

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

TUESDAY

10:00 A.M.

JUNE 19, 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

David Watts-Vial, Deputy District Attorney

The Washoe County Board of Commissioners convened at 10:15 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:

18-0420 **AGENDA ITEM 3** Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses.

County Manager John Slaughter recognized the following employees:

Promote Yourself! Mini Certificate Program

Rochelle Rose, Human Service Agency

Essentials of Management Development

Shannon Scott, Assessor's Office

Essentials of SAP for Financial Staff

Jennifer Reyes, Reno Justice Court

Jeremy Wilson, Human Services Agency

Essentials of Support Staff

Patricia Morrow, District Attorney's Office

Lona Tette, Assessor's Office

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

18-0421 AGENDA ITEM 4 Introduction of new Washoe County Employees.

County Manager John Slaughter asked the following employees to introduce themselves to the Board:

Diana Flores, Human Services Agency
Aida Gutierrez, Human Services Agency
Brandy Melville, Sheriff's Office
Joseph Mincolla, Juvenile Services
Benjamin West, Manager's Office

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

18-0422 AGENDA ITEM 5 Public Comment.

Ms. Elise Weatherly expressed her frustrations about not being heard, and spoke about God being in charge, budgets, lack of media coverage, meals for seniors, grandparents' rights, and homelessness.

Ms. Tammy Holt-Still referred to information she received regarding an emergency medical services call that took 30 minutes for response. She said the emergency medical technician explained that maps were not updated and responders were directed to roads that ended in barriers. She expressed her frustrations about a burned vehicle and debris that was left in a traffic lane in her neighborhood for more than 24 hours. She said staff did not do their job to protect the community. She expressed her disappointment about Hesco barriers being installed with no long-term mitigation in place. She voiced concerns about development being approved although many issues were still not resolved. She provided a document, which was placed on file with the Clerk.

Mr. Sam Dehne spoke about the placement of public comment on the agenda, having an armed guard in Chambers, his military experience, Burning Man, and recreational marijuana.

Mr. Frank Wright articulated his concerns regarding possible primary election violations that occurred in Incline Village. He stated during early voting an elected trustee, who was not currently running for office, was working the polls. As a result, he perceived there was intimidation and vote swaying. He indicated the voting area was small and did not provide voter privacy.

Ms. Margaret Martini expressed her concerns regarding the poll location of the primary election in Incline Village. She stated it was inappropriate for a trustee to be at the polls and noted many people were intimidated by the trustee's presence. She requested the Board conduct an investigation regarding possible voter fraud.

18-0423 AGENDA ITEM 6 Announcements/Reports.

County Manager John Slaughter indicated the County was initially notified of an imminent breach of the Washoe Dam, but after the situation was assessed, the threat was downgraded and ultimately cancelled. He said the inundation maps indicated significant water could affect areas near Steamboat Creek. Therefore, he made the decision to provide notification to the community of possible flooding. He explained the dam was privately owned but the State of Nevada had jurisdiction over its safety and inspections. He thanked staff for the swift response and communication, the State for the inspections and recommendations, and the dam owners for taking responsibility and rectifying the situation quickly.

Commissioner Hartung received confirmation from Mr. Slaughter that no County funds were expended for mitigation efforts for the dam. He indicated staff was onsite and the County provided public safety notifications.

Commissioner Hartung mentioned it would have been his father's 100th birthday. He said a water bonnet came off a valve and created a significant water main break on Vista Boulevard on June 15th. He commended the Truckee Meadows Water Authority for its quick response to identify the location of the break as well as a gas main in close proximity.

Commissioner Lucey thanked staff for their immediate response during the dam situation. He said he had the opportunity to stand in for Chair Berkbighler during a Flag Day event. He noted the late Chief Judge Flannigan started the event, which included children's poems about flags and flag history, and the presentation of Colors by the Honor Guard. He announced it was Reno Rodeo week and suggested people take the opportunity to attend the nightly events. He thanked staff for their patience with parking and traffic issues created by the Reno Rodeo.

Commissioner Jung said she attended an end of Ramadan celebration at Lazy 5 Park held by the Northern Nevada Muslim Association. She mentioned she would tour the Clark County Jail and would meet with the facility's healthcare provider to compare their processes with Washoe County's processes. While she was in Las Vegas, she said she would also tour the Senior Services facility. She noted she would attend the Dog Tails Canine Rehabilitation Center and Sanctuary fundraiser to support canines that needed social or physical rehabilitation. She stated the Board should have been notified of any voting issues so they could have been dealt with immediately. She said Chair Berkbighler could discuss the Incline Village issues in more detail. She then questioned Mr. Slaughter about the process to receive data for instances when Narcan kits were used to treat an opioid overdose. She wanted media training conducted to direct people to Twitter for County updates and information. She asked for a report of all public or private dams, where they were located, and who was responsible for them. She was unaware the Washoe Dam existed until recently.

Chair Berkbigler said the Regional Governing Board met and noted a master plan was moving forward. She hoped the final draft would be available in October and approved in March, 2019. She was honored to attend the County employee appreciation day at the Reno Aces baseball game and she successfully threw out the first pitch. She said she had a meeting with the Contractors Association of Truckee and Tahoe about amending a law concerning a second home being built on existing property. She stated it could improve the housing crisis, but she said it was nearly impossible to accomplish this in Incline Village. She thought the issue would need to go to the Legislature. She asked Mr. Slaughter to have staff research and report back regarding the possibilities.

**18-0424 AGENDA ITEM 7 Appearance Deena Spikula, Registrar of Voters.
Presentation on Election Administration.**

County Manager John Slaughter requested Agenda Items 7 and 8 be opened together.

Registrar of Voters Deanna Spikula stated the department's missions to ensure each citizen of Washoe County who was eligible to register and vote was able to do so, that Washoe County's elections were operated with the utmost integrity, transparency, and accountability, and that the department was known for excellence in customer service and the administration of elections. She explained the key to fulfilling these missions was transparency. She said the department consisted of six full-time staff members who oversaw voter registration, petition verification, and district and precinct boundaries. She explained running an election took planning and coordination, managing timelines, managing deadlines, equipment and supplies, and many people. She provided an overview of election administration processes that ranged from polling place coordination to mandated publications.

Ms. Spikula indicated the County purchased new voting equipment for the current election, which was the next generation of voting equipment. The equipment did not require access to a network or Wi-Fi, and included four points of redundancy. She explained the voting machines and voter check-in kiosks never shared data. She stated strict federal standards including pre-logic and accuracy testing were required for the approval of voting equipment. She said the Secretary of State was required to approve voting equipment, which had to meet or exceed federal standards. A voter-verified paper audit trail (VVPAT) was required for vote recording devices. She stated certification of software and firmware was required no later than the first day of voting. An Accuracy Certification Board was required and she indicated appointed members for 2018 included Greg Neuweiler, Jean Stoess, Norm Schiff, and Steve Davidek. She said pursuant to Nevada Revised Statute results could not be released until all polls within the State of Nevada were closed and the Secretary of State authorized the release of the results. Ms. Spikula stated all voting information was required to be tallied on an isolated server located at the Registrar of Voter's Office. She indicated once early voting and Election Day results were uploaded, absentee and mail-in ballots would be tallied; final results would then be totaled and reported. The results were not official until after the Board of

County Commissioners approved the Canvass of the Votes. She said observers were welcome to observe each part of the process including pre-logic and accuracy testing, voting at poll locations, and the vote tally on election night.

Ms. Spikula indicated election security and infrastructure were ensured physically, procedurally, and electronically. She explained the physical protection included: stand-alone voting tablets tallied on an isolated server, Wi-Fi or network connectivity not being used on voting or tally equipment, and voting supplies containing barcodes and tamper evident seals, locks, and machine logs. She explained the procedural protection included: office security policy, security training, a certification board to verify audits, post-election VVPAT audits, backups, redundancies, emergency plans for failure, system maintenance, monitoring, and reviews for anomalies or suspicious activities. She explained the electronic protection included: encryption and decryption, a Cyber Security Team to monitor threats, response, and remediation. She stated the department was aware and acted vigilantly to ensure the security and integrity of the election and its infrastructure.

Commissioner Hartung received information from Ms. Spikula stating she was unaware of any official observers who checked in with the poll manager at the Incline Village polling location. She noted the Accuracy Certification Board visited the site many times during early voting.

Chair Berkbigler requested a different location in Incline Village be determined for the general election and said the library was a perfect place. She expressed concern about voter privacy and suggested a poll manager be brought from Reno who had no stake in the community. She thought the presence of a trustee created the perception of voter fraud even if the trustee was not on the ballot and it was legal for that person to be there. She requested more consideration to be given for polls in Incline Village because it was a small community. She said she read about registered voters' information being purged and wondered if Nevada would take a comprehensive look at the processes to determine who would be purged and how the integrity of voter information would be handled. She asked Ms. Spikula if the purging would be addressed at the Legislature to determine the correct process to retain people who wanted to vote.

Ms. Spikula said a statewide discussion had not occurred yet but she thought it would be addressed at an upcoming conference. She indicated voter registration rolls were federally mandated and required to be current and accurate; they followed the Help America Vote Act or State Statute. She was unaware whether any changes or different approaches would be addressed in the next legislative session. She stated the Registrar of Voter's Office wanted to maintain the voter registration rolls and said notices were sent to voters to verify accuracy. She said she would share any information she obtained from the July conference regarding purging.

In response to Chair Berkbigler's question regarding voters who were asked to show identification at the polling station, Ms. Spikula explained in a few instances people would be asked for identification including when there were newly

registered voters, situations in which voter signatures were unverifiable, and in cases where voters surrendered their absentee ballots.

Commissioner Hartung asked about the status of paperless sample ballots. Ms. Spikula replied a better process was needed to transfer information rather than processing electronic sample ballots manually, which was time consuming. She said she would work with the Technology Services Department to create a more seamless process so incoming requests could “opt in” for electronic sample ballots. She stated the process would save the County money by reducing printing costs.

Commissioner Jung thought volunteers needed to be reassigned to areas where there could be no influence on voters. She said her mother had volunteered for years until Commissioner Jung was elected to office. She hoped for a higher voter turnout for the general election. She praised the great job the communications team did on primary election night.

18-0425 **AGENDA ITEM 8** Declaration of Canvass of the Vote and Order for 2018 Primary Election per NRS 293.387. Registrar of Voters. (All Commission Districts.)

Deanna Spikula presented a PowerPoint presentation and reviewed slides with the following titles: Election Statistics; Equipment and Poll Workers; Early Voting; Election Day; Absentee/Mail In Ballots; County Workers; Special Thanks to Our Technology Services Department; Post-Election Activity; VVPAT Audit; Areas Under Review; What’s Next; Staff Introductions – Team ROV; Thank You; and Questions. She highlighted the turnout numbers and stated it was the highest primary election voter turnout since 2010. She mentioned the issues with the voting stations at Raley’s in Incline Village and said they would work to make it a more secure experience for the general election. She introduced the Accuracy Certification Board (ACB).

Chair of ACB Greg Neuweiler said Norm Schiff was a new member to the ACB and came with many years of poll management knowledge. He explained the Board operated under Nevada Administrative Code (NAC) 293B.120 and NAC 293B.100, and said 22 precincts were audited on June 15. He said after the completion of the audit, the ACB determined Washoe County did not lose a single vote.

Ms. Spikula said one of the issues brought to her attention during the election cycle was “fled voters”, which were voters who initialized the session but did not complete the process. She indicated this was an issue with both the old and new equipment and her office did not know what caused it. She explained poll workers were provided instructions how to proceed once an issue was discovered. She stated the voting machines would display an error message and her office was considering adding a red flashing light to the top of the machine to signal poll workers when there was a problem. She said there were six reports of ballot display issues caused by an improper font size on the display screen that required a voter to toggle to another screen to reveal additional candidates. She indicated she was working with the voting machine vendor to rectify the

situation. Regardless of issues that occurred, the voters with the reported issues were still able to successfully cast their votes. She acknowledged voter privacy during early voting was an issue and wanted a solution before the general election. She thought the primary election with the new voting equipment was successful overall. She announced the general election would be held on November 6th. She introduced her staff members and summarized their duties during the elections.

11:39 a.m. Commissioner Jung left the meeting.

In response to Commissioner Hartung's question whether Washoe County Television (WCTV) had a video available with instructions for the voting machines, Ms. Spikula replied the communications team provided some videos but she was not aware if a complete process was available. She said if it was needed, she could work with the communications team to create an instructional video for WCTV. Commissioner Hartung thought it would be useful to have a video on YouTube so Washoe 311 and the Registrar of Voter's Office could direct people to the site.

Ms. Spikula stated more than 69,000 people voted and there were only a small percentage of issues considering the equipment was new.

At the request of Commissioner Hartung, Deputy District Attorney David Watts-Vial summarized Nevada Revised Statute 293.032 by stating, "canvass means a review of the election results by the Board of County Commissioners, by which any errors within the election results are officially noted and the official election results are declared".

Commissioner Lucey asked for clarification about the inequality of the total votes in the election summary report. Ms. Spikula stated voters could cast a blank or partially completed ballot by leaving some sections unselected.

On the call for public comment, Mr. Frank Wright thanked the Board and Registrar of Voters for hearing his concerns about voter privacy issues in Incline Village. He commented the community was looking for integrity from elected officials and thought they needed to be held accountable for their behavior. He wanted the District Attorney (DA) to investigate for voter fraud. He requested Board oversight of the Trustees to ensure votes were cast and counted fairly. He stated some people in Incline Village did not vote because they thought the election results were not as they should have been. He indicated it was the DA's job to investigate the situation and determine if there were fraudulent actions.

Ms. Margaret Martini stated Ms. Spikula conducted a nice presentation but it did not address what the process was if laws were compromised. She wanted to know what the recourse actions were. She asked the DA to investigate the allegations of voter fraud during the early voting in Incline Village and explain how laws applied to the situation. She wondered whether the offense was prosecutable.

Mr. Watts-Vial stated it was a common misconception that the DA's Office had the authority to investigate a crime, but they were not a police agency; they prosecuted crimes presented from law enforcement agencies. The process consisted of law enforcement conducting an investigation, presenting the case, and the DA's Office then deciding whether to prosecute the crime. He explained a criminal complaint process could not be initiated by the DA's Office; only a law enforcement agency could initiate the process.

Mr. Watts-Vial indicated as part of the routine process to ensure compliance with Nevada Revised Statute 293.387, he would ask Ms. Spikula questions to make a clear record for the canvass of the returns.

Mr. Watts-Vial asked Ms. Spikula whether the Registrar of Voters Office had the chance to review the election results and Ms. Spikula answered yes they did. Mr. Watts-Vial asked if there were any errors noted within the election results and Ms. Spikula answered no. Mr. Watts-Vial asked if there were any clerical errors that were discovered after the canvass of the results and Ms. Spikula explained there were not any clerical errors. Mr. Watts-Vial asked if there was a need for any changes to the vote and Ms. Spikula answered no. Mr. Watts-Vial stated the answers were sufficient to declare the results of the election.

Commissioner Hartung asked Mr. Watts-Vial whether it would be more appropriate for a citizen to request the Secretary of State rather than law enforcement investigate a violation. Mr. Watts-Vial stated he did not know if it was more appropriate but it was an option.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered to approve the proposed Declaration of Canvass of the Vote and Order for the 2018 Primary Election.

CONSENT AGENDA ITEMS – 10A1 THROUGH 10F2

- 18-0426** **10A1** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners. Clerk. (All Commission Districts.)
- 18-0427** **10A2** Approval of minutes for the Board of County Commissioner's regular meetings of May 8, 2018, May 15, 2018 and May 22, 2018. Clerk. (All Commission Districts.)
- 18-0428** **10B** Approve the settlement of the claim of Estate of Purdy, by and through Special Administrator Steve Snow, Esq. and Thomas Purdy, Individually v. Washoe County, et al for a total sum of [\$100,000] for all claims against all defendants. Comptroller. (All Commission Districts.)

- 18-0429** **10C** Approve amendments totaling an increase of [\$5,000] in both revenue and expense to the FY18 Arctica Ice Donation budget, IO# 20424 and direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)
- 18-0430** **10D1** Accept the following Tahoe Regional Planning Agency (TRPA) Mitigation funds and direct the Comptroller's Office to make the necessary budget amendments: 1) Air Quality Mitigation funds [in the amount of \$65,000] to buy out the remaining 50% federal grant share of the current fair market value of Washoe County's Tymco regenerative air, dustless, vacuum-assisted sweeper, used in the Tahoe Basin; and 2) Operations and Maintenance (O&M) Mitigation match funds [in the amount of \$35,000] for the Beowawie Road Slope Repair EIP Project to replace a failed retaining wall along Beowawie Road in Crystal Bay, Nevada. This funding requires 1:1 local match and will be matched with Washoe County General Funds [in the amount of \$15,000] and Washoe County Road Capital Funds [in the amount of \$20,000]. Community Services. (Commission District 1.)
- 18-0431** **10D2** Approve a Lease Agreement between Washoe County and 601 W. Moana, LLC for a 36-month term commencing July 1, 2018 through June 30, 2021, for the District Health Department, WIC Program, to provide for the continued occupancy at 601 W. Moana Lane, Reno, Nevada [\$101,196 for the three-year term]. Community Services. (Commission District 2.)
- 18-0432** **10D3** Approve an Amendment to the Interlocal Cooperative Agreement Regarding November 2000 Parks, Trails and Open Space Bonds-Golden Eagle Regional Park Little League Parking Lot between Washoe County and the City of Sparks to extend the term to June 30, 2019; and authorize Assistant County Manager Dave Solaro to execute the Amendment and all appropriate City of Sparks related agreements and documents. Community Services. (Commission District 4.)
- 18-0433** **10D4** Approve a waiver of fees [\$6,000] for security services provided by the Washoe County Sheriff's Office for Red, White and Tahoe Blue's 2017 Festival; and if approved, authorize the Comptroller's Office to remove the uncollectible account. Community Services. (Commission District 1.)
- 18-0434** **10E1** Approve payments totaling [\$17,502.22] to vendors for assistance of 114 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims and other eligible persons. District Attorney. (All Commission Districts.)

- 18-0435** **10E2** Approve renewed funding for a Deputy District Attorney for the provision of continuing prosecutor services related to the High Intensity Drug Trafficking Areas (HIDTA) Task Force in the amount of [\$80,000] from the Office of National Drug Control Policy award to Nevada HIDTA for the period July 1, 2018 through December 31, 2019, with remaining \$20,000 position cost covered by District Attorney General Fund budget. District Attorney. (All Commission Districts.)
- 18-0436** **10F1** Approve amendment #1 to the Interlocal Agreement for Emergency Medical Services Oversight between the Washoe County Health District, Washoe County, Truckee Meadows Fire protection District, the City of Reno and the City of Sparks to allow representatives of the Advisory Board authority to designate an alternate to replace the representative in the representative's absence from meetings of the Advisory Board with alternates being a City or County Assistant Manager or Health District Division Director. Manager. (All Commission Districts.)
- 18-0437** **10F2** Approve a grant award for FY 2018-19 for Silver State Fair Housing Council (SSFHC) in the amount of [\$10,000]; and grant awards from FY2017-2018 funds for Artown in the amount of [\$25,000]; and Reno-Tahoe Open Foundation in the amount of [\$10,000]; and approve Resolutions necessary for same; and direct Comptroller's Office to make the appropriate budget appropriation transfers. Manager. (All Commission Districts.)

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

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Consent Agenda Items 10A1 through 10F2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 10A1 through 10F2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 11, 12, 13, 14, 15, 16, 17, 19 AND 20

- 18-0438** **AGENDA ITEM 11** Recommendation to appoint one candidate from a pool of applicants, including: Tyler Ballance, Christopher Berry, Wayne Holland, Gabrielle McGregor, and Betsy Wilson to fill one vacating seat on the Washoe County Library Board of Trustees, with a term effective July 1, 2018 through June 30, 2022. Library. (All Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Wayne Holland be appointed to the vacant seat on the Washoe County Library Board of Trustees.

18-0439 **AGENDA ITEM 12** Recommendation to authorize the Comptroller to renew the Excess Liability Insurance Policy with Peleus Insurance Company for [\$189,881] effective July 1, 2018, 2018 and authorize the Comptroller's Office to sign the applications and agreements necessary to bind coverage, with funding from the Risk Management Fund. Comptroller. (All Commission Districts)

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

18-0440 **AGENDA ITEM 13** Recommendation to authorize the Comptroller to renew the Excess Workers' Compensation Insurance Policy with New York Marine and General Insurance Company for one year at a premium of [\$274,755] and the Property, Boiler & Machinery, Cyber Liability and Pollution Liability Insurance Policy with the Public Entity Property Insurance Program for one year at a premium not to exceed [\$532,358], effective July 1, 2018 and authorize the Comptroller's Office to sign the applications and agreements necessary to bind coverage, funding from the Risk Management Fund source. Comptroller. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 13 be authorized.

18-0441 **AGENDA ITEM 14** Recommendation to approve a three-year renewal agreement between the County of Washoe and Washoe Legal Services to provide for the legal representation of children in the Child Protective Services system effective July 1, 2018 through June 30, 2021 [fixed annual amount of \$226,014]. Manager. (All Commission Districts.)

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

18-0442 **AGENDA ITEM 15** Recommend to accept additional Incentive Funds from the State of Nevada, Child Support Enforcement Program (CSEP) in the amount of [\$662,699.14] earned from the Federal Fiscal Years 2014 and 2015 and authorize Comptrollers to make the appropriate Fiscal Year 2018 budget amendment. District Attorney. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 15 be accepted and authorized.

18-0443 **AGENDA ITEM 16** Recommendation to accept cash donations [\$325,850] from the Wilbur May Foundation: \$220,000 restricted for Fiscal Year 2019 general operating support of the Wilbur D. May Center, excluding all County overhead; \$100,000 restricted to support Fiscal Year 2019 temporary exhibits at the Wilbur D. May Museum; and \$5,850 restricted for the production of May Arboretum Trail maps in Fiscal Year 2018. Community Services. (Commission District 3.)

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 accepted.

18-0444 **AGENDA ITEM 17** Recommendation to approve an Agreement for Professional Consulting Services between Washoe County and Collaborative Design Studio for the Washoe County 9th Street Administration Complex Master Plan Update [in the amount of \$270,590]; and, approve a separate contingency fund [in the amount of \$30,000] for the project. Community Services. (Commission District 3.)

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

18-0445 **AGENDA ITEM 19** Recommendation to approve a 2018 Emergency Management Performance Grant (EMPG) Letter of Intent stating that the Nevada Division of Emergency Management is awarding [\$170,877] for FY 2018; retroactive from October 1, 2017 through March 31, 2019; [requires a \$170,877 match]; and authorize the Comptroller's Office to make the appropriate budget adjustments. If approved authorize the County Manager or his designee to sign the grant award documents when received; and authorize the Comptroller's Office to make the appropriate budget amendments. Manager. (All commission districts.)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 19 be approved and authorized.

18-0446 **AGENDA ITEM 20** Recommendation to approve the use of General Fund Contingency in the amount of [\$1,746,058.19] to cover previously approved unbudgeted expenditures for Fiscal Year 2018; approve cross function appropriation transfers of [\$512,000] within the General Fund required to move savings from one function to another function so as to bring the budget authority to the level of anticipated actual expenditures required for Fiscal Year 2018; and, direct the Comptroller's Office to make the appropriate appropriation transfers prior to June 30, 2018 (net impact to County is zero). Manager. (All Commission Districts.)

Commissioner Hartung referred to page 2 of the staff report regarding \$1.2 million that was intended for North Valley's flooding events and additional Swan Lake flood barriers. He asked County Manager John Slaughter if the amounts were correct and was informed they were.

Commissioner Hartung stated there seemed to be an assertion the County was not taking responsibility for resolutions to flooding issues that occurred in the Lemmon Valley area. He thanked the Board for approving the budget for the expenditures and stated the County was doing what they could but it would take time.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 20 be approved and directed.

18-0447 **AGENDA ITEM 18** Recommendation to: (1) Approve an Indoor Tennis Courts Development Agreement between Washoe County and Indoor Tennis, LLC, a Nevada limited liability company based on the unsolicited proposal for an indoor tennis facility and related improvements to be located at the Washoe County Golf Course Property; and (2) authorize the County Manager to execute, after a land survey and parcel map are completed, a Ground Lease between Washoe County and Indoor Tennis, LLC, a Nevada limited liability company to lease a three-acre +/- parcel adjacent to the Reno Tennis Facility on Plumas Avenue (APN 019-140-12) on which Indoor Tennis, LLC will have the proposed indoor tennis facility and related improvements constructed. Community Services. (Commission District 1.)

Assistant County Manager Dave Solaro reviewed the summary included in the staff report. He indicated the County did not have an indoor tennis facility. He displayed a vicinity map from the staff report and showed the proposed location of the facility. He explained a ground lease would be completed similar to the ice-skating rink project in South Valley's Regional Park. He said the proposer had three years to secure funding before breaking ground on the project.

On call for public comment, Mr. Ken Krater thanked staff and the Board for allowing the joint use facilities on park land. He said the facility would provide them the opportunity to rebuild a youth tennis program within the community and explained the importance of year-round practice that could only occur in an indoor tennis court. He stated it would help rebuild high school tennis programs and would allow opportunities for others to learn to play. He expressed his excitement to move forward with the facility.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 18 be approved and authorized.

12:22 p.m. The Board recessed.

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

DONATIONS

- 18-0448 9A1** Accept a cash donation in the amount of [\$4.03] from Red Robin to support the juvenile programs at Wittenberg Hall along with 61 young adult books [estimated value \$300] donated by the International Society for Key Women Educators Delta Kappa Gamma Lambda Chapter; and direct the Comptroller's Office to make the appropriate budget adjustments. Juvenile Services. (All Commission Districts.)
- 18-0449 9A2** Accept cash [\$20,153.71] and in-kind donations [estimated value \$20,700.00] from various businesses, organizations and individuals for Regional Parks and Open Space programs and facilities; and direct the Comptroller's Office to make the appropriate budget adjustments. Community Services. (All Commission Districts.)
- 18-0450 9A3** Accept donations [total of \$100.00] from Robert and Diana Wellems to the County of Washoe on behalf of the Washoe County Sheriff's Office to purchase equipment for the K-9 Unit and, if approved, authorize Comptroller's Office to make appropriate budget amendments. Sheriff. (All Commission Districts.)
- 18-0451 9A4** Accept cash donations to Washoe County Human Services Agency: (1) in the amount of [\$3,042.50] for the period of March 1, 2018 through April 30, 2018; and (2) in the amount of [\$18,500.00] for the period of July 1, 2017 through April 30, 2018 dedicated to the Washoe County Human Services Agency Family Engagement Center; and direct the Comptroller's Office to make the appropriate budget amendments. Human Services Agency. (All Commission Districts.)

There was no public comment on the donations listed above.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Items 9A1 to 9A4 be accepted, authorized and directed.

18-0452

AGENDA ITEM 21 Public hearing: Appeal of the Washoe County Board of Adjustment's denial of Variance Case Number WPVAR17-0007 (Izakaya Tahoe). The project includes a variance 1) to reduce the front yard setback along State Line Road from 20 feet to 0 feet; 2) to reduce the front yard setback along State Route 28 from 20 feet to 8 feet and 3) to reduce the side yard setback from 10 feet to 3 feet to allow for a commercial building on a ±2,000 square foot property. The Board of County Commissioners (Board) may affirm, reverse, or modify the decision of the Board of Adjustment. The applicant and property owner is Evo Real Estate, Inc. The address is 2 North Lake Avenue in Crystal Bay. The Assessor's Parcel Number is 123-043-01. The Master Plan Category is Commercial (C) and the Regulatory Zone is Tourist Commercial (TC). The project is located within the Tahoe Plan Area and within the Incline Village Crystal Bay Citizen Advisory Board boundary. The variance request comes under WCC Chapter 110, Article 804, Variances. Community Services. (Commission District 1.)

County Manager John Slaughter introduced the public hearing.

Planning Manager Trevor Lloyd provided a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Overview; Board of Adjustment Decision; IVCB CAB; Site Plan; Overhead Photo; Findings; Parking; Traffic/Access; Conditions for Traffic/Parking; and Possible Motion for Approval. He stated the applicant was present and could answer any questions.

Commissioner Hartung asked Mr. Lloyd what issues staff was not able to resolve. Mr. Lloyd replied the site could not accommodate parking or comply with the Americans with Disabilities Act (ADA), noting that parking would have to be located on the adjacent parcel located in California. Mr. Lloyd said that could be problematic.

Commissioner Hartung clarified the parcels were owned by the same people and were part of the same business, partially located in Nevada and partially in California. Mr. Lloyd confirmed Commissioner Hartung's statement.

Mr. Andrew Ryan said he represented EVO Real Estate. He explained he worked for PR Design and Engineering as a land use planner and civil engineer.

Chair Berkbigler asked Mr. Ryan if the ADA parking was located in the adjacent lot in California. Mr. Ryan confirmed it was. Chair Berkbigler said car access would be improved but truck access would not improve unless alternate access to Highway 28 was used. Mr. Ryan confirmed this and clarified the truck access shown on the map would facilitate the largest tractor-trailer allowed on that highway. He added typically smaller trucks were used for deliveries in that area but noted there were alternate routes that would not limit access.

Chair Berkbigler recognized the parcel was extremely blighted. Mr. Ryan explained it was constructed around 1956 and no functional improvements or investments had been made since then. Chair Berkbigler stated it was located on the highway which people used to enter Crystal Bay from California. People who drove on the highway passed the blighted area to get to areas with growth and new development.

Commissioner Hartung asked who would be responsible for the changes to the road. Mr. Lloyd stated it would be a coordinated effort between Washoe County and the Nevada Department of Transportation (NDOT) because the improvements would be concentrated on the intersection located in Nevada. He explained NDOT had strict conditions that would require further study and final plan design to ensure it met the criteria.

Commissioner Hartung asked whether taxpayers would be responsible to pay for improvements to the road. Mr. Lloyd replied the applicant would be responsible for the road improvements.

County Clerk Nancy Parent stated she received a letter of support from Richard Romo, which was placed on the record.

There was no public comment on this item.

Chair Berkbigler moved to approve the appeal and reverse the denial of Variance Case Number WPVAR17-0007 (Izakaya Tahoe). The approval was based on the Board's ability to make all four findings, Mr. Lloyd's presentation, and the applicant's willingness.

Commissioner Hartung questioned the agreements for parking because each parcel was owned by the same property owner. He said a technical agreement was needed because one side was in California and one side in Nevada, and they were different planning jurisdictions.

Mr. Lloyd stated because the parcels were in two separate states, they were assigned different parcel numbers and could be sold individually, there needed to be an agreement recorded in perpetuity that provided for both states. He said there needed to be flexibility for the applicant to seek parking agreements with other neighbors.

Deputy District Attorney David Watts-Vial asked whether Chair Berkbigler wanted to condition the approval on the receipt of appropriate parking agreements with either adjoining landowners or elsewhere.

Chair Berkbigler added to her motion to make it clear that the Nevada lot would not be sold separately from the California lot so parking would be part of the agreement. Commissioner Hartung agreed with the addition to the motion.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered to approve the appeal and reverse the denial of Variance Case Number WPVAR17-0007 (Izakaya Tahoe) based on the Board's ability to make all four of the findings required by WCC Section 110.804.25. The following findings were 1. Special circumstances applicable to the property including extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships. 2. No detriment. 3. No special privileges. 4. Use authorized.

18-0453 **AGENDA ITEM 22** Public Hearing for the second reading and possible adoption of an ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation);
AND
Public Hearing for the second reading and possible adoption of an ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation, and other matters properly relating 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.

Nancy Parent, County Clerk, read the title for Ordinance No. 1620, Bill No. 1806.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried with Commissioner Jung absent, Chair Berkbigler ordered that Ordinance No. 1620, Bill No. 1806, be adopted, approved and published in accordance with NRS 244.100.

Nancy Parent, County Clerk, read the title for Ordinance No. 1621, Bill No. 1807.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Jung absent, Chair Berkbigler ordered that Ordinance No. 1621, Bill No. 1807, be adopted, approved and published in accordance with NRS 244.100.

18-0454 **AGENDA ITEM 23** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District per NRS 288.220.
There was no closed session needed.

18-0455 **AGENDA ITEM 24** Public Comment.

There was no public comment.

18-0456 **AGENDA ITEM 25** Announcements/Reports.

County Manager John Slaughter said he received information about the collection of statewide data regarding overdose cases requested by Commissioner Jung. He said the Sheriff's Office would be participating in the statewide program to track injections to reverse the effects of overdoses. He wanted to ensure the other emergency medical services entities also participated.

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1:24 p.m. There being no further business to discuss, the meeting was adjourned without objection.

ATTEST:

MARSHA BERKBIGLER, Chair
Washoe County Commission

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

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk