

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

TUESDAY

10:00 A.M.

APRIL 10, 2018

PRESENT:

**Marsha Berkbigler, Chair**

**Kitty Jung, Vice Chair**

**Bob Lucey, Commissioner**

**Vaughn Hartung, Commissioner**

**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**

**John Slaughter, County Manager**

**Paul Lipparelli, Deputy District Attorney**

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:

**18-0253      AGENDA ITEM 3 Public Comment.**

Commissioner Herman commented there was still flooding in Lemmon Valley and said the balance of water was misrepresented. She claimed water was being introduced from a foreign source and not being returned after use, creating an imbalance in the basin. She stated Granite Construction should be consulted about how to bring Swan Lake to a safe water level since they were able to lower the Great Salt Lake in Utah when the surrounding area was in danger. She pointed out residents demanded a moratorium on all development until the situation in Lemmon Valley was permanently remedied.

Ms. Tammy Holt-Still said Director of Engineering and Capital Projects Dwayne Smith indicated Deodar Way was supposed to get chip sealed for emergency services but that never happened. She displayed a letter, a copy of which was placed on file with the Clerk, about medical help for a child being delayed due to road closures. She showed photographs and expressed frustration that the water level approached the barriers. She alleged 7,200,000 gallons of water were being pumped into Swan Lake but she said Mr. Smith felt the amount was negligible.

Ms. Denise Ross asked the Board to consider the moratorium on development to give relief to the citizens of Lemmon Valley. She said everyone needed to work together and a short-term moratorium would allow them to get answers about lake levels. She expressed concern that the Hesco barriers were starting to lean.

Ms. Greta Anderson expressed frustration with the engineering department and stated there was an ordinance precluding changes in landscaping that would alter the natural directional flow of water. She said her ditches were deemed appropriate but in 2010 her neighbor placed a ditch and a berm wall which caused flooding on her property.

Ms. Elise Weatherly spoke about the use of unflattering pictures in the media, Dorothy Kilgallen, a student who was expelled from a Christian school, and her own website.

Mr. Shannon Dobbs commented he was a disabled veteran who used cannabis to get through each day. He said his wife quit her job to take care of her son, who used cannabis to help with nerve issues and seizures. Mr. Dobbs said the social isolation his son faced was difficult because he could not medicate in public. He urged the Board to legalize on-premise distribution, noting the downtown area already held chaotic events like the Santa Crawl. While he recognized the financial benefits of cannabis regarding tourism, he asked the Board to help people who lived in the area.

Mr. Sam Dehne spoke about Burning Man, the Santa Crawl, and *The Reno Gazette-Journal*.

Ms. Maureen Collins commented staff recommended not permitting marijuana lounges. Citing the study found in the staff report, she asked who was polled. She pointed out marijuana was different than it was in the 1960s. She questioned the idea of creating lounges so people from out of state could consume marijuana and stressed the importance of the safety of unincorporated Washoe County residents.

Ms. Carolyn Sasek disputed Mr. Smith's assertion water was not impacting residents and property in Lemmon Valley. She stated Washoe County did not respond to her requests for work on Deodar Way and said the road was treacherous; people also drove too fast considering it was a dirt road. She supported a moratorium on development and disagreed that developers should remedy the infrastructure issues in the North Valleys.

Mr. Ed Hawkins requested assistance for Greta Anderson and corroborated her ditches were legal. He claimed Ms. Anderson's neighbor made his own lake and requested the Board put pressure on County Manager John Slaughter to rectify the problem.

**18-0254      AGENDA ITEM 4 Announcements/Reports.**

County Manager John Slaughter suggested hearing Agenda Item 18 after lunch, not to be heard sooner than 1:00 p.m.

Commissioner Hartung asked staff whether the issue in Red Rock brought up during public comment was on public property and said he wanted information about how Code enforcement staff interacted with the parties involved. Regarding the 7.2

million gallons of water referenced during public comment, he indicated that equaled 22 acre feet while Swan Lake contained 1,700 acre feet of water. He calculated moving Swan Lake 1 foot would take 386 days at that pumping level. He brought up complaints he heard about the Board purposely moving forward with the Lemmon Valley discussion at the March 27, 2018 meeting even though Commissioner Herman was absent. He pointed out Commissioner Herman had an emergency but she requested the Board move forward with the item.

Commissioner Hartung reviewed a series of pictures of the Rise building in Spanish Springs, copies of which were placed on file with the Clerk. He felt the building color was garish and the owners were not abiding by their promise to be good neighbors. He thought architectural and color standards were set forth in the original development agreement when the shopping center was approved. He noted the owners said they would paint over it and he thanked Commissioner Lucey for addressing the issue.

Commissioner Hartung asked what happened with the plan to chip seal a number of roads in Spanish Springs. He said staff could reach out to him offline to discuss single roads like Deodar Way, though he acknowledged the County's budget had dramatically changed due to other issues.

Commissioner Jung commented she was a speaker at the AmeriCorps' Day of Service event and said AmeriCorps volunteers were the reason why there was a senior services master plan. She indicated there were 250 volunteers there to receive the recognition. She stated she was a guest at a talk on bipartisanship held by Senator Harry Reid and Secretary of State John Kerry at the University of Nevada Reno (UNR). She added Senator Reid donated all his papers and writing to the UNR library system which would be studied by historians. She mentioned the Reno-Tahoe International Airport would be celebrating the inaugural flight to Austin, Texas at 3:30 p.m.

Commissioner Jung noted she, Mr. Slaughter, and Assistant Manager Kate Thomas toured the Washoe County Jail to examine changes made by medical services provider NaphCare in response to concerns. She said many people housed at the jail had mental illnesses or suffered from substance abuse and the doctor reported most people were malnourished. Providing multivitamins to inmates resulted in better decision-making. She praised the jail and the special housing unit specifically for taking care of people with emotional and psychological problems.

Commissioner Jung mentioned WestCare closed its Reno office, which was where law enforcement took people who were too inebriated to care for themselves. Instead they would go to the jail, which already had an overpopulation problem. She declared 47 percent of all inmates were from Reno. At a Criminal Justice Advisory Commission meeting she heard WestCare closed because a new behavioral health hospital which was opening down south hired away WestCare's experts.

Commissioner Jung said she attended the Cèsar Chávez dinner and presented Mr. Chavez's aunt with a Proclamation. She said the American Association of Retired People (AARP) informed her they would do a lunch-and-learn event for County staff about resources for people who were caretakers. She said this would benefit the County's 2,500 employees.

Commissioner Jung announced it was Women's Equal Pay Day and said Human Resources took part in a statewide survey about pay disparity in government. She said women made 80 cents for each dollar a man made for the same work. She said the extra \$10,000 per year would help the economy and provided statistics about the cost of that loss of income. She said the County was committed to not having any pay disparities based on gender or race. The County was the first entity in the region to take the survey, though it would also be given to the Cities of Reno and Sparks. She hoped to see corrections if any disparities were found in the State of Nevada.

Commissioner Herman agreed with Commissioner Hartung about the color of the Rise building. She explained she was in favor of moving forward with the home elevation discussion at the prior meeting because it took so long to get on the agenda and she did not want to delay it further. She disagreed with Commissioner Jung about unequal pay since she was never in a situation where she was paid less than a co-worker.

Commissioner Lucey mentioned he participated with members of the judicial system and the National Council for Juvenile and Family Court Justices at a pinwheel ceremony recognizing Child Abuse Prevention Month. He pointed out there were pinwheels around County offices to signify children in the foster care program and those affected by child abuse. He said the Board was working with the District Attorney's office, the court system, and multiple non-profit organizations to eradicate the issue. He stated it was costly to taxpayers to have children remain in foster care since those children often depended on government services later in life. He encouraged people to support National Child Abuse Prevention Month.

Commissioner Hartung added he participated in the sold-out Heels and Hounds event and mentioned the dog he was paired with was adopted that day. He welcomed a discussion on a development moratorium but said residents paid for a stormwater utility in Spanish Springs and development paid its pro-rata share; this reduced many flooding issues near La Posada Drive. He noted it was difficult to get developers to do offsite improvements. He requested that staff provide a timeline for answers to his questions on the home elevation program and stated it could be possible to move some of the affected homes rather than elevate them. He said he would be willing to discuss home elevation if the Federal Emergency Management Agency would participate. Lastly, he asked for a discussion on the timing of the home purchase program.

Chair Berkgigler said the moratorium issue could come back before the Board if staff deemed it appropriate. She referenced a newsletter put out by the Planning

Commission (PC) which approved a housing development for Washoe County but noted the development never came before the Board. She stated she would have opposed the development since there was water at the proposed location for the development. She took issue with the PC approving things for which the Commissioners would be held responsible. Chair Berkgigler thanked the citizens in the park where she broke her ankle for assisting her as well as the Reno firefighters who helped.

Commissioner Hartung asked Deputy District Attorney Paul Lipparelli whether the PC's role was laid out in the Nevada Revised Statute. Mr. Lipparelli commented the agenda was not set up for a discussion about moratoria. Commissioner Hartung requested a future discussion on the PC's role in deciding planning items that were not part of an appeal process.

Commissioner Lucey remarked any discussion about moratoria needed to include a discussion about the availability of affordable housing as it was the Board's responsibility to allow for certain development.

### **PROCLAMATIONS**

**18-0255**      **5A** Proclamation - Proclaim April 8, 2018 through April 14, 2018 as National Crime Victims' Rights Week.

Commissioner Lucey thanked the Board for allowing a Proclamation to be made at this meeting since it was National Crime Victims Week. He pointed out criminals were provided rights that district attorneys had to abide by but victims were often not granted the rights they deserved. He read and presented the Proclamation to Scott Scheid.

Mr. Scheid thanked Washoe County for recognizing Crime Victims Rights Week and reminded the Board anyone could be a victim of crime regardless of race, socio-economic status, or political ideology. He stated Marsy's Law would ensure victims the right to notification of inmate release or hearing information pertinent to their cases, the right to privacy, and the right to full and timely restitution. He looked forward to the community supporting the measure by voting yes at the ballot.

Commissioner Herman commented she supported Marsy's Law and expressed sympathy as she was the victim of a crime.

On the call for public comment, Mr. Sam Dehne praised Marsy's Law and spoke about *The Reno Gazette-Journal*, the University of Reno Nevada library, and Open Meeting Law.

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

## **CONSENT AGENDA ITEMS – 6A THROUGH 6E2**

- 18-0256**      **6A1** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners. Clerk. (All Commission Districts)
- 18-0257**      **6A2** Approval of minutes for the Board of County Commissioner's concurrent meeting of February 27, 2018 and regular meetings of March 13, 2018 and March 20, 2018.
- 18-0258**      **6B** Approve the settlement of the claim of Tehan Slocum v. Washoe County, et al for a total sum of [\$100,000] for all claims against all defendants. Comptroller. (All Commission Districts.)
- 18-0259**      **6C** Approve the revised direct grant award increase from the State of Nevada, Office of Criminal Justice Assistance FFY 2017/2018 Justice Assistance Grant (JAG), Project No. 14-JAG-44 [additional \$371.45 funding for a total of \$2,093.13] and 14-JAG-45I [additional \$359.21 funding for a total of \$420.24], for an additional funding total of [\$730.66 and a grand total of \$2,513.37, no County match required] to purchase equipment for Marine 9 & 10 for the retroactive grant period of 1/1/18 - 5/31/18; and authorize Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 18-0260**      **6D** Approve an Interlocal Cooperative Agreement (ICA) and acceptance of a contribution of [\$25,000.00] from the Truckee River Flood Management Authority (TRFMA) for a regional Flood Response Action Plan (FRAP) and authorize Comptroller to make appropriate budget amendments. Manager. (All Commission Districts.)
- 18-0261**      **6E1** Approve a Resolution calling a public hearing (to be set for May 8, 2018) on the amendment of the boundaries of District No. 24 (Groundwater Remediation/Central Truckee Meadows Remediation District) in Washoe County, Nevada; providing for a notice of hearing, and providing other matters properly related thereto. Community Services. (All Commission Districts.)
- 18-0262**      **6E2** Approve an Agreement for Professional Consulting Services between Washoe County and CH2M Hill, Engineers, Inc. to provide programming and design services for the South Truckee Meadows Water Reclamation Facility Chemical Storage Building Rehabilitation [\$123,000.00]. Community Services. (Commission District 2.)

Commissioner Herman requested clarification on Consent Agenda Item 6E1. County Manager John Slaughter indicated staff would provide an explanation but the item would remain in the Consent Agenda, to which the Commissioner agreed.

Chris Benedict, Remediation District Program Manager with the Community Services Department, explained the Department presented this item every year. Statute dictated the process for amending the boundaries for the Central Truckee Meadows Remediation District began with the passage of a Resolution. He noted the Department changed boundaries every year as water purveyors added customers to their service territory.

Commissioner Hartung stated as boundaries expanded, contaminants from dry cleaners and automobile repair shops were found. He indicated the water innovation campus was developing a program to remove those types of contaminants. He asked whether a change in location of the contaminants was why boundaries were increasing. Mr. Benedict replied there were two components to the remediation district boundaries: the contaminant boundary, where the contaminant was historically known to exist, and the service area boundary for water companies. He clarified the contaminant boundary had shrunk from 20 square miles to 9 square miles; the area that increased was the service area boundary.

Commissioner Hartung pointed out the staff report showed no fiscal impact in increasing the boundary but stated there was a fiscal impact to remove contaminants from the water. Mr. Benedict responded there was no fiscal impact related to the Resolution. He said as the process went on there would be discussion about details of the boundary change and the associated fee ordinance.

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

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Consent Agenda Items 6A through 6E2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6E2 are attached hereto and made a part of the minutes thereof.

### **BLOCK VOTE – 7 THROUGH 10**

**18-0263**      **AGENDA ITEM 7** Recommendation to approve a retroactive extension of the contract for three months for Allied Universal Security Services for Courthouse Security Officer (CSO) Services to support the Washoe County court security system. If approved, authorize the Purchasing and Contracts Manager to execute the Courthouse Security Officer Services Agreement between Allied Universal Security Services and Washoe County for the term of April 1, 2018 through June 30, 2018. The estimated contracted amount for this three month extension is [\$188,000.00]. If approved, authorize Purchasing and Contracts Manager to execute the agreement. Comptroller. (All Commission Districts.)

There was no response to the call for public comment.

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

**18-0264**      **AGENDA ITEM 8** Recommendation to approve Washoe County Leave and Accommodations for Victims of Domestic Violence Policy. Human Resources. (All Commission Districts.)

County Manager John Slaughter pointed out the County already allowed for this type of leave pursuant to statute, but the item would codify requirements from the last legislative session.

There was no response to the call for public comment.

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

**18-0265**      **AGENDA ITEM 9** Recommendation to approve Intrastate Interlocal Contract between Public Agencies, the County of Washoe, Second Judicial District Court and the State of Nevada, Department of Health and Human Services and Division of Welfare and Supportive Services, for Master's System July 1, 2018 through June 30, 2022, for the purpose of enforcing child support obligations, locating non-custodial parents, establishing paternity, obtaining child support and adjusting support orders. The estimated budget for these services for fiscal years 2018-19, 2019-20, 2020-21 and 2021-22 [approximately \$1,271,116], reimbursed through federal Title IV-D funds, no match required). District Court. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 9 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

**18-0266**      **AGENDA ITEM 10** Recommendation to certify charges, levy and direct the Treasurer to collect [\$32,538.75] in special assessments for fiscal year 2018/19 as requested by the State Engineer of the State Department of Conservation and Natural Resources, for Honey Lake Valley Groundwater Basin (\$1,371.22), Hualapai Flat Water District (\$3,123.05), San Emidio Desert District (\$3,435.10), Warm Springs Valley Groundwater Basin (\$2,543.50), Washoe Valley Groundwater Basin (\$2565.88), Warm Springs/Winnemucca Creek Basin (\$4,000.00); Cold Springs Valley Groundwater Basin (\$0.00), Lake Tahoe Groundwater Basin (\$1,000.00), Lemmon Valley Water District (\$2,500.00 no assessment required due to sufficient cash resources in Lemmon Valley



Water District Fund), Pleasant Valley Groundwater Basin (\$2,500), Spanish Springs Valley Groundwater Basin (\$3,000), Tracy Segment Groundwater Basin (\$2,000), Truckee Canyon Segment Groundwater Basin (\$2,000), and Truckee Meadows/Sun Valley Basin (\$2,500.00). The Board of Commissioners authorizes the County Treasurer to remove uncollectible assessments and/or correct assessments on the tax roll as requested by the Division of Water Resources; and direct the Comptroller to pay to the Department of Conservation and Natural Resources the requested funds. Manager. (All Commission Districts.)

Commissioner Herman requested clarification of this item as it related to Lemmon Valley. Assistant County Manager Dave Solaro mentioned staff had determined there was never a Lemmon Valley Water District entitlement. He explained this item pertained to an accounting system whereby Washoe County received money from property taxes and placed it into a fund until it was sent to the State engineer. He said there was a balance of \$15,000 associated with Lemmon Valley that would be passed on to the State engineer to monitor the groundwater basin.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10 be certified, levied, directed, and authorized.

**18-0267**      **AGENDA ITEM 11** Discussion and direction to staff on establishing considerations for regulations for marijuana consumption lounges in Unincorporated Washoe County. Manager. (All Commission Districts.)

Assistant County Manager Dave Solaro noted staff was in the process of providing for permanent regulations associated with marijuana establishments in Washoe County, adding there would be a relevant second reading later on the agenda. He indicated a question regarding marijuana consumption lounges came up during the Board's strategic planning retreat. Staff requested that discussion be kept separate from the permanent regulations to allow implementation of the regulations before the quick-start regulations expired. He commented everything was on schedule so any current and future dispensaries going through State and County processes could open.

Mr. Solaro introduced the discussion about marijuana lounges in Washoe County, noting the Cities of Reno and Sparks would be responsible for their own regulations. He said staff sought the Board's direction to craft language about consumption lounges. He pointed out they had received public feedback and Commissioner Jung had provided feedback from hotels requesting the ability to provide places to smoke marijuana. He remarked there was concern about tourists smoking in cars and then driving under the influence. He confirmed there was a survey about consumption lounges and the results were split, though staff heard concerns about public

safety, traffic safety, and second-hand smoke. He added those were all things that could be regulated within the process but staff requested the direction of the Board.

When asked by Chair Berkbigler if consumption lounges were available anywhere else in Nevada, Mr. Solaro confirmed the State had not yet enacted any regulations and there were no existing lounges. Commissioner Hartung asked whether the Cities of Reno and Sparks had progressed on this topic, to which Mr. Solaro replied there had been discussions at a staff level but no discussions had been held during public meetings.

Commissioner Jung inquired whether there was a Legislative Council Bureau (LCB) decision that allowed lounges based on State Question 2. Mr. Solaro read the opinion's conclusion, which stated a business could operate a lounge where patrons could use marijuana and a government entity could adopt an ordinance requiring businesses to purchase business licenses and to comply with any restrictions imposed by that entity. The opinion was requested by Senator Tick Segerblom. Commissioner Jung requested staff to come up with best practices and address speculative consequences.

Commissioner Jung claimed Washoe County was the first in the State to introduce regulations for dispensaries even before the State made any recommendations, a point which Mr. Solaro could not confirm. She stated as a result the County worked on updates for the Development Code. She said other Commissioners wanted to wait for Clark County but she felt Washoe County should be the model for the State. She said she was a speaker at the inaugural Cannabis Convention and heard concerns about tourists getting \$500 cleaning bills for smoking in hotel rooms. She pointed out it was legal to smoke in Nevada but the only place for tourists to do it was in their cars, which was dangerous. She said casino and hotel/motel owners were requesting places for tourists to smoke. She asked the Board to give staff more than three hours to explore this, adding it was being done in other states.

Commissioner Jung commented the State had the strictest regulations on dispensing, cultivating, and producing in the country because of research which identified the problems encountered in states like Arizona, Washington, Oregon, and California. She noted there were no products in Nevada that looked like something a child might mistake for candy. She urged the Board to allow staff to research issues like impaired driving and she said did not want to wait for State Legislature to act.

Deputy District Attorney Paul Lipparelli said the item was the Board's opportunity to direct staff on policy about regulating this type of activity. He stated the opinion of the LCB did not bind the County and it should not be considered legal advice. He felt the County should get its advice from the elected District Attorney. He said the opinion was guidance but it was merely one public attorney's view of the law; it should be considered but not taken as gospel.

Commissioner Lucey expressed he was conflicted by the item. He said recreational marijuana in Washoe County had only been legal for a brief time and added

that not all six allowable dispensaries were even open. He felt it was too premature to consider lounges. He commented people did not visit bars with the intent to get drunk but he opined people would visit consumption lounges to get high. He acknowledged the majority of citizens approved recreational marijuana but expressed concern for the citizens who did not approve of it.

Commissioner Lucey said the property owners he spoke to were not advocates for consumption lounges. Those that did advocate for lounges wanted to get marijuana off their properties but they were not convinced lounges were conducive to northern Nevada. He pointed out there was no mass transit in the unincorporated County and law enforcement was challenged to patrol all those areas with minimal staff. He felt the addition of lounges would increase impaired driving and stated he could not support the idea.

Commissioner Hartung agreed with Commissioner Lucey and said it would be difficult to separate lounges from dispensaries. He expressed concern about anyone driving under the influence of anything and mentioned Second Judicial District Court Judge David Hardy lost his daughter to a drunk driver. He alleged the level of potency in marijuana was stronger than forty years ago. He said there was no viable methodology to test for marijuana impairedness and remarked if someone had tetrahydrocannabinol (THC) in their system and they were involved in an accident, even if they were not high, they could be charged. He advised not one hotel owner he spoke to wanted marijuana on their premises but there were no hotels in unincorporated Washoe County.

Commissioner Hartung acknowledged he understood Commissioner Jung's position but pointed out the fiscal impact associated with the staff report was not determined. Commissioner Jung responded it was because they had not performed a study. Commissioner Hartung added the fiscal impact of marijuana laws on law enforcement was also unknown even without considering the potential addition of lounges.

Commissioner Herman agreed with Commissioners Lucey and Hartung.

Chair Berkbighler called Mr. Ed Alexander to speak, adding for the record she toured his facility on April 9 and stated it would be a wonderful facility.

On the call for public comment, Mr. Alexander urged the Board to allow staff to explore the pros and cons of cannabis lounges. He pointed out he was not endorsing or condemning the subject itself; he wanted staff to have the ability to answer the questions of the Commissioners so they could make informed decisions. He affirmed the Nevada Resort Association expressed concern about \$500-\$600 cleaning bills even though people voted to allow recreational marijuana. He equated marijuana lounges to development and mentioned some apprehension about marijuana prior to the opening of dispensaries was no longer present. He thought it was in the best interest to give staff the time to explore the topic.

Mr. Douglas R. Studwell Jr., citing the survey in the staff report, pointed out the sample size was small and he questioned who took the survey. He felt the County should be working together with the Cities of Sparks and Reno as well as with Citizen Advisory Boards. He remarked the next item on the agenda was to designate County parks as smoke-free and pointed out all hotel rooms had no-smoking signs on them. He inquired what the standards were for public intoxication, what viable testing methods were available to law enforcement, and how customers would get from lounges to their ultimate destinations.

Commissioner Hartung expressed concern about customers traveling from lounges to their destination especially since there was no public transit. He wanted law enforcement to be able to determine intoxication levels since he was concerned with impaired drivers.

Commissioner Lucey contended County residents passed recreational marijuana and it was not passed for residents outside Nevada. He reiterated all hotels were located in the municipalities and, while lounges might be more suitable for those city areas, he did not find them to be appropriate for unincorporated Washoe County.

Commissioner Jung said the arguments made by Commissioners Lucey and Hartung were evidence staff needed time to research whether the area needed public transit or if tourists would be interested in lounges. She said as Reno-Sparks Convention and Visitors Authority President Commissioner Lucey should be against customers from California returning home to imbibe. She indicated the item was not about establishing lounges but allowing staff to determine the validity of some of the concerns. She moved to direct staff to look into consideration for regulations in terms of lounges in unincorporated Washoe County, which could prepare the County for the legislative session where she felt many bills would pass. She thought the Board's reluctance to act on lounges was inconsistent with the County's ordinance about Dotty's later in the meeting even though there were no Dotty's in unincorporated areas.

Chair Berkbigler said she would second the motion because she was a proponent of staff study. She stated the issue would come up at the Legislature because a senator in southern Nevada intended to bring it forward. She felt there was value in knowing what the impact on the County would be so she supported the concept of the study.

Commissioner Hartung repeated he would like to see more information from law enforcement. He noted District 4 voted against recreational marijuana and he opined people in the dispensary business sought to have lounges to make more money. Commissioner Berkbigler responded she thought the Sheriff's Office would be participating in the study to get answers to Commissioner Hartung's concerns.

Commissioner Jung moved to direct staff to look into consideration for regulations in terms of lounges in unincorporated Washoe County. Chair Berkbigler

seconded the motion. The motion failed on a vote of 3 to 2 with Commissioners Lucey, Hartung, and Herman voting “no”.

On motion by Commissioner Hartung, seconded by Chair Berkbigler, which motion duly carried, it was ordered that the item be brought back before the Board in early 2019 when law enforcement had more information.

Chair Berkbigler announced the Board would be in recess until 1:00 p.m.

**12:03 p.m. The Board adjourned.**

**1:00 p.m. The Board reconvened with Commissioner Jung absent.**

**18-0268**      **AGENDA ITEM 12**      Update and possible direction to staff on designating Washoe County parks as smoke free parks through changes to Chapter 95 of Washoe County Code. Community Services. (All Commission Districts.)

Eric Crump, Division Director of Operations with the Community Services Department, said staff sought direction about designating Washoe County parks as smoke-free. He noted there was a joint meeting on January 17, 2018 between the Washoe County Open Space and Regional Park Commission, the City of Reno Recreation Parks Commission, and the City of Sparks Park Commission, at which a presentation was given by the Health District. As a result, a joint agency working group was formed to consider a smoke-free initiative consistent across all jurisdictions. He said all three commissions voted to support smoke and vape-free parks to protect the health of the community through changes to their respective ordinances.

Mr. Crump indicated two surveys showed a majority of the respondents were in favor of some form of smoke-free parks; details of those surveys were included in the staff report. He remarked enforcement would take the form of positive signage consistent across the jurisdictions. He pointed out a list of agencies throughout the country that enacted similar regulations in the staff report. He added the Sparks City Council voted in favor of designating parks smoke-free at their April 9 meeting and the Reno City Council would hear the topic at their April 11 meeting. He requested the Board’s direction.

When asked by Commissioner Hartung about enforcement, Mr. Crump answered much would be handled through social pressure and signage. He commented as per language in Washoe County Code Chapter 95, parks’ staff could ask for compliance. Changes to Chapter 95 could include citation authority much like Animal Services had. He acknowledged it wasn’t a prevalent problem so he did not foresee enforcement being a huge issue.

Commissioner Hartung asked for clarification whether parks would have smoke-free areas or if entire parks would be smoke-free. Mr. Crump replied staff

concluded it made sense for neighborhood parks with no buildings to be smoke-free, but in parks with buildings there would be designated smoking areas. Commissioner Hartung said he feared citizens could take it upon themselves to enforce the ordinance. He compared it to littering and expressed concern about how it would be enforced.

Chair Berkgigler mentioned she was the non-smoking lobbyist for Nevada in the 1980's and she was responsible for non-smoking laws in the State. She concurred it would be difficult to enforce but stated if Sparks and Reno felt it was a good idea, she thought the County should approve it.

Mr. Crump admitted parks' staff was small considering the number of acres it had to manage and it already patrolled for illegal trash disposal and animal ordinance infractions. He wondered whether the challenge of law enforcement was a good enough reason not to proceed. He reiterated it was not a prevalent problem and there were few altercations because of this. He added citizens already tried to enforce issues like unleashed dogs themselves.

Commissioner Lucey stated the inability to enforce it did not mean it should not be considered. He said if the County's stance was to support smoke-free parks, citizens would take it upon themselves to enforce as they did with pets. He noted the Commissioners were proud of the area's open spaces and supporting the policy was the right thing to do. Using the parks for beauty and recreation as well as to promote physical activity was in line with the County's mission, and individuals could be relied on to police the initiative.

Commissioner Hartung expressed disgust at seeing cigarette butts in planters at the parks and found no issue with creating smoke-free zones. He wished to convince society smoking was a detriment to people's health.

Commissioner Herman agreed designating County parks as smoke-free was the responsible thing to do.

County Manager John Slaughter added he received letters of support from The American Heart Association, The Nevada Tobacco Prevention Coalition, The Nevada Public Health Association, The Truckee Meadows Park Foundation, and Keep Truckee Meadows Beautiful, copies of which were placed on file with the Clerk.

Commissioner Lucey emphasized the item would not preclude only smoking cigarettes but vaping as well, adding people could obtain marijuana for vape pens. This ordinance would eliminate smoking any product that was considered hazardous to people.

On the call for public comment, Mr. Michael Hackett, President of the Nevada Tobacco Prevention Coalition and consultant for the Nevada Public Health Association, stressed expanding smoke and vape-free areas throughout the State were priorities for both organizations. Both organizations supported efforts that focused on

healthy communities and sustainable living, and the proposal was an important step in that direction. He noted the letters of support provided data about current smoking rates in the State and the economic impact of that. He thanked the Board for its consideration.

Ms. Kelli Goatley-Seals of the Washoe County Health District said she supported the ordinance on behalf of the public health community. Making parks smoke free would eliminate exposure to secondhand smoke, encourage youth not to smoke, and offer a supportive environment for people who wanted to quit. She reported 85 percent of Washoe County citizens were non-smokers and 92 percent did not vape. She thanked the Board and offered technical assistance.

Ms. Geanette Orton with the Truckee Meadows Parks Foundation, citing a survey conducted in September, announced 76 percent of the 963 responses supported either a full or partial ban of smoking in parks. She indicated the people surveyed were park goers, of whom 87 percent did not smoke and 98 percent did not vape. She and the Foundation supported smoke-free parks.

Commissioner Hartung stated the County rented out certain facilities for events like weddings and asked how the ban would affect those places. Mr. Crump said it was the opinion of staff to be strategic in its designation of smoking areas associated with certain buildings. To accommodate citizens and staff who attended those events, the County would strategically determine those areas and be in constant communication with the renters of those facilities.

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

**18-0269**      **AGENDA ITEM 15** Public hearing: Second reading and adoption of an ordinance amending the Washoe County Code at Chapter 25 (Business License Ordinance), Chapter 53 (Miscellaneous Crimes), and Chapter 110 (Development Code) to provide for limited exemption of certain acts from criminal prosecution and for the licensing and land use authorization required to operate marijuana establishments (including cultivation facilities, distributors, product manufacturing facilities, testing facilities, and retail marijuana stores/medical dispensaries) which are licensed by the State of Nevada under NRS Chapter 453A and/or NRS Chapter 453D; to allow for all marijuana establishments in general commercial and industrial regulatory zones; to allow for retail marijuana stores/medical dispensaries in neighborhood commercial and tourist commercial regulatory zones as well; and, to address other matters necessarily connected therewith and pertaining thereto. The Board of County Commissioners introduced and conducted a first reading of the proposed ordinance on March 27, 2018. Community Services. (All Commission Districts.)

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

Jan Galassini, Chief Deputy Clerk, read the title for Ordinance No. 1616, Bill No. 1802.

Commissioner Hartung expressed reservation about dispensaries being placed in neighborhood commercial zones (NCZs), adding the City of Sparks was intent on keeping them in industrial areas. He mentioned NCZ was a very common land use designation.

Commissioner Lucey asked about the current allotment of dispensaries in Washoe County. Planning Manager Bob Webb replied Nevada Revised Statute 453D allowed a maximum of 20 dispensaries in the County. He said 13 of those 20 had been allocated, six of which were in the unincorporated County, four in Reno, and three in Sparks. He believed the remainder would go to populous areas in the County, most likely in the City of Reno.

Commissioner Lucey agreed there were challenges with the NCZ designation. Commissioner Hartung asked whether they could omit that language. Deputy District Attorney Paul Lipparelli responded that change would be too significant and it would require the ordinance to start over. He confirmed Chair Berkgigler's assertion the Board could pass the ordinance as written then remove the NCZ language at a later time.

On the call for public comment, Mr. Will Adler, representing the Sierra Cannabis Coalition, praised the County for the way it vetted its ordinances. He noted they met with members of the industry and the public. Regarding the NCZ designation, he pointed out dispensaries had other restrictions besides zoning, noting they could not be placed near schools or residences. He claimed there were only about 10 suitable buildings outside of the Lake Tahoe area to move dispensaries from Incline Village.

Commissioner Lucey moved to introduce Ordinance 1616. Mr. Lipparelli corrected the ordinance should be adopted. Mr. Lucey amended his motion, which was seconded by Chair Berkgigler.

Commissioner Hartung was uncomfortable voting for the item without concrete plans that they would revisit the ordinance to remove the NCZ designation. He pointed out there were many rural areas throughout the County that could be candidates to become NCZs. He praised Commissioner Lucey and Mr. Adler for the work they did on the ordinance but expressed concern about dispensaries acting on their own accord. He noted the Rise dispensary wanted to move into a standalone building. Disputing Mr. Adler's earlier claim, Commissioner Hartung alleged there were 10 to 15 parcels in his district alone that could accommodate a dispensary.



Chair Berkbigler asked whether an item to remove the NCZ language could appear at the last meeting of April. Mr. Lipparelli indicated if the ordinance was approved there would be a publication period and typically an ordinance would take effect ten days after adoption. At that point they could have a first reading of a new ordinance, but it could not all get accomplished in April.

Commissioner Hartung noted it would have to go back to the Planning Commission. Assistant County Manager Dave Solaro noted they were reviewing all County Code Chapters that could be impacted by recreational marijuana. He made note the Board wanted the NCZ issue addressed and asked that staff be able to include it in their research of the Code.

Commissioner Lucey mentioned six dispensaries were currently located in NCZs and requested clarification about how modifying the ordinance would affect those dispensaries as well as new dispensaries. Commissioner Hartung thought the dispensary in South Washoe Valley was on a piece of commercial property. Someone from the audience confirmed it was in a general commercial zone. Chair Berkbigler indicated the one in Incline Village was in a NCZ. Commissioner Hartung reiterated his concerns about having dispensaries in a NCZ. He stated he would reluctantly support the ordinance but requested additional work on the NCZ designation.

Commissioner Lucey mentioned a number of dispensary locations were proposed on Mt. Rose Highway and Arrowcreek Parkway that were in NCZs and it was a big point of contention. He felt delaying the ordinance was not prudent.

Mr. Lipparelli stated in general if the zoning scheme were changed to make something impermissible, any prior non-conforming use would be grandfathered; if the establishment was abandoned, the right to that use would go away. Ordinances could be structured to leave existing businesses as is while prohibiting future ones from relocating to NCZs. Commissioner Hartung stated that was his intent. He stated he would take the Board at its word that the item would be revisited and he would support the measure.

Chair Berkbigler said the Board did not want to see a facility on Mt. Rose Highway or in Incline Village. She asked staff to research the item to address the Board's concerns.

Commissioner Lucey questioned whether the right to use would remain with the property in the event of a sale. He stated as different neighborhoods grew, areas no longer suitable for dispensaries could encounter that issue. He asked whether the Board could mandate a new owner to move to a new location more beneficial to that type of business. Commissioner Hartung agreed and drew a parallel to the discussions the City of Reno was having regarding adult entertainment.

On motion by Commissioner Lucey, seconded by Chair Berkbigler, which motion duly carried on a 3 to 1 vote with Commissioner Herman voting "no" and

Commissioner Jung absent, Chair Berkbigler ordered that Ordinance No. 1616 , Bill No. 1802, be adopted, approved and published in accordance with NRS 244.100.

**18-0270**      **AGENDA ITEM 16** Public hearing: Adoption of an updated Master Business License Fee Schedule which includes a new quarterly marijuana establishment license fee as authorized pursuant to AB 422, Sec. 65.6 (2017) and Washoe County Code section 25.728 and a new marijuana establishment relocation application fee; and, if approved, authorize the Chair to sign a Resolution adopting the Master Business License Fee Schedule with an effective date of April 20, 2018. The proposed quarterly marijuana establishment license fee will be 3% of a marijuana establishment's reported quarterly gross revenue and the proposed marijuana establishment relocation application fee will be \$500. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of Agenda Item 16. There being no response, the hearing was closed.

Commissioner Hartung stated he felt \$500 was not enough to cover the staff time required when someone wanted to apply for relocation. He suggested a base fee of \$500 and an opportunity for additional fees to cover the hundreds of hours of staff time. Spurred by Chair Berkbigler's query, he confirmed he wanted staff to revisit this item at a future time.

Assistant County Manager Dave Solaro mentioned a third-party evaluator was reviewing all fees and charges assessed by the County and indicated he would emphasize this item. He added the \$500 was just for the application and they charged additional fees for inspection. He agreed it made sense to ensure the fee was great enough to recoupe any staff time needed. Commissioner Hartung expressed concern about how many employees needed to be present at every publicly-held meeting.

Commissioner Lucey stated cost recovery was essential to what the County was trying to accomplish, especially based on mandates in the legislation. He sought to address the application fee now but remarked the third-party evaluator could determine how much staff time would be required to cover those costs.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 16 be adopted and authorized. The Resolution pertinent to Agenda Items 16 is attached hereto and made a part of the minutes thereof.

**18-0271**

**AGENDA ITEM 18** Public hearing: Second reading and possible action to adopt an ordinance amending Chapter 30 of the Washoe County Code, Intoxicating Liquor and Gaming Licenses and Regulations as follows:

Section 30.010 - Definitions, to amend definitions for taverns, tavern-restaurants, and associated gaming devices, to restrict the manner of alcohol sales within taverns or tavern-restaurants with limited or restricted gaming within the bar top, and to add a definition and certain exemptions from these rules for a grandfathered tavern and grandfathered tavern-restaurant operating with restricted or limited gaming prior to April 20, 2018;

Section 30.355 - Operation of a Tavern or Tavern-Restaurant with Restricted or Limited Gaming, to add a requirement for the type and number of gaming devices allowed for a tavern or tavern-restaurant with restricted or limited gaming;

Section 30.360 - License Application, to add a requirement for submittal of a diagram and written declaration with an application for license or renewal of a restricted or limited gaming license;

Section 30.400 - Renewal; notice of due date; substantial changes, to add a provision for non-compliance with these new rules in Section 30.355 requiring the restricted or limited gaming operator to reduce the number of slot machines on the premises to 7; and Section 30.419 - Suspension and revocation of gaming licenses, to include non-renewal of a license for good cause, and to allow enforcement of gaming licenses in association with misrepresentation on gaming license applications; and other matters necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Jan Galassini, Chief Deputy Clerk, read the title for Ordinance No. 1617, Bill No. 1803.

Assistant County Manager Dave Solaro remarked the item was intended to tighten up regulations that would address any potential complaints the County might receive about limited gaming establishments. He noted State law permitted 15 gaming machines in establishments if they were not the primary source of business. In places where slot machines were the primary source, the owner could either have seven machines or they could obtain an unlimited gaming license with the State. He mentioned there was concern from the community that the County could not enforce the provisions. The County worked with the Cities of Sparks and Reno to create parameters in the Code to address limited gaming establishments within city limits, and the County wanted to adopt the same regulations within unincorporated Washoe County. This would allow Code enforcement officers to recognize at once if machines were an ancillary use of the facility, giving them a better approach to enforce current Codes.

Commissioner Hartung admitted some businesses found a loophole to allow them to put in what he considered a slot parlor. He asked why the County did not address the issue in the land use code and questioned how they would be able to enforce the new ordinance. Mr. Solaro responded the County originally intended to introduce sections in both County Code Chapters 110 and 30, but at the request of the industry it was decided to address the issue in the business license process. This approach was consistent with the other jurisdictions in the area.

Commissioner Hartung presented a scenario where an owner had a certain bar height approved but then it was determined to be too low. He felt this should be something the State of Nevada should address. He asked whether the County would have to check what businesses were doing when they obtained a business license, adding it would be easier to enforce if it was addressed under the land use.

Mr. Solaro responded bar height compliance was dictated partially by the Americans with Disability Act (ADA). Regarding enforcement, he indicated the County sent out bills to operators on a quarterly basis requesting the business layout. He admitted owners complied with Code largely on an honors system but said the County would review everything in the event of any complaint to ensure businesses complied with Code. It was the same system used by compliance officers reviewing land use infractions. Commissioner Hartung maintained the establishment was not a tavern and compared it to a photography studio being assigned a different designation if it had a darkroom.

Commissioner Herman stated she thought the County was targeting a small business and cautioned against being overly restrictive.

Commissioner Lucey asked whether there were any businesses in unincorporated Washoe County who would be impacted by the change. Mr. Solaro answered there were a limited number of tavern/restaurants in Washoe County. Mr. Solaro confirmed Commissioner Lucey's assumption those businesses would be grandfathered in since they were licensed under the original Code and no businesses currently operating would be forced out. The ordinance would create consistency among businesses' primary and secondary function.

Commissioner Lucey said it was common sense to create consistency within the region regarding how owners did business. He acknowledged there could be a reason to discuss gaming parlors in the future, indicating the current Code had the potential for loopholes.

Mr. Solaro affirmed Chair Berkbighler's point that it was not the County's intention to close any businesses. Commissioner Hartung commented he felt this was a solution looking for a problem.

Commissioner Lucey pointed out enforcement was always complaint-driven and there was not enough staff to enforce every aspect of the County Code. He stated regardless of enforcement there was a need for Code to provide proper direction.

On the call for public comment, Mr. Michael Hillerby, speaking on behalf of Nevada Restaurant Services also known as Dotty's, said he felt the ordinance was directed at Dotty's. He repeated a comment made in the staff report that the ordinance would give the County a better opportunity to define and enforce in the event there was a complaint about the company's primary business model. He argued the appropriate venue for that should be the Gaming Control Board (GCB). He remarked the definition of 'incidental' had been debated in legislation for more than 50 years and he cited a study that recommended companies had to abide by existing gaming control laws. He alleged a Commissioner would have no way of knowing which aspects of a Dotty's or a sports bar were primary and which were incidental. He read from Washoe County Code about the definitions of eating establishments.

Chair Berkgigler announced Mr. Hillerby would receive additional time to speak.

Mr. Hillerby pointed out County staff would not enforce fast-food restaurants by counting how many people were sitting down to eat. He wondered what the problem was with an owner who invested in the community and was willing to pay taxes. He declared there were ways to expand the Code so it did not target one business model. He noted there could be times in more traditional taverns where gaming revenue beat the sale of food. He quibbled over the definitions of a kitchen, noting according to County Code all an establishment needed was an oven and a refrigerator or sink. He concluded saying uniform bar height was not the type of detail that necessitated regional conformity.

Chair Berkgigler noted Mr. Michael Alonso would also receive five minutes to speak.

Mr. Alonso, on behalf of the Nevada Resort Association, reminded the Board they were discussing a privileged license, owners of which had to do things differently than other people. He affirmed the Association wanted to get consistency so things could be enforced more uniformly. Responding to previous comments made by Commissioner Hartung and Mr. Hillerby, Mr. Alonso pointed out the GCB did not set land use nor decide which establishments were taverns; local governments did. He noted no one would ever argue whether gaming was incidental inside grocery stores or drugstores because they needed to meet certain requirements. Convenience stores and liquor stores also had limits on the number of machines they could have. He commented slot parlors were not allowed as per the State GCB and a license was issued to the subject establishments only through their designation as a tavern, grocery store, or some other permitted entity.

Mr. Alonso said they were trying to address a situation where an owner took over an existing location by remodeling. If passed, the ordinance would allow that owner to place seven slot machines, not 15; the owner would need a primary business that was not slot machines. He pointed out the law in Washoe and Clark Counties was changed in 2013 which required new establishments to have a permanent physical bar and at least 2,500 square feet available for patrons. He reviewed some of the other requirements established by the 2013 law. He summarized a new business would have to follow all State requirements to obtain a restricted gaming license. He stated those establishments already set up were grandfathered under the Statute but the purpose of the ordinance was to regulate owners against transforming an existing business into a slot parlor.

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

Commissioner Hartung explained his prior comparison to a photography studio was made because different types of activities triggered different requirements for a license. When asked by Commissioner Hartung about the requirements necessary to be considered a kitchen, Mr. Solaro answered the Health District regulated the requirements for commercial kitchens. He said the definition within the County's Development Code related to residential-use kitchens.

Commissioner Hartung asked about ADA requirements for bar height. Mr. Solaro responded 42 inches was the standard bar height but the Code allowed for additional items to be at a lower range of heights to be ADA compliant. Commissioner Hartung reiterated his belief the subject establishment was a gaming parlor.

Commissioner Lucey moved to adopt the ordinance. Commissioner Hartung seconded the motion but maintained it should have been addressed with the land use and business type.

Commissioner Lucey said he wanted to assist in determining how it could be addressed in Code to adjust to the changing community.

Chair Berkbigler stated she supported the motion because regionalization with the Cities of Reno and Sparks required working on all issues, not just the ones she desired.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried on a 3 to 1 vote with Commissioner Herman voting "no" and Commissioner Jung absent, Chair Berkbigler ordered that Ordinance No. 1617, Bill No. 1803, be adopted, approved and published in accordance with NRS 244.100.

**18-0272**      **AGENDA ITEM 13**    Introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend the standards within Section 110.406.05, General; and to address other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses a property, regardless of width, in which case the setback would be measured from the edge of the road. If supported, set the public hearing for second reading and possible adoption of the Ordinance for April 24, 2018. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Commissioner Hartung noted this was a housekeeping item to remove a loophole in the Code.

Jan Galassini, Chief Deputy Clerk, read the title for Bill No. 1804.

There was no public comment on this item.

Bill No. 1804 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

**18-0273**      **AGENDA ITEM 14**    Introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, to amend Section 110.306.10 Detached Accessory Structures, to define how the height of an accessory structure is measured both (1) when the structure is located within the required rear or side yard setback (12 feet maximum height as measured from the lowest finished grade of the structure to the average height of the highest of a pitched or hipped roof), and (2) when it is located outside of all applicable setbacks (35 feet maximum height as currently measured per Article 902); and to address other matters necessarily connected therewith and pertaining thereto; and if supported, set the public hearing for second reading and possible adoption of the Ordinance for April 24, 2018. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Jan Galassini, Chief Deputy Clerk, read the title for Bill No. 1805.

Bill No. 1805 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed. He clarified the item was a housekeeping issue.

**18-0274**      **AGENDA ITEM 17**    Public hearing: Master Plan Amendment Case WMPA17-0012 - Hearing and discussion to: (1) Adopt an amendment to the Spanish Springs Area Plan to modify Policy SS.1.3(f), by removing the date limitation that currently limits the General Commercial (GC) regulatory zone to properties with a regulatory zone of GC prior to August 17, 2004, and (2) Authorize the Chair to sign the Resolution to adopt the amendment. If adopted, the amendment will be effective if and when the Regional Planning Commission finds that it conforms to the Truckee Meadows Regional Plan. Community Services. (Commission District 4.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of Agenda Item 17. On the call for public comment, Ms. Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Hartung noted the subject area was historically zoned as neighborhood commercial but this would change it to general commercial like the parcels across the street.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Jung, it was ordered that Agenda Item 17 be adopted and authorized. The Resolution pertinent to Agenda Items 17 is attached hereto and made a part of the minutes thereof.

**18-0275**      **AGENDA ITEM 19**    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 this item was not needed.



**18-0276      AGENDA ITEM 21 Announcements/Reports.**

The Board remarked on a picture of Commissioner Hartung with a dog from a recent Humane Society event. Commissioner Hartung spoke about the event. After this brief discussion, the Board heard Agenda Item 20 and returned to this item afterward.

Chair Berkbigler requested an item on a June agenda regarding indoor tennis courts.

Chair Lucey thanked the Humane Society for their work with animals and Commissioners.

Commissioner Hartung referenced a comment made by Commissioner Herman about draining the Great Salt Lake and he requested more information from staff about that. He noted he and Commissioner Lucey had conversations with a neighboring entity about the possibility of that entity purchasing the effluent water coming out of the Stead plant. He mentioned a developer working along Chickadee Drive was considering bringing in a dry line, though he cautioned only so much water could be conveyed through an 8 inch line. He said he was receptive to hearing all options as it was difficult to drain a terminus lake.

Commissioner Lucey requested an update from the Community Services Department about stormwater districts throughout the area. He referenced complaints received from the Galena area and sought potential options to deal with stormwater there. Commissioner Hartung noted staff would need to wait for the map the Board requested from the Western Regional Water Commission, which would allow the Board to understand where the water was coming from and where it was going.

**18-0277      AGENDA ITEM 20 Public Comment.**

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

**AGENDA ITEM 21 Announcements/Reports.**

Chair Berkbigler reopened the item after public comment; see Minute Item Number 18-0276 for the discussion.

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**2:51 p.m.** There being no further business to discuss, the meeting was adjourned without objection.

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**MARSHA BERKBIGLER**, Chair  
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:*  
*Derek Sonderfan, Deputy County Clerk*