

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

TUESDAY

10:00 A.M.

JUNE 8, 2021

PRESENT:

Bob Lucey, Chair
Vaughn Hartung, Vice Chair
Alexis Hill, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Eric Brown, County Manager
David Watts-Vial, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:02 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:

21-0417 **AGENDA ITEM 3** Appearance by Mark Amodei, Nevada State Congressman representing District 2, to provide an update to the Washoe County Board of County Commissioners and staff on subjects of importance to Washoe County including the American Recovery Act of 2021, federal funding for expenses related to homelessness, and area lands bills.

Congressman Amodei apologized for having to reschedule his last annual visit. He said community project funding started on a smaller scale than anticipated, but it increased transparency processes. Several projects that made the funding list were located in the Truckee Meadows. Recently, a transportation and infrastructure bill was released through the House that included several submissions on behalf of the Regional Transportation Commission (RTC): McCloud neighborhood septic/sewer conversions; city park restroom upgrades to accommodate the Americans with Disabilities Act; City of Sparks first responder equipment; the Arlington Street Bridge; and a hydrogen cell bus fuel project. He thought it would have been a good idea to combine a lands bill package that included expansion of the training area at the Naval Air Station in Fallon, but it did not come to fruition due to the need to wait for the appointment of a Secretary of the Navy. He thought it would be better to submit the needs for each jurisdiction separately unless a better idea was determined.

Congressman Amodei spoke about COVID-19 (C19) relief funds and said many political subdivisions opined on the economic impacts to the State. He indicated relief funds were considered by jurisdiction not including testing, vaccinations, or normal

operational items; many jurisdictions received more relief assistance than actual losses, and that issue could be addressed when discussing resource needs. He spoke about the relief packages individuals received for unemployment benefits and asserted employers were struggling to hire staff to accommodate increases in business since C19 restrictions had been lifted. He mentioned the need to get back to business as usual so people could work and be able to afford the essentials.

Commissioner Jung thanked Congressman Amodei for his presence and update. She offered him assistance with feedback, lobbying, or any other support the Board could provide, saying this Board attempted to keep partisan politics out of policy making. She asked the Congressman about the escalation of housing and rental prices, asserting it was not a Nevada-specific issues. She wondered how to move forward as a community and a country to ensure housing prices were achievable for younger people when wages were not comparative. She noted there was little that local citizens could do about the housing prices, especially at a national level, but she thought his experience could help.

Congressman Amodei spoke about the responsibly of handling growth and resources in the community. He said people could sell their homes west of the Truckee Meadows and purchase a home locally for less money. He noted home costs had increased in the past, but nothing like what was currently happening. He asserted local wages were not always enough to purchase a home in the area, citing a 1,000 square foot, three-bedroom home in Carson City that needed a significant amount of work but sold for \$350,000. He stated citizens had no control over construction material prices, but there was a little room to control land prices because 85 percent of the state was owned by the federal government. If it was the will of the Washoe County Board of County Commissioners, he remarked, lands bill opportunities existed to acquire land so it could be managed for public purposes. He was unsure of the right fix, whether it was multi-family rentals and single-family ownership, but water, sewer, and traffic situations needed to be considered. He asserted the State was sensitive to community issues and was trying to help with resources to maximize infrastructure.

Commissioner Hill thanked Congressman Amodei for coming to speak to the Board and appreciated him advocating for the region. She pointed out he did not mention the \$1.8 million allocated for the second phase of an eight-mile portion of State Route 28 for the Tahoe Transportation District. She stated this was huge to her district as the connectivity of trails and public transportation in Incline Village and Crystal Bay was desperately needed, and she appreciated his help with this project. Congressman Amodei said that project was on his Tahoe Regional Planning Agency list and not his Washoe County list, and he inadvertently missed mentioning it. He asserted it was important to the region and residents.

Commissioner Hill stated the lands bill was moving forward and the Congressman would see movement in the next few months. She expressed excitement about bringing the region together and hoped one package from the three regional agencies could be presented to the Congressman instead of separately from each. Congressman Amodei surmised the Board would want to have jurisdiction over planning and zoning

within the entire county. He urged the Board to continue with the lands bill to be presented before the end of the current session.

Commissioner Hill noted American Rescue Plan (ARP) funding was so important to the Washoe County Human Services Agency, especially since Washoe County was expected to take over homelessness services in the region. She asserted the County would demonstrate their efforts by getting people back to work and providing them the economic freedom they needed. She mentioned the need for federal support for mental health issues.

Congressman Amodei commended the lobbying team for their excellence and professionalism.

Vice Chair Hartung spoke about the need for funds to support transportation and infrastructure in the region, mentioning the growth in Sparks. He urged the Congressman to drive down Pyramid Highway to understand the ineffectiveness of the infrastructure. He asserted the highway moved huge volumes of traffic to and from Spanish Springs daily, but the north portion of the highway was still only two lanes. He stated the need for signalization was imperative but would not solve the traffic issues. He wanted to have a discussion with the Congressman about possible opportunities to improve infrastructure and transportation.

Congressman Amodei stated the primary contact for Washoe County was through the RTC. He mentioned the project was greatly needed but any project with that high a cost would need to be brought to the Nevada Department of Transportation (NDOT) for consideration.

If the same situation occurred in Clark County, Vice Chair Hartung opined, it would have been fixed 10 years ago. Congressman Amodei agreed and noted he would go through NDOT if he needed to find \$100 million for Pyramid Highway.

Vice Chair Hartung spoke about the need for upgraded wastewater infrastructure. He explained the issue was not just the capacity of sewer plants or upgrading the plants to allow for a higher standard of treating water, but rather most jurisdictions were plagued with a significantly aged infrastructure that would fail at some point. He indicated infrastructure packages did not include wastewater even though it was a pivotal factor, and all other solutions were workarounds. He thought federal funds could help Dr. Krishna Pagilla of the Water Innovation Institute to assist northern Nevada in becoming the leader of the world with research for wastewater management at the highest standard.

Congressman Amodei stated successes through the Corps of Engineers had occurred within the Tahoe Basin, and additional money had been approved for the area in which Dr. Pagilla was working. The Congressman spoke about doing a better job when responsible for a project. He indicated there would be discussions over the next 18 months about whether infrastructure would fall under the category of projects or programs. He thought there was enough need for updated infrastructure to support an infrastructure bill,

but it would need to include specifics for wastewater management, otherwise those issues could still exist when funding was exhausted. He asserted he would have a solid understanding of priorities for Washoe County's wastewater, although it was difficult to argue about what would be included on a bill when there was no bill in the works to discuss.

Commissioner Herman thanked Congressman Amodei for the update and expressed gratitude for what he was able to accomplish for the County. The Congressman thanked the Board for its service and noted it was not an easy time to be in public service.

Chair Lucey thanked Congressman Amodei for coming, saying he wondered whether the \$22.6 billion in ARP funding allocated for sewage and wastewater would go through the Congressman's committee for appropriations. He indicated the final rules were sent out by the treasury and were set. He questioned the process for the money's distribution. Congressman Amodei replied it depended on the project; some would be allocated in the form of grants and some would go towards existing programs. He noted he could get those specifics to the Chairman.

Chair Lucey stated the community was in desperate need of broadband infrastructure, which was discovered during the pandemic. Broadband infrastructure was needed in rural areas, but there was a shortcoming in the urban area as well. He thought the future was headed toward more telecommuting, and more services could be performed remotely; broadband capacity and infrastructure could be a tipping point. He wondered whether Congressman Amodei saw broadband infrastructure as being part of the ARP funding that would come out of Congressman Peter DeFazio's committee. Congressman Amodei replied it would, though parts would come from regular programming and funding through the Senate Appropriations Subcommittee on Financial Services and General Government on which he sat; there would be three opportunities to ensure the proper things were funded. Rural broadband had gotten some attention and he would get information back to the Board. He noted they were working on some Federal Emergency Management Agency (FEMA) reimbursement issues for the region. Chair Lucey stated the FEMA reimbursements were for the Truckee Meadows Fire Protection District and Washoe County. He thanked the Congressman for his help with the FEMA assistance and said the County received prompt phone calls after the Congressman contacted them.

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

21-0418 **AGENDA ITEM 4** Appearance by Eric Schmacker, President and CEO of SilverSummit Healthplan for a ceremonial presentation of a \$75,000 donation to the Community Foundation of Northern Nevada for the Washoe County Affordable Housing Trust Fund.

County Manager Eric Brown explained the County was taking the lead role in addressing homelessness and affordable housing issues in the region. He noted many people would not consider that a health plan company would be interested in regional issues, but SilverSummit Healthplan reached out to County staff after touring the Our Place and Nevada Cares campuses asking how they could help. He asserted future help would be

needed from private investments and all sectors of the community. He acknowledged them for their contribution.

Chair Lucey thanked Mr. Schmacker for being at the meeting and said SilverSummit was one of most wonderful managed care organizations (MCOs) he ever talked to. He expressed appreciation for the inaugural donation for the Affordable Housing Trust Fund (AHTF), which had sat with very few funds in it for a long time.

Mr. Schmacker expressed honor to be present to provide this donation to the AHTF, the only one in Nevada. He applauded the Board of County Commissioners for establishing this fund and doing it in a manner that allowed private entities to donate. He stated they were one of the Medicaid/MCOs in the state, and he and his team had seen how housing was healthcare. Homelessness issues were exacerbated by COVID-19 (C19), individuals were sick, ill, or injured, and many with comorbidities or chronic conditions would not get better without housing. He was proud to provide the first AHTF donation; hopefully others would follow. He introduced Chris Askin, President and CEO of the Community Foundation of Northern Nevada.

Mr. Askin said this was an exciting day which they had spoken about for quite some time. He stated the Community Foundation launched a community land trust three years prior with the idea of helping through private and public partnerships to get more rooms built and more people housed in the community. He expressed excitement about this donation and stressed the importance of coming together around projects and providing direct strategic funding. He noted a landing page had been added to their website where people could see the funds as well as donate online.

Mr. Schmacker introduced Sara Fox, Vice President of Network and Provider Relations; Niki King, Vice President of Business Development; and Christine Hess, Executive Director of the Northern and Southern Nevada Housing Coalition.

Mr. Askin introduced Lyndsey Crossley, saying she had been with the Community Foundation of Northern Nevada for many years administering about half of all donor fund relationships; she would administer the AHTF.

Ms. Hess stated she was based in Washoe County and thanked the Board for its service to the community. She said there was an extreme shortage of affordable housing, and the trust fund began with the advocacy of Acting in Community Together in Organizing Northern Nevada and other Nevada Housing Coalition members. She acknowledged the leadership that established the regional trust fund, which was a huge opportunity for local solutions, and praised SilverSummit for joining as a private partner. She expressed appreciation for the efforts and said the housing coalition was on board as the County worked to build a fund and provide education.

Mr. Schmacker presented the Board with a large ceremonial check.

Commissioner Jung thanked the group of people who dedicated their professional life to helping people who needed a lift. She mentioned a news broadcast where Mr. Brown explained what was trying to be achieved with this fund, adding she never heard it explained so well. She hoped people were sharing the broadcast on their social media accounts to attract more donors as donations were tax write-offs. She spoke about ways to reduce housing costs for residents by using this fund to pay down utility connections. She declared it was difficult to collect money as a county without having a non-profit status, and this was the County's attempt to address inequities in community.

Chair Lucey emphasized Mr. Brown's tremendous work spearheading conversations and putting this project together. He brought up Senate Bill 309, which created advisory committees in larger counties to discuss the usage of Medicaid funding and how MCOs would redistribute some of that funding back to impacted communities. He noted Clark County was the only county eligible and about three percent would be provided to the community, but they could get additional MCO donors in the future and the percentage could be larger. He indicated Washoe County would participate if the opportunity became available. He thanked SilverSummit for the donation and Mr. Brown for putting it together.

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

21-0419 AGENDA ITEM 5 Public Comment.

Ms. Rita Pepi spoke about affordable housing, wondering whether people could afford to buy or rent a place to live. She expressed concern about employers forcing employees to be vaccinated to keep their jobs.

Mr. James M. Benthin brought up a lawsuit that was filed against the Polk County School District in Florida for requiring students to wear masks. A comparison was made between 27 school districts offering the option to wear masks and 40 school districts who made masks mandatory. The conclusory data showed no link between not wearing a mask and positivity rates. He opined it was healthier for children not to wear masks.

Ms. Elise Weatherly spoke about accountability, people making bad choices, honoring her brother, and Ms. Polly Klaas.

Ms. Melanie Sutton expressed frustration about the public health emergency, saying it was affecting people's lives and she wanted it to end. She opined the information about masks and the COVID-19 (C19) vaccination was fake, but people profited from it. She spoke about the time it took for a vaccine to be approved and believed the C19 injection was just a shot, not a vaccine. She pointed out the disclaimer on a box of disposable masks that they did not protect against viruses.

Ms. Kaylynn Sutton asked for the public health emergency to end so children could live normal lives again. She spoke about the inconveniences of being bussed

to school and not being able to play softball. She opined masks made people sick and paper masks contained parasites.

Ms. Darla Lee mentioned it was nice to see the Commissioners' faces without masks on. She expressed frustration that the pandemic lockdown was based on power and control. Washoe County employees were still wearing masks and, when asked about them, they answered it was out of respect for the public. She said the employees' safety was more important than being respectful to the public, which was unmasked.

Mr. George Lee spoke in favor of Washoe County being a 2nd Amendment sanctuary county. He expressed concern about voter integrity, saying he wished paper ballots would be used because they were trackable. He mentioned C19 levels were below 4 percent so the public health emergency should be ended. He spoke in opposition to vaccines and vaccine passports.

Ms. Maeve Ambrose expressed concern about the possibility of the Board of County Commissioners granting an extension of the Nevada Humane Society's annual evaluation, as one had not been done since 2016. She spoke about the need for revisions to County Code related to dangerous dogs and distinctions between nips with no injuries, bites, attacks, and deaths by dangerous dogs. She asserted an incident would result in the animal being impounded, even if it was a minor injury. Impound processes included isolation from the owner and a lengthy appeal process, whereas she believed animals should be released to their owners pending a decision on the appeal.

Ms. Nicol Herris expressed curiosity about the goals the Board had set for the year and whether they had been met, as well as about the goals for the next year. She thought the County was doing well with current programs to help people with affordable housing but wondered whether the outcome would be reported to citizens. She expressed concern about election integrity and wondered about reporting the outcome to citizens. She contemplated making an appointment to get information about these questions but was unsure who to make the appointment with. She hoped someone would contact her with answers.

Ms. Cindy Martinez provided documents to the Clerk, which were placed on file and displayed for the Board. She expressed concern about the Cares Campus being supervised by Ms. Thomas on account of the typographical and grammatical errors on the document she displayed. She opined supervision of the costly program should be done by a person with stellar skills. She questioned the fact that County Manager Eric Brown signed off on such an unprofessional document. She spoke about a temporary protection order against Assessor Mike Clark and noted Commissioner Herman, the County Clerk, the District Attorney, and staff were the only ones not mentioned in a published article.

Ms. Katherine Snedigar provided documents to the Clerk, which were placed on file. She displayed a photo on her phone related to C19 deaths totals and thought the data was incorrectly elevated; she did not believe that many people had been tested. She opined C19 nasal tests contained ethylene oxide, a known carcinogen, and anyone who

contracted cancer from the test should hold the Commissioners liable. She asserted every animal on which the vaccination was tested died, and particles from masks made of polyethylene could get into people's lungs.

Ms. Erin Massengale requested an item passing a resolution to end the public health emergency and banning vaccination passports be placed on an agenda. She opined they created segregation and discrimination, and they infringed on people's health privacy rights. She asserted it was not acceptable to discriminate against AIDS or other medical issues, and it should not be tolerated for C19 either.

Mr. Paul Scott brought up Agenda Item 8A2 related to the Tahoe-Pyramid trail, saying his family had owned the property at end of Lockwood Road since the 1940s. He expressed excitement for the trail and supported the memorandum of understanding. He spoke about issues with specific parts of the property and said he would go into more detail during the item. He wanted to work with stakeholders to resolve issues with the Union Pacific Railroad tracks, noting he was the leaseholder for that track. He mentioned he recently acquired the property from his family and had been making improvements over the past two years.

Mr. Kenji Otto spoke about an opportunity he had to receive the vaccination and opined forcing anyone to get a vaccination was a violation of people's rights. He indicated people were being removed from jobs for not receiving the C19 vaccination. He asserted he could protect himself and did not need the government involved in his business. He brought up a situation with the County Assessor, indicating he was appalled and hoped the County had a warrant to take mail from the post office. He opined the Assessor was not treated well, and he was disturbed by the actions taken.

21-0420 AGENDA ITEM 6 Announcements/Reports.

County Manager Eric Brown mentioned Agenda Item 21 was for COVID-19 aid for local hospitals. He noted the hospitals were at capacity in November 2020 when Washoe County and the Cities of Reno and Sparks offered assistance to address capacity issues. The region was led to believe monies were available through the Coronavirus Aid, Relief, and Economic Security (CARES) Act but had to be spent by the end of the year. The federal government decided to extend the CARES Act funding for another year, he said, but the money the region believed they would have for hospitals disappeared. As such, Item 21 was through the incident command structure so the region could uphold the commitment. He acknowledged and thanked the Cities of Reno and Sparks for their assistance with this issue.

Commissioner Jung requested a report about the Washoe County Child Advocacy Center funding structure, but it did not need to be agendized. She mentioned a request was made a few years ago for a general transfer fund to make the program more sustainable. She spoke about the importance of the program for children who were victims of sexual abuse; initial interviews were recorded to lessen the trauma of having to tell their stories more than once. She noted the district attorney and his wife were instrumental in

creating the program and following it to fruition. She wanted the program to receive more than just donations for sustainability and hoped some federal funds could also be provided.

Commissioner Jung spoke about complaints she received about casinos not providing bottled water to patrons, instead giving them lukewarm water in a plastic cup. Environmentally, she did not believe in bottled water, but she did believe people spending their money in the community deserved something better. She asked Chair Lucey to take this issue to the Reno-Sparks Convention and Visitors Authority.

Commissioner Jung brought up the Reno Championship Air Races, saying Washoe County provided them with a substantial amount of money and expressed disappointment that the Veterans of Foreign Wars (VFW) Post 9211 was unable to secure a complimentary space at the races to sell their poppies. She thought charging vendors who did not make a profit from their donations was not a good decision. She explained the VFW donated to veterans experiencing homelessness, and she asked the Chair to address this issue with the Air Race Board.

Chair Lucey agreed he would take the requests to those boards. He brought up a prior discussion about signage coming into the County and noted it would be on a future agenda for discussion.

Vice Chair Hartung thanked staff for the upgrades made on Dolores and Erin Drives in Spanish Springs and mentioned he would like a better understanding of the mechanism of speed bump plateaus. He hoped they could be used in other areas such as Sky Ranch Boulevard, which was a major thoroughfare.

Vice Chair Hartung brought up the dangerous dog ordinance mentioned during public comment and wanted more information about exerting legal punitive measures for someone whose dog had bitten an individual. He asked for staff to provide a presentation about the process.

DONATIONS

21-0421 **AGENDA ITEM 7A** Recommendation to accept \$44,362.75 in donations from the Friends of the Washoe County Child Advocacy Center for the District Attorney's Office Child Advocacy Center operational costs related to counseling and forensic interviewing and authorize Comptroller to make necessary budget amendments. District Attorney. (All Commission Districts.)

Commissioner Jung asserted the Child Advocacy Center did some of the hardest work imaginable in dealing with children who had been sexually abused. She thanked the donors and all the families affected by this. She wanted to ensure children and animals, the most vulnerable populations, had a voice.

On motion by Commissioner Jung, seconded by Vice Chair Hartung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7A be accepted and authorized.

CONSENT AGENDA ITEMS – 8A1 THROUGH 8G4 EXPECT 8E2

- 21-0422** **8A1** Approval of minutes for the Board of County Commissioners' regular meetings of April 27, 2021 and May 11, 2021, and the special meeting of May 3, 2021. Clerk. (All Commission Districts.)
- 21-0423** **8B1** Recommendation to approve, on the recommendation of the Chair, the appointment of Donald Christensen to the Washoe County Board of Adjustment representing Commission District 4 (generally includes the Spanish Springs Valley area, a portion of the Warm Springs Valley area (aka Palomino Valley), east Truckee Canyon (from Sparks to Wadsworth), and the Wadsworth area), to fill a term beginning on July 1, 2021, and ending on June 30, 2025, or until such time as Mr. Christensen no longer serves on the Board of Adjustment or a successor is appointed, whichever occurs first. Applicants include: Donald Christensen, Roger M. Edwards. Community Services. (Commission District 4.)
- 21-0424** **8B2** Recommendation to approve a Memorandum of Understanding Concerning a Trail along the Truckee River from Vista Boulevard to Mustang Road between Washoe County and Tahoe Pyramid Trail, Inc., a 501(c)3 non-profit organization for the purpose of working together to plan the design, construction and maintenance of, and obtain necessary permits and funding for a non-motorized multi-use trail along the Truckee River from Sparks to Mustang. Washoe County is not committing funding to the project under this MOU other than staff time as available for planning assistance. Community Services. (Commission District 4.)
- 21-0425** **8B3** Recommendation to approve, pursuant to NRS 278.040 and on the recommendation of the Chair, the appointment of Robert M. Flick to the Washoe County Planning Commission representing Commission District 4 (generally includes the Spanish Springs Valley area, a portion of the Warm Springs Valley area (aka Palomino Valley), east Truckee Canyon (from Sparks to Wadsworth), and the Wadsworth area), to fill a full term beginning on July 1, 2021, and ending on June 30, 2025, or until such time as Mr. Flick no longer serves on the Planning Commission or a successor is appointed, whichever occurs first. Applicants include: Nevin E. Armstrong, Sherman B. Boxx, Marc A. Chapelle, Constance Clover, Roger M. Edwards, Robert M. Flick, Anthony M. Garrow, Robert R. Muñoz, Bruce W. Parks, Terry Plys, Mary Savoy, Ann Testolin. Community Services. (Commission District 4.)

- 21-0426** **8B4** Recommendation to approve a Quitclaim Deed between Washoe County and the City of Reno, transferring fee-simple ownership of Doubleback Road to the City of Reno. Doubleback Road is located within an area previously annexed by the City of Reno and this action will effectively transfer all rights and interest of the roadway to the City of Reno. Community Services. (Commission District 5.)
- 21-0427** **8B5** Recommendation to approve a Memorandum of Understanding (MOU) between Washoe County and the City of Reno for municipal wastewater and reclaim water services for the DayBreak Master Planned Community (Daybreak), establishing the rights and responsibilities for the conveyance, treatment and effluent management of wastewater flows from the Daybreak to the Washoe County South Truckee Meadows Water Reclamation Facility and delivery of reclaim water to the Daybreak. Community Services. (Commission District 2.)
- 21-0428** **8B6** Recommendation to adopt Resolution (R21-023) pursuant to NRS 277.050, which authorizes a public agency such as the Board of County Commissioners of Washoe County, Nevada, to lease property to another public agency, to Lease a portion of 625 Mt. Rose Highway, the Incline Village Road Maintenance Facility in Incline Village, Nevada, to the Nevada-Tahoe Conservation District (NTCD), at no cost, to enhance efficiencies and reduces travel times for project management construction support from NTCD staff to the County for the Lower Wood Creek Water Quality Improvement Phase I Project, for a 6-month term commencing June 23, 2021 through December 31, 2021, directing staff to set and notice a public meeting at which objections to the proposed lease may be heard on for June 22, 2021; and directing the Chair to execute and deliver the proposed lease agreement to NTCD upon the performance and compliance of all the terms and conditions of the lease to be performed concurrently with the delivery. Community Services. (Commission District 1.)
- 21-0429** **8C1** Recommendation to approve the Washoe County Safety Committee's recommended revisions to the "Washoe County Workplace Safety Program", the "Washoe County Emergency Action Plan Policy", and the "Drivers Policy". Comptroller. (All Commission Districts.)
- 21-0430** **8D1** Recommendation to accept a National Children's Alliance Grant (NCA) Chapter Grant to the to the District Attorney's Office acting as the fiscal agent of the Children's Advocacy Centers of Nevada in the amount of [\$75,000, no match] from the U.S. Department of Justice through the National Children's Alliance to fund chapter activities; retroactive from January 1, 2021 through December 31, 2021, if approved, direct the Comptroller to make the necessary budget amendments, and retroactively authorize the District Attorney or his designee to sign the cooperative agreement. District Attorney. (All Commission Districts.)

- 21-0431** **8D2** Recommendation to accept a Western Regional Children's Advocacy Center Grant (WRCAC) to the District Attorney's Office as the fiscal agent of the Children's Advocacy Centers of Nevada in the amount of [\$15,000, no match] from the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention through the Rady's Children's Hospital - San Diego to fund chapter activities; retroactive from November 16, 2020 through June 30, 2021, if approved, direct the Comptroller to make the necessary budget amendments, and retroactively authorize the District Attorney or his designees to sign the grant agreement. District Attorney. (All Commission Districts.)
- 21-0432** **8D3** Recommendation to retroactively approve and continue a professional services agreement with Brian M. Brown, Esq. in an amount not to exceed \$100,000 to perform legal services for Washoe County in circumstances where the Washoe County District Attorney has or may have a conflict of interest. District Attorney. (All Commission Districts.)
- 21-0433** **8E1** Recommendation to approve an extension for Washoe County Regional Animal Services and the Nevada Humane Society to complete their respective periodic facility evaluations, as required within the amended Professional Services Agreement between Regional Animal Services and Nevada Humane Society to June 30, 2022, due to the pandemic. Animal Services. (All Commission Districts.)
- 21-0434** **8F1** Recommendation to appoint Pamela Roberts [District 5] and Hawah S. Ahmad [Alternate] to the Washoe County Senior Services Advisory Board for the four-year term effective July 1, 2021, through June 30, 2025. Human Services Agency. (All Commission Districts.)
- 21-0435** **8G1** Recommendation to acknowledge Receipt of Status Report of Commissary Fund set up per NRS 211.360 to be utilized for the welfare and benefit of the inmates for items such as counseling, chaplaincy services, vocational training and certifications programs for inmate in the jail, submitted by the Washoe County Sheriff's Office Commissary Committee for Third Quarter for Fiscal Year 20/21. Sheriff. (All Commission Districts.)
- 21-0436** **8G2** Recommendation to approve the Interlocal Agreement OIS Hospital Guard Duty between the Sparks Police Department and Washoe County Sheriff's Office to provide inmate hospital guard services during Officer Involved Shooting incidents for an hourly wage of actual cost per hour, per deputy. Sheriff. (All Commission Districts.)
- 21-0437** **8G3** Recommendation to approve funding [\$3,023.00, no match required], provided by the U.S. Department of Justice, United States Marshals Service (USMS) to reimburse the Washoe County Sheriff's Office for overtime

costs associated with the United States Marshals Service Task Force and the Regional Sex Offender Notification Unit for the Sex Offender Compliance Sweep (Operation SOS) for the retroactive grant period of April 1, 2021 through June 30, 2021. Sheriff. (All Commission Districts.)

21-0438 **8G4** Recommendation to approve a direct grant award [\$5,000.00, no match required] from the United States Department of Justice, United States Attorney, Organized Crime Drug Enforcement Task Force (OCDETF) for reimbursement of overtime costs incurred while involved in the investigation of OCDETF Initiative number PA-NV-344 for the retroactive grant period of April 1, 2021 - September 30, 2021, and if approved, direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

Vice Chair Hartung brought attention to Agenda Item 8B1 recommending Donald Christensen's appointment to the Board of Adjustment. He noted Mr. Christensen had served on a community advisory board for many years and brought a plethora of information with him. The Vice Chair addressed Agenda Item 8B3 recommending Robert M. Flick's appointment to the Washoe County Planning Commission as Commission District 4's representative. He asserted Mr. Flick had a diverse background in local government in California and would bring extensive experience to the Planning Commission. Lastly, the Vice Chair spoke about Agenda Item 8F1, the recommendation to appoint Pamela Roberts and Hawah Ahmad to the Washoe County Senior Services Advisory Board.

Vice Chair Hartung expressed support for Item 8B2 and hoped staff and Mr. Scott could work out any issues. He thought Janet Carson was present to talk about the bike trail project.

Assistant District Attorney David Watts-Vial suggested the Board approve the Consent Agenda without Agenda Item 8E2. Chair Lucey stated Agenda Item 8E2 would be pulled from the consent agenda and heard separately.

Commissioner Jung stated Pamela Roberts and alternate Hawah Ahmad would be terrific on the Senior Services Advisory Board.

Bringing up Ms. Carson, Commissioner Jung said she remembered when Jessica Sferrazza and Dave Aiazzi received community pride grant funding for the beginning of the Tahoe bike trail and had seen the project through from the start.

On the call for public comment, Mr. Paul Scott spoke about Agenda Item 8B2, saying he owned the property, and the railroad was not working with them to address necessary outline adjustments. He wondered whether anything could be done to convince them to permit engineering culverts to allow for crossing of the tracks. He thought County Manager Eric Brown could send emails to persuade them. He noted there was no signage prohibiting shooting, and many people came off the highway to hunt and fish, which could

increase conflict with the bike trail; he believed visible signage could educate the public. He spoke about the maintenance he did on Lockwood Road but noted the asphalt section of the road was out of his control. He believed emergency vehicles used this section to access incidents that occurred at the river or on the bike path.

Ms. Pamela Roberts introduced herself, saying she was on the agenda to be appointed to the Washoe County Senior Services Advisory Board. She provided her background, which involved being an elementary school teacher, going to law school, working for the Attorney General, and developing an action plan to better protect seniors. She said she worked with elder abuse issues, trained law enforcement academy students about elder abuse investigations, worked in a nursing home, and helped take care of her parents and in-laws while they were aging. She was honored to serve on the advisory board.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 8A1 through 8G4 except 8E2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 8A1 through 8G4 except 8E2 are attached hereto and made a part of the minutes thereof.

21-0439 **8E2** Recommendation to appoint two members to the Washoe County Regional Animal Services Advisory Board. One member shall fill the position specified in WCC 55.036(1)(a): a veterinarian or veterinary technician licensed to practice in Nevada, and who is not employed by Washoe County; applicants include Jennifer Blamire, and Julie McMahon; and one member shall fill the position specified in WCC 55.036(1)(b): a real estate or business professional with knowledge or experience related to homeowners' associations, business organizations and/or financial operations; applicants include Trudy Brussard and Samantha Reveley. Both open positions have a four-year term which runs from July 1, 2021 through June 30, 2025. (All Commission Districts.)

County Manager Eric Brown read the requirement that a veterinarian or veterinary technician licensed to practice in Nevada needed to be appointed to the Washoe County Regional Animal Services Advisory Board. Chair Lucey mentioned applications for both candidates were included in the staff report packet. He recommended supporting Ms. McMahon due to her veterinary technician experience in the community and her status as a professor at Truckee Meadows Community College.

On motion by Chair Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Julie McMahon be appointed to fill the position specified in WCC 55.036(1)(a), a veterinarian or veterinary technician licensed to practice in Nevada who was not employed by Washoe County. This appointment was for a four-year term to run from July 1, 2021 through June 30, 2025.

11:57 a.m. **Commissioner Jung left the meeting.**

Mr. Brown read the requirement that a real estate or business professional with knowledge or experience related to homeowners' associations, business organizations, and/or financial operations in Nevada needed to be appointed to the Washoe County Regional Animal Services Advisory Board.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a vote of 4-0 with Commissioner Jung absent, it was ordered that Trudy Brussard be appointed to fill the position specified in WCC 55.036(1)(b), a real estate or business professional with knowledge or experience related to homeowners' associations, business organizations, and/or financial operations. This appointment was for a four-year term to run from July 1, 2021 through June 30, 2025.

12:01 p.m. **Commissioner Jung returned to the meeting.**

BLOCK VOTE – 9, 10, 11, and 13 through 28

21-0440 **AGENDA ITEM 9** Recommendation to approve the fiscal year 2021-2022 [payment of \$248,164] as Washoe County's share in annual funding for the Truckee Meadows Regional Planning Agency (TMRPA) pursuant to NRS 278.0264(7) and an adopted interlocal agreement. The total amount will be paid to TMRPA in quarterly installments with the first occurring on July 1, 2021. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be approved and adopted. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

21-0441 **AGENDA ITEM 10** Recommendation to approve Change Order No. 3, [in the amount of \$762,994.23], for Guaranteed Maximum Price work package #2 (GMP#2) which was approved for the South Truckee Meadows Water Reclamation Facility 2020 Expansion Project, [increasing the approved contract amount to \$4,200,670.63]. Change Order No. 3 is for the installation of 14 dewatering wells and infrastructure necessary to lower the groundwater levels in project areas allowing for subgrade excavation and construction activities. This request conforms to Nevada Revised Statutes and Washoe County policy requirements for project cost increases exceeding \$25,000 or 5%, whichever is greater, of the original approved contract amount. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be approved.

21-0442

AGENDA ITEM 11 Recommendation to: (1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Lower Wood Creek Water Quality Improvement Phase I Project, PWP-WA-2021-130 [staff recommends Burdick Excavating Co. Inc., in the amount of \$2,133,964 (base bid of \$1,865,038 plus bid alternatives of \$268,926)]; (2) approve bid alternate #1 in the amount of \$159,898.00 for the Lower Wood Creek culvert crossing at Southwood Blvd; (3) approve deductive bid alternate #2 in the amount of \$38,692 to remove the 3-inch mill and fill for the full roadway section; (4) approve bid alternate #3 in the amount of \$30 per square foot for 4,914 square feet of block shoulder treatment in a total amount of \$147,720.00; (5) approve a separate project contingency fund in the amount of \$200,000. This project is funded by grants from the Nevada Division of State Lands and the Nevada Division of Environmental Protection, Tahoe Regional Planning Agency (TRPA) Mitigation Funds paid through new development fees, and Washoe County in-kind funding through matching staff time. Community Services. (Commission District 1.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be awarded and approved.

21-0443

AGENDA ITEM 13 Recommendation to authorize payment to Truckee Meadows Water Authority (TMWA) for modification work associated with Central Truckee Meadows Remediation District (CTMRD) tetrachloroethene (PCE) groundwater remediation facilities pursuant to the Washoe County, Nevada, District Number 24 (Groundwater Remediation) Agreement for Ownership, Operation and Maintenance of Certain Remediation Facilities and for Reimbursement of Certain Expenses between Washoe County and the Truckee Meadows Water Authority [\$729,686.79]. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be authorized.

21-0444

AGENDA ITEM 14 Recommendation to approve Amendment #4 to Agreement Regarding November 2000 Parks, Trails and Open Space Bonds-Lake Tahoe Bike Path Project (Parks-WC-1) for Phase 4 of the Lake Tahoe Bike Path Project between Washoe County and Tahoe Transportation District (TTD) to extend the end term from June 30, 2021 to December 31, 2022; and authorize Assistant County Manager (Dave Solaro) to execute the Amendment #4 and all appropriate Tahoe

Transportation District related agreements and documents. Community Services. (Commission District 1.)

Jan Galassini, County Clerk mentioned an email was received from Carole Black for this item, which was placed on file.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be approved and authorized.

21-0445 **AGENDA ITEM 15** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 2021/2022 Slurry Seal for Selected Streets in Washoe County, PWP-WA-2021-230 project [staff recommends Sierra Nevada Construction in the amount of \$2,382,518.50]; and approve a separate project contingency fund [in the amount of \$500,000]. Slurry seal is defined as the application of water, asphalt emulsion, aggregate, and additives to an existing asphaltic concrete surface as a preventative maintenance treatment in an effort to extend the pavements' service life. Community Services. (Commission Districts 1,2,4 and 5.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be awarded and approved.

21-0446 **AGENDA ITEM 16** Recommendation to accept a Traffic Safety Resource Prosecutor (TSRP) grant to the District Attorney's Office in the amount of [\$219,079, \$54,771 cash match], from the State of Nevada Department of Public Safety Office of Traffic Safety to continue funding a Deputy District Attorney IV; retroactive from October 1, 2020 through September 30, 2021, if approved, direct the Comptroller to make the necessary budget, and retroactively authorize the District Attorney to sign the grant agreement. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 16 be accepted, approved, directed, and authorized.

21-0447 **AGENDA ITEM 17** Recommendation to accept additional incentive funds for the District Attorney's Family Support Program from the State of Nevada, Child Support Enforcement Program (CSEP) in the amount of [\$394,374.26] based on our performance during Federal Fiscal Year 2017

for the purpose of supporting or benefiting the Family Support Program and authorize Comptrollers to make the necessary budget amendment. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 17 be accepted and authorized.

21-0448 **AGENDA ITEM 18** Recommendation to approve the sole source Professional Services Agreement between Washoe County Health District and Keep Truckee Meadows Beautiful in the amount of [\$240,000] for the period July 1, 2021 through June 30, 2023 in support of the Recycling and Solid Waste Plan program activities. Health District. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 18 be approved.

21-0449 **AGENDA ITEM 19** Recommendation to approve an Agreement in Support of Pro-Bono and Low-Cost Legal Services for Elderly between Washoe County and Washoe Legal Services in the approximate annual amount not to exceed [\$65,000] per year to be funded by applicable court filing fees, and in the approximate annual amount not to exceed [\$75,000] to be funded by Ad valorem tax for a total annual amount not to exceed [\$140,000] for the period of July 1, 2021 to June 30, 2022, with the option to be extended for three (3) one (1) additional year renewals; and approve necessary resolution for same. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 19 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

21-0450 **AGENDA ITEM 20** Recommendation to approve a three-year agreement with Ledger 8760, Inc. for a software platform calculating and displaying real time emissions data from County operations in an amount not to exceed \$86,000 for Fiscal Year 2022 and a contract total of \$230,000 over the three-year contract. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 20 be approved.

- 21-0451** **AGENDA ITEM 21** Recommendation to approve a subgrant of Coronavirus Aid, Relief, and Economic Security Act - Coronavirus Relief Fund (CARES), to Renown Health in an amount not to exceed [\$1,435,217] for Washoe County's regional share of the increase in hospital capacity for COVID-19 response; with a grant period retroactive from November 1, 2020 through September 30, 2021, and if approved, authorize the County Manager to sign the Washoe County Subgrant Agreement between Washoe Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 21 be approved and authorized.

- 21-0452** **AGENDA ITEM 22** Recommendation to authorize the purchase of furniture for the Washoe County Sheriff's Office Public and Visiting remodel from Reno Business Interiors based on pricing from existing joinder contract OMNIA at a value not to exceed [\$172,508.41]. If approved, authorize Purchasing to execute purchasing contracts and direct Comptroller's Office to make the necessary budget appropriation transfers. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 22 be authorized, approved, and directed.

- 21-0453** **AGENDA ITEM 23** Recommendation to approve the purchase of an aircraft engine overhaul in the amount of [\$248,250.00] under a sole source exemption from Action Aircraft to extend the life of the RAVEN Kiowa OH-58 aircraft in the Special Operations Division Search and Rescue/RAVEN Unit. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 23 be approved.

21-0454 **AGENDA ITEM 24** Recommendation to approve the purchase of the Axon Interview System under a sole source purchasing exemption for the Washoe County Sheriff's Office and enter into a contract with Axon for a sixty-month term at a cost not to exceed [\$114,866.00] for the full sixty months; to support the Axon Interview System. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 24 be approved.

21-0455 **AGENDA ITEM 25** Recommendation to approve the upgrade of the Burn Tower Class B Structural FIRETRAINER T-1000 from KFT Fire Trainer, LLC under a sole source purchasing exemption for the Regional Public Safety Training Center at a cost not to exceed [\$145,602.00]. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 25 be approved.

21-0456 **AGENDA ITEM 26** Recommendation to approve Fiscal Year 2021/2022 renewal of contracts and service agreements above \$100,000 to be approved as a group by the Board of County Commissioners and authorization for the Purchasing Contracts Manager to sign the contract renewals, as they come due, with approval from the District Attorney or Risk Management when necessary, as follows from the General Fund:

- a) Thomson Reuters, not to exceed [\$310,000] for the Treasurer's Tax System software maintenance agreement,
- b) Street Inc., not to exceed [\$200,000] for renewal of Washoe County's software maintenance support for SAP software,
- c) ESSVR, LLC, not to exceed [\$110,000] for the DIMS voter registration software system maintenance agreement. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 26 be approved and authorized.

- 21-0457** **AGENDA ITEM 27** Recommendation to approve the reimbursement of costs incurred by the City of Reno, the City of Sparks, Washoe County School District, and departments of Washoe County for expenses related to and in support of the Enhanced 911 Emergency Response System and portable event recording devices, as recommended by the 911 Emergency Response Advisory Committee on May 20, 2021, in an amount not to exceed [\$846,082.08] as specified within the adopted Enhanced 911 Fund's operating budget. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 27 be approved.

- 21-0458** **AGENDA ITEM 28** Recommendation to approve an Investment Services Agreement between Washoe County and FHN Financial Main Street Advisors (FHN) for investment management services, for a term of four (4) years with annual renewal options as agreed upon by all parties; estimated annual cost \$250,000.00, which is allocated among the funds and agencies who participate in the Washoe County Investment Pool. Treasurer. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 28 be approved.

- 21-0459** **AGENDA ITEM 12** Recommendation to approve an Interlocal Agreement for the Palomino Farms Resources Sustainability Feasibility Study (Agreement) with the Truckee Meadows Water Authority, the City of Reno, and the City of Sparks (Parties), to evaluate the technical feasibility for long-term water sustainability benefits through potential irrigation, rapid infiltration and aquifer storage and recovery using recycled water, in Warm Springs Valley (Palomino Farms and LW Land Company). The Truckee Meadows Water Authority will perform the technical analysis under the terms of the Agreement and each Party to the Agreement will be responsible for twenty-five (25%) percent of the actual project costs, each Party's contribution [not to exceed \$400,000], and if determined technically feasible, direct staff to determine recycled water sustainability options for Washoe County's Utility in the Warm Springs area including potential benefits, operational strategies, operational and capital costs. Community Services. (Commission District 5.)

Vice Chair Hartung clarified this item involved a feasibility study which had been performed in the past in Bedell Flat and American Flat; he hoped one could be done in Spanish Springs. He noted this not only replenished the aquifer, but it could help

alleviate water quality issues, such as naturally occurring nitrates in the valley and septic systems producing nitrates. He was hopeful that someday the County could convince Congressman Mark Amodei to provide money for sewer infrastructure. He asserted this was only a feasibility study and did not specify support or opposition from Washoe County. He stated it was determined at the Truckee Meadows Water Authority (TMWA) Board meeting to be important that they as a regional partner participate in the study. He indicated a feasibility study in Spanish Springs would be beneficial because they had a plethora of domestic and municipal wells.

Chair Lucey asked whether this had gone before the TMWA Board. Division Director of Engineering and Capital Projects Dwayne Smith said it had and was unanimously approved; it was scheduled to go before the Reno City Council on June 9 and the City of Sparks on June 14. Commissioner Hill clarified one member of the TMWA Board voted against the item, so it was not unanimous.

Vice Chair Hartung asserted Washoe County's contribution did not come from taxpayers, it came from the utility fund.

Commissioner Herman stated this project was in her district. She understood this was a study being done on private land. She admitted the County did not have a good track record when it came to this particular action and had made decisions in the past they were not proud of. She asserted she would demand double checks as she did not want another Swan Lake situation. She stated it would take close to a year for the study, but she wanted the responsibility placed on the County and the Cities of Reno and Sparks. She hoped the Cities continued to find alternate ways to manage that valley in case something happened.

Chair Lucey pointed out feasibility studies took about 10 months, and he wondered about their processes. Once the Interlocal Agreement was signed, Mr. Smith responded, TMWA would initiate agreements with property owners to gain access to the Palomino Farms site. A series of borings would be performed, some shallow, some deep, and a test would occur pitting activities where samples were collected. Over time, water would be introduced to allow them to understand the characteristics of the aquifer. Documentation was logged for water quality, changes to water quality, and potential future impacts that could be caused by irrigation or injection. He said it was incumbent upon the County to understand the geology, geochemistry, and elements associated with this particular aquifer. He indicated the Board and citizens expected the study to identify resources and opportunities to create more resilient and robust water and effluent management systems. He expressed appreciation for Commissioner Herman's comments because it was incumbent upon the County to ensure staff completely understood the characteristics of the site. He indicated they would stop the study if any issues arose, such as those with Bedell Flat, which was identified as an unsuitable area for aquifer storage and recovery. Any future project that would come out of this would be vetted through the Board of County Commissioners, the Cities of Reno and Sparks, and the TWMA Board. He noted the projects he referred to included transmission mains and elements associated with water, waste, and reclaimed water infrastructure. He pointed out another aspect of the

interlocal agreement was the joint responsibilities of the parties for public outreach, engagement, and education, for which the County had already compiled a component. He stated the County was sensitive to any type of feasibility studies and what the community expected to be done.

Vice Chair Hartung stated he was not on board with this concept, although he was supportive of feasibility studies being performed in the entire region. He said the Department of Interior did a presentation not long ago for TMWA and one of the things identified was the need for additional storage in the region in the form of reservoirs. Gravity-fed reservoirs were difficult considering the topography of the region. He expected this study would be in conjunction with other studies, and he wanted one performed in Spanish Springs because most basins were overallocated with recharge being very low. He asserted aquifers, such as the one on the Galena Fan, could be brought back without doing harm to the area, and they should be done because they stabilized water levels for residents with domestic wells. As Chair of the TMWA Board, he insisted the studies were performed in multiple places to understand how natural water sources in those basins or adjoining basins could potentially be affected, which was what they found in Bedell Flats when the stored water leaked out.

On the call for public comment, Ms. Maeve Ambrose said she represented the Warm Springs Community Alliance, and she provided documents to the Clerk which were placed on file. She asserted residents were not opposed to the study but that the study area was located within a designated flood zone. She provided specific examples of the results of flooding in 2017, as well as some from impacts from 1986 through 1988. She provided pictures of the flooding and maps to depict the areas of concern, noting flood mitigation was extremely expensive. She expressed concern that Palomino Valley residents did not want to endure the flooding experienced by Lemmon Valley residents.

Ms. Katherine Snedigar asserted Nevada Revised Statute 533.025 stated water, whether above or beneath the surface of the ground, belonged to the public. She alleged there was a restriction within state boundaries on the State's claim of water since the term was exclusive from private property; as such, she believed the County had no right to her well water and would hold them responsible for any damage to it.

Ms. Sue Davis explained she was the general manager of the Ironwood Events Center located on Whisky Springs Road, directly in front of property in question. She spoke about being supportive of the concept of the proposed project but had a few concerns. She spoke about water sampling done on an 800-foot deep well that showed the chemistry of the aquifer changed after a very wet winter, resulting in the need to invest in treating the changed water chemistry due to the ground water recharge. She felt the introduction of the reclaimed effluent to the ground water system could change the chemistry again. She wondered whether funds and resources would be available to make adjustments to the treatment facilities. She asked that an analysis be included in the feasibility study addressing the quality of effluent water with the respect to livestock drinking standards.

Ms. Pamela Roberts was not present when called to speak.

Vice Chair Hartung recalled speaking earlier about the feasibility study and asking Congressman Mark Amodei about funding research through the Nevada Water Innovation Institute at the University of Nevada, Reno that Dr. Krishna Pagilla had been doing. He explained there was no intent to put straight effluent in the ground; it was water treated even more highly than what was being served to people in many places, due to totally dissolved solids and other elements that naturally appeared in the ground water. He was glad the chemistry of water was brought up because it was essential. He stated it was a feasibility study and he wanted to see what the study had to offer.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be approved at a cost not to exceed \$400,000, with the funds not coming from the General Fund. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

21-0460 **AGENDA ITEM 29** Update from outside counsel for Washoe County on various opioid litigation related cases and issues including:

- (1) Washoe County v. Teva Pharmaceuticals, et. al., CV20-01142, filed in the Second Judicial District Court;
- (2) the status of other national opioid litigation cases in other jurisdictions;
- (3) update on a settlement between the State of Nevada and other states with McKinsey and Co.,
- (4) discussion on developments in opioid related bankruptcy filings by opioid companies including Purdue Pharma and
- (5) possible action to direct counsel for Washoe County to cast its vote to approve a bankruptcy plan consistent with other members of the Multi-State Government Entities ("MSG") in the Purdue Pharma Bankruptcy Case No. 19-23649 filed in the United States Bankruptcy Court Southern District Of New York. The MSGE consists of attorneys representing similarly situated cities and counties who coordinate legal strategies and exchange information about opioid lawsuits. The bankruptcy plan provisions are included in a May 15, 2021 draft entitled "National Opioid Abatement Trust Distribution Procedures" attached to the staff report and which addresses subjects including payouts to claimants such as Washoe County, opioid abatement strategies, approved uses for funds, and state allocation percentages. The draft may change, although no major changes are expected, and counsel is therefore seeking action of the Board to allow them to cast the County's vote to approve the final proposed version of the bankruptcy plan consistent with the other members of the MSGE on or before July 14, 2021. Robert Eglet, Richard Hy, Erica Entsminger, Eglet Adams. District Attorney. (All Commission Districts.)

Assistant District Attorney David Watts-Vial stated the information read by County Manager Eric Brown was correct; however, the staff report was incorrect and outdated. He wanted to continue with the agenda as listed, but there was an update from

outside counsel and a presentation would be made by Mr. Eglet, Mr. Hy, and Ms. Entsminger. The presentation would focus on the opioid cases around the country and the opioid case filed by Washoe County; they would ask for action related to the bankruptcy action at the conclusion of the presentation.

12:49 p.m. Commissioner Herman left the meeting.

Mr. Hy confirmed Washoe County would retain Eglet Adams as outside counsel to file suit against opioid manufactures, distributors, and pharmacies; that suit was currently paused until the Supreme Court reached a decision on an appellant issue. He indicated they did not know when the court would rule on this case, but all briefings had been completed. Once the decision came out, the County's and the Cities' cases in Nevada would continue. Currently they were working with the District Attorney's Office and County staff to collect supporting documents substantiating Washoe County's claims and damages in this case.

Mr. Hy indicated 6,000 cases had been filed in northern Ohio and various negotiations were occurring there, although Nevada was negotiating on its own through Eglet Adams. He stated there were indications that manufacturers and distributors could be close to settling, but that had not yet occurred; he would continue to update the Commissioners as the process moved forward.

Mr. Hy commented a further complication was that three companies in the case, Purdue Pharma, Insys Therapeutics, and Mallinckrodt Pharmaceuticals, had declared bankruptcy. He noted many other companies had not yet declared bankruptcy even though he believed several more would; that would not adversely affect Washoe County's case. A meeting would take place on June 14 between the State Attorney General's Office and the Nevada Association of Counties, along with representatives from Washoe County, to discuss a potential allocation for future settlements related to the opioid litigation. They hoped representatives from Washoe County and other cities and counties participating in the lawsuit would arrive at an agreement equitable to all parties. He explained the Purdue Pharma bankruptcy required an agreement of allocation that cities and counties approved; otherwise, it would default to a model and a trustee would decide how the funds would be allocated, which would not be as favorable to all parties involved. He recommended the Commissioners vote consistent with the Multi-State Government Entities (MSGE) Group to approve the plan based on bankruptcy counsel's recommendation.

Chair Lucey thanked Mr. Hy for the update. He restated outside counsel's recommendation that action be taken on the bankruptcy plan consistent with other members of the MSGE.

There was no response to the call for public comment.

On motion by Commissioner Hill, seconded by Vice Chair Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that a bankruptcy plan consistent with other members of the MSGE be approved in the Purdue Pharma bankruptcy case.

21-0461 **AGENDA ITEM 30** Introduction and first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Articles 304 and 902 by amending various definitions in order to better define the Continuum of Care Facility use type as a commercial use type; clarify that the application of residential density does not apply to Continuum of Care Facilities; specifically exempt Continuum of Care Facilities from the definition of “dwelling” and “dwelling unit”; and create a definition for Continuum of Care Unit; and other matters necessarily connected therewith and pertaining thereto.
And, if introduced, set the public hearing and second reading of the ordinance for July 13, 2021. Community Services. (All Commission Districts.)

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

Jan Galassini, County Clerk, read the title for Bill No. 1859.

Vice Chair Hartung spoke about requests for Spanish Springs to have a Continuum of Care facility due to the aging population. He expressed support for this item and knew it would help with the specific land use changes, which was important for Washoe County to recognize.

Bill No. 1859 was introduced by Vice Chair Hartung, and legal notice for final action of adoption was directed.

21-0462 **AGENDA ITEM 31** Public Hearing to hold 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 to hold the second reading 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 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. There being no response, the hearing was closed.

Jan Galassini, County Clerk, read the titles for Ordinance No. 1668, Bill No. 1857, and Ordinance No. 1669, Bill No. 1858.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Ordinance No. 1668, Bill No. 1857, and Ordinance No. 1669, Bill No. 1858, be adopted, approved, and published in accordance with NRS 244.100.

21-0463 AGENDA ITEM 32 Public Comment.

Mr. Paul Larson was called but was not present to speak.

Mr. Kenji Otto spoke about a recount performed by Alameda County which resulted in an additional 400 positive cases of COVID-19. He suggested Washoe County conduct a recount to determine correct numbers. He spoke about Chair Lucey being on the Board of Health and encouraged him to convince them to open to the public. He asserted the vicious dog ordinance was extremely hard on dog owners by requiring them to obtain insurance and build cages for the animals, which he opposed. He believed the ordinance needed to be reviewed.

21-0464 AGENDA ITEM 33 Announcements/Reports.

There were no announcements or reports.

* * * * *

1:05 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Doni Gassaway, Deputy County Clerk*