

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

TUESDAY

10:00 A.M.

FEBRUARY 12, 2019

PRESENT:

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

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Assistant District Attorney

ABSENT:

Bob Lucey, Vice Chair

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

Chair Hartung asked for a moment of silence for Commissioner Lucey's grandmother, Barbara Darlene Lucey, and for Michael Kate who was a friend to the community. There followed a moment of silence.

Chair Hartung stated freedom was fragile and it was not free. Generations of Americans had fought for the right to be free. He thanked active military service women and men and veterans for their service. He thanked first responders for making the community safer and volunteers for making the County a better place.

19-0078 **AGENDA ITEM 3** Public Comment.

Ms. Hilary Burson expressed frustration with Waste Management's service. She lived on a dirt road and stated Waste Management trucks did not drive on dirt roads when they were muddy. She was supposed to have yard side service but her garbage had not been collected for four weeks. When she called the customer service number she was directed to Phoenix and her messages were not returned.

Chair Hartung asked Assistant County Manager Kate Thomas to follow up with Ms. Burson.

Ms. Tammy Holt-Still stated a County representative was quoted in an interview saying the County had spent \$70,000 monthly on maintaining the Hesco

Barriers in Lemmon Valley. She displayed an image of flooding near Nectar Street and said flooding was still occurring despite all the money the County had spent. She displayed documents about evaporation services and email correspondence with Mr. Tim Jeter, copies of which were placed on file with the Clerk. She spoke about the poor installation of a pump pipe across Lemmon Drive and about Washoe County working with the City of Reno to correct the situation.

Ms. Darlene Hesse said as a resident of the Wildcreek Golf Course (WGC) she believed Washoe County would be losing a treasure by putting a school at that location. She thought schools were important but did not think the golf course was the right place to put the new high school. She stated the golf course was making a profit with the new management company and she did not understand why the County would sell it. It was beautiful open space with many animals that should not be lost. She expressed concern about additional traffic the school would produce and about flooding on the property.

Mr. Mike Brierley expressed opposition to a school being built on the WGC. He noted the staff report indicated the Washoe County School District would pay \$979,000 to the Reno-Sparks Convention and Visitors Authority (RSCVA). He surmised it was intended for the RSCVA to redeem water bonds with the City of Sparks and he was in favor of that. He spoke about the appraised value and the value of comparable properties and thought the WGC property was undervalued. He requested the Board postpone the transfer of the property.

Mr. John Hesse said he was opposed to putting the school on the WGC property. He felt it did not make sense to eliminate a golf course when the population was growing and there would be more people to play golf. He said the County had a lot of land and other locations would be equally suitable for a new high school. He expressed concern about additional traffic and flooding. He was not opposed to a new school, he just believed it was the wrong location. He asked the Board to reconsider and hoped the Resolution would be turned down.

Ms. Kathleen Shupp lived on the edge of the WGC and stated she was concerned about the loss of animal habitats if a school was built on the site. She did not believe the unused portion of the parcel would be maintained as a golf course. She felt the school district would use the center of the property for the new school and leave the edges of the property for possible green space. She believed it would be neglected.

Mr. Jeff Church, owner of renotaxrevolt.com, provided handouts which were distributed to the Board and placed on file with the Clerk. He spoke about the Reno Business Improvement District (RBID) which was run by a 501(c)(6) advocacy group. He said the County voted the previous year to tax themselves to form and support the RBID, so taxpayers were subsidizing the RBID. The tax created a special liability for taxpayers and subjected them to special assessments and bonding. He said two major U.S. Supreme Court decision came out in June of 2018 and, according to those cases, a County could not force a tax payer to belong to a 501(c)(6). He advised the Board to

request the District Attorney review those cases. He noted the majority of the properties in the RBID were not businesses and should not be taxed.

Mr. Sam Dehne spoke about his flight experience, his attendance at public meetings, and Reno media. He expressed disappointment about the WGC property transfer and stated the RSCVA was not created to build schools. He applauded the Governor for deciding against changing the name of the Reno-Tahoe International Airport. He said the Governor should appoint him to the Marijuana Board he was creating.

Mr. Wesley Griffin stated he opposed a high school being built at WGC for a number of reasons. He cited the traffic, the property being in a flood plain, and the cost, which he thought was much greater than taxpayers should pay for a school. He said residents had filed a lawsuit and their attorney stated building a school there was against the Truckee Meadows Regional Plan, which carried the full force of the law. When the lawsuit was dismissed, the judge said it was primarily because of timing and once the property changed hands the suit would be viewed differently. He said the residents would rather not file another lawsuit; they wanted to see what the Regional Planning Commission had to say about the situation. He noted Duncan Golf had made a profit since they took over the management of the WGC. He asked whether it made sense to take a profitable golf course that was treasured by the community and put a school there when there were many other places where a school could be built. He asked the Board to delay their decision until the Regional Plan was available.

Ms. Susan Ambrose thanked the Commissioners for initiating a discussion at the previous meeting in response to public comment. She noted both County Manager John Slaughter and the Board listened to Citizens Advisory Board (CAB) members and discussed whether there could be possible changes in the format of the CABs. She said the Warm Springs CAB used community surveys and received good responses. She suggested the County use surveys to get input about whether to continue the CABs, have public forums as mentioned by Commissioner Jung, or host a town council. She said having community input on development proposals was paramount but there were non-development issues needing citizen input as well. She requested the funding for first responders and the jail be increased in proportion to the increase in population.

Ms. Pam Roberts expressed concern about the process involved in the development of the Warm Springs Specific Plan area (WSSP). She noted the WSSP was approved in 1992 and was amended in 1995 to include a financial plan. The most recent review of the WSSP in 2012 failed to address the specific plan area. She stated the WSSP contemplated a buildout of 1,741 homes by 2017 and there were only about 70 homes built to date. She said the Board voted to remove the funding portion of the WSSP which was designed to collect and ensure funding for infrastructure. She thought removing the funding provision left the WSSP community vulnerable to ad hoc growth by developers. She stated the WSSP document indicated parcel maps must be reviewed by the CAB but the proposed development on Agenda Item 17 had not been reviewed by the CAB. She believed the Board needed to direct staff to work with the CAB to update the WSSP.

19-0079 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Berkbigler commended staff who worked to remove snow during recent storms. They worked 12 hour days every day and had done a great job. She stated she attended the Economic Development Authority of Western Nevada (EDAWN) business meeting for planned and future community growth in 2019. She said it was exciting because they spoke about major growth. Nationally there was stabilization of the growth boom but projections from experts indicated that would not be the case in this community. Many technology and light manufacturing businesses were being established locally. She encouraged citizens look at the EDAWN website to see what was being proposed. She said that was the type of information and feedback the Board liked to hear.

Commissioner Berkbigler stated she toured the Lemmon Valley flooding area with Chair Hartung and staff before the previous storm. She said at the time of the tour the water had not breached anywhere but she was aware the storm increased water levels to where the County should be more concerned. She stated they also took the opportunity to tour Lemmon Valley Elementary School (LVES) which resulted in a positive surprise. She had asked for statistics for LVES and learned their absentee rate was less than 3.5 percent; it was clearly not a sick building. They looked at the bathrooms to ensure there was no black mold and she reported there was none. There was a portion of ceiling in the library approximately 15 feet high containing asbestos. She attained a commitment from school staff to not allow any children to climb ladders and scratch on the asbestos. There was a request for proposal to have the asbestos removed over the summer. She said the school was in great shape and the principal was fabulous. She hoped everyone would have the opportunity to see the school at the next open house.

Commissioner Berkbigler clarified the fee which supported the Downtown Business District (DBD) was not applied to anyone who lived or owned property located outside the DBD; it only applied to properties located within that particular district. She wanted citizens to have clear information so they did not have the impression the Board approved an across-the-board fee for the City of Reno to run the DBD. She thought the DBD was doing well.

Regarding the flooding in Lemmon Valley, Commissioner Herman stated the Federal Emergency Management Agency (FEMA) would still pay for elevation of homes. She said it had worked very well in southeastern hurricane areas. It was a temporary solution but the local issue was long-lasting and something needed to be done. She said FEMA would not pay to buy out property owners. She suggested the Board bring back the flooding issue for discussion.

Commissioner Berkbigler noted questions were asked during the tour of Lemmon Valley about what could be done. Staff had hired a consultant to perform a study and provide a survey of options should the water not go away. The report of the study was expected later in the year and would provide ideas about flood mitigation.

Commissioner Jung watched Human Services Director Amber Howell's presentation of the Northern Nevada Adult Mental Health Services campus. She said the excitement and credibility was apparent in the room. She did not take the tour because the snow in the parking lot was high. She stated the parking lots needed better snow plowing considering citizens would be using them. She said she would be keeping an eye on the Regional Behavioral Health Board, which was created by Legislature to give recommendations for potential bill draft requests. Most social service dollars were spent on behavioral health, which included mental health and addiction services. The goal was to create programs that allowed human beings to give their best to communities.

Commissioner Jung stated her main impression from the EDAWN meeting was that affordable housing was the current biggest issue for the community. It was expected to get worse if a worst-case-scenario plan was not developed. She said findings indicated the middle class was the most affected. They were unable to pursue a lifestyle suitable to their credentials and background. She asserted the community, County, and region needed to address the missing middle class where citizens made too much money to qualify for resources or receive services. She noted the lack of affordable housing was also an issue when addressing behavioral health issues. People who completed their programs and were ready to graduate had no place to go because they could not afford the high rents in the current housing market.

Commissioner Jung noted she contacted Washoe County School Board Trustee Angela Taylor to discuss the LVES. Ms. Taylor had been traveling. Commissioner Jung wanted to tour the school with Ms. Taylor and Ms. Denise Ross to see the issues raised by Ms. Ross during a previous meeting. She noted if the LVES had such a great attendance record they could teach other schools some tips about getting kids to school every day.

Commissioner Jung asked the Board to review all options regarding the flooding in Lemmon Valley. She requested a report of the cost of all available options and about how much was spent to date to mitigate the flooding. She believed the expenditures thus far were between \$5 million and \$7 million. She noted a small portion of that would be reimbursed by the federal government. She thought the County should present residents with options, prices, and land. Staff had provided her with a high-level overview, but she requested a subject matter expert to review options and costs with her. The flooding issue was expensive and needed to be resolved. She wanted to present residents with real solutions. She looked forward to working with all Commissioners during the next budget cycle to resolve the issue permanently.

Commissioner Jung said she was working on the budget and invited residents to call with any concerns or suggestions. She believed County finance staff was the best in the State. She received a variance report the previous week. She said County staff was very skilled at predicting income and expenses, which resulted in very little variance; the variance was not a place to find extra funds. She encouraged suggestions from citizens and Commissioners on special projects. She planned to work more actively on the budget to help Commissioners get what they needed for their districts.

Chair Hartung had asked staff to put together a matrix of all possible options regardless of costs with respect to the Lemmon Valley flooding. He wanted the Board to have a list of things that had been done and things that were possible.

Chair Hartung said the EDAWN meeting addressed not only the issue of affordable housing but the number of jobs added per year. The region was adding approximately 10,000 jobs per year, which was well above the national average. He said people were coming and it would be an issue.

Chair Hartung attended a community event the previous weekend called “Back in the day...” in Spanish Springs. It was at Lazy 5 Regional Park, which used to be a gun club when the area was primarily agricultural. Many longtime residents shared memories and history of the Spanish Springs community. He was also asked to participate in the opening of the Nevada Preparedness Summit for volunteers who were first responders. He thanked first responders who served the community during emergencies. He said 200 to 300 people attended the event.

19-0080 **AGENDA ITEM 7** Recommendation to adopt a resolution approving a cooperative agreement between Washoe County, the Washoe County School District and the Reno-Sparks Convention and Visitors’ Authority for the transfer of portions of Wildcreek Golf course on Sullivan Lane in Sparks, Nevada, comprising the parcels of Parcel Map No. 5369, and rights and obligations related to those parcels including: personal property, water rights, rights to an effluent agreement, rights to a golf management agreement and a ditch maintenance agreement and matters properly related thereto. District Attorney. (All Commission Districts.)

Chair Hartung said the Board would hear public comments on this item but it would be moved to the February 19 meeting when all Commissioners would be in attendance.

On the call for public comment Mr. Sam Dehne expressed concern about the cost of building the proposed high school. He said it was against the law for the Reno-Sparks Convention and Visitors Authority to sell the property because doing away with the Wildcreek Golf Course would not benefit citizens. He did not oppose building a school at a different location. He noted construction would be a disruption for residents living around the golf course. He spoke about the pipeline being built to transport effluent to the Tahoe-Reno Industrial Center.

11:00 a.m. **Commissioner Jung left the meeting.**

Chair Hartung asked Assistant District Attorney Paul Lipparelli whether a vote was required to move this item to the next meeting. Mr. Lipparelli recommended the Board move to continue the item to a specific meeting.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 3-0 vote with Commissioners Lucey and Jung absent, it was ordered that Agenda Item 7 be moved to the February 19, 2019 meeting.

19-0081 **AGENDA ITEM 6** Recommendation to select and appoint one member to the Washoe County Regional Animal Services Advisory Board to fill the vacant position specified in WCC 55.036(1)(b): a real estate or business professional with knowledge or experience related to homeowners' associations, business organizations and/or financial operations, with a term to expire on June 30, 2021. Applicants include: Lorin A'Costa, Jeremy Alltop, Gia Aragon, Spencer Campbell, Judith Cook, Dan Davis, Patricia Denny, Rita Groh, Leigh Hooker, Norman Huckle, Patricia Fabre Johnson, Alfred Knepper, Brett McLane, Albert Rogers, Cheryl Sedestrom, Timothy Stoffel, Julie Warden, Brett Webster, and Kathryn Wild. Animal Services (All Commission Districts).

Chair Hartung said they would open public comment to allow candidates to speak, and then each Commissioner would select two candidates to narrow the applicant pool.

On the call for public comment Mr. Alfred Knepper said the application did not expand upon his background and expertise. The position required real estate business and homeowners association (HOA) knowledge and he had experience in both of those areas. He stated he was a member of an HOA for 30 years. He noted he graduated high school in 1966. He had been in management positions virtually all of his life. He was selected to attend the United States Coast Guard Academy but did not go there for various reasons. He was the second person in the history of the Air Force to score 100 percent on their qualifying test. He attended the University of Arizona under a National Merit Scholarship. He said he was raised on a farm and had a high regard for animals, adding he had a Bureau of Land Management donkey for 18 years. He said he had lived in the Reno/Sparks area since 1978 when he was hired as the Human Resources director for a bank that became Bank of America. He was on many different boards such as the State Personnel Commission for Northern Nevada. He was the finalist for the State Director of Personnel in 1983 but turned down the position. He hired himself to be a trust administrator with the bank and in that position he was responsible for \$1.4 billion of retirement fund investments. He was the administrator and director of the department and had many high profile clients and businesses. In those investment accounts there were many real estate investments owned by retirement funds so he had experience buying and selling real estate. He became a special education teacher after he left the bank. He said he served on many different committees such as the Washoe County Student Safety Committee and the Parent Teacher Association Advisory Board. He was president and secretary/treasurer in a corporation involved in aviation. He had been a private pilot for 40 years. He asked the Board to consider him for the position.

11:07 a.m. **Commissioner Jung returned to the meeting.**

Mr. Norman Huckle retired from the University of Nevada, Reno (UNR) where he worked for 32 years. He said he was aware of State and local issues. His last 17 years at UNR he worked at the School of Medicine where he was in charge of inter-library loan document delivery. He saw a lot of research for animal therapy. He said he realized the competition for the position was tight. He had lived in Caughlin Ranch for ten years and was active with the Caughlin Creek HOA. He said he knew HOAs went through ups and downs. He noted animals played a big part in keeping common areas nice. He was president of the Reno Area Avian Enthusiasts (RAAVE). He displayed a document listing animals in need of re-homing. When there was a problem in the community with a bird, he would get a phone call to remove the bird. He said birds did not have the same safety net as dogs and cats. He stated there was a very small area for birds at the Regional Animal Services facility and they would be moved to the Humane Society if they were not claimed. He said birds were abandoned during the recession but people were interested again during the good economy. He commented there was an old petting zoo at Rancho San Rafael Park and RAAVE had a show-and-tell event at the park. The petting zoo was a potential location for a parrot site or a place for other animals to be used for therapy. He said the ideas on the topic were boundless. He thanked the Board for their time and consideration.

Ms. Patricia Fabre-Johnson said she was a Reno native and had seen all of the good and bad aspects of the City's growth. She worked for Bill Harrah in the Ferrari distributorship for years and then for Mercedes Benz of North America, where she handled millions of dollars as Product Placement/Controller. She returned to Reno in 2003 and obtained her real estate permit. She served on the Disability Awareness Committee for the City of Reno. As a real estate agent she had helped hundreds of people buy, sell, and relocate to and from the area. Until 2016 she served as a property manager. She was aware of and stayed current on real estate and landlord/tenant laws. She was very involved in the animal community in town and volunteered at For Pets' Sake, Incorporated, the oldest independent rescue founded in 1984. She worked on animal rescue, helping save the lives of over 300 dogs during the 2018 calendar year. She did most of the fundraising for the organization. She was a member of the animal rescue team, which required six weeks of Saturday training to learn how to help animals in an emergency. She worked with all of the local rescues to showcase animals in need. She stated Washoe County was known as one of the safest communities in the United States for animals because of the efforts of the Washoe County Regional Animal Services, the Nevada Humane Society, and the Society for the Prevention of Cruelty to Animals. She remarked she would be honored to serve on this committee.

Ms. Lorin A'Costa thanked the Board for the opportunity to apply to serve on the Washoe County Regional Animal Services Advisory Board (RASAB). She was a real estate professional with over 40 years' experience in real estate, including sales, as a broker, as a business owner with a property management division, and with an HOA management division. She worked in Arizona, New Mexico, California, and Reno. In New Mexico she worked in corporate real estate handling mining company issues with their animal rescue department. In California she worked in the mortgage industry. She relocated to Reno nine years earlier. She was active in business and volunteered in causes

important to her and the community. She wanted to expand into the advisory and decision-making process for those causes. She was not a native of Reno and thought that was an advantage with all of the growth expected in the region. She felt she could offer the Board insight from what she witnessed in the Midwest, Phoenix, New Mexico, and California. She hoped the Board would consider her for the position.

Mr. Tim Stoffel felt he could provide something unique and different to the Board. He had been a member of the Animal Control Board and had attended most of the RASAB meetings when his schedule permitted. He did not have the real estate credentials but he had experience in issues pertaining to real estate from an animal control perspective. As part of the Animal Control Board, he had to make decisions on cases of animal nuisance. He was also an amateur radio operator and a broadcast engineer. He had to deal with communication towers which, like animals, tended to be public nuisances but served a useful purpose. The communication tower dimensions were dictated by physics as biology dictated how animals worked. He had acted as an expert witness and had to defend his own cases on real estate issues in the past. As a result of his work as the large feline expert of the Sierra Safari Zoo, he had access to information, husbandry, and most things in the animal kingdom that would ever come before the Board. He believed he could offer a unique perspective to the RASAB due to his broad and long-lived interest in animals. He felt his unique expertise would help the RASAB in making informed recommendations on the care of animals in the County. His other volunteer experience included being President of the Society of Broadcast Engineers local chapter, serving on the Board of Directors of the Sierra Nevada Christian Music Association, being Vice President of the Astronomical Society of Nevada, and serving on the Board of Directors of the National Translators Association. He thought he could help the RASAB by taking care of the rest of the animal kingdom, not just dogs, cats, horses, and livestock. He said the world had many more animals, including the wildlife which occupied this area. He thanked the Board for considering him for the position.

Mr. Al Rogers said he was probably somewhat of a known quantity, which could be an advantage or a disadvantage. He was coming forth to serve Washoe County as he had done for the previous 30 years. After retiring 18 months earlier he had the opportunity to do whatever he wanted. He was a retired Realtor, an educator in the Washoe County School District, and would soon be a licensed drone driver. He said the reason he was drawn to the RASAB was to serve Washoe County and be part of the community, since he had the background and knew what his responsibility as an Advisory Board member would be. He noted there were professionals within Regional Animal Services who did a phenomenal job and had done so for many years. He looked forward to being a part of that as an advisor. The inclusion of the realty aspect matched with his background, allowing him to be the best and most productive Advisory Board member he could be. He appreciated the Board's time and looked forward to their decision.

Chair Hartung suggested each Commissioner nominate two candidates.

Commissioner Herman said she looked for the person who knew the most about the subject matter they would be dealing with. She wanted to vote for Mr. Tim Stoffel twice. Chair Hartung stated she could not vote twice for one person and would only have one candidate nomination. Commissioner Herman agreed to nominate just one candidate.

Commissioner Berkbigler voted for Mr. Al Rogers and Ms. Lorin A'Costa.

Chair Hartung said it was a difficult decision because there were so many highly-qualified applicants. He voted for Mr. Tim Stoffel and Mr. Al Rogers.

Commissioner Jung voted for Mr. Al Rogers. She thought he would be an important asset for the RASAB because he had the real estate background and one of the biggest issues the Board dealt with in animal services concerned HOAs and property rights with animals. She thought Mr. Rogers would be the natural choice to advise the Board as part of the RASAB.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Al Rogers be appointed to the Washoe County Regional Animal Services Advisory Board with a term to expire on June 30, 2021.

Chair Hartung welcomed Mr. Al Rogers to the RASAB.

CONSENT AGENDA ITEMS – 5A THROUGH 5H2

19-0082 **5A** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners. Clerk. (All Commission Districts)

19-0083 **5B** Recommendation to approve grant awards of \$15,000 and \$1,000 for a total of \$16,000 [no County match required] for the retroactive period October 1, 2018 through September 30, 2019, made possible by Maddie's® Pet Project in Nevada, thanks to the Dave & Cheryl Duffield Foundation, a private charitable foundation based in Lake Tahoe, Nevada, to support and expand the services provided by the Community Animal Resources & Education Services (CARES) program that will provide additional pet food, vaccinations and medical care to animals belonging to homebound and low-income seniors in Washoe County; retroactively authorize the Director of Regional Animal Services to execute the awards; and to direct the Comptroller's Office to make the necessary budget amendments. Animal Services. (All Commission Districts.)

- 19-0084** **5C** Recommendation to approve interfund appropriation transfers for a higher than anticipated bid for the construction of the roof screen structure at the Human Services Family Engagement Center (aka Visitation Center) [\$58,410]; and, if approved, direct the Comptroller's Office to make the appropriate appropriation transfers [net impact to County Budget is zero]. Community Services. (Commission District 4.)
- 19-0085** **5D** Recommendation to acknowledge GSD Nevada LLC, hereafter GSD, as an ongoing professional services provider for the Washoe County District Court Courthouse Project. The contract rate annualized is [\$90,000, plus \$18,000 in costs for a total of \$108,000]. Currently, the GSD contract is being paid out of District Court IO 20326. We will continue to pay for the GSD contract under this IO through June 30, 2019. For the period July 01, 2019 through June 30, 2024, the GSD contract should be paid under Capital Expansion Account IO 920301, Fund 402-0. District Court. (All Commission Districts.)
- 19-0086** **5E** Recommendation to approve a Commission District Special Fund disbursement in the amount of [\$1,000] for Fiscal Year 2018-2019; District 3 Commissioner Kitty Jung recommends a [\$1,000] grant to the Washoe County Human Services Agency to support the Senior Coalition of Washoe County; and direct the Comptroller's Office to make the necessary cross-fund, cross-functional budget appropriation transfers. Manager. (Commission District 3.)
- 19-0087** **5F1** Recommendation to approve the settlement of the claim of John Finnegan v. Washoe County, et al for a total sum of [\$20,000] for all claims against all defendants. Comptroller. (All Commission Districts.)
- 19-0088** **5F2** Recommendation to approve the settlement of the claim of Toni Leal-Olsen v. Washoe County, et al for a total sum not to exceed [\$140,000] subject to final accounting, for all claims against all defendants. Comptroller. (All Commission Districts.)
- 19-0089** **5F3** Recommendation to acknowledge receipt of the Interim Financial Report for Washoe County Governmental Funds for the Six Months Ended December 31, 2018 - Unaudited. Comptroller. (All Commission Districts)
- 19-0090** **5G1** Recommendation to approve amendments totaling an increase of [\$18,000] in both revenue and expense to the FY19 Association of Food and Drug Official (AFDO)- Food Retail Program Standards Program -NC State Retail HACCP and Validation and Verification Course, IO-11545; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)

- 19-0091** **5G2** Recommendation to approve amendments totaling an increase of [\$3,000] in both revenue and expense to the FY19 Food Retail Program Standards Program - Joint Nevada Food Safety Task Force and NevEHA Annual Educational Conference Grant Program, IO 11548; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)
- 19-0092** **5G3** Recommendation to approve amendments totaling an increase of [\$3,000] in both revenue and expense to the FY19 Association of Food and Drug Official (AFDO)- Food Retail Program Standards Program - Managing Employee Health Workshop, IO 11549; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)
- 19-0093** **5G4** Recommendation to approve amendments totaling an increase of [\$2,851] in both revenue and expense to the FY19 Association of Food and Drug Official (AFDO)- Food Retail Program Standards Program - FDA Program Standards Self-Assessment and Verification Audit Workshop, IO 11544; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts)
- 19-0094** **5H1** Recommendation to accept the FY19 Senior Mental Health subaward from the State of Nevada Division of Public and Behavioral Health (DPBH) to provide mental health support for seniors in the amount of [\$75,000; no county match] retroactively from October 1, 2018 through September 30, 2019; authorize the Director of the Human Services Agency to execute the grant documents; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency (All Commission Districts)
- 19-0095** **5H2** Recommendation to approve grant award from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III-E Innovation Projects: Caregiver Services [\$108,909; no County match] retroactive from September 30, 2018 through September 29, 2019; as this award funds personnel, if grant funding is reduced or eliminated, the positions hours will be reduced and/or the positions abolished accordingly; authorize the Director of the Human Services Agency to execute grant award documents; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

Commissioner Berkbigler noted Agenda Item 5B was about the County receiving \$16,000 from the Dave & Cheryl Duffield Foundation; it would go to Regional Animal Services.

County Manager John Slaughter clarified Agenda Item 5C was for a project at the Human Services Family Engagement Center which included a roof repair. The budgeted amount was \$50,000 so the item was a request for the additional \$8,410.

Chair Hartung asked Human Services Agency (HSA) Director Amber Howell to discuss Consent Agenda Item 5H1 and 5H2. Ms. Howell said Washoe County had received the same type of grant from the State in 2006 and 2009. There was a period of time when the HSA did not actively pursue those grants. They applied to the State the previous year and received \$75,000. She said they noticed they did not have a robust infrastructure for mental health services within their senior services programs. As the population grew there was an increased need for services and the HSA did not have the ability to offer immediate services. The grant would allow the HSA to offer those services. She said they would continue to apply for the grant and they would also seek other funding sources. The \$75,000 was a great start but the HSA would request much more in future years.

Ms. Howell said the HSA had a consulting contract with Nevada Senior Services (NSS) two years prior. In their recommendations NSS did a service array analysis and identified two primary gaps in senior service programs. One was the Caring for You, Caring for Me program for caregivers who were caring for relatives in their homes. The second gap was Skills to Care, an occupational therapy intervention program that had been shown by the Jefferson University to decrease behavioral occurrences, reduce functional dependence, and improve overall quality of life. Ms. Howell was excited about the two new programs in senior services. She said the goal was to increase caregivers' self-efficiency and support because more support for caregivers would reduce the number of seniors that would end up in institutions and nursing homes.

Chair Hartung said it was well-known that better outcomes resulted from longer care at home. He commended Ms. Howell for her efforts.

On the call for public comment Ms. Connie McMullen, Washoe County Senior Coalition (WCSC) President, thanked Commissioner Jung for her donation. She said the WCSC started a Senior Day at the Legislature approximately two years earlier. The intent was to draw attention to the importance of programs such as those discussed by Ms. Howell. She said seniors did not often have mobility and many did not drive or have a ride. The WCSC arranged for the Regional Transportation Commission to transport 110 seniors to the Legislature for Senior Day. She said there would be refreshments, breakfast, and lunch. Everyone was invited. Seniors would be sitting with members of the assembly. The lobbying rules had been changed so seniors could only meet in the offices in their own district or apply for an unpaid lobbyist license. The WCSC would train seniors so a complaint with the Commission on Aging would not be filed against them. There would be a free training at the Senior Services Center on Friday, February 15, 2019.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Consent Agenda Items 5A through 5H2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5H2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 8, 10, 12, 13, 14, 15

19-0096 **AGENDA ITEM 8** Recommendation to approve a direct grant award from the National Institute of Justice (NIJ) FY18 Paul Coverdell Forensic Science Improvement (FSI) Project No 2018-CD-BX-0072, for [\$150,000.00, no county match required] for the Crime Lab Firearms Backlog Program and to approve the sole source agreement and establish a professional services contract [exceeds \$100,000.00] with Ron Smith and Associates, Inc. Ron Smith and Associates, Inc. is an accredited private Forensic Laboratory who will provide a team of firearms examiners to assist with firearms casework backlog reduction for the retroactive grant period of 01/01/2019 - 12/31/2019; and if approved, authorize Sheriff Balaam to retroactively execute grant award documentation, direct Comptroller's Office to make necessary budget amendments, and authorize the Purchasing and Contracts Manager to execute the contract agreement. Sheriff. (All Commission Districts)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 8 be approved, authorized, and directed.

19-0097 **AGENDA ITEM 10** Recommendation to approve changes to the Regulations for Child Care Facilities in Washoe County to incorporate changes approved by the Legislative Subcommittee on Regulatory Changes as well as the Department of Health Services, Division of Public and Behavioral Health, Child Care Licensing Program. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 10 be approved.

19-0098 **AGENDA ITEM 12** Recommendation to award Washoe County Bid No. 3076-19 for the purchase of one replacement Single Conveyor Portable Material Screen Plant, bid item #1, to the lowest responsive responsible bidder, Goodfellow Corp., 7780 North Virginia Street, Reno, NV 89506, on behalf of the Community Services Department [\$176,560.00 less trade-in value of \$30,000.00, net cost \$146,560.00]. Community Services. (All Commission Districts.)

On the call for public comment, Mr. Jacob Albright, employee of Kimball Rentals LLC (KR), requested the bid for this equipment purchase be revisited. He stated KR had a longstanding work history with Washoe County, having provided the equipment being replaced by this purchase. He said KR worked with Washoe County staff to determine the equipment required for the project. He stated KR had requested information about whether the machine being purchased was new or used and had not received a response. He asked for the bid to be revisited.

Commissioner Jung noted the staff report for Agenda Item 12 said it pertained to all commission districts but it was specifically for Gerlach. She asked for staff reports to recognize items pertaining to Gerlach and to include a cost center associated with Gerlach. She stated the Board received censure for not doing enough for Gerlach but this item was an example of what was being done and it should be recognized. She did not know about the bidding process and thought County Manager John Slaughter should speak about it.

Mr. Slaughter said the County Contracts Manager was not present but Assistant County Manager Dave Solaro would be able to answer specific questions on this item.

Mr. Solaro said he was not involved in the bidding process for this project but knew the purchasing group in the Comptroller's Office followed State law for the bidding process. A scope of work was created and advertised. They took the bidding process seriously following the rules and regulations. He was confident of the bidding process for this item and was not aware of any written protests.

Commissioner Jung referred to Mr. Albright's comment and asked whether the equipment would be new or used. Mr. Solaro responded it was new equipment with a refund on existing used equipment. Commissioner Jung asked where the bid aligned in terms of lowest and most responsive. Mr. Solaro replied KR bid \$149,199 on bid item 1 and did not bid on items 2 and 3. Goodfellow Corporation bid \$176,560 on item one with a \$30,000 trade-in value on item 3, resulting in a cost of \$146,560.

Commissioner Jung clarified KR did not fulfill all of the areas requested on the bid. She said she had no concerns with moving forward with that information on the record.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 12 be awarded.

19-0099 **AGENDA ITEM 13** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Cold Springs WRF Headworks and South Truckee Meadow WRF Clarifier Coating Project [staff recommends SoCal Pacific Construction Corp. dba National Coating and Lining Co., in the amount of \$979,935]. Community Services. (Commission Districts 2 and 5.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 13 be awarded and approved.

19-0100 **AGENDA ITEM 14** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the South Truckee Meadows - Steamboat Lift Station Force Main Bypass [staff recommends Sierra Nevada Construction, Inc., in the amount of \$275,007]. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 14 be awarded and approved.

19-0101 **AGENDA ITEM 15** Recommendation to approve an Agreement for Professional Consulting Services for the Washoe County South Truckee Meadows Wastewater 2020 Expansion Project Owner's Representative Services between Washoe County and HDR Engineering [in the amount of \$375,244]. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 15 be approved.

19-0102 **AGENDA ITEM 11** Recommendation to approve an [\$230,755] increase to Master Consulting Software Agreement with Sivic Solutions Group for a total contract cost of \$544,000 for hosting and technical support costs for automated IV-E claiming and random moment in time systems and technical assistance and strategic planning support for cost allocation plans within the Human Services Agency. Human Services Agency. (All Commission Districts.)

Human Services Agency (HSA) Director Amber Howell said this item pertained to software purchased in 2017 for the purpose of tracking approximately \$17 million in federal funds received annually for HSA's Title IV-E program.

Ms. Howell stated the software system previously used to track funds was antiquated; it produced many errors and miscalculations. HSA staff searched for software that would allow better tracking of funds. She indicated the HSA received additional revenue from the federal government when costs and use of funds were appropriately tracked and reported. She mentioned the initial projection of revenue resulting from the use of the new system was at least \$800,000 annually.

Commissioner Jung noted the staff report indicated an increase of \$230,755, which was a 100 percent increase paid to the service provider. She requested an explanation for the increase. Ms. Howell explained when the HSA began the project, the focus was on Title IV-E. As staff became more familiar with the project, they learned they could include Adult and Senior Services, targeted case management, and other funding sources.

Commissioner Jung requested future staff reports and agenda item subjects be presented in a clearer fashion. She suggested staff read the reports as the public would read them to ensure they were understandable.

On motion by Commissioner Jung, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 11 be approved.

19-0103 **AGENDA ITEM 17** Introduction and first reading of an ordinance pursuant to NRS 278.0201 through 278.0207 approving a Development Agreement as required by the Warm Springs Specific Plan (WSSP) at WSSP.8.1 to utilize the land use designation specified on the Warm Springs Specific Plan - Land Use Plan for: Tentative Parcel Map Case Numbers WTPM17-0015, WTPM17-0017, WTPM17-0018, WTPM17-0019 and WTPM17-0020 (Palomino Ranch Estates #1, #2, #3, #4 & #5) - Which were a series of tentative parcel maps which approved the division of a 67.60 acre parcel into fifteen total lots ranging from 2.5 acres to 5 acres in size. In order to develop any property in the WSSP more densely than General Rural (1 dwelling unit / 40 acres), the specific plan requires that these development agreements be approved. Among other things, the

development agreements adopt the development standards handbook for the properties in question, which specifies the denser development potential available on affected properties, which in this case would result in individual residential parcels of 2.5 acres or 5 acres in size. Additionally, the agreements would specify other aspects of allowable development on the properties, including uses allowed, density and intensity of those uses, building sizes, setbacks, building heights, and other matters concerning the development of the land. The applicant and property owner is LW Land Company, the subject site is approximately 67.6 acres in size and is located at the south end of Grass Valley Road, approximately ½ mile south of Whiskey Springs Road, the Assessor's Parcel Number is 077-130-23, the Master Plan Category is Rural Residential and the Regulatory Zone is High Density Rural. And, Set the public hearing and second reading of the ordinance for March 12, 2019. Community Services. (Commission District 5.).

Nancy Parent, County Clerk, read the title for Bill No. 1816.

Roger Pelham, Senior Planner with the Planning and Building Division, conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Development Agreement; Request; Vicinity Map; Overview; Requirement for Development Agreement (2 slides); Evaluation of Development Agreement Submitted; and Possible Motion.

Mr. Pelham stated the development agreement was necessary to effectuate the land use as approved in the Warm Springs Specific Plan (WSSP). The division of land was approved through a series of parcel maps. He noted development agreements went directly to the Board rather than through the Planning Commission. He said the result would be a series of parcels, three of which would be 2.5 acres and the remaining parcels would be 5 acres in size. He indicated the documents included in the staff report contained a number of corrections. He had been working with the applicant since the corrections were identified and the documents would be corrected prior to the next hearing for this item. He stated the development agreement was a clone of several other agreements approved under the WSSP in the past.

Commissioner Jung asked to see a map of the location of the proposed development. Mr. Pelham referred to the vicinity map slide and indicated the area was located approximately ten miles north of Spanish Springs, between Grass Valley Road and Ironwood Road.

Commissioner Jung asked how many acres were involved. Mr. Pelham responded 67 acres. Commissioner Jung referenced a statement made during public comment which claimed the WSSP had not been updated since 1992; she asked whether that was correct. Mr. Pelham replied that was correct. Commissioner Jung asked whether there was a reason why it had not been updated. Mr. Pelham did not want to speculate but said the WSSP was in the process of being updated. He noted he would be presenting an

item at the next Board meeting to remove the financing plan, which was the first step. The second step would be to open the WSSP for an update.

Commissioner Jung asked whether the area in question was identified in the Regional Plan as an area to grow since it was so far away without public transit. Mr. Pelham replied yes and said it was within the Truckee Meadows Service Area. Commissioner Jung asked whether that would change with the Regional Plan. Mr. Pelham responded he could not speculate.

Commissioner Jung asked whether the proposed development of 67 acres had been presented to the Citizens Advisory Board (CAB). Mr. Pelham responded the current development request had not been presented to the CAB. Tentative parcel maps and development agreements were not required to be heard by CABs because tentative parcel maps were approved by the Parcel Map Review Committee. He said the conditions for approval of the tentative parcel maps included getting the development agreement approval as required by the WSSP. He noted development agreements went directly to the Board of County Commissioners and the CAB was not part of the process. Commissioner Jung asked why. She felt that would be something to present to the CAB for advice. Mr. Pelham stated he could not say why but the WSSP was closely examined when it was adopted. He reiterated the approval happened approximately 25 years prior.

Commissioner Jung said the neighborhood and people were different and she would not support the bill. She thought more careful planning was required particularly for the level of intensification of density being proposed, which was not even on the McCarran Boulevard loop. She thought the WSSP needed to be vetted by current residents who would be affected, not based on residents who lived there in 1992.

Commissioner Herman agreed with Commissioner Jung. She noted the development plan included 2.5 acre parcels on which wells and septic systems could not be installed. She asked how they would be developed. She said all of the funding was just removed and she had heard about a lot of changes being made to the WSSP. She thought it appeared as though they were trying to get the development approved before the WSSP revision was completed. She said she would not support the bill.

Commissioner Berkbigler asked who LW Land Company was and whether they had worked with the County on other projects. Chair Hartung asked whether the applicant was present. Mr. Pelham responded Brian Murphy was the applicant but he was not present.

Chair Hartung stated he shared some of the other Commissioners' concerns. He was not concerned with the parcels being on the McCarran Boulevard loop but he was concerned about wells and sewer systems. He said he was not in favor of moving forward prior to updating the WSSP. He noted the proposed parcels were similar to the George Newell parcels except there were three 2.5-acre parcels and the rest were 5 acres. Mr. Pelham said that was correct. He stated the parcel sizes were based on the Health Code, not on Planning Code. The Code stated the first division of land after a

certain date could use the old code and any subsequent divisions would be subject to current standards, which required a 5-acre parcel minimum for wells and septic systems.

Chair Hartung expressed concern with the timing for the development and would not support the bill.

Assistant District Attorney Paul Lipparelli noted property contained within the WSSP area had to be developed pursuant to the process brought forward by the applicant and staff. The development agreement was required by the WSSP, so the applicant and staff were following the process dictated by the WSSP for development of maps within that jurisdiction. He said if the Board was not ready to act on the item they were not required to introduce it, but the item was part of the process that had to be followed by a property owner before developing their land.

Chair Hartung asked whether language in the WSSP explained why the proposed development had not gone to the Planning Commission or the CAB. Mr. Lipparelli responded the submission of a subdivision map did not require CAB review as a matter of State law.

Commissioner Berkgigler asked whether the Board could ask for the CAB to review the subdivision. Mr. Lipparelli was not aware of a legal issue with the request, though it was a policy question that staff might want to comment on. Commissioner Berkgigler thought it would be appropriate but noted it was Commissioner Herman's district.

Commissioner Herman asked when parcel maps changed to apply to more than four parcels. Mr. Pelham replied he was not aware of a change. It had been one of the methods for division of land for as long as he had been a planner in this jurisdiction. When there were serial maps within a five-year time period, the standards became the same as a tentative subdivision map.

Mr. Pelham said he was happy to take direction from the Board. If they wanted to postpone the decision and have him present the proposal to the CAB, he would do that.

Commissioner Herman said it would be helpful for the plan to go to the CAB if possible.

Chair Hartung restated his primary concern was the proximity of the development proposal to the WSSP update. The plan had not been updated since 1992 and it was time for an update. Mr. Pelham said staff agreed it was time for an update.

On the call for public comment Ms. Tammy Holt-Still felt Nevada Revised Statute (NRS) 278.330 to 278.353 seemed to have been forgotten. A subdivision of property was a tentative map, which she thought should go through the same approval process as other projects. She expressed frustration with the County because she felt they

picked which NRS statutes to follow. She said the proposed subdivision was in the Truckee Meadows Service Area and was tier 2, not being intensified to tier 1.

Ms. Susan Ambrose said the Warm Springs Community Task Force had been advocating for some time regarding the problems in the WSSP area. She noted the WSSP was outdated and did not apply to today's world. She stated the developer was taking advantage of the outdated plan, using a series of parcel maps to circumvent subdivision requirements. She perceived the developer was producing sub-standard work because it was not equivalent to what developers were required to do everywhere else in the County. The residents were dissatisfied with the conditions imposed on the developer with regard to roads, which would only be required to meet general improvement district standards. She thanked County staff and Mr. Pelham for recognizing roads needed to meet County standards. She noted staff had not made any reference to installing a bridge across Cottonwood Creek yet the creek had flooded several times. She displayed an image, which was not provided to the Clerk, of how the creek had eroded the temporary easement during the previous week's flooding. She declared it was not appropriate to allow developers to continue to cut corners.

Ms. Pam Roberts, resident of Palomino Valley within the WSSP area, read page 40 of the WSSP which indicated all subdivisions should be referred to the CAB. She expressed frustration about the County not following code, regulations, and plans. Her concerns were about following procedures, not about the specific developer. She said roadways needed to be safe and built to County standards and developers needed to take flooding and drainage into account when building roads. She noted the development agreement did not address drainage channels. She stated County codes dictated road widths, paving, driveway aprons, and road shoulders, but the developer of the subdivision where she lived was able to build without complying with the standards. She urged the Board to not allow that to happen again.

Chair Hartung noted the Board's option was not to introduce the Bill if the Commissioners felt more work was required. He asked Mr. Pelham whether he had adequate direction. Mr. Pelham summarized the Board would like the proposed development be presented to the CAB, after which he would return to the Board with comments and recommendations. He suggested a timeframe of 60 days before he would return to the Board.

Chair Hartung asked Mr. Pelham to address administration of roadways and wells; he thought a well was allowed on a 2.5-acre parcel. Mr. Pelham said wells were determined by the Health Code and not the Planning Code, but it was his understanding they were allowed for the first division of land after a particular date. He said roads associated with this development would meet County standards as a condition of tentative parcel map approvals.

Commissioner Herman understood, from conversations with the water engineer, that 5 acres was the minimum parcel size for a well and septic system. She requested staff have meetings with residents during the planning stage to avoid conflicts

at each step of the development. She felt working with residents would save money and time.

Commissioner Berkbigler asked staff to consider a bridge or a solution for crossing over Cottonwood Creek when water was running.

Mr. Pelham said it was required for a set of construction improvement drawings to be submitted along with the development agreement before the final maps could be approved. The drawings showed how the road would cross the creek and would be reviewed by engineering staff. He recollected the drawings showed a series of concrete culverts. He was not sure of the number or size but he surmised they would be sized to manage the anticipated flow.

Commissioner Jung asked whether the development agreement was initiated by staff or by the developer. Mr. Pelham replied it was initiated by the developer. Commissioner Jung asked whether the County should wait for the regional plan to be approved before approving any new development. She suggested postponing approval of developer-initiated development until a community master plan was completed and endorsed. She asked what the American Planning Association recommended as best practice. Mr. Pelham noted there was a section of code regarding the Board wanting a moratorium on building. Commissioner Jung said she did not suggest a moratorium. She wanted to know what data and best practices indicated with regard to a Regional Planning Board. She asked why there was a Regional Planning Board if development happened ahead of the plan. She said she wanted to be informed by the regional plan since money was spent on it.

Lipparelli suggest pursuing parallel tracks and dissuaded the Board from forcing a person trying to develop property to wait until the Code was amended. He said the County could be exposed to legal issues if the Board legislatively changed the rules after a person had started the process.

Chair Hartung asked whether a motion was necessary. Mr. Lipparelli indicated the Board could elect not to introduce the Bill but suggested staff would appreciate direction about when the Board would be prepared to give consideration to the proposed development agreement again.

Chair Hartung confirmed Mr. Pelham suggested returning in 60 days. Mr. Pelham said he was not sure when the CAB would hold its next meeting. He said it would be one to two months before he met with the CAB. Allowing for an additional 30 days to produce a revised staff report, it could be 90 days before staff would return to the Board.

Mr. Lipparelli looked at the Development Code and noted 110.814 had a 60-day requirement from submission of a complete application to a hearing by the Board. Mr. Lipparelli recommended the Board attempt to meet the time requirement to avoid claims of the County not acting in a timely manner. Mr. Pelham stated the current hearing was within the 60-day timeframe.

Chair Hartung remarked he was not concerned with the schedule; he wanted staff to perform the due diligence and answer all of the Commissioners' questions.

There was no action taken on this item.

19-0104 **AGENDA ITEM 16** Introduction and first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Section 110.810.60(a)(3) & (4) Modifications of a Special Use Permit, to update the reference to the department name in that section to Planning and Building Division; and to change two of the requirements for the director to approve modifications of approved special use permits that involve "more" than a 10% increase in the floor area covered by existing structures associated with the use, and "more" than a 10% increase in site area covered by the use, by replacing the word "more" with the word "less". If supported, set the public hearing for second reading and possible adoption of the Ordinance for February 26, 2019. Community Services (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Bill No. 1817.

County Manager John Slaughter requested an explanation from staff. He stated the Code changes indicated in the Bill would reduce staff authority and bring the Code in line with changes that had been previously adopted.

Ms. Julee Olander, Planner with the Planning and Building Division, conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: Development Code Amendment WDCA18-0006 for Modification of Special Use Permit; Request; Proposed Changes (2 slides); Workshop & Public Notice; Code Amendment Findings; and Possible Motion.

Ms. Olander said the Bill was a clarification and correction of a confusing section of the Code pertaining to Special Use Permits. She stated it was a simple change but it clarified what the Director of Planning and Building could and could not do. The change would also update the department name from Community Development to the Planning and Building Division.

Chair Hartung mentioned there were some structures in Spanish Springs that should not have been approved, so he was glad staff worked on requesting the Code change. He thanked Assistant County Manager Dave Solaro, Ms. Olander, and Planning Manger Trevor Lloyd. He recognized staff had worked hard to address this issue swiftly.

There was no public comment on this item.

Bill No. 1817 was introduced by Commissioner Berkbigler, and legal notice for final action of adoption was directed.

19-0105 **AGENDA ITEM 9** Recommendation to approve (1) Washoe County Policy regarding Complaints of Policy Violations Against County Manager, Assistant County Managers and Department Heads and (2) Washoe County Policy regarding Complaints of Policy Violations Against Elected Officials. Human Resources. (All Commission Districts)

Deputy District Attorney Mary Kandaras noted Washoe County was responsible for ensuring employees were not subject to harassment, discrimination, or retaliation. Accordingly the Board adopted a zero tolerance policy the previous year, but the policy did not address department heads. She stated the Human Resources Department and the District Attorney's Office were tasked with creating a policy to address complaints against department heads and elected officials while reinforcing the handling of complaints of discrimination, harassment, and retaliation.

Ms. Kandaras said the first issue with developing the policy was there were several different types of officials heading departments. There were elected officials, department heads appointed by the Board of County Commissioners, department heads appointed by the Manager's Office, Assistant County Managers, Library Trustees, and the District Health Officer. The different employment statuses had to be taken into account when developing the policy. She indicated two separate policies were developed to address the employment status issue, one for elected officials and one for all other department heads.

Ms. Kandaras identified the goals of the new policies were to have uniformity when handling complaints and to have appropriate procedure based on the employment status of the official or department head. For uniformity when handling complaints, both policies mirrored the existing discrimination and harassment policy. She noted the County Manager was the point person for all complaints except those pertaining to him. Once the Manager received the complaint, a plan of action was developed, notice of the complaint would be given to the subject of the complaint, and an investigation would be conducted if necessary. She said the Manager was expected to take action to protect the employee and prevent future violations if there were recommendations resulting from the investigation. Recognizing the County Manager did not have authority over all officials, a protest mechanism was incorporated into the process if recommendations needed to be challenged. She said the policies provided step-by-step guidelines and procedures for complaints involving any type of official heading a County department.

Assistant District Attorney Paul Lipparelli said a few typos were identified in the policy. They were internal references in the policy to different sections of the Code. He identified the typos: page nine, paragraph two, section six needed to be changed to section F; page ten, section four needed to be changed to section D; and page four, paragraph F, section four needed to be changed to section D. He said the changes would be made before the policy was published if the Board approved the policy.

On motion by Commissioner Jung, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Lucey absent, it was ordered that Agenda Item 9 be approved.

19-0106 **AGENDA ITEM 18** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

County Manager John Slaughter indicated there was no need for a Closed Session.

19-0107 **AGENDA ITEM 19** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, 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 to be of critical significance to Washoe County. Manager. (All Commission Districts.)

Commissioner Berkgigler thought it would be beneficial for the Board to receive the list of legislative issue the day before the meeting. She said it was difficult to discuss the issues when the Board received the list the day of the meeting.

County Manager John County Manager apologized for the delay and stated in future the Board would receive the list no later than the Friday before the meeting. In the interest of time, he suggested discussing any issues of interest to the Board. He said the Manager's Office had set up a system with the legislative liaisons and the Chair. Staff was in constant discussion not only with himself but others throughout the organization and elected officials. He pointed out Assembly Bill (AB) 4, was a long-awaited item. It was a City of Reno bill which allowed cities to create a fire district. The fire district's operations would be separated from city operations but would be under the purview of the City Council. The bill allowed the imposition of a tax but did not expressly describe how it worked. He said staff had questions about how it would work. The overlapping rates for property taxes in Washoe County were at the cap so there was no room for a city to add additional rates to property taxes. He said staff recommended to oppose the bill as it was written. They would continue to monitor it since they were not sure how a city fire district would work.

Commissioner Jung asked who proposed AB 4. Mr. Slaughter replied it was a City of Reno bill. Commissioner Jung questioned why the County would oppose the bill considering the County had asked the City of Reno to do as proposed. She said the City of Reno had been asking the County to regionalized fire protection for some time. She stated the Board's response had been for the City of Reno to create a dedicated fund that matched the County's and was not at the disposition of the general fund; then the County would discuss consolidation. She disagreed with staff's recommendation to automatically oppose the bill because the City of Reno was doing precisely what the

County had asked. Mr. Slaughter noted they were there to discuss the bills with the Board. Commissioner Jung stated the recommendation was to oppose with no consultation. It was what the County asked the City of Reno to do and the Commissioners had supported the decision. She understood there could be questions about the bill but did not understand why staff recommended opposing it. She stated it was an example of why the region had difficulties. One group asked another to do something, they did it, and the first group said they did not like how it was done. She said the City of Reno was at the limit of their taxes as well, so they would have to ask the Legislature to go above the limit. She did not approve of the recommendation to oppose the bill on the public record without knowing anything about it. She expressed frustration both with the lack of institutional history for advising purposes and with staff for making recommendations without consulting the Board. She noted she received the document with staff recommendations at the meeting and did not have the opportunity to do her due diligence. She expressed dissatisfaction with the process.

Commissioner Berkbigler agreed with Commissioner Jung's concern with the recommendation being simply to oppose. She thought the recommendation used for Senate Bill (SB) 25, which was to oppose as written and work on an amendment, would be more appropriate. She agreed it would become the responsibility of the County to impose the tax. She questioned how the tax would be imposed when there was a cap on property taxes. She did not understand how the County could impose the tax so she understood why staff recommended opposing the bill as written. She felt clarification needed to be part of the public record.

Chair Hartung suggested the layout of the document be changed to include both staff recommendations and Board recommendations. He noted staff had indicated they would provide the document to Commissioners in a timelier manner in future.

Commissioner Berkbigler had the opportunity to speak with Government Affairs Liaison Jamie Rodriguez about several bills from a list she received at her first meeting with the Health Board. She noted Ms. Rodriguez had added some of those bills to the list provided to the Board. She recognized Commissioners had the opportunity to speak with Ms. Rodriguez regarding any legislative issues at any time. She appreciated that opportunity. She liked the form used to summarize the bills and staff recommendations.

Mr. Slaughter highlighted two E911 bills related to body cameras. The first was SB 12 which would allow an audit to ensure fees were being collected properly, ensuring all telecommunication companies were contributing fairly. He said it was a National Association of Counties (NACo) bill. Staff recommended supporting SB 12. The second was SB 25 which concerned reimbursement of staff time associated with the use of body cameras. There were some concerns with the bill as written. He said the specifics, such as what type of training and who would be funded, needed to be tightened up. Historically the scope of who was funded through the programs expanded quickly. In an effort to avoid that, staff was working on SB 25 to tighten it up. Staff recommended opposing SB 25 as written.

Commissioner Berkbigler agreed with the staff recommendation on SB 25. She was concerned because there was a limited amount of funds; funds would be depleted quickly if the language about what the money could be used for was not specific. She agreed the language needed to be tightened and thanked staff for reviewing it.

Chair Hartung noted this agenda item would be an ongoing item at every Board meeting. Mr. Slaughter confirmed it would be ongoing. He said staff would work on smoothing out the process.

Mr. Slaughter referred to SB 13, which was a specific request from Clark County resulting from the October 1, 2017 shooting incident in Las Vegas. Governor Sisolak and the Clark County Sheriff announced a fund to aid victims. Clark County was overwhelmed with donations as a result of the announcement. Mr. Slaughter noted counties did not have the ability to create a non-profit organization in those types of instances. SB 13 would allow counties to do that. Staff recommended supporting SB 13.

Commissioner Jung noted this was not a new bill and asked whether the bill would allow counties to create a 501(c)(3) organization to fund themselves when government did not have the funds needed. Mr. Slaughter replied it would be allowed during emergencies. Commissioner Jung suggested including more leeway. She proposed asking for authorization to create a non-profit organization for a county where people could give donations for senior services and other causes. She stated the County had difficulties accepting donations and she received suggestions about forming a 501(c)(3) organization, but it was costly and time consuming. She knew the County often used the Community Foundation of Western Nevada because it did not have a 501(c)(3) organization. She asked whether staff could ask the Legislature for the ability to create a non-profit organization which would not be limited to a disaster. She requested a report about the legalities of such a request. Mr. Slaughter remarked when a non-profit organization was created, it became a public body, which entailed open meeting and open records requirements.

Mr. Slaughter pointed out AB 101 and said he would defer to legal counsel for an explanation. The bill would authorize a private plaintiff to bring an action for a declaratory judgement regarding a violation of State law or local ordinance by governmental entities. Staff recommended opposing the bill. He believed there were many other agencies that reviewed the bill and gave a similar recommendation.

Assistant District Attorney Paul Lipparelli said he had not yet reviewed the bill in depth but there were concerns because the bill basically eliminated the concept of standing. Authorizing a lawsuit in that fashion basically authorized anyone to sue the government anytime for anything. It was an idealistic notion of overseeing government action, but he felt it could result in a flood of lawsuits against local government for everything. Usually claims were tested by forcing the plaintiff to demonstrate the damage done to them before going to court to recover against the government. AB 101 would not require the plaintiff to demonstrate any damage, personal affect, or impact from the

alleged violation; it would just allow a plaintiff to file a lawsuit. The only intervening force in the bill as written was allowing the Attorney General to intervene, but that would not do local government much good when its money and reputation were at stake. The initial recommendation from staff was to oppose the bill as written.

Mr. Slaughter pointed to SB 103 which resulted from the affordable housing study in which Senator Julia Ratti had a major leadership role. The bill would allow reducing or subsidizing impact fees for building permits on affordable housing once a board of county commissioners reviewed the impact on its county budget. Staff recommended supporting SB 103.

Mr. Slaughter assured the Board they would receive the list of legislative issues and recommendations the Friday before Board meetings. He cautioned the fast pace of the Legislature meant some items could have changed in the time since staff published the list.

Chair Hartung indicated staff needed to work closely with the two legislative representatives on the Board to ensure Commissioners were apprised of legislative issues. He knew Legislature was moving very quickly.

Mr. Slaughter noted the direction from the Board on AB 4 was to change the recommendation from oppose to watch and work with City of Reno and others to attempt to reach to a different position. Chair Hartung said he would like to see some language on AB 4. Mr. Slaughter said staff would also change the format of the document. He asked whether the Board had any further direction for staff regarding any other legislative issues on the list.

Commissioner Berkbigler wanted to know whether SB 103 would allow fees to be waved completely or whether it allowed a reduction by a certain percentage. Mr. Slaughter said staff would provide that information.

19-0108 **AGENDA ITEM 20** Public Comment.

Ms. Tammy Holt-Still spoke about a recent 911 call requesting help for a motorist who drove their car into the culvert. She said emergency services had not arrived at the scene within 30 minutes of the call being made. She noted services, infrastructure, and lack of communication between the City of Reno and Washoe County were problematic and put residents in danger. She spoke about difficulties faced by Lemmon Valley residents and said Commissioners needed to become experts on the issues to enable them to direct staff about what was necessary.

Assistant District Attorney Paul Lipparelli indicated the County Clerk had received communication from a citizen outside of the State who wanted to submit matters under public comment. He advised the Clerk that the public comment period under Open Meeting Law gave citizens the opportunity to attend and address the County Commission on any matter of concern to that person. Open Meeting Law did not provide a virtual or

electronic equivalent. He said the Clerk sought clarification as to what to do when that type of communication was received. He advised treating that type of communication as correspondence to the Commissioners. Unless the person attended the meeting or sent an emissary to read the comment at the meeting, it was not a public comment. He advised the Clerk to enter such emails into the record of the meeting as material submitted to the Board but should not be treated as public comment.

19-0109 AGENDA ITEM 21 Announcements/Reports.

Commissioner Jung mentioned she had previously requested information from staff about a Contracts Administration Advisory Board. She had encountered questions about contracts, including how a vendor was selected and whether due diligence had been performed. She thought contract and vendor experts should oversee the overseer of the people's money regarding vendor selection and service contracts.

Commissioner Jung requested a report on the Granicus software system used for Commission meetings and about the technical issues that occurred during meetings. She asked whether the vendor was fulfilling their contract, why the software was selected, what due diligence was done, the costs of the system, and the contract period. She stated the technical issues should have been resolved. The software was intended to increase efficiency but it had caused more issues.

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1:07 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Carolina Stickle, Deputy County Clerk