

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

TUESDAY

10:00 A.M.

MARCH 27, 2018

PRESENT:

Marsha Berkbigler, Chair
Kitty Jung, Vice Chair
Bob Lucey, Commissioner
Vaughn Hartung, Commissioner

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

ABSENT:

Jeanne Herman, Commissioner

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:

18-0217 AGENDA ITEM 3 Public Comment.

Mr. Roger Hillygus said he sent emails to the Commissioners regarding an issue he had with a public records request submitted to the Sheriff's Office. He stated correspondence from the Sheriff's Office stated they received his request. He indicated that was a month ago and pursuant to Nevada Revised Statute (NRS) 239, he should have received more communication than he had. He asked the Board to assist him to obtain the requested documents. He was also concerned about abuse occurring with guardianship cases in Family Court, specifically in Department 12 with Judge Frances Doherty. He provided information to the Commissioners in hopes of receiving their help with these issues. The documents were placed on file with the Clerk.

Mr. Peter Todoroff stated he was the Chair of the Incline Village Citizen's Advisory Board (CAB). He expressed his concern regarding a memorandum of understanding (MOU) for Incline Village and noted processes were not working properly. He stated the old library was being utilized as an office with one person representing the Tahoe Regional Planning Agency (TRPA) but there was no phone or internet connection to conduct business through. He expressed that business could not be conducted in this manner. He said there was no County representation at the last CAB meeting and since Incline Village brought a significant amount of money to the County and he thought it was troublesome for the community and reflected badly on the Board. He hoped there would be County representation at future CAB meetings.

Mr. Sam Viviano said he was a retired Plans Examiner at Washoe County. He indicated when he was hired in 1990 he trained at the TRPA for three months to learn about the Code pertaining to the MOU between Washoe County and the TRPA. He said it was a myth that Washoe County was not working at a satisfactory level. He explained during the five years he performed plan reviews, permits were issued within three weeks; the highest audit scores were received; the County earned a profit every year; and in one month he performed 135 plan reviews, which was as many as a TRPA auditor performed in six months. He stated the MOU was successful because of the commitment from the agencies involved. He provided documents, which were placed on file with the Clerk.

Mr. Wayne Ford wanted answers regarding the change in the MOU process. He stated the MOU between Washoe County and the TRPA included a 60-day written notice of termination that did not occur. He indicated attorneys for the TRPA and Washoe County met and suspended the MOU agreement within two days. In a meeting that took place on February 2nd it was announced the reinstatement of the MOU would not be discussed until at least December. He pleaded for the process to be reinstated right away. The TRPA office in Incline Village was not operational. He stated the person working in that office did not have the necessary tools to accept a permit because the TRPA did not have internet or Wi-Fi and staff was working from a cell phone. He asked for discussions to start by the end of the week to reinstate the MOU. He said people would use unlicensed contractors and have the work completed without a permit because it was not worth the time it took to obtain a permit. He provided documents, which were placed on file with the Clerk.

Mr. James Borelli spoke regarding his concerns about the MOU agreement and processing permits. He indicated it would take more than two months for someone to get plan approval from the TRPA and then the plan would have to be approved by the County to obtain a permit. He stated the process was taking much longer than it should. He asked to Board to make the needed changes and revert back to the previous process.

Ms. Tammy Holt-Still spoke regarding the placement of Hesco barriers on both sides of Lemmon Drive. She indicated it was a narrow road and it was dangerous because people illegally passed cars on this road. She noted there was no Sheriff's presence to enforce the laws. She stated she took someone on a two-hour tour around Lemmon Valley recently and that person remarked what was occurring in Lemmon Valley was a violation of the Fourth Amendment. She said after attending a meeting with the Truckee Meadows Water Authority (TMWA) she believed the research being conducted was not complete or up-to-date.

Ms. Diana Christensen asked the Board to seek help through the Legislature to consider the creation of an agency to oversee marijuana regulations similar to those of the gaming industry. She was concerned about the cash business being subject to theft as the gaming industry experienced prior to being governed. She thought the Department of Taxation did not have the staffing or experience to monitor an industry of this type. She wanted to ensure the agencies who were relying on the funds from the

marijuana industry received what they deserved. She wanted a statute to declare marijuana intoxication levels similar to alcohol levels. She indicated without a clear intoxication level designation, the courts and law enforcement would be wasting many hours attempting to prove a person was over the legal limit to operate a vehicle.

Mr. Don Christensen stated he was raising his three teenaged grandchildren. He said he had a difficult time explaining the disconnect between the federal government and the local government related to legalized marijuana. He explained he worked as a Revenue Officer at the Department of Taxation for 15 years and said the department was ill equipped to manage the enforcement and compliance of the marijuana laws and the incredible amount of cash that was handled. He indicated the Department of Taxation did not possess the skillset to deal with criminal activity and the potential fraud that could occur. He asked the Board to seek help from the Legislature to establish a governing board to oversee the marijuana industry.

Ms. Veronica Cortes announced she was working on bull riding events that would occur at the Gandolfo Rodeo Arena. She indicated the restrooms and parts of the arena were in need of improvements. She said she had spoken with promoters and investors who were interested in bringing some community events to the Sparks area. She explained the event would be considered a mini rodeo and the Triple J Bucking Bulls from Washoe Valley would be used. She stated she was operating as Monroe Enterprises and would be coming back to the Board to request its support.

Mr. Sam Dehne spoke regarding protection from law enforcement, agenda items for possible action, International Armed Forces, Tesla not taking care of their problems, dismantling the *Reno Gazette-Journal*, and the Open Meeting Law.

18-0218 AGENDA ITEM 4 Announcements/Reports.

County Manager John Slaughter recognized three students from Reno High School who were attending the Board of County Commissioners meeting as a requirement for their high school government class. The students chose to attend during their spring break. He stated the Commission would take break at approximately 11:45 a.m. and reconvene at 1:00 p.m. He indicated Agenda Item 23 would not be heard earlier than 1:00 p.m. and other items could be moved and heard based on the Commissioners' schedule.

Chair Berkbigler indicated she had been working with staff regarding the memorandum of understanding (MOU) in Incline Village and the issue would be taken care of quickly. She asked Mr. Slaughter for a written response regarding the plan to get the MOU back in place as soon as possible. She noted the public records request that was brought forward during public comment was being worked on also. She stated Lemmon Valley issues would be addressed later in the meeting.

Commissioner Hartung stated at a recent Nevada Association of Counties (NACO) meeting, the Board of Directors heard a presentation regarding marijuana that was conducted by the newly appointed Director of the Department of Taxation Bill Anderson. He said Mr. Anderson indicated each County would receive \$88,000 from the State to offset the costs of the legalization of marijuana. He said in addition there would be an annual disbursement and approximately \$3.5 million to be divided between the 17 Counties. The money would be distributed in November. He stated at the NACO meeting, the Executive Director for the Nevada Commission for Women Molly Walt conducted a presentation about an increase of women in places of prominence and power. He commented the County had three Commissioners and two Assistant County Managers that were women. He expressed those jobs were about qualifications, not gender, and stated the women within the County were highly qualified. He said a presentation about the University of Nevada Cooperative Extension was conducted by the Associate Dean for Engagement in the College of Agriculture, Biotechnology and Natural Resources Ivory Lyles. He recognized April as being National County Government month. He indicated the NACO Board hired a private firm to represent it regarding issues related to sage grouse and the setting aside of land to protect the birds. He said Nye County requested a formal review of the Yucca Mountain nuclear waste repository related to operation processes in case the storage activities were approved to resume in the future. They wanted to know the benefits to the State and to Nye County.

Commissioner Hartung said he agreed with the citizens that spoke during public comment about establishing an agency to oversee cannabis distribution and sales. He thanked Commissioners Herman and Lucey for supporting the Nevada Water Innovation Campus that was discussed at the Western Regional Water meeting. He said the Truckee Meadows Water Authority (TMWA) also supported the project. He explained the program would result in a self-sustaining center to develop and integrate water solutions for regional needs.

Commissioner Hartung asked staff to schedule TMWA to conduct a presentation regarding the proposal for a rapid infiltration basin. He stated the proposed site for the basin was 13 miles from Lemmon Valley and there were concerns that surrounding basins could be harmed by the research performed at the site.

Commissioner Jung stated the American Red Cross wanted to establish a partnership with the County to offer residents free smoke detectors. She said a fire occurred in an Airbnb near Lake Tahoe and in a similar type guest home that was not equipped with smoke detectors that resulted in fatalities. She requested that staff work with Chief Executive Officer Zanny Marsh to distribute the free smoke detectors. She said she participated in the March for Our Lives event and nearly 8,000 people attended the peaceful protest. She asked Commissioner Hartung if the County had considered researching the best water practices and processes used in Israel. She stated Israel was the world's leader in reclaiming water in a desert. She asked staff to assist the gentleman that spoke during public comment about his records request from the Sheriff's Office. She wondered if the Reno Sparks Convention and Visitors Authority (RSCVA) was aware of the rodeo events proposed for the Gandolfo Rodeo Arena. She wanted the County to

reach out and offer assistance with the events. She thought bi-racial events were very important to the community.

Commissioner Lucey stated he would communicate the discussion regarding the events at the Gandolfo Rodeo Arena with the RSCVA. He said Congress recently passed the Appropriations Bill for the federal government's spending and indicated the County delegation fought diligently and to get Tiger Grants to fully fund the completion of the South Virginia Street rapid expansion and the 4th Street/Prater Way projects. He stated the Tiger Grants required a 50 percent match but the projects would not have been possible without the grants. He said the Nevada Department of Transportation (NDOT) would be conducting a presentation about Interstate 11 (I-11) on March 28th from 4:00 p.m. to 7:00 p.m., with the presentation scheduled for 5:30 p.m. at the Grand Sierra Resort. He stated I-11 would be the first CANAMEX Corridor and the first new interstate built in the past 50 years. He said it would help with any trade relations between Canada and Mexico as well as with the United States. It would benefit Las Vegas although the northern alignment had not been decided as of yet. He stated the meeting would include discussion about the I-11 corridors and the path from Tonopah going north. He said the County could benefit greatly if the interstate passed through northern Nevada. He stated the Board discussed regionalization and regional efforts but had not truly engaged with neighboring Pershing, Lyon and Storey Counties. He said engagement was needed specifically with Storey County and Commissioner Lance Gilman because of the area's continued growth. Commissioner Gilman was on television discussing the Tahoe-Reno Industrial Center (TRIC) and Commissioner Lucey thought the burden to house the people that worked at TRIC rested with Washoe County. He expressed the neighboring Counties needed to be included in discussions pertaining to regional transportation, healthcare and housing. He indicated he attended a meeting recently with TMWA where a resolution between the City of Reno, the City of Sparks and the TMWA was approved to provide and manage a significant amount of water to TRIC. He said if the County planned to address issues as a region then the neighboring Counties needed to be involved in the conversations going forward.

Chair Berkgigler thought communication between the neighboring Counties was important because the region was much bigger than just Reno, Sparks and Washoe County.

Commissioner Hartung said the agreement between the TMWA and Storey County had to do with the sale of effluent. He indicated the effluent belonged to Reno and Sparks but it was a regional resource. He said a Commissioner from Storey County mentioned they were asking the federal government for assistance with the Virginia and Truckee (V & T) Railway. He suggested rather than request money for the V & T Railway, a form of transit from TRIC to Washoe County similar to a Bay Area Rapid Transit (BART) could be established.

DONATIONS

- 18-0219** **5A** Accept Burning Man donations of \$2,500.00 for Gerlach Combination Fire Department personnel training and staffing costs, and approve non-County Employee Travel volunteer firefighters/EMS to attend the annual Rural EMS Conference authorize Comptroller to make appropriate budget amendments. Manager. (Commission District 5.)

On call for public comment, Mr. Sam Dehne spoke regarding talking too much about a topic, supporting donations, cannabis, and Burning Man.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 5A be accepted, approved and authorized.

CONSENT AGENDA ITEMS – 6A THROUGH 6E

- 18-0220** **6A** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2015/2016, 2016/2017 and 2017/2018 secured and unsecured tax rolls and authorize Chair to execute the changes described in Exhibits A and B and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$30,308.97]. Assessor. (Commission Districts 1, 2, 3, 4 & 5.)
- 18-0221** **6B** Approve an Interlocal Agreement (NRS 277.180) between Washoe County---on behalf of the Washoe County Planning & Building Division--and the North Lake Tahoe Fire Protection District (NLTFPD), for the collection of existing Fire Permit Fees for Building Permits in Incline Village and Crystal Bay by the Washoe County Building Program for the benefit of the NLTFPD. In exchange, NLFPD will conduct related permit plan review/inspections within 10 days and will remit 4% of the permit fee to the county for the benefit of the operation of the Accela interjurisdictional permit processing system (Regional Business License and Permits Program). Contract shall start upon date of approval and continue until terminated per contract terms. Community Services. (All Commission Districts.)
- 18-0222** **6C** Approve amendments totaling an increase of [\$7,273] in both revenue and expense to the FY18 Food and Drug Administration (FDA) Mentorship Program for Retail Program Standards Grant Project, IO 11471; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)

18-0223 **6D** Approve the reclassification of a vacant Grants Coordinator, pay grade L, to Program Coordinator, pay grade L (Manager's Office), as evaluated by the JEC, and authorize Human Resources to make the necessary changes. [No fiscal impact.] Human Resources. (All Commission Districts.)

18-0224 **6E** Approve and authorize retroactive Non-County Employee travel and training expenses of approximately [\$1,600] for Gerlach Emergency Medical Services (EMS) volunteers to attend the annual Rural EMS Conference on September 21st to September 23rd 2017; cost of travel and training will be covered within the approved FY18 Fire Suppression budget. Manager. (Commission District 5.)

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 with Commissioner Herman absent, it was ordered that Consent Agenda Items 6A through 6E be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6E are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 7, 8, 9, 10, 11, 12, 13, 14, 15 and 17

18-0225 **AGENDA ITEM 7** Recommendation to approve resolution for creating the agency fund "Washoe County School District 2017C Fund" per NRS 354.612 to track the investment of the proceeds of the sale of General Obligation School Improvement Bonds supported by the sales and use tax increase approved by voters on November 8, 2016. 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 with Commissioner Herman absent, it was ordered that Agenda Item 7 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

18-0226 **AGENDA ITEM 8** Recommendation to approve Washoe County Policy Against Discrimination, Harassment and Retaliation. Human Resources. (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 with Commissioner Herman absent, it was ordered that Agenda Item 8 be approved.

18-0227 **AGENDA ITEM 9** Recommendation to accept an FY18 Supplemental Victim of Crime Act (VOCA) sub-grant award from the State of Nevada, Division of Child and Family Services in the amount of [\$600,000; \$150,000 County match] retroactive for the period of September 1, 2017 to June 30, 2018; authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency (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 with Commissioner Herman absent, it was ordered that Agenda Item 9 be accepted, authorized and directed.

18-0228 **AGENDA ITEM 10** Recommendation to extend the Contract for Health Care Services for Washoe County Detention Facility between Washoe County and NaphCare, Inc. for Detention Inmate Medical Services for a one month period of June 1, 2018 through June 30, 2018 for [\$568,817.26] based on a monthly average daily population (ADP) of 1,200 inmates; until the new contract following the intent to award RFP 3042-17 can be finalized and can be brought back to board for approval. If approved, authorize Purchasing and Contracts Manager to Execute agreement. Sheriff. (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 with Commissioner Herman absent, it was ordered that Agenda Item 10 be approved and authorized.

18-0229 **AGENDA ITEM 11** Recommendation to award Request for Proposal No. 3044-17 for Forward Looking Infrared Airborne Camera and Imaging System to the most responsive and responsible bidder, TRAKKA System, 6817B Academy Parkway NE, Albuquerque, New Mexico 87109, in the amount of \$241,995.00. Sheriff. (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 with Commissioner Herman absent, it was ordered that Agenda Item 11 be awarded.

18-0230 **AGENDA ITEM 12** Recommendation to approve and authorize contract extension payments to the current elevator maintenance and repair services vendor (Kone, Inc.) under the previously awarded contract from September 2017 through December 2017 in the amount of [\$24,599.58 in total]; and further authorize a Joinder Contract under U.S. Communities Contract Number 40134076, City and County of Denver Master Contract Number GENRL-201414653-00 for elevator preventative maintenance and repair with Kone, Inc., 1325 Airmotive Way #157, Reno, NV 89502-3201 in the amount of [\$6,202.00 per month plus \$10,920 annually] pursuant to the joinder provision of NRS 332.195 with a contract effective date retroactive to January 1, 2018. If the Joinder Contract is approved, the Board authorizes the Purchasing and Contracts Manager to execute a three (3) year agreement with two (2) one year renewal options on behalf of Washoe County. The estimated value of the annual agreement for Washoe County is [\$85,344.00]. Community Services. (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 with Commissioner Herman absent, it was ordered that Agenda Item 12 be approved and authorized.

18-0231 **AGENDA ITEM 13** Recommendation to approve an Agreement Regarding November 2002 State Question 1: Parks and Open Space Bond Issue - Truckee River- One Truckee River Implementation Phase - Project Funding [\$300,000-State Question 1 Truckee River Bond Funds] between Washoe County and Nevada Land Trust. Community Services. (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 with Commissioner Herman absent, it was ordered that Agenda Item 13 be approved.

18-0232 **AGENDA ITEM 14** Recommendation to approve the Fourth Amended Interlocal Agreement Regarding the Purchase of Water Rights Pursuant to the Truckee River Water Quality Settlement Agreement between Washoe County, the City of Reno, and the City of Sparks for the purpose of using interest earnings in the Water Quality Settlement Agreement account [in the approximate sum of \$725,226.11], to make the one-time payment to Truckee-Carson Irrigation District pursuant to the terms of the Water Rights Operations & Maintenance Assessment Agreement, [in the sum of \$682,231.48]; and to pay any remaining Water Quality Settlement program costs; and to disburse the remaining funds, if any, to the parties of the Interlocal Agreement. Community Services. (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 with Commissioner Herman absent, it was ordered that Agenda Item 14 be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

18-0233 **AGENDA ITEM 15** Recommendation to approve an agreement between Washoe County and A&B Properties Hawaii, LLC, a Delaware limited liability corporation, successor by merger to WDCI, Inc., a Hawaii corporation for payment to Washoe County [the sum of \$450,000] to be used by Washoe County to repair the Heating Ventilation and Air Conditioning (HVAC) system at the leased property for the Sparks Justice Court, 1675 East Prater Way, Suite 107, Sparks, Nevada, Community Services. (Commission District 4.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 15 be approved.

18-0234 **AGENDA ITEM 17** Recommendation to: 1) adopt a Resolution approving the application for State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds and appointing Assistant County Manager David Solaro as agent of Washoe County to conduct all negotiations, execute and submit all documents including applications, agreements, billing statements, which may be necessary for the completion of the above project; and 2) approve the Project Funding Agreement Between the State of Nevada Acting By and through its Division of State Lands and the Fund to Protect Lake Tahoe and Washoe County; and 3) approve the Assurances certifying that the County will comply with the regulations, policies, guidelines and requirements of the Division of State Lands; and 4) accept a Grant Award from the Nevada Division of State Lands (NDSL) Water Quality and Erosion Control Grants Program for the Lower Wood Creek Phase I Water Quality Improvement Project [in the amount of \$1,285,000] for the period of April 2, 2018 through March 31, 2021; and 5) accept Tahoe Regional Planning Agency Mitigation match funds [in the amount of \$606,500, with additional Washoe County in-kind staff support match of \$115,500]; and if accepted, 6) direct the Comptroller's Office to make the necessary budget amendments. Community Services (Commission District 1.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 17 be adopted, approved, accepted and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

18-0235 **AGENDA ITEM 26** Public Hearing to approve a resolution sponsoring an amendment to the 2012 Truckee Meadows Regional Plan, pursuant to NRS 278.0272(7), to update the Existing Utility Corridors (South) map to include: (1) A 200 MW solar energy center (containing a $\pm 1,200$ -acre solar field, switchyard, 200 MW energy storage system, and new substation) northwest of Wadsworth; and (2) A short 345 kV to an existing 345 kV transmission line as part of a Project of Regional Significance known as the Dodge Flat Solar facility provisionally approved by Washoe County as part of Special Use Permit WSUP17-0021 and Administrative Permit WADMIN17-0010; and if approved, authorize the Chair to execute the resolution sponsoring the proposed amendment. The overall project site is located at 2505 State Route 447, west of its intersection with Olinghouse Road. The parcels (APNs: 079-150-29, 079-150-11, 079-180-16, and 079-180-14) total $\pm 1,616$ -acres in size and are within the boundaries of the Truckee Canyon Area Plan. The Master Plan category is Rural, and the regulatory zone is General Rural. The property owners are New Nevada Lands, LLC and NV Land & Resource Holdings, Inc., and the applicant is Dodge Flat Solar, LLC. Community Services. (Commission District 4.)

Commissioner Hartung said this Agenda Item pertained to District 4 and a request for direction. He indicated the Board and Governor Brian Sandoval had pressed for more renewable resources.

Senior Planner Kelly Mullin conducted a PowerPoint presentation with slides entitled: Dodge Flat Solar; Vicinity Map; Overview of Request; Possible Motion; Additional Details; map slides (4); Example Solar Panels; Site Photo (2); Existing Conditions; Project Benefits; and Possible Motion. She reviewed the presentation.

Commissioner Hartung asked whether measures would be taken to protect the solar energy center from wildland fire risk.

Former Assistant County Manager John Berkich indicated a significant amount of time had been spent working to protect the center. He said there were setbacks and there would be programs to manage the vegetation to minimize the fire danger.

Commissioner Hartung thought the center would be a great firebreak and would provide a large amount of renewable energy.

Mr. Berkich said the project was significant because the solar center contained 200 megawatts of energy storage, which made the project the largest of its kind in the United States.

Commissioner Jung stated this project needed to be national and international news.

Commissioner Lucey understood 1,200 of the 1,600 acres would be used as a solar field. He wondered what the rest of the acreage would be used for.

Mr. Berkich explained there would be various buildings to support the infrastructure of the solar field such as for battery storage and facility maintenance supplies.

Commissioner Lucey agreed with Commissioner Jung's comment and said the County strived to benefit and adapt to the natural resources that were available. He stated in northern Nevada the wind and the sun were natural resources and solar was the number one resource to create renewable energy. He wanted to see more solar projects in Nevada. He indicated he was supportive of this project.

Mr. Berkich said this was time to meet the demands of the technical companies moving into the region. He stated each company had a corporate strategy to possess alternative energy.

Commissioner Lucey stated Mr. Berkich was right, he said the region was continuously changing and this was another reason why the County was pursuing a lands bill. They were actively looking at land that could accommodate projects such as this to assist with satisfying the needs of a growing community.

Chair Berkbigler opened the public hearing and stated she failed to do so at the beginning of the agenda item.

Commissioner Jung said companies that were recruited to operate in this area indicated their stockholders demanded they create a smaller ecological footprint. She stated having more renewable resources available would encourage more people to live in the area.

Mr. Berkich said he appreciated the comments and support from the Commissioners. He said NextEra Energy was the largest clean energy producer in the United States and a great company to have in the region because they developed, built, operated and owned their projects. He thanked staff for their support.

Commissioner Hartung indicated when this project was presented to the Wadsworth Citizens Advisory Board (CAB) it received nothing but positive support.

The Chair closed the public hearing.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 26 be approved and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

18-0236 **AGENDA ITEM 25** Public Hearing: Second reading and possible adoption of an ordinance, pursuant to NRS 278.0205 and WCC 110.814.40, to approve the cancellation of a series of development agreements associated with various ordinances that extended the deadlines for filing final maps in connection with tentative subdivision map case number TM05-016 (Harris Ranch Subdivision). The agreements are no longer needed and are proposed for cancellation by the developers of the applicable property because the tentative map or maps to which they correspond have since been superseded by a new tentative map or maps. Those agreements and associated ordinances include: 1) that certain Agreement recorded on August 16, 2007 as Document No. 3566290; 2) that certain Amended And Restated Agreement recorded on September 28, 2010 as Document No. 3926841; 3) that certain Ordinance Approving Second Amended and Restated Agreement (Harris Ranch) recorded on November 14, 2013 as Document No. 4298929; 4) that certain Ordinance No. 1424 recorded on September 15, 2010 as Document No. 3922552; and 5) that certain Ordinance No. 1335 recorded on September 22, 2010 as Document No. 3924761. The applicant is Spanish Springs Associates. The subject site is located east of Pyramid Highway (SR445), approximately 1200 feet southeast of the intersection of Alamosa Drive and Pyramid Highway (SR445). The project area is ±554.83 acres in size, and has a regulatory zone of Low Density Suburban (LDS). The site is located within the Spanish Springs Area Plan and is situated in portions of Sections 22, 23, 26 & 27, T 21N, R 20E, MDM, Washoe County, NV. (APNs: 534-600-01, 534-600-02 and 076-290-44). Community Services. (Commission District 4.)

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.

Nancy Parent, County Clerk, read the title for Ordinance No. 1613, Bill No. 1799.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Herman absent, Chair Berkbigler ordered that Ordinance No. 1613, Bill No. 1799, be adopted, approved and published in accordance with NRS 244.100.

18-0237 **AGENDA ITEM 24** Public Hearing: Second reading and adoption of an ordinance amending Chapter 65 of the Washoe County Code by modifying the permissible maximum 911 telephone line surcharge; by clarifying that the permissible use of the 911 telephone line surcharge includes the purchase and maintenance of portable event recording devices and vehicular event recording devices in accordance with the 2017 Nevada Legislature's enactment of Senate Bill ("SB") 176; and by specifying that the unencumbered fund balance shall not exceed \$5,000,000 at the end of any fiscal year, and all other matters properly relating thereto. Manager. (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 Chair closed the hearing.

Nancy Parent, County Clerk, read the title for Ordinance No. 1614, Bill No. 1797.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman absent, Chair Berkbigler ordered that Ordinance No. 1614, Bill No. 1797, be adopted, approved and published in accordance with NRS 244.100.

18-0238 **AGENDA ITEM 29** Recommendation to adopt a resolution to set Washoe County's 911 telephone line surcharge to: \$0.85 per month for each customer access line to the local exchange of a telecommunications provider; \$0.85 per month for each mobile telephone number assigned a customer by a supplier of mobile telephone service; and \$8.50 per month for each customer trunk line to the local exchange of a telecommunications provider, to be effective May 1, 2018; and all other matters properly relating thereto. Manager. (All Commission Districts.)

11:32 a.m. **Commissioner Lucey left the meeting**

Commissioner Hartung said he was supportive of this item but was disappointed about trunk lines only being charged \$8.50. He hoped the issue would be brought back to the Board and eventually resolved.

Chair Berkbigler thought the problem was statewide and believed it would be resolved.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Herman and Commissioner Lucey absent, it was ordered that Agenda Item 29 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

18-0239 **AGENDA ITEM 28** Public Hearing for the second reading and possible adoption of an ordinance amending Ordinance 1536, Washoe County's Requirements and Schedule of Rates and Charges and Pretreatment for Sanitary Sewer Service, to amend connection fees within the Spanish Springs service area; and other matters properly relating thereto. Community Services. (Commission District 4.)

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 Chair closed the hearing.

County Clerk Nancy Parent read the title for Ordinance No. 1615, Bill No. 1798.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Herman and Commissioner Lucey absent, Chair Berkbighler ordered that Ordinance No. 1615, Bill No. 1798, be adopted, approved and published in accordance with NRS 244.100.

11:37 a.m. **The Board recessed.**

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

18-0240 **AGENDA ITEM 16** Recommendation to: 1) acknowledge receipt of a presentation on the process, estimated costs and possible funding options for the potential development of a home raising project in the Swan Lake closed basin; and 2) provide direction to staff to consider or not the development of a County initiated home raising project in the Swan Lake closed basin. Community Services. (All Commission Districts.)

County Manager John Slaughter stated Commissioner Herman was not able to attend the meeting but she had suggested the Board proceed with the item in her absence.

Commissioner Hartung stated he wanted to pose questions to staff regarding this item. He spoke regarding the Truckee River Flood Management Authority (TRFMA) and said there was a home elevation handbook online. He stated it outlined the procedures and eligibility requirements. He wanted answers to his questions brought back to the Board to ensure the issues were dealt with properly and fairly. He thought the County had a fiduciary responsibility to taxpayers across the board to spend money

wisely and come up with a permanent solution. He provided a copy of his questions and the TRFMA Home Elevation Handbook, which were placed on file with the Clerk.

Chair Berkbigler asked Deputy District Attorney Paul Lipparelli if staff could answer Commissioner Hartung's questions if they were able to.

Deputy District Attorney Paul Lipparelli read the Agenda Item and stated the questions and answers should relate to home raising, Swan Lake and closely related matters.

Commissioner Hartung said there were many variables that existed in Lemmon Valley and he referred to information that Commissioner Herman had provided to the Board during a previous meeting. He said the documents that Commissioner Herman provided included information about raising homes, having new foundations installed or using existing foundations. He thought it was important that the questions were asked in a public meeting and not just provided to staff. He indicated staff did not assist him in any way with his questions and many of the questions came directly from the TRFMA Home Elevation handbook.

Director of Engineering Dwayne Smith conducted a presentation about home elevation and about the processes and costs along with some of the associated implications. He stated he was looking forward to hearing the questions and he hoped his answers and his presentation would answer most if not all of them. The presentation was provided, which placed on file with the Clerk.

Commissioner Hartung stated the Board had been viewed as possessing an unwillingness on the part of the County to find a solution for the affected residents in Lemmon Valley. He stated this was not true and said it was an understanding that the County had a fundamental obligation to find and fund a permanent solution for the affected residents. He said this was a drawn out process as it was not easy to drain a terminus basin with no outlet. He said the solutions were not simple. He referred to the TRFMA Home Elevation Handbook; in section 1 page 2 the first statement stated Washoe County recently established a financial assistance program for home elevations in the Hidden Valley, Eastside Subdivision and Roselakes area. He noted this handbook was written a few years ago. The area of Swan Lake did not qualify for TRFMA assistance, which was Federal Emergency Management Agency (FEMA) assistance. He said that did not mean it was a dead deal, it just meant that according to the TRFMA handbook it did not qualify. He indicated that was substantiated by an Ordinance affecting Washoe County Code Chapter 40.450 which was adopted by a previous Commission. The Ordinance included a number of maps that indicated areas eligible for home elevation for flood assistance from TRFMA. In the home elevation handbook, there were numerous steps pertaining to home elevations and it explained how complex it was to do so. He said it involved more than jacking up the house and placing a new foundation under it. He referred to the request that Commissioner Herman supplied at a previous meeting. Much of the work would involve removing the old foundation and replacing it. Option 2 pertained to resetting footing and stem walls on top of a 21 heli-

support system. He explained the heli-supports were helical piles that would be drilled into the ground to provide support to the homes' foundations. He stated every heli-support system was different depending on the soil and the depth the piles had to be drilled. He noted this portion of the work was not included in the proposals Commissioner Herman received and previously presented. He spoke regarding the total costs for home elevation and the work that would not be included in the bids. He created a list of 24 questions from the Home Elevation Handbook and the proposals from Commissioner Herman that he wanted answers for. He read the questions and made comments on each question. He wanted to know what a reasonable solution was for a permanent fix.

Mr. Lipparelli stated it was appropriate for the Board to examine the costs of various remedies for problems that existed in the community, but he was not aware that the Board had taken any action to go forward or established responsibility for the historic flooding and atmospheric events.

Chair Berkbigler stated the Board had not asked for any items to be agendized which would have established responsibility for any damage created by floods.

Commissioner Lucey stated he and Commissioner Hartung spoke in detail about the questions and challenges. He asked Mr. Smith what the delta would be for each of the subject properties that fell within the FEMA flood plain in regards to the elevation that a home would have to be raised above the base flood elevation (BFE). He said according to his staff report the current BFE for Swan Lake was 4,924 feet. FEMA asked for one foot above that, but TRFMA recommended three feet above that elevation. He asked what elevation the County would require. He stated a majority of the elevated homes across the country were located in storm surge areas not necessarily in closed basin storm areas. He wondered if it was typical to perform home elevation projects in closed basins or if it was out of the ordinary. He indicated the tax implications were terrible because the County was not allowed to cover the taxes so homeowners would be the responsible for the taxes in the form of liens on their homes. He said there could be other residents outside Lemmon Valley who would look to gain assistance in flood prone areas. He stated there were homes in his district that were in flood prone areas and those owners might want to have their houses raised. He wanted to address long term permanent solutions and he thought purchasing the homes and relocating the residents was a better idea than elevating homes. He thought there were still homes affected by water in Lemmon Valley,

Mr. Smith stated there were no homes in Lemmon Valley surrounded by water, although some properties continued to have water on them.

Commissioner Lucey stated for a period there were homes with water around them and he wondered how long the homes were affected.

Mr. Smith stated there was water for about a month and a half initially, but he was not able to say how long the homes to the west of the basin had water.

Commissioner Lucey was concerned about property access that was adequate and safe because if access was poor it would not make sense to raise the homes. He indicated if soil under a foundation was wet for any length of time it would compromise the foundation. He wanted to see data to prove the foundations would hold up to water and flooding.

Commissioner Jung wanted staff to ask the homeowners what they wanted based on what the County was able to provide. She was concerned about streets not being elevated and said if flooding occurred, residents could not access their homes even if the homes were elevated. She said receiving the certificate of occupancy was a critical part of the process and she thought unless the homes were connected to TMWA water and the municipal sewer system there would be a risk of wells and septic systems flooding in the future. She stated the County needed to know exactly what they were able to offer the homeowners before options could be discussed. She asked Mr. Smith how many homes were eligible to be raised.

Mr. Smith stated an estimated 125 homes were eligible for elevation. He added requests had been submitted to FEMA for nine homes that qualified for the home acquisition demolition program, but that number could change.

Commissioner Jung stated the County budgets were flat, just as the Cities' budgets were, because property taxes were flat. She wanted direction to be provided to complete the process, to provide the homeowners with the options available to them and to move forward to resolve the issues.

Chair Berkbigler reminded the Commissioners that the Board had not taken the position that the County was responsible for the natural disasters.

Mr. Slaughter explained in September of last year, Commissioners provided direction to staff to continue flood protection processes; to explore a mitigation program for the nine homes and to prepare a flood response plan. He said related to the issue of mitigation the direction staff was working towards was related to the nine homes that were uninhabitable.

Mr. Lipparelli indicated ideas came from public comment and from individual Commissioners, but the Board wanted real information. He explained this item was for staff to inform the Board about their findings, what the data revealed and it provided an opportunity for the Board to evaluate the potential costs of one option that could be available in the future. He indicated the Board had not determined it was time to go on to private property and start devoting public dollars to this situation but the Commissioners wanted to know if that was a viable option. The item was to determine whether home elevation was a viable option and if so, the costs associated with the process. He stated with that information, the Board could go back to the original question of whether it was necessary or appropriate to spend any public dollars in the County for damages that resulted from natural calamities.

Commissioner Hartung wanted to know the amount of participation from FEMA. He said the cost estimates for home elevation and foundation stability processes was in excess of \$600,000. He stated Mr. Lipparelli was correct the County had made no decision about liability, but he thought the County had a fiduciary responsibility to research repair costs. He indicated the county did not have the funds to repair the damaged homes.

Mr. Smith stated the discussion about home elevation exhibited how technically challenging the project would be. He conducted a PowerPoint presentation, which included information about the entire process from start to finish. He stated FEMA had a program called the hazard mitigation grant program (HMGP). He explained the direction provided to staff in September was to pursue home acquisition demolition, which was a program under the HMGP as was home elevation. He said there were many considerations that needed to be discussed if staff was to receive direction for a potential home elevation program including deeper funding sources and a benefit cost analysis, which FEMA would require. He stated the program would require a 75/25 percent match. He explained 25 percent of funding would have to come from another source and FEMA would provide 75 percent. He said he had been working very closely with the State representative and the FEMA representatives in Nevada regarding the home acquisition demolition program. He indicated the representatives were not familiar with flooding or home elevations within closed hydro basins. He stated they had many questions about the processes but did not provide many answers. However, they encouraged the County to go through with the application process although there were no guarantees of assistance. He spoke about a special tax from TRFMA as a possible funding source. He explained an application had been submitted to FEMA for the nine homes in question and results from the application would be brought back to the Board for its consideration. He said there had been many meetings regarding the flood response plan and mitigation program since the Board provided its direction in September.

Commissioner Jung asked Mr. Smith if flooding issues were being discussed globally and not only in Lemmon Valley because there were other closed basin areas. Mr. Smith replied it was a global issue.

Commissioner Hartung said he knew there were Hesco Barriers in place and he wondered if there would be a permanent structure to replace the temporary barriers.

Mr. Smith said the Hesco barriers had proven to be an effective temporary solution to contain Swan Lake. He stated the barriers had a life of approximately seven years. He stated part of the strategy within Lemmon Valley was to look at what could be done with future new development. He said there were developers coming in with plans and projects for the Planning Commission's approval for the City of Reno and for Washoe County. He stated determinations were made in conjunction with the Regional Transportation Commission. A program to widen Lemmon Drive could be a condition for new development and raising the road could be a potential strategy to mitigate future flood events.

Commissioner Hartung asked who owned Lemmon Drive. Mr. Smith replied the City of Reno owned Lemmon Drive by means of a transfer of a 740-acre annexation. He stated the County still owned some of the northern section of the road.

On call for public comment, Ms. Tammy Holt-Still displayed a photo of a home on Tupelo Street that had been elevated. She stated the home was elevated and graded. She said an evaluation of that home could answer many questions about the stability of home elevation. She said the residents were aware of the tax implications that accompanied home elevation. She expressed her frustrations regarding the design to elevate Lemmon Valley streets. She explained if home elevation was completed correctly there would not be flooding issues with septic tanks.

Ms. Denise Ross signed up for public comment, but was not present to speak.

Ms. Donna Robinson signed up for public comment, but was not present to speak.

Ms. Elise Weatherly thanked Commissioner Hartung for the research about the home elevation project. She wondered whose fault it was that the development was built in an area that could flood. She spoke about a non-profit organization called the King's Conduit that she said should help pay for disasters created by acts of God. She stated she requested to review the records for the senior meals program but had not heard back from anyone as of yet.

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

Commissioner Lucey stated based on Mr. Smith's presentation, FEMA was not familiar with closed basin flooding, nor did they know which programs were proper to benefit the affected residents. He said there was a program used in Texas, New Jersey and Louisiana called Blue Acres that purchased homes through a mitigation process to provide a long term permanent solution. He said it seemed to be a consistent and viable solution across the Country as well as a cost benefit to the affected areas. He explained the agenda item included the consideration of whether or not to implement a countywide initiative for home elevation. Based upon the information brought forth he thought a home elevation project was not a viable or long-term solution. He stated every Commissioner had toured Lemmon Valley and had seen the flooding issues. He wanted staff to move forward with the buyout program and eliminate the home elevation option.

Chair Berkbigler asked Mr. Smith whether septic tanks and wells would function properly if homes were elevated.

Mr. Smith indicated if a septic tank was above the water table the leach process should work properly. He stated there was a special solution for areas with high water tables wherein the leach lines were raised to distribute the effluent into a mound of soil so the evapotranspiration could occur above the water table. He said such processes

should be considered a long-term solution. He thought the mound system could be the correct solution.

Chair Berkbigler wondered if the process would include not only raising a home, but also engineering an entire property and all aspects associated with a septic tank and well. Mr. Smith stated that would be his commitment to the Board through staff direction to look at all of the elements and determine a complete solution.

Chair Berkbigler asked about the home elevation project Ms. Holt-Still spoke about and she wondered who paid for the process. Mr. Smith stated he thought the property owner paid for it.

Chair Berkbigler asked whether the necessary permits were issued and if the laws were followed regarding the septic system and well. Mr. Smith replied initially there were challenges but eventually they were resolved with no change to the septic system or to the domestic well associated with the property.

Chair Berkbigler questioned whether free permits were being issued to the people in Lemmon Valley who were making repairs to their homes. Assistant County Manager Dave Solaro stated the County went through a process to waive permit fees for the homes that were yellow or red tagged but the permit fees were no longer being waived.

Commissioner Hartung stated Ms. Holt-Still could not speak for all the homeowners and he wanted the options to be discussed directly with the homeowners. He wanted staff to come back and speak about the requirements to raise a house. He did not believe home elevation was a viable option for most of the homes.

Chair Berkbigler indicated staff had spent an immense amount of time and work on this project. She stated the lake rose and destroyed homes; FEMA would assist with resolutions and she thought the County should also assist. She expressed her concerns about the concept of homes being elevated without the septic system also being elevated. She was worried Swan Lake could become even more polluted by faulty septic systems.

Commissioner Jung said the National Weather Service continued to advise preparation for more warm and wet winters and dry and hot summers. She stated that was the reality of the climate the basin could experience. She thought the Valley as a whole should be considered when approving developments. She noted mitigation needed to occur before there was an issue rather than after the fact, because this particular issue was costing a large amount of unbudgeted money and staff time. She said it was predicted the area would flood every winter due to climate changes. She stated the people who made the decision to allow homes to be built in the flooded areas did not have the information that this Board currently had. She thought policy needed to be reviewed for the entire region.

Commissioner Hartung asked if the Board was willing to act prior to having all the information about the entire home elevation process. He wondered if staff should be directed to communicate with FEMA regarding its participation and to bring the information back to the Board. He was opposed to any solution that was not permanent. He wanted to have conversations with developers about their participation in regional strategies to create storm water utilities.

Commissioner Lucey said based upon the information provided and staff's presentation he moved to accept the presentation of the process, the estimated costs and the possible funding options as pointed out in the presentation. The possible funding options could come from private homeowners, FEMA, Special Assessment or Taxation, but at this time direction to staff would be to no longer consider a home raising project within the Swan Lake closed basin.

Commissioner Hartung asked whether staff should be directed to have conversations with FEMA for other options.

Commissioner Lucey amended his motion to change direction to staff to no longer consider a home raising project within the Swan Lake closed basin and to consult with FEMA on other options within the Swan Lake closed basin for mitigation purposes.

As a result of Commissioner Hartung's concerns, Commissioner Lucey explained only the home raising project would no longer be a feasible option. FEMA had a number of other options to consider. He indicated the valley would flood again and no one knew how bad it would flood. The environment was changing, it was a closed basin, and water could not be absorbed into the soil. He wanted staff to focus on other options besides home raising as he thought it was not a permanent solution.

Commissioner Hartung said his concerns were the associated costs. He wanted the motion amended to allow the fringe areas to be considered for home elevation.

Commissioner Jung said the research was complete. She thought it was important to provide the homeowners with all the options and they could decide what suited them best. She stated no more staff time should be used to research home elevation. However, she did not want the option eliminated because she wanted staff to be directed to provide residents with all the available options.

Chair Berkbigler asked if Commissioner Lucey would consider an amendment to his motion that stated staff should work with FEMA to resolve issues for the citizens of the community without spending any more time on developing a home raising project.

Commissioner Lucey stated he would absolutely consider that. His mission was he no longer wanted staff to pursue research for the home raising project,

and he thought there were other options available. He did not want to close the door to any available options for individual homeowners. He indicated if staff could determine a permanent viable solution, he would fully support it.

Mr. Smith stated FEMA was concerned home elevation was not a permanent solution because it would not alleviate all the issues. However, they did say an application could be submitted although there were no guarantees it would be approved.

Commissioner Hartung stated he wanted the homeowners to individually be presented with the options so they could decide what was best for them. He did not want a representative communicating decisions on the homeowners' behalf.

Mr. Lipparelli asked for the motion to be withdrawn and to start the motion over again.

Commissioner Lucey moved to accept the receipt and presentation of the process, the estimated costs and possible funding options for the potential development of a FEMA project for mitigation within the Swan Lake closed basin; and to direct staff to no longer expend any time on a County initiated home raising project within Swan Lake, but to confer with FEMA for potential viable options for mitigation within the Swan Lake closed basin.

Commissioner Hartung wanted to add clear direction for staff to work with each individual homeowner so it was understood what the homeowners desired.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 16 be acknowledged and accepted pursuant to Commissioner Lucey's motion above.

Commissioner Lucey stated based upon discussion on the dais, he moved to direct staff to conduct discussions with affected property owners within Swan Lake about future mitigation decisions and how they could move forward.

Commissioner Hartung stated FEMA would need to provide options before this could occur.

Commissioner Lucey stated that was the intent of the first motion.

Mr. Lipparelli stated the issues of flooding and effects on property was an important issue. FEMA's involvement was another issue and conferring with individual members of the public about their preferences was another topic and none of those items were contemplated in the Agenda Item 16. He said the first motion that was made was contemplated because Commissioner Lucey focused on the words in the agenda item regarding a County initiated home raising project and his direction to staff was to pursue whatever FEMA would support in terms of home elevation. He indicated providing

direction on a separate process should be addressed during a future agenda item or during a Commissioner's comment later in the meeting.

Commissioner Lucey withdrew his second motion.

County Manager John Slaughter reminded the Board that direction was provided in September and one of the agenda items related to mitigation processes, which he thought covered the direction Commissioner Hartung was asking for. He indicated that direction already existed so there was no need for a motion to add direction.

There was no response to the call for public comment.

18-0241 **AGENDA ITEM 18** Introduction and first reading of an ordinance amending: 1) Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, to establish the regulatory zones wherein the Outdoor Entertainment and Livestock Events use types are permitted by right or by discretionary action; within Article 304, Use Classification System, to redefine the outdoor entertainment use type and to create and define the commercial recreation livestock events use type; and within Article 310, Temporary Uses, to ensure the description of temporary outdoor entertainment uses is consistent with Article 338, Outdoor Entertainment; and 2) To create a new Article, Article 338 Outdoor Entertainment, to establish the processes, regulations and standards specific to establishing both temporary and permanent outdoor entertainment uses by expanding the definition of Outdoor Entertainment to include facilities and events for the assembly of 100 or more spectators and participants for any purpose in any outdoor location; to identify a wider range of typical outdoor entertainment activities; to establish permit application and review processes for minor, major, and temporary outdoor entertainment permits, to establish the thresholds to distinguish each permit type; to provide for certain exemptions for establishing the use type on Federal land; and to effect other items necessarily connected therewith and pertaining thereto; and if approved, set the public hearing for second reading and possible adoption of the Ordinance for May 8, 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 Chair closed the hearing.

Jan Galassini, Chief Deputy County Clerk, read the title for Bill No. 1800.

Bill No. 1800 was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

18-0242 **AGENDA ITEM 19** Introduction and first reading of an ordinance amending Washoe County Code Chapter 25 (Business License Ordinance) as part of a comprehensive process to consolidate all permitting and licensing functions for outdoor festivals and outdoor community events under Washoe County Code Chapter 110 (Development Code). The proposed changes are intended to expand the range of uses considered as outdoor entertainment and to establish a clear set of license and permit processes for establishing both permanent and temporary outdoor entertainment uses. The proposed amendments to Chapter 25 are as follows: to Section 25.013, Definitions, to remove the definitions of outdoor festival and outdoor community events and to add a definition for special events, temporary sales and services, carnival, circus, and tent show, to ensure clarity relative to temporary events; to Section 25.0255, Business License Fees for Specific Businesses, to remove subsection (2) (e) regarding daily fees and subsection (6)(a-c) which define the terms Carnival, Circus, Tent Show, Special Event License, and Temporary Sales and Service, to ensure consistency with the new definitions described above ; to remove all sections regarding Outdoor Festivals, specifically Sections 25.263 through 25.307 inclusive; and to effect other items necessarily connected therewith and pertaining thereto. If approved, set the public hearing for second reading and possible adoption of the Ordinance for May 8, 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 Chair closed the hearing.

Jan Galassini, Chief Deputy County Clerk, read the title for Bill No. 1801.

Bill No. 1801 was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

18-0243 **AGENDA ITEM 20** Presentation and update on marijuana state and local codes governing medical and recreational marijuana. Manager. (All Commission Districts.)

Assistant County Manager Dave Solaro conducted a PowerPoint presentation with slides entitled: Overview of Medical and Recreational Marijuana; Marijuana Code Amendment Journey; Marijuana WC Implementation Timeline; Board Approved Vision; Board Approved Focus Areas; Incorporating Feedback; Questions from the Public; and Public Safety Concerns. He said he was hoping the County would be accepting a business impact statement and conducting a first reading of an Ordinance to set permanent regulations for marijuana in the community. He expressed his appreciation to Planning Manager Bob Webb, Management Analyst Sarah Tone, Sergeant Corey Solferino and Management Analyst Jamie Rodriguez for their hard work on this project.

Commissioner Hartung asked if the three percent license fees were based on gross sales. Mr. Solaro replied that was correct and the fees were calculated on a quarterly basis. He stated the fees would be covered in more detail later in the meeting.

Commissioner Jung asked where the money would be held. Mr. Solaro stated the money would be captured in a cost center within the Managers Office specifically for marijuana and could be used for training, education and the impacts associated with marijuana with the Board's direction.

Commissioner Hartung said he was concerned about law enforcement.

Commissioner Jung stated the money should not go into the general fund. The Board could direct the money for many different things and if there was a surplus, she suggested using the funds to perform autopsies in the rural Counties.

Commissioner Hartung wanted to ensure there was accountability for the funds created by the fees.

Mr. Solaro stated as they went through the processes, he noted it was important to the Board to perform community outreach to educate the public. He indicated they asked the community the same questions with the intent to gather complete feedback regarding the future of marijuana within the community. He stated the responses were polarized; people either strongly supported or strongly opposed marijuana. He said the outreach that was performed would be used for other processes such as community development and area plan updates. He stated they heard from the industry and listened to their comments because they were the partners in the community that needed to make the processes work properly. He said some of the questions received from the public included the issue of home delivery, which the County was silent about because that issue was covered by the State's taxation rules. He asked for Chief Deputy Sheriff Russell Pedersen to talk about what the Sheriff's Office was doing related to safety concerns.

Chief Deputy Sheriff Pedersen thanked Mr. Solaro and his team. He stated normally Sergeant Solferino would be speaking because he was the subject expert. He indicated he was speaking on behalf of Sheriff Chuck Allen and he made it clear that Sheriff Allen was not in support of the legalization of marijuana. However, Sheriff Allen understood the community was behind it so the Sheriff's Office needed to be part of the discussions and the solutions. He stated the three areas they wanted to focus on were education, underage use and impaired driving. He noted education was a much bigger discussion that included others besides the Sheriff's Office, such as the Health Department, planning, and schools. He expressed his appreciation to the Board for ensuring the marijuana fees would not go into the general fund. He said underage marijuana use was similar to alcohol use and always a concern to the Sheriff's Office, which was why education and enforcement was so important. He noted enforcement was as non-abrasive as possible but could include referrals, citations and arrests. He stated they continued to train their staff to recognize impaired driving and training was

specifically designed around illegal and legal drug use. He indicated the importance of determining the intoxication level carefully and accurately to ensure what drug or drugs they were dealing with. The Sheriff's Office would build a strong case for the District Attorney's Office to prosecute, if desired.

Commissioner Jung asked if public safety concerns and education were under the realm of the Sheriff's Office.

Chief Deputy Pedersen stated they conducted educational campaigns and received grant funding along with educational enforcement by issuing warnings, citations and performing arrests when necessary.

Commissioner Jung did not agree with the Sheriff's Office conducting marijuana education except for the purpose of identifying the distinction between what was criminal and what was not. She thought education about marijuana and how it could affect people should not be the responsibility of law enforcement; it should be under the guidance of the Health Department or Join Together Northern Nevada. She said she did not want law enforcement educating anyone about marijuana. She stated this was her stance as a policy maker for the County.

Chief Deputy Pedersen stated the Sheriff was also a policy maker.

Commissioner Jung expressed her disagreement regarding the Sheriff's ability to set policy. She stated it was the Board's responsibility to approve the budgets and to set policy; it was not the purview of the elected department heads. She stressed this point as she said she wanted it to be very clear; she had experienced difficulties with this issue in the past.

Commissioner Hartung stated whether it was driving under the influence of alcohol, prescription drugs, sleeping pills or marijuana it was still considered impaired driving and that was his biggest concern.

Chief Deputy Pedersen stated the goal was to enforce impaired driving whether legal or illegal substances were involved.

Mr. Solaro stated education was a process that should occur throughout the jurisdictions within the County; there was information that needed to be included into a package to educate the public. He said staff was struggling with who should champion the education process for the County. He wanted to look to the State for involvement, but there were other entities that he thought should be included. Education as a whole was a topic that needed to be addressed within the next fiscal year related to marijuana and public safety.

Chair Berkbigler stated she agreed with Commissioner Jung on education. She thought it was important for the Sheriff's Office to ensure education about the laws, rules and regulations and where legal consumption could occur. She was extremely

concerned about impaired driving and said marijuana was no better than alcohol because it could stay in a person's system longer than alcohol. She hoped the Sheriff's Office was involved in the education of underage youth related to marijuana use. She thought having a Sheriff go into a middle school and explain to the students the consequences of drug use was a very effective form of education. She recognized the team working on the marijuana process.

Chief Deputy Pedersen stated the Sheriff's Office did not want to be an obstacle for marijuana processes and said they would participate in the discussions as long as the County would allow.

Chair Berkgigler recognized the active role Commissioner Jung took to help create the Codes and processes and she was thrilled the County was taking this issue seriously. She stated she was supportive of medical marijuana but not recreational marijuana. However, it was the will of the people and she thought the County needed to do what they could to ensure the processes were effective.

Mr. Solaro stated this was an informational agenda item prior to hearing the business impact statement and the first reading of the Ordinances. He noted Chapter 53, public safety, would be amended which would make recreational marijuana use for those under 21 years of age illegal. He said Chapter 110, the Development Code, did not include significant changes except for a requirement for increased parking for new dispensaries. Chapter 25 of the Code, business licensing, set the fees for the quarterly three percent fee of gross revenue.

Commissioner Hartung said the areas with dispensaries should receive a fair share of the fees and he noted Sun Valley had two dispensaries so he thought they should receive more. He wanted staff to track the generated income from the facilities and suggested a Board be created to oversee the process. He explained there would be large quantities of cash and he was concerned about skimming. He said the dispensaries would much rather use credit cards as opposed to dealing with cash. He thought conversations should occur regarding processes if the federal government decided to revisit the legality of marijuana.

Chair Berkgigler said she spoke with representatives at the State level regarding the governing of marijuana and there was a sense that Nevada did a great job controlling programs that were not federally supported and would be one of the states that other states would model processes from. She said the County needed to go forward with a positive position unless something changed.

Commissioner Jung expressed concerns about the amount of staff time the processes could take and said the County might have to hire an armed guard because the dispensaries would be bringing cash to the County office. She thought the dispensaries should be responsible for hiring an armed guard to deliver the cash. She said the dispensaries should be reaching out to the designated Commissioner to ask what they could do for the community where they were located.

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

There was no action taken on this item.

PUBLIC HEARING

18-0244 **AGENDA ITEM 21** Public hearing: To adopt the Business Impact Statement for the proposed quarterly marijuana establishment license fee with a finding, based on staff's recommendation, that the proposed fee does not impose a direct and significant economic burden on a business; nor does the proposed fee directly restrict the formation, operation or expansion of a business; and, set the public hearing for possible adoption of the proposed quarterly marijuana establishment license fee for April 10, 2018. The proposed quarterly marijuana establishment license fee will be 3% of a marijuana establishment's reported quarterly gross revenue. Community Services. (All Commission Districts.)

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

On the call for public comment, Mr. Don Christensen said the Department of Taxation was tasked with the responsibility of managing the money brought in from the marijuana dispensaries. He suggested the County utilize its own audit program to ensure financial compliance.

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

Ms. Diana Christensen stated she read the proposed ordinances and wanted reviews completed before they were passed. She said she liked the model that the City of Sparks adopted of placing dispensaries in industrial areas. She was concerned about the hours of operations for the dispensaries being 8:00 a.m. to midnight. She thought those hours were excessive. She stated cash businesses could be dangerous and she wanted the dispensaries to have trained security personnel to serve as armed guards.

The Chair closed the public hearing.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 21 be adopted.

18-0245 **AGENDA ITEM 22** Introduction and first reading 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. And, if supported, set the public hearing for the second reading and possible adoption of the ordinance for April 10, 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 County Clerk, read the title for Bill No. 1802.

Bill No. 1802 was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

18-0246 **AGENDA ITEM 23** Introduction and first reading of 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; And, if approved, set the public hearing for second reading and possible adoption of the

Ordinance for April 10, 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 County Clerk, read the title for Bill No. 1803.

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

Mr. Michael Hillerby spoke on behalf of Nevada Restaurant Services who did business as Dotty's. He stated he was opposed to the proposed Ordinance because he thought it targeted the Dotty's business model. He said as noted in the staff report, the proposed Ordinance was to amend Chapter 30 of the Code to make it more similar to state law although he indicated the state law did not outline requirements regarding bar height, the number of gaming machines or height requirements for machines. He explained that all Dotty's location were Americans with Disabilities Act (ADA) compliant. He stated the Gaming Control Board had set the requirements and he did not understand why the County was concerned about bar heights and the number of machines as long as they had the appropriate permits, the taxes were paid and they were ADA compliant. He stated they were opposed to the ban on packaged liquor sales. He expressed his concern about the County attempting to solve a problem that did not exist. He said Dotty's had locations within the Cities of Reno and Sparks, but no locations currently in the unincorporated County and noted the new requirements would inhibit Dotty's from operating within Washoe County. He said the existing definition of a tavern was not an issue and it should continue as it was written.

Commissioner Lucey said three types of bar tops were allowed. The real driver behind the change was to create a cohesiveness with the local municipalities regarding the definition of a tavern. He stated the goal was to allow for future expansion. He indicated gaming should be secondary rather than the primary use of a restricted gaming license. He indicated staff did a great job with this item.

Commissioner Jung said she understood the need for consistency throughout the County and thought their needed to be more of that in the future. She wanted the County to be the leader because it was the regional government. She wanted staff to start looking at more ways to create consistency and suggested working at the uniform certification and credentials needed to perform work safely. She stated if the community changed with the influx of growth and wanted the Ordinances to change, the Board needed the authority to change them.

Deputy District Attorney Paul Lipparelli confirmed future change could happen with Board direction.

Commissioner Jung suggested if clarifications were needed before the upcoming second reading the affected groups should get together and work out those issues and leave the Board out of it.

Bill No. 1803 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

18-0247 **AGENDA ITEM 27** Public Hearing: Regulatory Zone Amendment Case Number WRZA17-0006 (Valle Vista) - Public hearing to adopt an amendment to the Sun Valley Regulatory Zone Map, changing the Regulatory Zone from Medium Density Suburban (MDS - 3 units per acre) to High Density Suburban (HDS - 7 units per acre) on the subject parcel. The applicant is seeking the amendment for the purpose of developing the parcel and submitting a tentative common open space subdivision map in the future to construct 75 manufactured homes on individual parcels. Landbank Development Co. LLC is the applicant and property owner. The subject parcel (APN: 085-122-03) is ±15.33 acres in size and located at 550 East 4th Avenue at the southeast corner of East 4th Avenue and Lupin Drive. It is situated within the Sun Valley Area Plan and Sun Valley Citizen Advisory Board boundaries and within Section 20, T20N, R20E, MDM, Washoe County, NV. Community Services. (Commission District 5.)

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

Commissioner Hartung asked Commissioner Jung if she was comfortable with the change of the overall density.

Commissioner Jung said she was.

Commissioner Hartung said he had concerns about parity but stated he would fully support the change if Commissioner Jung was comfortable with it.

Commissioner Jung stated it was quite dense in Sun Valley already. She said this was a major improvement and addressed the affordable homes crisis. She thought any time people were willing to invest in Sun Valley the County should be open to it. She said the area was growing and a change in age groups and demographics would be seen in the future.

Commissioner Hartung thought conversations could be started with developers about how they could benefit the community with a storm water utility that could interconnect and potentially participate in off-site storm water conveyance.

On the call for public comment, Ms. Tammy Holt-Still showed a picture on her cell phone of floodwater between Sun Valley and Golden Valley. She noted dirt

berms had been constructed to keep the water from flowing into Sun Valley, but instead they diverted the water into Golden Valley. She stated the water would ultimately end up in Swan Lake. She was concerned about housing being developed in an area where so much housing already existed. She asked whether the County had the funds to spray the area ponds for mosquito abatement. She wanted the open space left the way it was.

Mr. Darren Proulx stated he was the developer of the manufactured home park. He displayed a before and after map of the layout of the park. He stated it looked exactly the same except individuals would have their own assessor parcel numbers which would enable residents to receive better home loans. He provided the document, which was placed on file with the Clerk.

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

Commissioner Jung stated she strongly supported this type of development which she called in-fill development. She said it was desperately needed and was not considered open space. She thought this was a creative way to establish affordable housing and to allow homeowners to own the parcels and structures. She asked the developer to do more of these types of affordable housing projects.

Commissioner Hartung asked Planning Manager Trevor Lloyd how long this property was zoned for residential use.

Mr. Lloyd stated he was not sure of the date but it had been zoned as residential for at least 30 years.

Commissioner Hartung stated it was not considered open space because it was private property. He said the County had a duty to set up codes for zoning in this manner and he was supportive of the process.

The Chair closed the public hearing.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 27 be adopted.

18-0248 **AGENDA ITEM 30** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

There was no Closed Session.

18-0249 **AGENDA ITEM 31** Public Comment.

Ms. Elise Weatherly was called, but was not present to speak.

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

Ms. Tammy Holt-Still said that people continued to refer to the past year as a bad winter. She stated previous winters were as bad as the last one but Swan Lake did not overflow. She displayed a document regarding precipitation in Stead, Nevada. She suggested a moratorium for development in areas that were considered closed basins. She indicated the City of Reno and Washoe County should gather information about the total accumulative water that would feed into Swan Lake. She explained another development had been approved for the Swan Lake area without the addition of a sewer plant that could facilitate the capacity of another development.

18-0250 AGENDA ITEM 32 Announcements/Reports.

There were no comments from the Board.

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4:29 p.m. There being no further business to discuss, the meeting was adjourned without objection.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk