007 budget. She claimed public gardens were essential to health and safety, and access to parks increased individual health and well-being. She asked the Commission to fund the Arboretum by increasing its allocation over the next three to five years to at least pre-2007 levels. She alleged the County owned the Arboretum and the botanical garden but had not taken responsibility for their maintenance or realized the potential of the master plan it had approved in 2007. She described the Arboretum as having more than 1,700 trees, 185 diverse species, a replacement value of more than \$4 million, and repeated the request for adequate annual funding.

Mr. Danny Cleous spoke about bladders that were supposed to be installed in culverts in his neighborhood, saying they received plywood and sandbags instead. He said the community was not safe, especially since more rain was forecasted. He stated his foundation still had six inches of water and several neighbors could not get into their homes because of flooding. He mentioned he should not be living in his house but because of his animals he had nowhere to go even though mold in his house was making it unhealthy. He asked for the Board's help.

Ms. Elise Weatherly presented a document showing that the Washoe County Courts encouraged jurors to use sound judgment but she expressed frustration at the Sheriff's Office over a traffic violation and an animal license late fee. She alleged she

would invoke the 5th Amendment in the case of these tickets. She placed copies of the overhead documents she presented on file with the Clerk.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

17-0214 **AGENDA ITEM 4** Announcements/Reports.

County Manager John Slaughter announced Agenda Items 10 and 11 pertaining to legislative updates would be pulled because 300 new bills were introduced the day before and staff was reviewing them.

Commissioner Hartung reminded staff about Commissioner Jung's request for a dashboard of items the Board would like to see on future agendas. Specific topics he requested to see included updates on Waste Management (WM), the alarm program, the 911 program, traffic on Nicole Avenue, and a stop sign at the intersection of Sunset Springs Lane and Omni Drive. He stated requests that required two hours of staff time would show on the dashboard for board approval. He also asked for a report about how the Board would reimburse the Truckee Meadows Fire Protection District (TMFPD) for the Lemmon Valley incidents.

Commissioner Berkbigler indicated Assistant County Manager Kevin Schiller would bring the WM issue to the Board at an upcoming meeting and mentioned there was new language in the agreement related to animal-proof dispensers. She confirmed the County had not signed the agreement as there were many issues that were actively being worked on.

Commissioner Jung asked for clarification about the Wilbur D. May Arboretum's concern there would be a change in their funding. She noted she had asked for a budget increase of 7 percent to the operations of parks if the County budget would allow it. She asked when the Board could expect the dashboard so they could have something concrete to tell their constituents.

Chair Lucey mentioned staff was asked to prepare a report on parks funding including the Arboretum at the prior meeting and he anticipated that to be completed during the consideration of the budget. He brought up parity in the compensation from the County to the TMFPD, noting even though they were technically one department, the TMFPD responded to all hazards including hazmat, fire, and the need for incident responders. He stressed it should be kept in mind when discussing the compensation between departments that it was the County's job to maintain the safety of its residents. He asked staff to have another discussion about WM but with a decision-maker from WM present. He claimed WM had failed to respond to numerous County requests even while service issues continued to worsen. He acknowledged citizens were upset by the County's response in Lemmon Valley but he thanked the State of Nevada, Caleb Cage, Governor Brian Sandoval, the TMFPD, Incident Commander Sam Hicks, Fire Chief Charles Moore, Mr. Slaughter, Community Services Director Dave Solero, and all staff for trying to find solutions to protect the County.

Commissioner Hartung clarified he wanted to see the dashboard as a regular agenda item once a month and requested an online application of the dashboard as well. Commissioner Berkbigler directed Mr. Schiller to address WM's claim it could not service Incline Village when fire trucks and ambulances had no trouble doing so. She also stated the County typically had an agreement which required WM to service the California side of the Verdi area but WM changed its policy so those residents had to drag their cans to the end of the road.

Commissioner Herman announced a diver was located who would install the bladder in the Lemmon Valley culvert. Commissioner Berkbigler explained the flood water in Swan Lake rose not because of rain but because the water table below continued to rise. She acknowledged uncertainty over what would happen if the water continued to rise but emphasized the County was giving its attention to the residents' concerns.

17-0215 AGENDA ITEM 5 Introduction of new Washoe County Employees.

John Slaughter, County Manager, asked the following employee to introduce herself to the Board:

Angela Owings, Senior Services

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

17-0216 AGENDA ITEM 6 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:

Promote Yourself! Mini Certificate Program

Emily Goehring, Library

Pamela Larsen, Library

Nancy Mason, Social Services

Renee Schebler, Community Service Department

Essentials of Personal Effectiveness

Karen Nelson, Public Defender

Samantha Wolcott, Reno Justice Court

Essentials of Support Staff

Jeri Renshaw, Comptroller

DONATIONS

17-0217 **7A** Accept one-time donations [total of \$1,060.00] from private citizens to the Washoe County Sheriff's Office to be used for operating costs, food purchases and/or equipment and, if approved, authorize Comptroller's Office to make appropriate budget amendments. Sheriff. (All Commission Districts.)

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

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 7A be accepted.

PROCLAMATIONS

17-0218 **8A** Proclamation – April is Fair Housing Month.

County Manager John Slaughter clarified Proclamation 8A proclaimed April as Fair Housing Month.

Commissioner Jung read and presented the Proclamation to Gabrielle Enfield and Kate Zoulk. Ms. Zoulk, Executive Director of Silver State Fair Housing Counsel, thanked the Board. She praised Ms. Enfield for overseeing the grant and accomplishing what their organization promised to do. She thanked the Board for their support.

17-0219 **8D** Proclamation – March 31, 2017 is Cèsar Chávez Day.

Commissioner Jung read and presented the Proclamation to Ramon Chávez, nephew of the late Cèsar Chávez, and Andrew Barbano.

Mr. Chávez thanked Chair Lucey and the Commissioners on behalf of his family. Andrew Barbano, a 46-year resident of Reno, announced a celebration of Cèsar Chavez on March 29th. He spoke about the history of Cèsar Chávez in Nevada, saying the matriarch of NAACP Delores Feemster had asked to meet with Chavez before he gained notoriety. In the 1960s he came to Nevada to address farm worker issues and in 1986 the first Cèsar Chávez Day was declared by Reno Mayor Pete Sferrazza. Adelle Evans added she learned about how Cèsar Chávez fought for a cause in her class.

17-0220 **8B** Proclamation – April 9-15, 2017 is National Library Week.

Commissioner Berkbigler stated one of the best parts about being a Commissioner was working with the library system. She read and presented the Proclamation to Jeff Scott, Director of the Washoe County Library System, and Emily Reed, Esq., Law Library Program Manager of the Second Judicial District Court.

Mr. Scott thanked the Commissioners for their continued support of the library, specifically the special district funds that supported the North Valleys Library renovations and provided Science, Technology, Engineering and Math (STEM) programming. He applauded Nevada's Big Give, whose donations to the library provided \$120,000 to \$145,000 a year. Their last book sale resulted in almost \$20,000 and Mr. Scott promoted their upcoming sale. He mentioned the President's proposed Institute of Museum and Library Services (IMLS) budget cut and stated the library stood to lose \$120,000 if passed.

Emily Reed, Esq., stated libraries transformed lives and adapted to meet the needs of the community. She said the majority of Law Library users were not attorneys but members of the community who needed access to the law to represent themselves in legal matters. She stated the library's mission was to enhance access to justice by providing legal information, education resources, tools and materials to those engaged in the justice system, and to partner with the courts, bar associations, legal clinics, and government agencies to make sure the legal needs of the community were addressed. She announced a question-and-answer session held by the Nevada Legal Services and Young Lawyers section of the State Bar for flood victims in Lemmon Valley. She thanked the Commissioners, the Law Library Board of Trustees, the 2nd Judicial District Court, and everyone who helped them meet their mission.

17-0221 **8C** Proclaim gratitude for Roy Gomm Elementary School's fundraising efforts benefitting Washoe County K-9 Partners.

County Clerk Nancy Parent distributed a handout to the Board about Paws for the Cause.

Commissioner Hartung said it was obvious how important the K9 dogs were to members of the community. He invited Adelle and Elise Evans to speak about why they raised money for the K9 unit. Adelle Evans said it was important to raise money because dogs were getting killed. Elise Evans said she wanted to help the canines because they helped find lost people. Commissioner Hartung read and presented the Proclamation to Principal John Sutherland, Adelle Evans and Elise Evans, Catherine Barcomb, Patricia Kelly, Jordyn Bsharah, and Scott and Emily Evans.

Ms. Evans, Adelle and Elise's mother, stated she was proud of her girls' efforts, saying it was their idea. Scott Evans, the girls' father, thanked the Board for recognizing the efforts of his daughters and Roy Gomm Elementary School. He said he

was proud of the entire student population and the Sheriff's Office for keeping the community safe.

John Sutherland, Principal of Roy Gomm Elementary School, thanked the Evans girls and the Sheriff's Office for the amount of time they spent at the school. Jordyn Bsharah, Vice President of Washoe County K9 Partners, Catherine Barcomb, and Patricia Kelly introduced themselves, and Ms. Bsharah said the K9 partners benefitted from the fundraising by obtaining GPS trackers for the dogs.

There was no public comment on the Proclamations listed above.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Items 8A to 8D be adopted.

Due to technological issues, Chair Lucey directed the Board to finish the meeting by taking motions and votes verbally rather than using the electronic VoteCast system.

CONSENT AGENDA ITEMS – 9A

Chair Lucey requested pulling Agenda Item 9B from the Consent Agenda.

17-0222 **9A** Approval of minutes for the Board of County Commissioner's regular meetings of February 14, 2017, February 21, 2017 and February 28, 2017.

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

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Consent Agenda Item 9A be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Item 9A are attached hereto and made a part of the minutes thereof.

17-0223 **9B** Acknowledge receipt of the Distinguished Budget Presentation Award for Fiscal Year 2016-2017 from the Government Finance Officers Association (GFOA). Manager. (All Commission Districts.)

Chair Lucey stated the award given was one of the most prestigious a local government could receive and praised the County's budget team. He presented the Distinguished Budget Presentation Award from the Government Finance Officers Association to Mark Mathers, Budget Manager, who applauded his staff. Budget Team representatives Kari Estrada, Valerie Gilmore, John Bozanich, and Lori Cooke introduced themselves. Chair Lucey said every dollar received and spent by the County was managed by those five individuals and he praised their work.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 9B be acknowledged.

17-0224 **AGENDA ITEM 12** Update on emergency operations related to the 2-23-2017 declaration of state of emergency, and possible approval of emergency actions approved by the County Manager implemented pursuant to emergency powers related to the current state of emergency. Manager. (All Commission Districts.)

Incident Commander Sam Hicks announced 95 percent of the barrier wall was installed in Lemmon Valley, the holdup being due to 4 feet of standing water. He said they requested the operation slow down based on safety concerns for the crews and the equipment in the water. He affirmed Social Services and Animal Services were still in the area and available to the community. He addressed the different options for the culvert plug and said they opted for the option that would stay in the culvert until the County took it out. The part was being shipped from San Jose and it would be installed as soon as it was received. He said pumping had begun near the Palace Drive and Lemmon Drive intersection area, as well as near Idaho Street and Lemmon Drive. He stated minimal pumping was being done to maintain the sandbags in place without flooding the neighborhood. He claimed if one culvert was to fail, the neighborhood would not flood; the water level would rise to where it was two days prior. He announced the water had dropped significantly in the Palace Drive area and the pump in the Lemmon Drive and Idaho Street area had been idled back to maintain head pressure. He remarked the goal was to get water away from residents' homes but that a small amount of water would not be drained to help speed up evaporation. He anticipated pumping to begin on Idaho Street and expressed confidence in the Verdi-area man, a salvage recovery diver, to fix the plug issue. He stated 50,000 to 70,000 sandbags were placed in the Pompe Way area facilitated by chains of crews passing sandbags upwards of 400 feet. He said there would be a decline of personnel on the scene as crews moved from rescue and immediate response efforts to mitigation and maintenance. He disputed complaints that County employees had not actively been in the Lemmon Valley area, stressing his people were meeting with residents every day.

County Clerk Nancy Parent distributed two maps of the incident areas, Swan Lake and Silver Lake, which were placed on file with the Clerk.

When asked about the name of the Verdi diver, Mr. Hicks did not know. On the Silver Lake incident, he indicated his team had met with representatives from Reno who were discussing their options in the city; he indicated they were cognizant their decisions could affect the County. He announced all homes along Osage Road were sandbagged due to those residents being self-sufficient and having started their mitigation efforts early. He was waiting on some technical data to anticipate how much the lake could rise. He stated they sandbagged a 600 foot section along Red Rock Road the previous day. Commissioner Hartung asked for clarification of the map, to which Mr. Hicks explained all the white areas were dry land as determined by drone flyovers.

County Manager John Slaughter mentioned 13 homes were evacuated due to flooding, affecting 48 individuals. Those residents were placed by the Social Services department: seven families were already in apartments, five families were in the process

of moving into apartments, and one family was in a hotel. He noted some families that Social Services had placed opted to move back into their homes. He said the County was assisting some residents with their power bills. He praised the Social Services department for their efforts in providing safe housing, public showers, and public restrooms throughout the event. He clarified those services were available not just to those immediately affected by the flood but to all local residents with houses on septic systems. The public showers would be left in the area for some time.

Commissioner Berkbigler asked if there was a projection as to how high the water levels were expected to rise. Mr. Hicks replied engineers estimated 3,800 acre feet of snowmelt, or about 2 feet of rise, and added the barrier system was designed to handle 4 feet. He added the engineers felt that estimation could be high so everyone was comfortable with the system in place. He said the County was getting Lemmon Valley-specific weather updates from the National Weather Service daily since March 7, 2017. The prediction for March 21, 2017 was for about a quarter inch of rain which would result in an insignificant rise, though winds could push water into certain areas. Commissioner Berkbigler thanked him and his staff for their hard work.

Chair Lucey asked for a timeline for the completion of the last piece of barrier, to which Mr. Hicks answered hopefully two days. He anticipated resuming pumping at that point to pull water back, which would result in a significant change in the neighborhood. Commissioner Hartung thanked the first responders, fire and police departments, Social Services and Animal Services, volunteers, and people from southern Nevada. He emphasized these events were difficult but there had been no loss of life throughout. One positive he took away from the flooding events was they encouraged conversations about preparation and protection of the community. Commissioner Herman called everyone involved her heroes.

Mr. Hicks stated at one time there were 522 people actively working on the problem and they had installed almost five miles of barrier. They moved 17,000 tons of sand and installed well over a million sandbags. He acknowledged the support of the County, the State, and federal partners, and he praised the amount of work done in such a short time. Chair Lucey pointed out the magnitude of the process. He expressed gratitude at their ability to mobilize and place as many barriers as they had.

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

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

Mr. Slaughter indicated this Agenda Item would appear at every meeting and it would include ratification of any emergency measures taken by the County Manager during the event.

17-0225 AGENDA ITEM 13 Public Comment.

Ms. Lorrie Olson, General Manager for the Caughlin Ranch Homeowners Association (HOA), expressed sympathy for the North Valleys' situation but stressed that area was not the only problem. She indicated the HOA had redesigned their common areas to handle the impact of rushing water and spent thousands to prepare for inevitable flooding events. She claimed the damage because of failures associated with the Steamboat Canal was unprecedented but thanked Fire Chief Charles Moore for having his staff out late at night to help. She alleged the Steamboat Canal Board had been absolving themselves of responsibility and was blaming Washoe County; since the County controlled the canal it was responsible for repairs. She claimed the canal embankments were unstable and would not be able to withstand another storm. She noted when homeowners reported property damage as instructed, they discovered there was no coverage for landscaping despite Caughlin Ranch requiring homeowners to install expensive landscaping. Private citizens would have to pay for damages, not the County. She claimed the canal was located on County property and said the canal was improperly maintained and could no longer serve its purpose. She requested the County complete repairs to the canal to protect private property.

Ms. Elise Weatherly spoke about the flooding in Lemmon Valley and performed a religious song.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

17-0226 AGENDA ITEM 14 Announcements/Reports.

Commissioner Berkbigler asked staff for a report on the irrigation ditches, who owned them, who was responsible for maintenance, the cost to the County for storm drainage, and if there was a cost the County paid to allow storm waters to run through private property. She opined the canal was not County property. Commissioner Hartung and Chair Lucey repeated the request for the unified dashboard to prevent multiple Commissioners requesting the same things, such as updates on ditches and maintenance.

* * * * *

12:07 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Derek Sonderfan, Deputy County Clerk

Pending Board Approval

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

TUESDAY

10:00 A.M.

MARCH 28, 2017

PRESENT:

Bob Lucey, Chair
Marsha Berkgigler, Vice Chair
Kitty Jung, 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 10:00 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:

17-0229 AGENDA ITEM 3 Public Comment.

Ms. Ardena Perry stated any changes in the Washoe County Code (WCC) Chapter 55 (Animals and Fowl) needed to be heard and approved by the Board of County Commissioners (BCC), but there had been no scheduled meeting for the Animal Control Board (ACB). She alleged for every animal ordinance there had to be an appeal process with the ACB. She asked why there was no meeting of the ACB in March since the ACB was expected by WCC 55 to provide public hearings and procedural due process. She stated she had requested a report on rabies vaccinations for feral cats but had not received anything. She asked Animal Services to respond to her request.

Mr. Sam Dehne spoke about the chairs in the Chambers, the *Reno Gazette-Journal* (RGJ), and Reno Police Chief Jason Soto.

Ms. Vicky Maltman, Washoe County resident, asked the Commissioners to include an agenda item about the topic of elected officials being on Citizen Advisory Boards (CABs). She felt having a CAB meeting with an elected official as chairman was inappropriate as there could be a conflict of interest when discussing new housing proposals. She also requested an update on the flooded ditches.

Mr. Jeff Church presented documents which were placed on file with the Clerk. He spoke about the \$40 million shortfall in the Washoe County School District (WCSD) budget. He alleged with the passing of Washoe County Question 1 (WC-1) the County had the highest sales tax in the State and that buyers were shopping elsewhere as

a result. He alleged other legislative bills would raise County taxes and urged the Board to oppose those bills.

Chair Lucey called Ms. Kim Siminoe but she declined to speak.

Ms. Tammy Holt-Still, resident of Lemmon Valley, asked the Commissioners to rescind the bill in the Nevada Legislature that allowed Reno to acquire open lands. She requested a moratorium on building in the North Valleys until an impact study was completed and flood mitigation was administered. She expressed frustration with comments made by County employees to the media. She asked the County to waive permit costs so residents could their homes and proper inspections could be done. She expressed frustration at the response residents received regarding their issues and the County's failure to maintain culverts. She provided a handout that was placed on file with the Clerk.

Mr. Danny Cleous alleged there had been breaches in culverts and that one bladder did not work as expected. He requested representatives from Reno to see the area and stated the city should not build on the property they had annexed. He expressed frustration with County employees' responses to the crisis and insinuated it was because his district had less money than other districts. He asked the Health Department to test the composition of the dirt and mold in the flooded areas.

Former County Commissioner Mr. James Galloway spoke about Assembly Bill (AB) 175 and read a letter he wrote that was published by the RGJ in which he opposed the bill that proposed to raise the minimum wage. The letter was placed on file with the Clerk. He stated under the new rules of the Nevada legislative session the bill could be brought forward for a vote at any time with a minimum of hearings. He asked the Board to direct staff to oppose the bill as he felt the jobs most affected would be those that led to higher levels of employment.

Ms. Juanita Cox notified the Board they would be lobbied to support licensing Yucca Mountain as a burial site for nuclear waste and she voiced concern over the proposal. She alleged the casks that transported nuclear waste were unsafe and vulnerable to terrorist acts. She asked the Board to agree with the governor and the attorney general by opposing the authorization of the Yucca Mountain facility.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

17-0230 **AGENDA ITEM 4** Announcements/Reports.

County Manager John Slaughter said Agenda Item 12 pertaining to an agreement on radio systems would be pulled because of last minutes changes from one of the partners.

Commissioner Berkbigler thanked everyone helping on the flood issues, specifically Incident Commander Sam Hicks, Engineering and Capital Projects Division

Director Dwayne Smith, and Director of Community Services Dave Solaro. She urged residents living in red-tagged houses to contact the County Manager for alternate housing options. She also requested a future agenda item addressing elected officials on Citizen Advisory Boards (CABs).

Commissioner Hartung took offense to comments heard during public comment and praised Mr. Smith and Mr. Solaro for their hard work. He recognized the passing of former County Commissioner Francis William "Bill" Farr. Mr. Farr served as a commissioner from 1977 to 1982, as the fire chief for the City of Sparks, and as a senator in the Nevada State Legislature. Commissioner Hartung presented a picture of Mr. Farr which was placed on file with the Clerk.

Commissioner Herman expressed relief at the receding floodwaters and noted many residents were returning to normalcy. She brought up residents could not begin repairs on their homes without a permit or they had to pay a licensed contractor to perform the work. She suggested the Board allow concessions to residents so they could perform necessary repair work. She thanked the County's responders to the flood. She mentioned it was worth considering former Commissioner James Galloway's suggestion the Board oppose the proposed raise in the minimum wage.

Commissioner Jung requested an update on the protocol by which Commissioners should respond to constituent concerns. She suggested Mr. Solero, Vicki Maltman, and herself meet at Ms. Maltman's property to make a plan for the ditch. She announced she had met with five Mongolian Parliamentarians visiting Nevada on a trip arranged through the Northern Nevada International Center. She explained Reno and Mongolia were similar as they were high desert, mining-dependent areas; additionally Mongolian Parliament had just approved entry into the gaming industry. They discussed the business aspect of gaming, the social ills that went along with it, and security aspects of the Commission. She expressed pride in being able to represent the Board of County Commissioners (BCC) at that meeting.

Mr. Slaughter added he was planning to schedule a report on Commissioner and constituent requests for the first BCC meeting of every month.

CONSENT AGENDA ITEMS – 5A THROUGH 5F3

17-0231 **5A** Approve budget authority [in the amount of \$37,329.39] to reflect the balance of the District Attorney Victim Fund bank account retroactive to July 1, 2016. District Attorney. (All Commission Districts.)

17-0232 **5B** Approve a request for sponsorship of the 2017 Hot August Nights Vintage Trailer Rally which will be held at Rancho San Rafael Regional Park August 8-13, 2017; waive park facility rental and use fees [\$16,040] in consideration of Washoe County being recognized as a Sponsor; and authorize the County Manager to sign the 2017 Agreement. Community Services. (Commission District 3.)

- 17-0233** 5C Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period April 1, 2017 through June 30, 2017 [not to exceed \$38,625.00] and if approved, authorize the County Manager to execute the contract. Manager. (All Commission Districts.)
- 17-0234** 5D Approve the Search and Rescue Medical Support Services Agreement Between REMSA (Regional Emergency Medical Services Authority) and the Washoe County Sheriff's Office to provide medical support in Search & Rescue operations with a retroactive start date of February 19, 2017. Sheriff. (All Commission Districts.)
- 17-0235** 5E1 Acknowledge the grant award from the Washoe County Bar Association to the Washoe County Law Library, in the amount of \$2,074.15 (no match required), and direct the Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)
- 17-0236** 5E2 Acknowledge, retroactively, a grant award from Community Foundation of Western Nevada to the Second Judicial District Court in the amount of \$2,000.00 to further education regarding supported decision-making agreements and direct the Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)
- 17-0237** 5F1 Approve the settlement of the claims brought by Tracy C. Griffith and Kevellin Montello against Washoe County et al, for a [total sum of \$50,000] for all claims against all defendants. (All Commission Districts.)
- 17-0238** 5F2 Approve the settlement of the claim brought by Jamie Kirkpatrick against Washoe County et al, for a [total sum of \$85,000] for all claims against all defendants. (All Commission Districts.)
- 17-0239** 5E3 Creating agency fund "Washoe County School District Sales Tax Fund" to track the imposed additional sales and use taxes as required by the passage of Washoe County Ordinance 1590, Bill No. 1774. Comptroller. (All Commission Districts.)

On the call for public comment, Mr. Jeff Church presented a picture of his vintage trailer, a copy of which was placed on file with the Clerk. He claimed trailer events were growing in popularity and urged the Board to support the inclusion of the Vintage Recreational Vehicle (RV) Trailer Rally in the Hot August Nights (HAN) event. County Clerk Nancy Parent reminded Mr. Church he requested to speak on a separate consent item and he had time remaining to do so. He explained the passing of Washoe County Question 1 (WC-1) would increase the sales tax for Washoe County to 8.26 percent. He stated the measure was on appeal to the Nevada Supreme Court with other

issues potentially to be filed. He alleged money from the bill was potentially being misspent on administrator salaries and personal cars for administrators. He said Commissioner Jung was on the oversight panel for the Washoe County School District (WCSD) and he was an applicant for the panel.

Mr. Jon Whipple, member of the Board of Directors for HAN, voiced his support for Agenda Item 5B. He presented the idea at his first board meeting as a member and stated he was pleased it was embraced by the HAN Board and executive staff. He confirmed RV restoration was popular and the event would feature celebrities from a TV show about vintage trailers. He asked the Board for their support.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Ms. Tammy Holt-Still spoke on Agenda Item 5B and said it was great HAN brought in so much money. She expressed concern that the Board would waive the facility costs for park rental for a fun event but not for permits requested by flood victims. Chair Lucey interrupted and said Ms. Holt-Still was not speaking on topic.

Commissioner Jung said while she was willing to approve Agenda Item 5B, she expressed the concerns of some constituents that waiving fees for the rally could show a lack of appreciation for volunteers. She stated staff pointed out to her park fees went into a general fund and not directly to the Parks Department and, given the cuts in the Parks' funding, it was time to rectify the cuts. She believed in helping special events get on their feet and noted the Balloon Races would have run out of money had the County not stepped in; that event was now considered an iconic image of Washoe County. She felt those events where the County helped should reciprocate by supporting the County when they asked for tax increases. In regard to the issue of precedent, she said the event requested a special use waiver so no precedent would be set. She contended it would not be a disruptive event since its attendees would be people with a different value system. In fact, a couple agreed to manage the event so there would be no noise complaints. She also confirmed only people with permits could enter the park when it was closed. Given those details, she supported the event.

Commissioner Hartung expressed support of HAN and reminded people it created a \$400 to \$500 million positive impact to the local economy. He claimed it was the Board's responsibility to bring people to the area and that they had seeded events like the rally before.

Chair Lucey said as Chairman of the Reno-Sparks Convention and Visitors Authority (RSCVA) he felt the event was a tremendous benefit to the area. He stated the County did little financially to support tourism unlike the Cities of Reno and Sparks, who both had accounts set aside for special events. He echoed the other Commissioners' support of the event.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5F3 be

approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5F3 are attached hereto and made a part of the minutes thereof.

Legal Counsel Paul Lipparelli confirmed Commissioner Jung voted in the affirmative though she was not seated behind the dais.

BLOCK VOTE – AGENDA ITEMS 8, 9, 10 & 11

17-0240 **AGENDA ITEM 8** Recommendation to approve receipt of the Sexual Assault Kit Initiative 2016 funds (SAKI 2016), sub-granted through the Nevada Office of the Attorney General in the amount of [\$402,917.00; no County match required] for the DNA testing of un-submitted sexual assault kits from law enforcement agencies throughout northern Nevada for the retroactive grant period of 10/1/16 through 9/30/19. If approved, authorize Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

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

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8 be approved and authorized.

17-0241 **AGENDA ITEM 9** Recommendation to award a bid and approve the Agreement to the lowest, responsive, responsible bidder for the Gator Swamp and Eagle Canyon Park Playground Rehabilitation project [staff recommends Truckee Meadows Construction in the amount of \$734,466.00]; and if approved, direct the Comptroller's Office to make the appropriate budget adjustments. Community Services. (Commission District 4.)

There was no public comment on this item.

Commissioner Hartung acknowledged both Gator Swamp and Eagle Canyon Park needed upgrades since he served on the area's Citizens Advisory Board (CAB). He thanked staff for keeping the repairs on the Capital Improvement Plan (CIP) and seeing it to fruition.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 9 be awarded, approved, and directed.

17-0242 **AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the East Incline Village Phase I Water Quality Improvement Project [staff recommends Burdick Excavating Company, Inc., in the amount of \$2,899,950.00] funded by Nevada Tahoe Bond Act, U.S. Forest Service Southern Nevada Public Lands Management Act, and Tahoe Regional Planning Agency Water Quality Mitigation Funds. Community Services. (Commission District 1.)

There was no public comment on this item.

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

17-0243 **AGENDA ITEM 11** Recommendation to approve the removal of uncollectible accounts receivable [totaling \$445,171.86]. Comptroller. (All Commission Districts.)

There was no public comment on this item.

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

17-0244 **AGENDA ITEM 6** Appearance: Sean Gephart, Plan Industry Division, Nevada Department of Agriculture

Presentation and update on NRS requirements for noxious weed control. [10 minutes]

Sean Gephart, Noxious Weed Coordinator for the Nevada Department of Agriculture, conducted a PowerPoint which was placed on file with the Clerk. He stated Nevada State law gave the Department of Agriculture the authority to identify certain weed species as being invasive to the point of becoming a detriment to wildlife habitat, native species, property values, and fire prevention. He explained the categories of the 47 noxious weeds in Nevada, saying they targeted limited distribution weeds versus widespread weeds to help prevent spread. He stated he worked with Natural Resources Planner Cheryl Surface and thanked Management Services Director Al Rogers for allowing him to conduct his presentation. He said two of the biggest weed concerns were medusahead, which was spreading all over Verdi, and yellow starthistle, which had become so widespread in California they had mostly given up on controlling it. Both were annual weeds which came up rapidly and produced a great deal of seeds. He showed two maps identifying areas of infestation for those weeds. He stated medusahead presented a great fire danger and was ungrazeable to livestock. He spoke of a recent outbreak of leafy spurge in northeast Nevada and expressed concern about its possible

spread into Washoe County. He hoped to work with one homeowner whose house was up for sale to initiate weed control on his property. He recognized the perception of the public against pesticides but contended it was sometimes the best way to control certain weeds. He requested additional funding for weed abatement within the Open Spaces and Parks and Recreation budget.

Commissioner Berkbigler asked if the influx of water from the winter would result in a greater spread of weeds, to which Mr. Gephart said undoubtedly. He cited a recent news story about the flood of 1997 that resulted in a resurgence of perennial pepperweed which overtook parts of South Meadows. He expressed concern about the spread of purple loosestrife because the increased precipitation could encourage rapid germination of weeds. Mr. Gephart replied to Commissioner Berkbigler's question about standing water affirming some plants would grow submerged in water while others would not. He explained if any part of the perennial pepperweed's root material broke off, it could break apart the soil aggregate on a river bank and result in erosion.

Commissioner Jung asked for a map of all noxious weeds in Washoe County and Mr. Gephart said would provide that. She expressed concern about the fire hazard the weeds in Sun Valley presented and asked what was being done there. Mr. Gephart cautioned when some noxious weeds became so widespread that there were no longer any measures taken to control them, they were no longer classified as noxious and were not under his authority. He thought the Nevada Division of Forestry had a program where they would bring a dumpster to help homeowners who did not have the funds to remove weeds from their property. Commissioner Jung requested staff to follow up on a solution to the weed issue in Sun Valley.

Commissioner Hartung asked if other methods of weed control besides herbicides were used and Mr. Gephart replied they used various methods including mechanical tools, physical removal, grazing, and bio agent controls. The insects used for bio agent controls would not eradicate a weed but would help control seed propagation. He said that method could only be used with weeds of a certain spread or else the insects would die of starvation. He stated the Nevada Department of Agriculture's Environmental Services Division conducted training on the handling of pesticides.

17-0245 **AGENDA ITEM 7** Appearance: Jessica Sferrazza, Saint Mary's Health Network

Presentation and update on partnership with the American Heart Association Little Hats, Big Hearts program. [10 minutes]

Chief Executive Officer (CEO) of St. Mary's Hospital Helen Lidholm spoke about their partnership with the American Heart Association (AHA) and their multi-year program called Healthy for Good. She conducted a Powerpoint presentation. Through the initiative they were focusing on the community staying active, eating healthy, and relying on their medical team for their healthcare needs. The ultimate goal was to reduce the number of heart disease and stroke cases. She introduced a program

called Little Hats, Big Hearts and spoke about one of the program's physicians Dr. Bayo Curry-Winchell whose daughter was born with a heart defect. She suggested people could get involved by donating materials, knitting hats, or telling stories about loved ones with heart conditions. She spoke about another program called Little Steps, Big Gains which focused on moving more to maintain good health. She invited the Commissioners to challenge the cities of Reno and Sparks in a one-mile walk.

Commissioner Berkbigler said she would crochet some hats and stated she was very active in women's heart health causes. She was glad projects like these were keeping the money in the community. County Manager John Slaughter mentioned his son was born with a heart condition, though he was now 22 years old, and thanked Ms. Lidholm for presenting. Chair Lucey praised her work and urged the Board to get behind the April movement challenge.

17-0246 **AGENDA ITEM 17** Update on emergency operations related to the 2-23-2017 declaration of state of emergency, and possible approval of emergency actions approved by the County Manager implemented pursuant to emergency powers related to the current state of emergency. Manager. (All Commission Districts.)

Incident Commander Sam Hicks reviewed ten slides of the Lemmon Valley relief efforts, including before-and-after comparisons of the area and images of the water pumping operations. He addressed comments about the County and the incident team allowing culverts to fail by saying when he accepted the Incident Commander position he committed to making sure everyone was safe. The diver said it was unsafe to plug the culvert and refused to get in the water; Chief Hicks respected the diver's stance. As a consequence water backed up into the ditches before they could fill the hole with over 200 yards of sand. In response he worked with the road department to bring in trucks and a bigger pump to remove excess water. He stated the water was brought down to normal levels by the following morning with minimal impact to any houses. He directed residents with water in their houses to let him know. He said they did not remove any sandbags from people's homes and stated very few residents had come to him for help. He announced the culvert had been plugged as of that morning and it had been sealed as best it could be. He indicated every pumping station would remain in place to keep water levels where they were including one large pump as a precautionary measure. He acknowledged there was water seeping under the barriers but said he was not concerned as it would have minimal impact and they were making plans to address the seepage issue. He mentioned a community meeting on March 29, 2017 for the public. He announced they received the presidential declaration for public assistance and mitigation though he noted the topics of individual assistance and direct de-watering were still being evaluated; it was up to Washington DC to determine eligibility.

Commissioner Hartung claimed the pumps at Nectar Street and Lemmon Drive were pumping the equivalent of an Olympic-sized swimming pool of water every 37 minutes. Chief Hicks clarified each pump moved 40 acre-feet of water a day when at full capacity but stated they were shut off. He said the pumps were supplied as per a

contract with Cashman Equipment, who was monitoring the pumps 24 hours a day. Commissioner Herman thanked Chief Hicks for his work.

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

Mr. Danny Cleous expressed frustration at the communication between the County, the media, and the residents. He alleged Ms. Donna Robinson had still not received the maintenance records for Lemmon Valley that she had requested in January and he said some culverts had had no maintenance in over two years. He remarked he had not seen the Red Cross out there and, when called, they informed him to call Salvation Army or go to a homeless shelter. He wished rescue efforts could have been accomplished sooner and expressed dismay that his neighbor would have to pay \$1,125 for a permit to repair her septic tank.

Ms. Tammy Holt-Still repeated her requests for the Corps of Engineer Report and action plan as well as an accounting of the funds spent. She claimed she had contacted the emergency numbers Chief Hicks suggested as well as Emergency Management and her Commissioner, but she received no responses. She alleged Washoe County did not act on the information given about the infrastructure needed to prepare for an incident of this scale.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 17 be approved.

17-0247 **AGENDA ITEM 15** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)

Management Services Director Al Rogers distributed a handout of six bills of interest but he mentioned there were more bills that would not be covered in depth at the meeting. He brought up Assembly Bill (AB) 39, which County Manager John Slaughter commented was originally introduced by Washoe County. Mr. Slaughter said he had spoken with the Chair of the Government Affairs Committee Edgar Flores and Senator Julia Ratti about a path to resolution. He stated the original bill proposed the governing board for regional planning be composed of four Reno representatives, and three each from the County and Sparks, though Washoe County had requested they should each get three representatives. The compromise would maintain the City of Reno's four representatives but would allow the County Commission to select its own membership. Additionally, the compromise would include a legislative directive that the interlocal agreement would allow for some sort of role for the city managers and the county manager to consult with the regional planning director. He welcomed any comments from the Board about the proposed compromise.

Commissioner Hartung agreed with the provision including the city and county managers but he expressed concern with some of the policies contained in the regional plan, specifically the policy about industrial and commercial areas not being allowed in the County. He felt certain industrial and commercial entities would be a better fit in the County rather than next to an elementary school. He stated he would like the County to be able to adjust those policies.

Commissioner Berkbigler agreed some potential issues could be addressed in the regional plan update in 2017 and indicated the proper arena for those changes should happen with the regional governing board and not through the Legislature. She opined the compromise was decent and it would prevent the County from being discriminated against in regards to discussing its own interest. It also allowed some oversight by the managers which she deemed necessary since they were spending taxpayer dollars. She acknowledged she would rather have seen an even representational split but conceded that did not seem likely. She recommended the Board support the proposal as a gesture to show the County was ready to be a part of a team and come up with something beneficial for the entire community.

Commissioner Herman expressed concern about the representation of District Five. Commissioner Hartung recognized the regional plan update but said he wanted some assurance that there could be parity with some issues, such as the industrial and commercial policies. Commissioner Berkbigler agreed everyone needed to work as a team but she reiterated that Legislature was not the place to achieve that; it would be achieved by all three entities on the regional board. She stated she would need assurance that all members of the Commission were prepared to give their full support to be a part of the team.

Chair Lucey felt they needed to support the amendment brought forward but stated Senate Bill (SB) 422, introduced by Senator Mark Manendo, would dissolve the regional governing board in Clark County. The bill would transfer power to the Regional Transportation Commission (RTC) to administer the plan with regional oversight. If passed it would change who all local entities paid as well as make Washoe County the only county in Nevada with a regional governing board. He agreed with Commissioner Berkbigler everyone had to work together as a team and he repeated he was amenable to the proposal.

Commissioner Berkbigler stated the concept behind Mr. Manendo's bill was beneficial, but she felt the ambiguity in the bill's language that the regional governing board may turn over power to the RTC was problematic. She stated unless the bill was amended to expand to counties of more than 400,000 people and the word may was changed to shall, she was unsure if the bill would provide the County with any value since the County would not vote to turn power over to the RTC. Chair Lucey confirmed Commissioner Hartung's assertion that Clark County's governing board was advisory and not binding.

Assistant County Manager Kevin Schiller spoke on AB 194 and pointed out one of the key successes to the Crossroads program and other diversion programs was its use of graduates to provide peer-to-peer support. The bill would provide certification through the State of Nevada to clients who met certain criteria and it would allow for billing through Medicaid. He suggested the Board support that bill and Chair Lucey agreed.

Mr. Rogers brought up AB 45, a bill relating to public office which would require training and accountability for people who worked the registration drives. The County Registrar had reviewed the bill and indicated they were supportive as there would be no financial impact to this provision. He suggested the Board support the bill.

Mr. Rogers mentioned SB 176 regarding body cameras. Mr. Slaughter added this was Senator Aaron Ford's bill which would mandate law enforcement body cameras; this would affect Washoe County sheriffs and deputies. He noted there would be initial startup and maintenance costs but there was a provision in the bill that would allow an increase to the E911 surcharge to pay for the cameras. Washoe County as well as the cities of Sparks and Reno would have access to those funds. The current E911 surcharge was \$.25 per call and the amendment would allow for an increase of up to \$1 per call which would more than cover the cost of the body cameras. He indicated they probably would not need to increase to the full amount but it would be an available option. He gave their support to Senator Ford and recommended the Board support the bill, especially given that the Nevada Association of Counties (NACO) and all jurisdictions in the state supported it.

Commissioner Berkhigler said the last time the issue came up the costs would have been paid by the County. The cameras were safer for County officers and citizens and the amendment provided a way to pay for it. Chair Lucey agreed and said he supported the bill.

Mr. Rogers introduced SB 315 regarding waste disposal which would create a mandate for the amount of recycling required by a county and it would create a commission to regulate it. He explained the sticking point was the County would be held responsible for reaching the mandates, not Waste Management (WM). He said it was originally an issue in Clark County but it had been broadened to include Washoe County. Mr. Slaughter added that under section 13 of the bill, the environmental commission would have the authority to administer sanctions against the County if they did not meet the recycling threshold. He remarked in previous similar situations he would seek direction to oppose the bill as written and then work with the sponsors of the bill to modify it to a place where he could support it.

Commissioner Berkhigler noted this piece of legislation passed in California and it resulted in significant costs to California municipalities. She recommended not supporting the bill as written.

Mr. Rogers discussed SB 352, introduced by Senator Ben Kieckhefer, which would revise provisions governing the taxation of a property after a natural disaster. He stated homeowners who lost a part of their home to a disaster would keep their property tax depreciation which could affect residents in Little Valley and Lemmon Valley. He recommended supporting the bill as written. Mr. Slaughter mentioned the bill had built-in safeguards for municipalities regarding loss of revenue. The bill would protect houses affected during a declared natural disaster that were rebuilt within three years on same footprint. The onus would be on the homeowner to prove eligibility and there would be no retroactive refund option, meaning only homes destroyed after 1981 would be eligible.

Commissioner Berkbigler strongly supported the bill and said the houses damaged in the Caughlin Ranch Fire would be eligible; as it stood many of those residents rebuilt their home but their taxes had increased significantly. She recognized it would take money from Washoe County but felt it was fair to the homeowner. Commissioner Hartung agreed and stressed people did not plan a natural disaster as a way to remodel their homes. Chair Lucey thanked Senator Kieckhefer for the bill as it would help residents in many affected areas of the County and he expressed support for it.

Commissioner Herman mentioned SB 271 was important since most of her district's residents were on well water. She suggested the Board get behind the bill and oppose it as written. Chair Lucey directed staff to provide information on SB 271 during a future legislative update. Commissioner Herman explained the bill would give managerial power of domestic wells to the state engineer and said in the past those entities were always separate.

Prompted by Commissioner Hartung's question, Legal Counsel Paul Lipparelli advised Agenda Items 15 and 16 allowed direction to staff and he felt staff understood the instances where it should support an amendment when completed. At that point the bill could be listed on an agenda for action but it could not be voted on at this meeting because there was no notice on the agenda for a vote. Chair Lucey indicated this should be put on a future agenda for discussion. Commissioner Hartung requested adding SB 315 to a future agenda to formally oppose it. Chair Lucey directed staff to bring back SB 315 for discussion and to provide more information about SB 271.

12:11 p.m. Commissioner Berkbigler left the meeting.

On the call for public comment, Ms. Joannah Schumacher agreed with Commissioner Herman about SB 271 and said it was important to protect personal property rights. She brought up SB 176 and recommended asking the state about lawsuits as well as examining the insurance costs considering reports she had read about increased cancer rates among those using body cameras. She supported the use of body cameras. She voiced her opinion against AB 193 which dealt with water fluoridation in Washoe County. She claimed it would increase water bills by 9 percent and she cited a study that

linked lower IQ levels to fluoridation. She asked the Board to publicly oppose AB 193 because the residents of Washoe County continued to vote it down.

Ms. Juanita Cox, representing Citizens in Action, spoke against the fluoride bill and said the County should say no. She spoke about a well-metering bill being heard on March 28, 2017 and urged the Board to review that bill. She brought up SB 211 which dealt with provisions relating to elections and alleged it could put a financial burden on the County and the Clerk's Office. She said the bill would mandate notifying 16-year-olds to pre-register to vote and it would add additional cost to the County. She stated the bill offered no penalties for 16-year-olds who attempted to vote before they turned 18.

Mr. Rogers announced March 27 was the deadline for all committee bills to be submitted and there had been an increase in the number of new bills. He stated staff was working hard to keep up with them and would report to the Board.

17-0248 **AGENDA ITEM 16** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Truckee Meadows Fire Protection District or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board of Fire Commissioners to be of critical significance to Truckee Meadows Fire Protection District. Truckee Meadows Fire Protection District. (All Commission Districts.)

Fire Chief Charles Moore spoke about AB 297, the bill requiring certain local governments to designate fire and police stations where people could complete an online sale. He announced there was an amendment to the bill that would remove fire stations so he no longer had any opposition to the bill. County Manager John Slaughter noted the Sheriff's Office worked with the bill's sponsor and was in agreement with it; they designated a couple of parking spaces for people to complete online transactions.

There was no public comment on this item.

17-0249 **AGENDA ITEM 13** Accept presentation on the 2016 Washoe County Citizen Survey. [No impact]. Manager. (All Commission Districts.)

Budget Manager Mark Mathers presented the results of the 2016 Citizens Survey of Washoe County Residents which was requested by the Board during the previous budget cycle to determine residents' budgetary priorities. They used the National Research Center (NRC) who had conducted a survey for the County in 2006; the company's focus was exclusively public sector clients.

Mr. Mathers conducted a Powerpoint presentation with the following slides: The NCS & Washoe County; Facets of Community Livability; Comparisons of Services to County Benchmark Group; National County Benchmark Group; Key Finding #1; Overall Quality of Life; Aspects of Quality of Life; Resident Loyalty; Key Focus

Areas; Key Finding #2; Development a Concern and Priority; Key Finding #3; Safety a Priority; Economy a Priority; Special Topics; Impact of New Development on County Services; Washoe County Priorities for Next 5 Years; Strategic Planning; Support for Increased Vehicle Registration Fees; and Conclusions. He stated there were three areas the survey focused on: community livability, governance, and how engaged residents were in the community. They used a stratified systematic random sampling which meant they broke the County up into incorporated and unincorporated zones to receive representative responses from unincorporated areas. The two questions rated higher by County residents were regarding opportunities to attend cultural activities and citizens' response to the economy. The four questions that received lower ratings were about affordable housing, the availability of housing options, access to affordable mental health care, and public library services. 80 percent of residents felt the overall quality of life in the County was excellent or good, up from 70 percent in 2006. 86 percent felt the County was a good place to live as compared to 67 percent in 2006.

Commissioner Hartung asked what was included in the term 'County Services' because many constituents could misunderstand which services were the County's responsibility. He asked if there was a way to filter out responses that dealt with services not actually provided by the County. Mr. Mathers replied they worked with NRC to list specific services the County provided and to involve the unincorporated areas, though he acknowledged it could be an issue with any survey. Commissioner Hartung illustrated his point by saying he often got complaints about La Posada Drive even though that was a City of Reno road. Mr. Mathers offered to provide the breakdown of responses by geographic area but he stated there were not many differences in the results. He noted they developed customized questions because the standard questions could result in the aforementioned confusion.

Mr. Mathers reviewed a hypothetical question from the survey which asked if residents would support an increased motor vehicle registration fee to pay for one of two programs and discussed the results. He said they provided specific examples of the types of recreational services in the second hypothetical scenario. He concluded the effort was worthwhile and he hoped to do it periodically to see trends in residents' opinions.

Commissioner Hartung asked if they considered the length of residence for the respondents because he felt newer residents were more likely to answer negatively. Mr. Mathers replied they did track the number of years of residence but they would have to have NRC compile that data. He reported 23 percent of the respondents lived in the County less than 5 years and only 8 percent less than 2 years; half of the respondents lived in the County more than 20 years.

Commissioner Jung requested a report showing incorporated residents' responses verses unincorporated in each category. She felt citizens were concerned about library funding and reiterated her request to raise Regional Parks and Open Space's budget; the survey was performed to inform their budget process. She stated 87 percent of respondents were concerned with who was responsible for preparing for new

development as it was a topic she had asked staff about numerous times. She wondered who would reach out to the public to ensure loyal residents would have a voice in how development should look and what services new residents would like. She recommended Regional Planning should study the impacts of proposed development. She referenced a model community in Arizona that had a balance between established residents giving their input about land use development as well as people moving there; they quickly found they needed more daycares. She requested that appear on a future agenda.

Commissioner Jung stated County roads were in bad shape because of the flooding issues and they needed to inform constituents about what the County had done to address hazardous roads. She remarked since safety was a big concern for residents, the Sheriff's budget should be increased and citizens should be notified it was done based on their input. She requested seeing a breakdown of the report based on age because she felt most respondents were elderly as they almost always stressed the need for services for seniors and other vulnerable populations.

Based on the hypothetical question about an additional registration fee, Commissioner Jung noted the results showed a bigger need for senior services, so funds should go more to that and less to cultural facilities. She asked that, when the Budget Department came before the Board with presentations, they should address how they used the statistically-significant survey results to inform their budgetary requests.

On the call for public comment, Mr. Jeff Church referenced page five of the survey and said residents liked Washoe County because of the surrounding areas, its proximity to California, the casinos, and the buffets. He reviewed several of the unfavorable results though he conceded the County often got lumped in with Reno, Sparks, and the Washoe County School District (WCSD). He mentioned two upcoming meetings: a flood town hall and a WCSD meeting to discuss their budget deficit. He spoke about a WCSD advisor's salary and the cost of gas in Washoe County, voicing his opposition to additional taxes.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Berkbigler being absent, it was ordered that Agenda Item 12 be accepted.

17-0250 **AGENDA ITEM 14** Discussion and possible adoption of the 2017 Rules of Procedures – Washoe County Board of Commissioners. Manager. (All Commission Districts.)

Management Services Director Al Rogers thanked the Board for its patience in bringing Agenda Item 14 back as it had been discussed at previous retreats and meetings. He stated the new Rules of Procedures handbook incorporated parts of versions dating back to 2012 and recommended the Board adopt it for the following year. He stated the Rules were compiled from various sources including Reno, Nevada, and other jurisdictions. He drew attention to the Use of Rules at the back of the handbook and said the purpose of the Rules of Procedures was to provide guidance; it was to be used at

the Board's discretion. He deferred to Legal Counsel that the presented rules were not in violation of any state laws or County codes. He acknowledged the handbook would be a working document that would be updated annually.

Commissioner Herman expressed concern over Article 4 of the handbook. Chair Lucey said the handbook was beneficial and held the Board accountable as well as provided them with a road map for the decorum of a meeting.

On the call for public comment, Ms. Juanita Cox, member of the National Parliamentarian Association and Secretary of Nevada First Union, said she was concerned about the transition from Robert's Rules of Order to Mason's Manual of Legislative Procedure. She stated Robert's Rules were oriented towards the average citizen and most meetings were run by Robert's Rules. She urged the board to reconsider the change.

Ms. Joannah Schumacher, President of the First Nevada Unit of the National Association of Parliamentarians, remarked Robert's Rules were designed to protect the individual while maintaining the ability to get things done. She claimed Mason's Manual put too much power in one person's hands. She spoke about national politics and implied the switch in rules could result in a chair having too much power. She offered to train the Commissioners about Robert's Rules and asked the Board to reconsider the change.

Commissioner Hartung commented he did not understand many of the differences between Robert's Rules and Mason's Manual and inquired what the substantive changes were. Mr. Rogers replied Robert's Rules of Order was designed for civic organizations while 70 out of 99 legislative chambers utilized Mason's Manual. He explained one major difference was that Mason's Manual did not require a motion to be seconded, though the proposed Rules of Procedure made it clear it would still be required with this Board. County Manager John Slaughter noted to his knowledge the Board had never officially adopted any Rules of Procedure so they were not actually transitioning from one to another. He confirmed Mr. Rogers' point about the option to require a second on a motion. He stated Mason's Manual was designed for legislative bodies and it contained guidelines about dealing with other branches of the government; Robert's Rules were not designed for elected bodies.

Chair Lucey stressed the Rules of Procedure were designed to provide a platform for the Board. In the past they conducted meetings using a blend of Robert's Rules and Mason's Manual. He stated it was a more of a housekeeping item than a dictation of how meetings would be run. He reassured that they were not going to take power away from citizens but stated he supported the Rules of Procedure as drafted.

Commissioner Herman requested more time to study the Rules of Procedure, to which Chair Lucey said they had put off the adoption of the Rules for almost four months and he did not want to delay it any further. When asked by Commissioner Hartung if any Commissioners were provided a copy of Mason's Manual,

Mr. Rogers said they had not but they also never provided a copy of Robert's Rules since it was never officially adopted. He offered to provide a copy of Mason's Manual. Commissioner Hartung expressed concern about voting for something he had not read and Chair Lucey said it had been on their agenda several times and Mason's Manual was published and available for review during that time. He affirmed his desire to vote on the proposed Rules.

Deputy District Attorney Paul Lipparelli suggested one option would be to adopt the rules as presented with the exception of Article 4 since a 2-2 vote would result in no rules being adopted. The remainder of the rules could be enforced right away and the parliamentary rules could be further debated. Mr. Slaughter repeated the Board had never adopted any rules and said he did not recall a time when there was a point of order requiring an interpretation of any rules. He and Commissioner Herman agreed with Mr. Lipparelli's suggestion to start by accepting the Rules of Procedure.

Commissioner Hartung stated he had no issue supporting the Rules of Procedure as written and receiving a copy of Mason's Manual later. He stressed he did not want to adopt Mason's Manual only to have someone call the Board out for not following the Manual and possibly invalidate an action. He read from the handbook that the Rules of Procedure was not intended to legally bind the Board.

1:09 p.m. The Board took a recess.

1:17 p.m. The Board reconvened.

Commissioner Herman moved that the Board accept the Rules of Procedure with the exception of Article 4. Upon clarification of the motion, Commissioner Hartung withdrew his second and said there was enough clarification in other articles to override the issues with Mason's Manual. With no second, the motion did not pass.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried on a 3-1 vote with Commissioner Herman voting "no" and Commissioner Berksbigler absent, it was ordered that Agenda Item 14 be adopted.

17-0251 AGENDA ITEM 18 Public Comment.

On the call for public comment, Cathy Brandhorst was called but she was not present to speak.

17-0252 AGENDA ITEM 19 Announcements/Reports.

Commissioner Hartung inquired if there was a way the County could work around the permit issue in the event of a natural disaster. He said permits to repair septic tanks were required by the Health Department, not the County. He directed staff to return with information about that issue since they were already discussing changing the tax

structure for a damaged structure that was being rebuilt. County Manager John Slaughter had already begun discussions with staff about permits fees relating to homes damaged by flooding. Commissioner Hartung asked if that would include homes damaged in the Little Valley Fire as well.

* * * * *

1:22 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Derek Sonderfan, Deputy County Clerk

Pending Board Approval