

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

TUESDAY

10:00 A.M.

MARCH 12, 2019

PRESENT:

Vaughn Hartung, Chair

Bob Lucey, Vice Chair

Marsha Berkgigler, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

John Slaughter, County Manager

Paul Lipparelli, Assistant District Attorney

ABSENT:

Kitty Jung, 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:

19-0171 AGENDA ITEM 3 Public Comment.

Mr. Wyn Ross stated he was a senior hydrologist with Washoe County for the past 24 years. Back in 1995, the Nevada Supreme Court affirmed it was the County's right to determine the availability of water in a hydrographic basin. He was recruited from the United States Geological Survey to work for the County Department of Comprehensive Planning. His job was to expand on existing basin resource investigations and his work contributed to orderly fiscal growth and development in the County. The basins he studied included Lemmon Valley, Cold Springs Valley, Spanish Springs Valley, Warm Springs Valley, Dry Valley, Antelope Valley, Hualapai Flats, High Rock Lake Valley, Duck Lake Valley, and Smoke Creek Desert. The scope of the studies included monitoring precipitation at over 100 stations, conducting geophysical surveys, drilling and installing monitoring wells, sampling and analyzing ground water, aquifer testing, performing infiltration studies, measuring surface water flow, and developing numerical models that could be used to predict the effects of future development scenarios for possible changes in climate, among other things. These studies cost the County taxpayers many millions of dollars. Unique and often irreplaceable data from these studies were destroyed just prior to the merger with the Truckee Meadow Water Authority (TMWA). He opined the responsibility for this incredible loss fell squarely on Assistant County Manager David Solaro, who was responsible for personnel and project transitions during the merger. He had many meetings with Mr. Solaro at this time where he expressed the need to finish or at least preserve the data from these long-term projects. Mr. Solaro never inquired about the scope of the studies nor the financial investment of

the County over the past two decades. No support was offered and the studies were lost. He stated this was a huge waste of time, tax dollars, and careers.

Mr. Ray Lake, Chairman of the North Valley Citizen Advisory Board (CAB), said there was a CAB meeting the previous night and all chairs were full and people were standing. One of the items heard was not on the agenda so it could not be heard as business, only as public comment. He noted Pedro Rodriguez from the Nevada Department of Transportation came to speak regarding improvements to I-395 in the north valleys. Because of Open Meeting Law, they could not ask him questions about his presentation. He allowed people who wished to speak under public comment to make statements about his presentation. He said he was here today to request input on CAB agendas so Mr. Rodriguez could have given a formal presentation. Items could be placed on an agenda if he was notified in a timely manner. The CAB heard two development projects and said one of the developers had removed his application but spoke to them anyway. He expressed the need for more flexibility with CAB agendas.

Ms. Joyce Riffel, resident of Silver Knolls since 1981, expressed concern about flooding issues. She said many businesses were brought in along Moya Boulevard and Red Rock Road. Fill dirt was brought in as opposed to digging the area out and she opined that process caused flooding. A ditch behind her house, which was near Urban Outfitters, was filled with water. She indicated water was coming across from drainage at the north end of Silver Knolls and also from the ditch. She said water had come on her property, leaving her septic tank and leach lines in danger of failing. She displayed photos of flooded homes and backyards which were under water. She said she had pumps constantly running and noted the County brought in dirt for sandbags, which she had been using. She asked the Board for help.

Ms. Tracy Hall displayed photos from her cell phone of flooding and sandbags around her home. She said the sandbags were failing and she had to purchase pumps to keep water away from her home. A bridge was built so she had access to her home. She complained about the smell of sewage and said breathing contaminated water fumes was dangerous to the auto-immune disease she had. She said her neighbor had been approached about a dyke being dug behind their house; she wondered why she had not been given this option. She indicated the Mayor of Reno was aware of the issues also and asked the County and the City of Reno to help with the flooding.

Ms. Denise Ross mentioned an interview on the Channel 8 news about the flooding in Lemmon Valley. She displayed photos which were placed on file with the Clerk. She referred to a photo of an area of Pompe Way and said the leaks had increased to 10 in one week. She indicated residents made videos of the same area in January and February when no leaks existed. She stated Division Director of Engineering and Capital Projects Dwayne Smith told her the leaks were fine because they did not have filings in them, but she wondered why the leaks continued to grow. She said the road was being undermined and a significant amount of water would flow down Pompe Way when the road collapsed, creating a catastrophic disaster. She continued to display photos of leaks and damage near Pompe Way. She invited the Commissioners to bring their families to

Lemmon Valley to stand on the dyke where the leaks were and see the danger firsthand. She opined Mr. Solaro and Mr. Smith were lying to the Board about the severity of the issues. She expressed concern about flooding at Bud Beasley Elementary School and said orange nets were placed to keep kids from water danger on the playground.

Mr. Danny Cleous provided documents and photos, which were placed on file with the Clerk. He stated an article he provided was about effluent water and how safe it was. He displayed photos of the Lemmon Valley sewer plant and asked if the pumps were being regulated because he opined sewer water was being pumped into Swan Lake. He said extra ponds existed and were breached, allowing the water to go into the school. He stated water was around neighborhood homes and the situation in Lemmon Valley was not safe. He opined County Manager John Slaughter, Mr. Solaro, and Mr. Smith should all be fired because they were not doing their jobs.

Dr. John Sagebiel stated he was the University of Nevada, Reno (UNR) Director of the Environmental Program and promoted the Truckee Meadows Earth Day event scheduled for April 28 from 9:00 a.m. to 3:00 p.m. at Mayberry Park. He thanked the Board for its cooperation and collaboration with this event. He stated County staff had been helpful in collaboration with the City of Reno, UNR, and many other agencies who would be participating in the event. He opined the community would be proud of this event and thanked everyone for their efforts.

Mr. Sam Dehne spoke regarding the Pan Am World Airway disaster, the evacuation of Rohana Farms, the Tesla Gigafactory, Burning Man, and truth from the media.

Mr. Robert Dunmore stated he endorsed the Truckee Meadows Earth Day event. He said it was a positive event for the community and he was glad to keep the tradition going. He noted many hard-working, dedicated, and enthusiastic community members were working on the event. He stated many agencies had come together in support of the event. The area was thriving and the event, which would be a family-friendly event, would celebrate the river going through the community.

Ms. Kasey Crispin with the Riverside Farmers Market thanked the Board for its support of the Truckee Meadows Earth Day event. She said some of the organizing group included: Patagonia; UNR; NV Energy; the Nevada Department of Environmental Protection; the City of Reno; Lime Bikes; Keep Truckee Meadows Beautiful; the Progressive Leadership Alliance of Nevada; River School Farm; Riverside Farmers Market; Great Basin Community Food Co-op; and Reno Pesticide Free. She noted 40 people attended the weekly meetings to plan the event. She said the event would be much smaller than the Idlewild Park event and would be alcohol-free to focus on family-friendly education more than a commercial event would. She remarked the intention was to fill the void that had been created by Idlewild Park taking a year off and added the grand vision was to promote the bike path along river. She said they hoped to hold satellite events the following year at parks that lined the river and encouraged the event to

be bike-friendly. She said she attended a permitting meeting with the City of Reno earlier in the day and progress was continuing.

Mr. Hector Vanegas stated he lived on the corner of Lemmon Drive where pumps were located and mentioned the pumps were getting older and louder. He said his entire house shook when the water pumped. He noted the pump house across the street from his house had to be elevated in order to maintain the machines inside. He stated Lemmon Valley would be wiped out if the Hesco barriers failed. When the water did recede from his front yard, he lost 14 mature trees and his house cracked so badly that birds were coming in and making nests. He said it cost him \$2,500 to have his house re-leveled and now he had to fix cracks and repaint only to have the water come back and damage it again. He observed pipes being installed in front of his house to move water from Honey Lake to Lemmon Valley and said he believed sewer lines on West Virginia went directly to the Truckee River. He wondered if the water from Lemmon Valley could be pumped from one pipe to another to eliminate flood water. He wanted to work with the sewer planning commission to see where the sewer pipes ran and possibly come up with a solution.

County Clerk Nancy Parent stated she received an email correspondence from Annemarie Grant, which would be placed on the record.

19-0172 AGENDA ITEM 4 Announcements/Reports.

Commissioner Berkbigler said she attended Economic Development Authority of Western Nevada (EDAWN) and Health District meetings. She noted Washoe County was experiencing a second peak of the flu and encouraged people to get a flu shot if they had not already. She noted the measles outbreak had not reached Reno but it was close to the area. She stated they discussed growth in the community at the EDAWN meeting. She said President and CEO Mike Kazmierski had predicted four years ago the area would need to grow to accommodate another 52,000 people; this proved to be true. Growth was continuing and the general consensus of EDAWN was there could be a national economic slowdown, but it would not affect the area.

Commissioner Berkbigler attended a Tahoe Regional Planning Agency meeting and said they were getting ready to begin efforts to keep Lake Tahoe clean and eliminate invasive species. She said several projects were needed to accomplish that task. She noted they were successful in getting a new plan in place to allow for shore zone work and things were on a positive path. They continued to work on the bike path from Incline Village to Sand Harbor with additional parking areas. She indicated signs would be installed to inform visitors of parking lot availability. She said she sat on the Tahoe Transportation District and mentioned two new bypasses were being worked on at Tahoe City and Highway 50 around Stateline and a portion of South Lake Tahoe. She said there were several other committee meetings she attended but said she spoke about the important issues happening in the community.

Commissioner Berkbigler said Mr. Wyn Ross, who spoke during public comment, was under impression the hydrology studies he worked on were destroyed, but she stated they were at the Desert Research Institute (DRI), who continued to work with the studies. The County was not working on or managing the project, DRI was.

Commissioner Berkbigler wanted Division Director of Engineering and Capital Projects Dwayne Smith to provide the Board with information about a breach in Lemmon Valley. She said she was unable to see a breach in the photos displayed during public comment.

Commissioner Berkbigler spoke regarding Earth Day and said she received a call about issues with getting the park for the event. She spoke to Assistant County Manager Dave Solaro about the issues and his team was able to resolve them. She thanked staff for their assistance and thought it would be a great family event.

Commissioner Lucey said he attended meetings with Nevada Department of Transportation (NDOT) Director Kristina Swallow. He said Ms. Swallow was an engineer from Las Vegas who was part of Governor Steve Sisolak's cabinet. Commissioner Lucey indicated they had productive conversations and he thought she not only recognized the challenges in Northern Nevada, she was doing everything she could to address them. They spoke about all state roads that impacted the community and region. He said she wanted to hold a quarterly stakeholders meeting with all the agencies involved to discuss capital improvement projects and how they could impact the region so NDOT could work towards meeting goals. He said she wanted a more in-depth conversation with the County about public safety. He noted that Ms. Swallow wanted to ensure all public highways prioritized public safety and she was working to determine what needed to be completed.

Commissioner Lucey said three crosswalks with flashing lights would be installed near Edmonton Drive in the Galena Hills area. He stated they had not been able to complete the project due to the weather this season. He noted the Reno Sparks Convention and Visitors Authority meeting held the previous month was about tourism issues. He said there was nothing big on the horizon since they were working on budgets. He said there were discussions about the demolition of the exhibit hall at the Livestock Events Center and the armory located next to the County Administration Complex. He said the exhibit hall would not be demolished before the 2019 Reno Rodeo. He said the property would be open space for future events or designated for future improvements at the Reno Livestock Events Center.

Commissioner Herman stated she was recently in Washington D.C. for the National Association of Counties (NACo) conference and visited the Veterans Administration Office (VAO). She had requested the VAO send contact information for agencies that could help local veterans; she said she received the information and hoped the other Commissioners had also. She noted she took classes related to elections and the census. She said she provided NDOT with information regarding a recent presentation

about Lassen County and hoped they could work together on a project to improve Highway 395 northbound.

Commissioner Herman reminded staff that people in the north valleys were anxious to hear about allowing Citizen Advisory Boards (CABs) a greater ability to work on more than just development issues. She asked staff for an update on the progress of Quartz Lane.

Chair Hartung asked for a conversation with County Manager John Slaughter and Planning Manager Trevor Lloyd related to CABs and allowing them to manage their agendas for certain items. He reminded Mr. Solaro about stop signs. He stated he spoke with the Federal Emergency Management Agency (FEMA) by phone when he was in Washington D.C. because they were in the midwest responding to a number of major disasters. He said he was able to talk to representatives for Region 9, which was northern Nevada's region. He said they discussed pre-disaster mitigation grants and said there could be grants related to dykes or barriers along Pompe Way to the elementary school. He wanted to talk to FEMA more about this and said they agreed to speak to the Board and the community.

Chair Hartung said he and Commissioner Herman spoke with Congressman Steven Horsford, Congressman Mark Amodei, Senator Catherine Cortez Masto, and Senator Jacky Rosen about assistance with mitigation for regional issues. He had a conversation with the Environmental Protection Agency about grants to assist with mapping storm water and water flows throughout the region. He said the County started the mapping process but would like a more comprehensive map so it could be easier to understand. He thought a map was needed to allow them to work more collectively on region-wide solutions. Issues at detention facilities and the increase of mental health cases were important topics addressed by elected officials. The topic of nationwide detention facilities being filled with mental health patients was discussed at NACo. He looked forward to conversations with staff about all possible solutions in Lemmon Valley. He urged the community to watch the Regional Transportation Commission (RTC) meeting at the end of the week. He hoped capital improvement projects could be reprioritized to make improvements as quickly as possible.

Commissioner Lucey expressed concern about CAB meetings, not only with agenda challenges but meeting schedules and cancellations as well. He said meetings needed to be held on a regular basis for residents to attend.

Commissioner Lucey said he and Mr. Slaughter met with Alex Stettinski, Executive Director of the Downtown Reno Partnership. He explained the partnership was with the City of Reno and it addressed many issues in the downtown corridor. He suggested Commissioners meet with Mr. Stettinski to have any specific questions answered. He said Mr. Stettinski was very adamant about things going well. Commissioner Lucey said he got to see the work being done firsthand and stated they were working on issues and helping provide homes for the homeless. He thought there were challenges because of a lack of urban housing, which drove housing prices up.

Commissioner Lucey said many meetings had occurred with Legislators and said Government Affairs Liaison Jamie Rodriguez was tracking bills. He stated there were still some challenges and bills were currently behind schedule at the Legislative session. He said he would meet with Acting Administrator of the Federal Transit Administration Jane Williams and RTC Executive Director Lee Gibson about federal grants and money for northern Nevada.

Commissioner Berkbighler stated she attended the EDAWN program “Missing Middle”, which had a significant turnout. She believed the program was accessible on EDAWN’s website and it discussed the need for middle priced housing. She said it was fascinating, enjoyable, and informative. The presentation encouraged developers to build upward and to cluster residences, as opposed to building single family dwellings. She thought the community wanted to preserve open space.

Chair Hartung stated he wanted to meet with Mr. Slaughter, Mr. Solaro and Mr. Smith about issues in Lemmon Valley.

CONSENT AGENDA ITEMS – 5A THROUGH 5C

- 19-0173** **5A** Recommendation to appoint Wayne Handrock, P.L.S., to the position of Washoe County Surveyor/Land Developer, retroactive to February 4, 2019, and approve the annual salary of [\$81,764.80], per Washoe County Code 5.119.3 [fiscal impact \$0]; and if appointed, approve the issuance of a surety bond in the amount of \$5,000.00, per NRS 255.030.2. Community Services. (All Commission Districts.)
- 19-0174** **5B** Recommendation to acknowledge and accept the final distribution of the Estate of Phillip Dare to the beneficiaries, including the sum of [\$1,187.38] to Family Services, CASA, a program of the Second Judicial District Court; and direct the Comptroller to make the necessary amendments. District Court. (All Commission Districts.)
- 19-0175** **5C** Recommendation to approve the resolution to augment the Regional Public Safety Training Center (RPSTC) Fund in the amount of [\$109,000] to increase expenditure authority for RPSTC projects for fiscal year 2018-2019; and direct the Comptroller to make the necessary budget amendments (net impact to General Fund is zero). Sheriff. (All Commission Districts.)

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

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

BLOCK VOTE – 6, 8, 9, 10, 11, 12, 13, and 14

- 19-0176** **AGENDA ITEM 6** Recommendation to approve the settlement of the claim of Patrick Irwin, Lisa Dalman and Charles J. Safford v. Washoe County, et al for a total sum not to exceed [\$200,000], for all claims against all defendants. Comptroller. (All Commission Districts.)

There was no response to the call for public comment.

County Clerk Nancy Parent stated she received an email correspondence from Annemarie Grant, which would be placed on the record.

Assistant District Attorney Paul Lipparelli stated he distributed the settlement agreement to the Board. He said it was not provided in the Board's packet and indicated the County Clerk had a copy for the record.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 6 be approved.

- 19-0177** **AGENDA ITEM 8** Recommendation to approve utilization of funds from the Emergency 911 fund to reimburse the City of Reno [\$125,475] for expenses related to implementation of Emergency Fire Dispatch services; reimburse the City of Sparks [\$178,134.30] for expenses related to implementation of body-worn and in-vehicle camera technologies; and to purchase three (3) Harris Symphony Dispatch Consoles [\$139,443.65] for the Washoe County Regional Communications Center; as recommended by the 911 Emergency Response Advisory Committee on January 17, 2019. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

There was no response to the call for public comment.

County Clerk Nancy Parent stated she received an email correspondence from Annemarie Grant, which would be placed on the record.

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

19-0178 **AGENDA ITEM 9** Recommendation to: 1) approve the use of Design-Build as the project delivery method for the Huffaker Reservoir Lining Phase 3 Project as identified in NRS 338.1711(2); 2) to approve an Agreement for Professional Consulting Services between Washoe County and AECOM Technical Services, Inc. to act as the agent for the County for the development and implementation of the Design-Build process for the Huffaker Reservoir Lining Phase 3 Project [\$250,095]. Community Services. (Commission District 2.)

There was no response to the call for public comment.

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

19-0179 **AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Southwest Vistas Lift Station Abandonment and Sewer Extension Project [staff recommends Cutting Edge Construction, LLC. in the amount of \$202,726]; and if awarded, approve the License and Indemnification Agreement for Sewer Pipeline Construction and Maintenance between Washoe County and the Steamboat Canal and Irrigation Company to allow construction of the pipeline extension within the Steamboat Ditch, owned and operated by the Steamboat Canal and Irrigation Company [No Cost]. Community Services. (Commission District 2.)

There was no response to the call for public comment.

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

19-0180 **AGENDA ITEM 11** Recommendation to accept additional Incentive Funds from the State of Nevada, Child Support Enforcement Program (CSEP) in the amount of [\$397,099.84] earned from the Federal Fiscal Year 2016 and authorize Comptrollers to make the appropriate Fiscal Year 2019 budget amendment. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

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

19-0181

AGENDA ITEM 12 Recommendation to approve a settlement of Dudley vs. Steamboat Canal & Irrigation Co. and Washoe County, CV17-00714, a case concerning allegations of water escaping from the Steamboat Ditch in 2016-2017 and causing damage to a residential property at 35 Francovich Ct. This settlement follows a mediation that occurred between the parties in October 2018, after nearly 2 years of litigation and hundreds of thousands of dollars in legal and expert fees expended by the parties. If approved, the settlement would require both the county and Steamboat to each pay [\$50,000] to the Dudleys and would result in the dismissal of Steamboat and the county from the litigation with prejudice, the parties bearing their own costs and attorney's fees. It also requires Steamboat to make certain improvements in the ditch near the Dudleys' property. The settlement would not be an admission of fault or wrongdoing by any of the parties but would instead be a compromise to bring about an end to the case. If approved, authorize the Chair to sign the proposed settlement agreement. District Attorney. (Commission District 1.)

There was no response to the call for public comment.

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

19-0182

AGENDA ITEM 13 Recommendation to approve a pass through grant award from the State of Nevada Department of Public Safety, Office of Criminal Justice Assistance 2018 Paul Coverdell Forensic Science Improvement (FSI), Project No. 18-FSI-03 for [\$177,189.00 with an \$11,285.00 County match requirement] to provide for continued education for staff members and training for new Criminalists in the Forensic Science Division and purchase of TruNarc™ devices for the screening of drugs for the retroactive grant period of 01/1/19 through 12/31/19 and if approved, direct Comptroller's Office to make necessary budget amendments. In addition; if approved, authorize the Purchasing and Contracts Manager to execute all relevant purchasing documents of the 6 additional TruNarc screen instruments that will cost not to exceed a total cost of \$145,000. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

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

19-0183 **AGENDA ITEM 14** Recommendation to authorize purchase of sixty (60) Axon Fleet 2 in-car video cameras, related supplies, and installation through the established Joinder Contract with State of Nevada "3273 - Contract for Services of Independent Contractor" awarded to Axon Enterprise, Inc. (formerly Taser International), 17800 N. 85th St, Scottsdale, AZ, 85255. Estimated expenditures are [\$678,190.30 not to exceed \$800,000] per the existing contract pricing, effective upon Board approval through April 1, 2023. If approved, authorize the Purchasing and Contracts Manager to execute all relevant contract documents and agreements. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

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

19-0184 **AGENDA ITEM 7** Recommendation to adopt an ordinance authorizing the issuance of the Washoe County, Nevada, General Obligation (Limited Tax) Refunding Bonds, Series 2019; specifying the terms and conditions of such bonds and their form; providing for the levy and collection of an annual ad valorem tax for the payment of the bonds; providing for adoption as if an emergency exists and providing other details in connection therewith. Manager. (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Bill No. 1819, Ordinance No. 1631.

Assistant County Manager Christine Vuletich stated staff periodically worked with financial advisors and bond counsel to review the County's outstanding debt to find opportunities to re-fund or refinance the debt. She explained there was an opportunity to save more than \$347,000 by re-funding the 2011 "A" Bonds. She stated bonds were issued in November, 2000 for library, parks, and open space. The bonds were refinanced in 2011 at an interest rate of 4.2 percent and the current opportunity to refinance those bonds would decrease the rate to 2.6 percent. She noted a correction in the staff report: the refunded amount was stated to be \$8,343,000 but should be \$8,359,000.

Chair Hartung asked whether the difference in dollar amount needed to be discussed or if it was reasonable to move forward. Assistant District Attorney Paul Lipparelli replied it was acceptable to continue as the discrepancy was minimal.

Ms. Vuletich said there would be no extension of the term on the bond and it would mature in 2026. She noted the bond would still be paid by property tax revenue.

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, Chair Hartung ordered to adopt an ordinance authorizing the issuance of the Washoe County, Nevada, General Obligation (Limited Tax) Refunding Bonds, Series 2019; specifying the terms and conditions of such bonds and their form; providing for the levy and collection of an annual ad valorem tax for the payment of the bonds; providing for adoption as if an emergency exists and providing other details in connection therewith. It was ordered that Bill No. 1819, Ordinance No. 1631, be adopted, approved and published in accordance with NRS 244.100.

19-0185 **AGENDA ITEM 15** Introduction and first reading of an ordinance amending the Washoe County Code Chapter 110 (Development Code), within Article 306, Accessory Uses and Structures, Detached Accessory Structures 110.306.10(a), Lot Coverage, to add a requirement regulating lot coverage limitations for accessory structures, by specifying that on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed lot coverage under this section will be based on the regulatory zone thresholds set forth in this subsection for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and other matters necessarily connected therewith and pertaining thereto. If supported, set the public hearing for second reading and possible adoption of the Ordinance for March 26, 2019. Community Services. (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Bill No. 1820.

Planner Julee Olander said this was an amendment to the Development Code to address lots that did not meet the required lot size. She stated there were currently two interpretations in Code that helped staff interpret how to address these lots. Nothing in Code defined this specifically so staff was proposing to add a section that would address legal, non-conforming lots. She explained a .50-acre lot was zoned medium density suburban, but medium density suburban would typically involve a .33-acre lot.

Chair Hartung wondered whether it was typical for lots to be zoned smaller, such as low density suburban. He said clustering was an issue in Spanish Springs. Ms. Olander stated that was correct. She said a lot would be zoned high density rural if developed in a common open space and would maintain that zoning. She said the same issue occurred in Arrowcreek. This prevented people from building accessory dwellings due to the structure capacity of the property.

Chair Hartung asked how this would affect people who already had accessory dwellings built. He admitted there were some in Spanish Springs and wondered if those owners would be required to remove them. Ms. Olander said this change would benefit lot owners with additional structures on site in most situations. She said the issue

was found when a lot with an accessory structure that should not have been allowed was discovered. Lots with existing accessory dwellings would be grandfathered in.

There was no response to the call for public comment.

Chair Hartung closed the public hearing.

Bill No. 1820 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

PUBLIC HEARING

19-0186 **AGENDA ITEM 16** Public Hearing: Regulatory Zone Amendment Case Number WRZA18-0009 (The Club at Arrowcreek) - to adopt an amendment to the Southwest Truckee Meadows Regulatory Zone Map, changing the Regulatory Zone from High Density Rural (HDR) (1 dwelling unit / 2 acre) on ± 140.12 acres and Low Density Suburban (LDS) (1 dwelling unit / 1 acre) on ± 8.94 acres to Parks and Recreation (PR) on ± 149.06 acres and, if adopted, authorize the Chair to sign the resolution to that effect. Generally, the PR zone is intended for parks, golf courses, ski resorts and other active and passive recreational uses, for either public or private facilities. Lucky Star Golf, LLC is the applicant and property owner. The subject parcel (APN: 152-021-03) is ± 149.06 acres in size and located at 2905 E. Arrowcreek Pkwy. It is situated within the Southwest Truckee Meadows Area Plan and South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries. Community Services (Commission District 2.)

Chair Hartung opened the public hearing.

Planner Julie Olander stated this was a zone change for an area around the Arrowcreek clubhouse. She said the site was currently zoned high density rural and low density suburban and staff was proposing to change it to parks and recreation (PR) zoning for the entire site. She displayed photos of the proposed expansion. She stated it was an 18-hole golf course with associated buildings on site. When plans were submitted for an expansion on the site, it was determined a PR zoning would best suit the area. She said notices were sent to neighboring residents and the Citizen Advisory Board was in favor of the change. She stated staff was able to make all the findings.

On the call for public comment, Mr. David Snelgrove thanked staff for their help with this project. He said he was in agreement with staff about the proposed zone changes. He noted many people present were in favor of the project but they did not wish to speak.

Gary Pestello, resident of Arrowcreek, thanked the residents who came to support the expansion of the clubhouse. He thanked staff for cooperating with this

project. He stated the zone changes would bring the project into compliance with code and said he appreciated the Board's support.

Chair Hartung closed the public hearing.

Chair Hartung, Commissioner Lucey, and Commissioner Berkbigler expressed appreciation for staff providing a solution to this zoning issue.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 16 be adopted and authorized. Any and all Resolutions are attached hereto and made a part of the minutes thereof.

19-0187 **AGENDA ITEM 18** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County, Manager. (All Commission Districts.)

County Manager John Slaughter stated Government Affairs Liaison Jamie Rodriguez was attending hearings and could not be present for this meeting. He referred to the bill of interest list included in the staff report and wanted to address several bills Ms. Rodriguez had been watching. He said he needed approval from the Board to support the bills. He spoke about Assembly Bill (AB) 70, which was the Attorney General's (AG) Open Meeting Law bill. He said Assistant District Attorney (DA) Paul Lipparelli had been a part of the task force. He noted some changes were proposed and the County's recommendation was to support that bill as written. He stated several amendments from across the state had been made.

Mr. Lipparelli stated the DA's Office was invited to be a part of the AG's Open Meeting Law task force for many years. He said he attended several meetings prior to this legislative session and a number of task force members had had concerns about an earlier draft of the bill. The AG's Office worked with the task force and presented amendments to the bill with which the task force felt comfortable. He said the task force was watching for any other changes.

Mr. Slaughter drew the Board's attention to AB102, which was a request for support from the Truckee Meadows Fire Protection District. The bill would expand the current statute about punishments for crimes committed against first responders to include families of first responders.

Mr. Slaughter stated AB240 would require Washoe County, along with neighboring counties, to cooperate and prepare annual reports about issues the counties had in common, such as growth and transportation. He indicated Assemblyman Skip

Daly was the author of the bill. Assemblyman Daly worked during the last legislative session to establish collaboration with the region. Mr. Slaughter said Assemblyman Daly's intention was to work collaboratively and not create another commission with authority over the region.

Commissioner Berkbigler asked who would be assigned to this group from the County. Mr. Slaughter stated the bill would direct the boards of county commissioners to assign their county managers and duties would be placed upon the managers to gather input from the jurisdictions of their perspective counties.

Chair Hartung asked whether this group would have purview over planning and development. Mr. Slaughter confirmed no changes regarding authority in other counties would occur, but a report would be prepared that could ask for recommendations or direction. He said the report would be submitted to the Legislative Commission so all legislators would have access to the report.

Commissioner Berkbigler asked if this was similar to what Clark County did with their five jurisdictions. Mr. Slaughter stated that was the model he was trying to re-create. Commissioner Berkbigler said the Board had wanted to communicate as a greater region for many years.

Mr. Slaughter stated AB176 was the sexual assault survivor bill of rights. Ms. Rodriguez's notes indicated there was concern about the bill as written, meaning she would work with supporters of the bill to identify issues. He said one concern was the reduction in time for processing sexual kits from 120 days to 90 days beginning in 2021. He said significant cost increases would be associated with the reduction. He indicated staffing and space requirements would also be an issue. He noted the bill as written would require the Washoe County crime lab to hold and maintain all evidence kits tested. He said the current process was to test the kit and send it back to the jurisdiction from which it came. He indicated issues would include storage space, tracking, and the liability of maintaining evidence.

Commissioner Berkbigler wanted to ensure this bill worked with the Child Advocacy Center (CAC), who cared for children that had been sexual or physically abused. The CAC program was established so a victim did not have to report an incident to multiple agencies. Mr. Slaughter believed that was correct. The CAC did all the sexual assault testing and he understood this would not impact that specific function, but he said there were concerns about the crime lab. He stated the recommendation was to label this bill with a 'concerned as written' status.

Mr. Slaughter and staff recommended opposing Senate Bill (SB) 245. This bill proposed to raise the tort cap from \$100,000 to \$250,000 on claims and would remove the protection of governments against gross negligence, which would have a cap of \$1 million per claim.

Mr. Lipparelli stated this bill was brought to the Legislature by the plaintiff's lawyers. He said the idea was the caps in place for municipal liability under torts were significantly low and did not reflect modern conditions. He explained it started out as a change to the cap but the change to the gross negligence feature was more concerning. That would allow claims up to \$1 million per claimant, which meant a County employee hitting a car containing four people could result in a \$4 million case. He said the people that supported this said government should compensate tort victims the way private entities did. He said it was a public policy to expose local governments to increased amounts of liability which were paid for with taxpayer money. He noted every claim or judgement was money taken from services supported. He stated the budget and risk management fund would need to be reviewed and reassessed if this bill passed. He noted it would be good news for plaintiffs but bad news for local governments and taxpayers.

Commissioner Berkbigler said she would support this bill if two requirements were added: the money paid could not come from taxpayer money and plaintiffs' attorneys could not collect any of the settlement money. She said the bill could be worth supporting if those stipulations were added.

Mr. Lipparelli indicated Commissioner Berkbigler articulated the public policy reason that usually blunted arguments about increasing tort caps. He said he knew plaintiff's lawyers, some of whom were his friends, who were perfectly fine people; the County was considering engaging some in a few weeks to represent them in opioid litigation. He stated they provided an important service to citizens and injured people. He said there were always questions about waiving sovereign immunity and allowing people to make claims against the government. The process would open up the government's wallet, which was filled with taxpayers' money and allow claimants to take money out.

Commissioner Lucey asked about AB236, which pertained to criminal law and criminal procedures. He said the bill was heard during the past week. He noted this was currently an item to watch and wondered the reason a position was not being taken at the moment. Mr. Slaughter stated this was a far-reaching, widely-discussed bill known as the criminal reform bill. He said the County's interests were well represented at a hearing the previous week through a number of elected officials and others who voiced concerns about the bill. He noted the bill had a long way to go, which was part of the reason it was still listed as a 'watch' status.

Commissioner Lucey wanted the status changed to 'concern as written'. He spoke about fiscal impacts to the County and thought this would impact not only jails and the Alternative Sentencing department, but many other departments. It would be taking onus on the County from the State. He urged the Board to move from 'watch' status to 'concern as written' status and give staff the ability to oppose the bill.

Commissioner Berkbigler wondered whether this was the bill the DA's Office was aggressively opposing the prior week. Mr. Slaughter stated he thought it was.

Washoe County Sheriff's Office (SO) Sergeant Corey Solferino said the Board was correct, AB236 was a far-reaching criminal justice reform bill. He said the legal teams represented the Las Vegas Metropolitan Police Department, the Washoe County SO, the Clark County District Attorney Association, and the Washoe County District Attorney Association, and they took a strong opposition to this. He said they were working with Chairman Steve Yeager and a meeting was scheduled for March 13 in Carson City to address the concerns. He said Ms. Rodriguez was working with the SO on the measure and it was difficult to determine the fiscal impacts. With the proposed changes, a cost savings of approximately \$650,000,000 could be used to reinvest in the community. As Commissioner Lucey had mentioned, Sergeant Solferino said this would push the prison population on to the community by reclassifying crimes from felonies to gross misdemeanors. These crimes would fall under the jurisdiction of the Washoe County Detention Facility and severely hinder the ability to use alternative sentencing programs. He said there was a long way to go on this bill. He said the SO believed in criminal justice reform but did not think the bill was ready to support yet.

Chair Hartung stated this was brought up recently at a Detention Facility site visit.

Commissioner Lucey requested this bill be moved from a 'watch' status to a 'concern as written' status and allow staff the ability to oppose as needed based on the fiscal impacts to the County. Chair Hartung wondered whether Commissioner Lucey was comfortable with that status even though law enforcement was taking a stand against this. Commissioner Lucey replied yes. The bill would impact the overall budget due to capital improvement projects involving the detention facility, additional law enforcement personnel, additional Alternative Sentencing personnel, and an increased load at the court level. He said he wanted to watch until it was necessary to take a stance to oppose it.

There was no response to the call for public comment.

Mr. Slaughter spoke about the difficulty the Board had with bills because Legislature did not stop and continued to move forward. He opined the ongoing discussion was beneficial to staff. He indicated items would come up between Board of County Commissioner meetings and he appreciated the support given to staff. He said a local government day was scheduled for March 28 and all Commissioners were invited.

Commissioner Lucey said he was the Chair for the Nevada Association of Counties and said a weekly phone meeting occurred at 3:00 p.m. on Fridays. He urged the Commissioners to get involved and bring questions to the call.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that staff be directed to move forward with the staff-outlined recommendations, positions be taken on the bills outlined, and AB236 be changed to a 'concern as written' position.

19-0188 AGENDA ITEM 19 Public Comment.

When called for public comment, Ms. Denise Ross chose not to speak.

Mr. Danny Cleous said residents in the Lemmon Valley area received a letter from the Community Services Department (CSD) about flooding. In the letter, recommendations were made to residents including considering elevating homes above flood levels and obtaining flood insurance. He read a denial letter from a flood insurance company that stated coverage was provided for direct physical costs by flood and policy holders were not insured for loss of property caused directly by earth movement, even if the movement was caused by flood. An example of earth movement not covered was the destabilization of land that resulted by accumulation of water in subsurface land. He wondered why staff would recommend residents obtain insurance that would not cover anything and would cost them more money. He indicated the letter from CSD was received on March 9 but was dated March 15. He spoke about a leak in the sewer plant and said water was coming in from both sides, going through the dirt, and infiltrating both ways. The outer detention ponds had been there for years and he wondered how much sewage had passed through there into the lake. The letter stated floods only occurred every 10 years but there had been flooding for the past three.

19-0189 AGENDA ITEM 20 Announcements/Reports.

Chair Hartung stated he asked elected officials in Washington D.C. about eliminating the Federal Emergency Management Agency (FEMA) and creating a catastrophic insurance program that would cover people regardless of the disaster. He understood the issues being raised about the lack of insurance coverage.

Chair Hartung said he and County Manager John Slaughter toured the detention facility and said it was very full but with no particular explanation as to why. He said there was a concern the facility would reach capacity soon. He urged the Board to tour the facility and said he was pleased with the substantial changes made by the new Sheriff. He noted many challenges were still ahead but he thought the collective groups could find solutions.

Mr. Slaughter stated Commissioner Lucey mentioned weekly legislative phone calls and he reminded the Commissioner to ensure there was not a quorum of the Board on any call.

Mr. Slaughter said he had been on a tour with Regional Public Training Center Director Brian deMunnik. He stated Mr. deMunnik had been there a year and had turned the facility around. He urged the Commissioners to take a tour of the facility. He said he went on a ride-along with Truckee Meadows Fire Protection District (TMFPD) Station 45 crew members. He noted he spent the afternoon and evening with the crew. He indicated they went on a very difficult call where he learned about the degree to which crews handled firefighting, emergency medical services, and social workers for the public. They showed true care and concern to the individuals involved in the call. He

commended TMFPD Captain Jamie Rivera, Engineer Salvatore Franchi, and Firefighter Casey Marvin for their commitment to serve the public.

Chair Hartung stated Station 45 was the former Station 15 in Sun Valley and was the busiest station in the District. He said he had gone on a ride-along with them and expressed it was a sobering experience. He encouraged Mr. Slaughter to go on the same ride-along with the Sheriff's Office (SO). Mr. Slaughter said the TMFPD and SO intersected many times during his ride-along.

Commissioner Lucey asked Mr. Slaughter about a bill to potentially protect snow plow drivers, including giving them right-of-way. He requested to talk offline about that. Mr. Slaughter did not recall seeing a bill for that but said they would talk offline and bring information back to the Board.

19-0190 **AGENDA ITEM 17** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

12:04 p.m. On motion by Commissioner Berkgigler, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

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12:47 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk