

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

TUESDAY

10:00 A.M.

April 28, 2015

PRESENT:

**Marsha Berkgigler, Chair**  
**Kitty Jung, Vice Chair**  
**Vaughn Hartung, Commissioner**  
**Jeanne Herman, Commissioner**  
**Bob Lucey, Commissioner**

**Nancy Parent, County Clerk**  
**John Slaughter, County Manager**  
**Paul Lipparelli, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:01 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, which was led by a student of Reno High School, the Clerk called the roll and the Board conducted the following business:

**15-0317      AGENDA ITEM 3 – PUBLIC COMMENT**

**Agenda Subject:** “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.”

Eddie Lorton submitted a letter, which was placed on file with the Clerk. He complained the newspaper reported the settlement agreement with the ballpark was a done deal before the public meeting had taken place and he believed the settlement would be a losing proposition for the County. He claimed some of the Commissioners lobbied for the agreement and he felt those Board members should abstain from voting for ethical reasons. He said he had proof that the “begging billionaire” owed the County \$2.7 million in back taxes and the settlement agreement would set a precedence that no one would have to pay their taxes on time or pay penalties if they were late.

Otilia Krapff said most AAA ballparks on the Pacific Coast Baseball League did not pay property taxes because the stadiums were owned by the City, County or State. She stated that was not the case in Reno because the developer owned the land beneath the stadium, while the Reno Redevelopment Agency owned the stadium itself. She said the lawyers representing the ballpark were trying to find legal mechanisms to make the ballpark tax exempt and she wondered if the County considered transferring the land to the City, the County or to the Reno-Sparks Convention and Visitors Authority

(RSCVA). She suggested the County develop a non-taxable use agreement so the developer could use the stadium or alternatively close the ballpark down. She expressed her frustration with the Board.

Brigid "Anne" Buckley asked the Board to restore funding to parks and open spaces. She said the Parks Department budget was cut from \$9 million to less than \$3 million in 2008 and had not been restored since that time. She talked about the rise in the number of park visitors and said, even though Park staff managed to keep the system functioning, there were many issues that needed attention. She said the County's decision to place culture and recreation low on their priority list did not reflect public sentiment and she thought parks and open spaces were a large part of community health. She provided a copy of her statement, which was placed on file with the Clerk.

Garth Elliott talked about the Sun Valley Citizens Advisory Board (CAB). He said the CAB contributed to projects, such as improvements to Sun Valley Boulevard and to efforts to bring businesses into the County. He said Sun Valley had 25,000 residents and it was unconscionable that they no longer had a fully functioning CAB to represent them.

Paul Jackson spoke about the ballpark issue. He said he understood the Board had a difficult decision to make, but he thought the County was in a position of strength. He said any sports franchise would want to locate in Reno because companies like Tesla were coming to the area. He said if the County made the decision to waive the penalties for delinquent taxes they should require the ballpark developer to pay the back taxes up front rather than over a four-year period. He said the settlement agreement would not be good for the City, County or State.

Karen Munson, Young Electric Sign Company (YESCO), encouraged the Board to vote in favor of the draft amendment to the Development Code concerning signs on larger properties. She said County staff did an amazing job researching the matter and she thought they brought forth a strong and viable proposal.

Alex Woodley, City of Reno Code Enforcement Manager, said he wanted to thank and acknowledge Shyanne Schull, Director Regional Animal Services, and Bobby Smith, Animal Control Supervisor, for being responsive and receptive to concerns and recommendations. He said he appreciated their hard work.

Eugene Hoover, President Silver State Couriers, said he was unhappy about the newspaper article regarding the ballpark situation. He asked the Board to delay making a decision on the matter to give the public an opportunity to speak out about how they felt about it.

Nathan Daniel, Executive Director of Truckee Meadows Parks Foundation, said well-maintained parks increased property values, provided opportunities for economic development, and provided places for people to get outside and experience the physical and mental health benefits of being outdoors. He said the reduction in the

Parks Department's budget resulted in deferred maintenance issues and created an untenable situation. He hoped the Board would remember that parks were a valuable asset to the community when considering the budget for the upcoming year.

Sam Dehne spoke about the Discovery Museum, Tesla, the *Reno Gazette Journal*, the County Manager, the tearing down of a fire station, and the ballpark issue.

Carole Fineberg said the settlement deal with the ballpark owners was worked out too quickly. She asked the Board to delay their vote on the matter to allow for more public comment. She stated her concerns about Agenda Item 10 regarding the sign Ordinance and said she was afraid the changes would make Reno look more like Las Vegas. She urged the Board to vote no on the sign Ordinance.

Cathy Brandhorst spoke about matters of concern to herself.

**15-0318      AGENDA ITEM 4 – ANNOUNCEMENTS/REPORTS**

**Agenda Subject: “Commissioners’/Manager’s announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”**

John Slaughter, County Manager, reminded the Board that the concurrent meeting with the Cities of Reno and Sparks and the Washoe County School District was scheduled for May 4th at 8:30 a.m. He said staff requested the removal of Agenda Item 9 because they were waiting for additional information from the Bureau of Land Management.

Commissioner Hartung requested a report regarding repayment from Intermountain Water Supply, LTD. He said he asked Kevin Schiller, Assistant County Manager, for a discussion about Alzheimers because he thought there was potential to provide more options to the community.

Commissioner Herman mentioned a bill that was being considered in the Legislature regarding an annual 3 percent raise for County elected officials. She said the bill's language included an opt-out clause and she would choose that option. She thought the money could be better spent to fund the startup of some of the Citizen Advisory Boards (CABs). She requested a presentation from Demar Dahl, American Lands Council, to be scheduled for the May 12th meeting.

Commissioner Jung reported she attended the Western Nevada Development District meeting in Fernley and said they were looking to develop a new program. She said the Community Advantage Program would allow small business associations to become non-bank micro-lenders to startup businesses. She explained the

program would base loan qualifications on density and income and would include some areas of Washoe County.

Commissioner Jung stated she wanted to see a quarterly report showing the number of times the Regional Emergency Medical Services Authority (REMSA) ran out of ambulances and for how long. She also requested a flow chart showing 911 dispatch calls and how they were routed. She was concerned that the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) were not notified about medical calls that were in REMSA's "best effort" areas. She felt it was important to ensure the notifications would be automatic because firefighters were likely to get to the scene faster in those areas.

Commissioner Jung said she heard complaints about the Public Safety Answering Points (PSAPs) in south Washoe Valley. She said there was confusion about where calls were coming from and who should respond to them. She said, even though she had been told the problem was corrected, she thought the system should be randomly tested to ensure the issue had been resolved.

Commissioner Jung said she wanted to have a policy discussion about which governmental meetings were televised and which ones were not. She thought the County could offer the use of its facilities to ensure the meetings of other important Boards and Commissions were televised for the sake of transparency. She suggested the Board discuss the issue at their next concurrent meeting with the Cities.

Commissioner Lucey requested an update on the status of the forensics lab audit and said he wanted to see the current agreement between the County and the City of Reno. He asked Truckee Meadows Fire Protection District (TMFPD) Chief Charles Moore to provide a status update on Senate Bill 185 (SB185) regarding mutual aid. He said he learned part of his District was considered a food desert during the Healthier Communities Forum and he wondered what the County could do to address the problem.

Commissioner Jung explained food deserts were very dense areas where residents had limited and unhealthy food options. She asked staff to look at what other Counties had done to incentivize business owners to open grocery stores in food desert areas.

Commissioner Hartung said Amazon opened a new facility at 8000 North Virginia and he was amazed at how organized it was. He said he looked forward to a long and prosperous relationship with them.

Chair Berkbigler said she agreed with some of the earlier comments made about the Parks Department budget. She asked staff to review the potential of using the greywater from medical marijuana facilities to water park lawns because it would save the County water and money.

In response to the earlier comments regarding the ballpark issue, Chair Berkgigler stated the Board was not making a quick decision because the matter had been under consideration for years. She said the deal was not what the ballpark owners wanted, but it was what was best for the County.

Chair Berkgigler said she did not think the legislation regarding elected officials salaries had been passed, but she wanted staff to provide an update to the Board if it did.

Commissioner Lucey stated many of his constituents were upset about the location of a medical marijuana dispensary so he wanted staff to provide an update with clear and concise details about what the County's role was.

\*\* Later in the meeting, Commissioner Hartung talked about the recent internet outage and wondered if the Technology Services Department could offer suggestions to manage that type of situation in the future. Commissioner Jung said she asked the District Health Officer to look into the issue as well and she thought the County might consider sending staff home during such an event. She stated it would be good to have some contingency plans.

**CONSENT AGENDA - Agenda Items 5A – 5I5**

**15-0319 AGENDA ITEM 5A**

**Agenda Subject: "Approve minutes for the Board of County Commission meetings February 24, 2015, and March 10, 2015."**

There was no public comment on this item.

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

**15-0320 AGENDA ITEM 5B**

**Agenda Subject: "Cancel May 26, 2015 County Commission meeting."**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5B be approved.

**15-0321 AGENDA ITEM 5C - ASSESSOR**

**Agenda Subject: "Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2012/2013, 2013/2014, 2014/2015 secured tax roll and authorize Chairman to execute the changes described in Exhibit A and**

direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$16,813.49]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5C be approved, authorized and directed.

**15-0322      AGENDA ITEM 5D - COMPTROLLER**

**Agenda Subject: “Acknowledge Receipt of the Interim Financial Report for Washoe County Governmental Funds for the nine months Ended March 31, 2015 – Unaudited. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5D be acknowledged.

**15-0323      AGENDA ITEM 5E – DISTRICT ATTORNEY**

**Agenda Subject: “Approve payments totaling \$8,618.06 to vendors for assistance of 33 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5E be approved and authorized.

**15-0324      AGENDA ITEM 5F – HUMAN RESOURCES**

**Agenda Subject: “Approve the reclassification request of a Recording Supervisor, pay grade K, to a Deputy County Recorder, pay grade G (County Recorder) as evaluated by the Job Evaluation Committee. Net annual cost savings is estimated at \$16,695. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5F be approved.

**15-0325      AGENDA ITEM 5G – SENIOR SERVICES**

**Agenda Subject: “Authorize the Department of Senior Services to begin negotiations with Catholic Charities of Northern Nevada for the operations of the Department’s Senior Nutrition Programs, including congregate and “Meals on Wheels” services, in order to implement national best practices and leverage the capacity of a non-profit nutrition services agency. (All Commission Districts)”**

Commissioner Hartung stated the relationship with Catholic Charities would allow the County to expand the nutrition program. He thought it was important citizens understood how many more meals would be provided.

Grady Tarbutton, Senior Services Director, said his department had been working toward the expansion of the nutrition program for a long time. He talked about the successful fundraising efforts of Loaves and Fishes and said the County hoped to replicate that effort by reaching out to a number of non-profit agencies. He said Catholic Charities was the party most interested in addressing the need and the State was pleased the County had chosen a qualified provider to assist them in doing this work.

Kevin Schiller, Assistant County Manager, stated the Seniors and Pets Program would be part of the negotiations with Catholic Charities. He said the public/private relationship would help the County meet the goal of keeping up with the rising population of seniors and he would be coming back to the Board with more information as things progressed.

Commissioner Hartung asked how many meals were currently being served to seniors. Mr. Tarbutton replied the program was currently serving approximately 335,000 meals per year and the conservative expectation was that they could add another 50,000 to 70,000 meals.

On the call for public comment, Sam Dehne said Valley Services had been operating the Meals on Wheels program for \$775,000 a year for the last three years. He said he was supportive of the move to Catholic Charities, but he wondered how the County was going to pay them for their services.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5G be authorized.

**15-0326      AGENDA ITEM 5H1 - HEALTH**

**Agenda Subject: “Approve amendments totaling an increase of [\$14,955 in both revenue and expense] to the FY15 Centers for Disease Control and Prevention (CDC) Sexually Transmitted Disease (STD) Federal Grant Program, IO 10014; and if approved direct Comptroller’s Office to make the appropriate budget adjustments. (All Commission Districts)”**

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

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5H1 be approved and directed.

**15-0327      AGENDA ITEM 5H2 - HEALTH**

**Agenda Subject: “Approve amendments totaling an increase of [\$12,742 in both revenue and expense] to the FY15 Centers for Disease Control and Prevention (CDC) Immunization Federal Grant Program, IO 10029; and if approved direct the Comptroller’s office to make the appropriate budget adjustments. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5H2 be approved and directed.

**15-0328      AGENDA ITEM 5H3 - HEALTH**

**Agenda Subject: “Approve amendments totaling an increase of [\$11,867 in both revenue and expense] to the FY15 Centers for Disease Control and Prevention (CDC) Tuberculosis (TB) Federal Grant Program, IO 10016; and if approved direct the Comptroller’s office to make the appropriate budget adjustments. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5H3 be approved and directed.

**15-0329      AGENDA ITEM 5I1 - SHERIFF**

**Agenda Subject: “Approve acceptance of the 2015 US Dept. of Justice, Drug Enforcement Administration (DEA) Domestic Cannabis Eradication Suppression Program funding [\$4,000, no County match required] to be used for overtime and other expenses associated with domestic cannabis eradication for the retroactive grant period of 1/1/15 through 12/31/15, and direct Comptroller’s Office to make the necessary budget adjustments. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 511 be approved and directed.

**15-0330      AGENDA ITEM 512 - SHERIFF**

**Agenda Subject: “Approve Amendment #2 to the Interlocal Contract between Public Agencies: Washoe County on behalf of Washoe County Sheriff’s Office Forensic Science Division and the State of Nevada of behalf of the Control Board for Forensic Services for the extended term of July 1, 2015 through June 30, 2017 with an income of [\$1,500 plus any requested crime scene services at \$250/investigator/hour] for each Fiscal Year 2016 and 2017. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 512 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

**15-0331      AGENDA ITEM 513 - SHERIFF**

**Agenda Subject: “Approve acceptance of 2015 State of Nevada Department of Public Safety, Office of Traffic Safety funding [\$3,050, 20% in-kind match required, \$610] to be used to purchase data collection equipment in traffic accidents for the retroactive grant period of 3/5/15 through 9/30/15, and direct Comptroller’s Office to make the necessary budget adjustments. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 513 be approved and directed.

**15-0332      AGENDA ITEM 514 - SHERIFF**

**Agenda Subject: “Approve the Interlocal Agreement – RAVEN Fire Training, Monitoring and Suppression Personnel and Equipment between the County of Washoe on behalf of the Washoe County Sheriff’s Office, Truckee Meadows Fire Protection District and North Lake Tahoe Fire Protection District [\$65,000 and \$10,000 respectively], to commence April 28, 2015 through June 30, 2016, for the provision, when requested of a helicopter or other aircraft and personnel and approve reimbursement for services rendered throughout the year by the Washoe County Sheriff’s Office to be paid in accordance with the Interlocal Agreement to the Washoe County Sheriff’s Office Regional Aviation Unit (RAVEN), and if**

approved, authorize Comptroller's Office to make the necessary budget adjustments. (All Commission Districts)"

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 514 be approved and authorized. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**15-0333      AGENDA ITEM 515 - SHERIFF**

**Agenda Subject:** "Approve an Interlocal Agreement between Truckee Meadows Fire Protection District and Washoe County, on behalf of the Washoe County Sheriff's Office, for the testing and training connected to Self-Contained Breathing Apparatus Equipment [at a cost not to exceed \$63 per hour] commencing April 21, 2015, and expiring April 20, 2018. (All Commission Districts)"

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 515 be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**BLOCK VOTE – 6, 7, 8, AND 11**

**15-0334      AGENDA ITEM 6 – COMMUNITY SERVICES**

**Agenda Subject:** "Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Wilbur May D. Museum Garden Room Retrofit project contingent upon funding from the Wilbur May Foundation, recommended [Gill Construction, Inc., \$297,894]. (Commission District 3)"

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 6 be awarded and approved.

**15-0335      AGENDA ITEM 7 – COMMUNITY SERVICES**

**Agenda Subject:** "Recommendation to award a bid and approve the Agreement Form to the lowest responsive, responsible bidder for the 2015/2016 Slurry Seal of Selected Streets in Washoe County, Nevada PWP-WA-2015-131 project recommended [Sierra Nevada Construction, Inc., \$1,534,020]. (Commission Districts 1, 2, 4 & 5)"

There was no public comment on this item.

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

**15-0336      AGENDA ITEM 8 – COMMUNITY SERVICES**

**Agenda Subject: “Discussion and possible approval of a State of Nevada Importer and Wholesale Dealer of Wine, Liquor and Beer License for Devlon Moore, dba Crooked Wine Company, LLC, and if approved, authorize each Commissioner to sign the State of Nevada Application for License for Importer and Wholesale Dealer of Wine, Liquor, and Beer with direction for the County Clerk to attest the license application. (Commission District 3)”**

There was no public comment on this item.

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

**15-0337      AGENDA ITEM 11 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to adopt a Resolution and Decision of Intent to Amend Sublease Agreement declaring Washoe County’s intent to amend a sublease for a portion of the Sierra View Library space, located at 4001 South Virginia Street, to amend the monthly rent to zero dollars per square foot as authorized within NRS 244.2835; and other matters properly related thereto; and if approved, direct the County Clerk to provide public notice of the Resolution and Decision of Intent to Amend Sublease Agreement to be scheduled for May 12, 2015 to allow for public comment. (Commission District 2)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be adopted and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**15-0338      AGENDA ITEM 10 – COMMUNITY SERVICES**

**Agenda Subject: “Discussion of pending draft amendments to Washoe County Development Code, chapter 110, Article 500, and related provisions dealing with certain potentially larger and/or illuminated signs that would be known under the proposed amendments as Regional Recreation Travel and Tourism (RRTT) signs, and possible direction to staff on whether to take additional steps regarding RRTT signs, including whether staff should recommend removal of or changes to the**

**provisions for that category of sign in the proposed amendments. (All Commission Districts)”**

Nancy Parent, County Clerk, said the Manager’s Office submitted some documents which contained citizen responses and comments regarding this agenda item. The documents were placed on file and she passed copies out to the Board members.

Trevor Lloyd, Senior Planner, conducted a PowerPoint presentation regarding draft language to the Sign Code as it pertained to Regional, Recreational, Travel, and Tourism (RRTT) signs, which was placed on file with the Clerk. He said the language had been drafted to accommodate certain types of signs in the unincorporated County and he wanted to bring it to the Board to see if they were on the right track. He said RRTT signs were defined as those used for large-scale lodging or entertainment uses such as unlimited gaming, large destination resorts, and outdoor entertainment venues. He said the term “large” was intentionally left undefined to allow the Board to determine the appropriateness of a sign when presented with an application for a Special Use Permit (SUP). He stated the scope and location of the RRTT signs would be limited and staff had developed a list of findings for approval, which were listed in the presentation. He said, based on the criteria, the number of acceptable locations would be extremely limited and staff had identified only three potential locations for the signs.

Mr. Lloyd said Scenic Nevada expressed a number of concerns about the proposed changes to the Sign Code and there had been an assertion that the County was establishing an exception for one specific property owner. He said the claim was unfounded since the County identified three possible locations for the signs; however, he recognized the potential for an exception since RRTT signs could be placed on properties immediately adjacent to a subject property.

Mr. Lloyd said there were questions as to whether RRTT signs would be used as billboards and he did not believe that would be the case. He explained the draft Code language identified “billboards” as those that were in the current inventory, which included 33 signs in the unincorporated County. He explained the Board would have the ability to place conditions on RRTT signs such as location, size, height, and even duration for digital signs, but no such conditions could be placed on billboards.

Mr. Lloyd said there were questions as to whether the placement of RRTT signs would expose the County to the risk of a legal challenge. He said it was unclear whether or not that could happen, but he believed the draft Code language was legally defensible and complied with Nevada Revised Statutes (NRS). He said staff was looking for Board direction and he pointed out the list of options on page nine of the presentation. He said if the Board chose option three it would allow staff to provide a better definition for “billboard” and establish size criteria. He thought staff had written a very good draft of the Code and he hoped to move forward with it.

Commissioner Lucey expressed concerns about the lack of definition for the term “large-scale”. He understood the term was intentionally left undefined to allow

the Board some flexibility; however, he wondered if it might be too vague. He asked if there was a legal opinion on the matter. Mr. Lloyd stated former Deputy District Attorney Greg Salter had been very involved in the process and was comfortable with the language, but he did not know if current legal counsel shared that opinion. Commissioner Lucey wondered if limiting the size of an RRTT sign would be an issue and stated he felt the signs should not exceed the industry standard for billboard signs.

Commissioner Hartung noted two of the approved locations were in District Four, but he could not tell where the other location was. Mr. Lloyd replied location one was in the area of the Bordertown Casino and consisted of two parcels. Commissioner Hartung said the Tahoe-Reno Industrial Center (TRIC) had a large sign along Interstate 80 (I-80) and he wondered if Storey County had different Sign Code regulations. Mr. Lloyd said he did not know, but he could look into it. Commissioner Hartung commented he did not feel the floodgates were being opened since the zoning and location requirements were very specific.

Commissioner Herman said she viewed signage as a business and economic development demand and she thought certain areas of the County needed more signs.

Commissioner Jung asked what "large-scale" meant in reference to the definition of RRTT. Mr. Lloyd said it was intentionally left undefined, but staff could define it if so directed. Commissioner Jung asked how he identified the three qualified areas and Mr. Lloyd said they were identified based on a number of criteria. He said they were limited to areas that were zoned for unlimited gaming, outdoor recreation, and large destination resorts.

Commissioner Jung said a lot of correspondence had been received in regards to the issue and one of the concerns that caught her attention was the mention of an Initiative that was led by Scenic Nevada and passed by voters. She wondered if Mr. Lloyd knew about it. Mr. Lloyd stated he was not aware of it. Commissioner Jung thought perhaps someone could provide information about it during public comment so staff could verify it. She said she could not make any recommendations until she saw that information. Bill Whitney, Planning and Development Director, stated there were some individuals from Scenic Nevada in attendance and he thought they might be able to address the question. Commissioner Hartung thought the question should be posed to legal counsel. He stated the Initiative might have pertained to the Cities or the State and not the County.

Paul Lipparelli, Legal Counsel, stated he was unaware of the Initiative and suggested obtaining the information from the representatives of Scenic Nevada.

On the call for public comment, Dave Kladney said he served ten years as Chair of the Mount Rose Citizens Advisory Board (CAB) when the Mount Rose Corridor was developed. He said after two new Commissioners joined the Board in early 2000, five properties in the area were rezoned for commercial use and continued to be

undeveloped to this day. He said he pointed that out because the same sort of thing could happen with the new sign Ordinance. He thought every business should have the right to have signs on their premises but the distinction between on and off-premise signs had to be maintained. He said the new signs would essentially be billboards because the County could not control the content. He thought the new sign Ordinance would not serve the public, was bad public policy, and would not benefit economic development.

John Hara said he served as an Alternate on the Sign Code Working Group (Group). He said one of the Board's directives was to prevent the acceleration of billboards and to prevent digital billboards altogether. He said the Group worked for 13 months to develop one of the strongest Sign Codes in the region and he thought it was peculiar that the County was compromising to allow digital billboards. He said Scenic Nevada was merely attempting to point out there could be some unintended consequences and the loop holes in the draft Ordinance needed to be closed. He stated economic development was not driven by signs.

Janice Flanagan said she was concerned about the proliferation of billboards. She said the idea of changing the definition of a billboard was ludicrous. She suggested businesses put featured attractions on exit signs instead so people would know what was available to them as they exited freeways. She said on-site signs were appropriate and off-site signs should be prohibited. She urged the Board to vote against the proposed change.

Cathy Brandhorst spoke about signs.

Lori Wray, Scenic Nevada, provided a handout, which was placed on file with the Clerk. She said she appreciated the County's long standing policy of strong sign control. She claimed the draft Ordinance would essentially allow billboards due to the unintended consequence of eliminating the distinction between on and off-premise signs. She stated the draft language would also provide one particular property owner the ability to install a digital billboard, which she thought was a violation of State law and ethical standards. She said she knew that Norm Dianda, owner of Wild West Motorsports Park (Park), intended to use the digital billboard as an income stream rather than to direct people to his venue. She urged the Board to reinstate the definition of a billboard and to eliminate the RRFT sign category altogether.

Mark Wray, Attorney for Scenic Nevada, said Scenic Nevada was formed around an Initiative to ban the construction of new billboards. He said billboard companies brought a lawsuit against the City of Reno to keep the Initiative off the ballot; however, the Nevada Supreme Court decided it was a valid act of legislative policy. He said 57 percent of Reno citizens voted in favor of the Initiative to ban all billboards.

Mr. Wray said he participated in the Group and stated the County's new exception to allow billboards was known as the "Dianda exemption". He stated the exemption would only apply to one property, which was the Wild West Motorsports Park, and allow the owner to construct a billboard to create a revenue stream. He stated

the Nevada State Law defined a billboard as an outdoor advertising structure and he thought it would allow companies like Yesco to make an argument for their billboards as well. He urged the Board to remove the exemption and not allow billboards.

Karen Munson, Yesco, stated she was appearing on behalf of the business owners in the community. She said County staff dedicated an immense amount of time on the draft language in order to ensure there would not be billboards everywhere and to define what an electronic message center was. She said the County was in a period of economic growth and she thought large-scale entertainment venues would bring people to the area and increase taxable revenues.

Cliff Low stated his support of Scenic Nevada. He said he was concerned about economic development, but he thought it was the County's scenic beauty that set it apart. He stated his concern that the Code amendment for RRTT signs would narrowly affect certain parties and he thought it could result in unintended consequences. He asked the Board to take that into consideration.

Commissioner Jung said she wanted to know the difference of the definition of a billboard before and after the proposed changes. She stated there were claims that staff had done some legal gymnastics to make an exception and she wanted to be clear that staff was complying with the Board's direction. She said she was compelled to choose staff's proposal (option two) to remove all the RRTT provisions from the proposed Code because she thought the fact that the County had the strictest Sign Code was a selling point. She stated that 75 percent of the voters in her District were in the City of Reno and since the majority of them favored the Citizen's Initiative, she would side with her constituency. She stated concerns about existing signage at the Wild West Motorsports Park because there were no signs to help people find their way back to the freeway.

Commissioner Hartung said Mr. Dianda put millions of dollars into the Wild West Motorsports Park, which he thought was a great driver of economic development and an asset to the community. He stated there were no residences nor scenic byways near the Park so he could not see a reason to tell Mr. Dianda he could not have a sign to guide people to and from the Park. He said he was not asking for the floodgates to be opened, but for a methodology to allow the Board the ability to review every application. He thought the consequences would include bringing more people into the region and he saw the changes to the Sign Ordinance as beneficial.

Commissioner Herman said she thought the County might need to bend a little to support economic development.

Commissioner Berkbigler said it was a difficult issue. She said she understood the economic development aspect of it, but she was concerned about who would make the decision as to whether a business was "large-scale". She said she appreciated the work that Mr. Lloyd and his staff had done and understood the effort they made to create a more flexible Code, but she thought it needed more guidelines and

clarification. She said she agreed with Commissioner Hartung's position from an economic development perspective, but she also agreed with Commissioner Jung's statements and thought it was a badge of honor that the County had one of the toughest Codes in the State.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung voting "no", it was ordered that the discussion be suspended pending draft amendments in regard to the definition of "large-scale" and "billboards" for the Board's consideration at a later date.

**15-0339      AGENDA ITEM 12 – DISTRICT ATTORNEY**

**Agenda Subject: "Discussion and possible action on settlement agreement between Washoe County and Nevada Land, LLC which resolves legal disputes regarding property taxes for Aces Ballpark parcels (including lawsuits), provides for the terms of the payment of past property taxes, provides for contribution of county share of future baseball stadium parcel property tax proceeds for community benefit and, providing for the release and waiver of certain claims relating to baseball stadium property taxes and other matters properly relating thereto."**

Nancy Parent, County Clerk, noted she was provided with a copy of a comment from the County's online request tracker system and it was placed on file.

Paul Lipparelli, Legal Counsel, stated the subject of the baseball stadium property taxes had a long history and there were some other related matters that would affect the Board's discussion about the proposed settlement agreement. He said the terms of the settlement were outlined in the staff report along with background information. He explained that for purposes of the discussion, he would refer to the taxpayer, Nevada Land, LLC and its affiliates, as "Baseball" and he proceeded to review the bullet points outlining the settlement agreement on page four of the staff report.

Mr. Lipparelli said the agreement was approved by Baseball, signed by Herbert Simon, Manager Nevada Land, LLC, and was available for the Board to approve if it wished to do so. He said the proposed settlement contemplated the first payment of \$486,000 to be made upon approval of the agreement and it was his understanding that Baseball was prepared to deliver that payment immediately.

Commissioner Hartung said some assertions had been made that the settlement happened overnight, but negotiations had been going on for a long time. He asked Mr. Lipparelli to talk about what legal recourse the County would have to enforce a judgement against Baseball for the entire amount owed.

Mr. Lipparelli said the property was unique because the land was owned separately from the improvements. He explained the land was owned by Nevada Land, LLC, and the baseball stadium was owned by the Reno Redevelopment Agency (RDA). He said this type of property did not fall into the category that would include a lien and

foreclosure process for tax delinquency. He explained Nevada Revised Statute (NRS) provided a specific remedy for this type of situation, which was a civil lawsuit. He said the County talked about the need for a civil lawsuit for many years, but when they had discussions with Baseball, Baseball informed the County that they had potential claims against the County. He explained Baseball's claim was that their taxes had been improperly assessed and that the RDA tax allocations created a disadvantage to them. He said if the County sued Baseball and Baseball raised claims against the County, the resulting litigation would be a more difficult environment in which to resolve the problems. He stated the County's opening negotiating position was that all the taxes, interest, and penalties would have to be paid; however, the resulting compromise did not constitute a complete victory for the County or for Baseball.

Mr. Lipparelli said if the County prevailed on a lawsuit against Baseball, the result of the lawsuit would be a judgement, which could be recorded and used as a lien against the property. He said the potential judgement for the County would have amounted to \$2.7 million, but there was a question as to what chance the County had on collecting that money. He explained anytime anyone entered into litigation they had to look ahead to determine whether all the time, pain, and effort would ultimately get them what they wanted and in this situation, the County wanted the payment of the taxes owed. He said it was a wide open question as to whether a judgment against Nevada Land, LLC would have stood much chance of producing money for the County, but the settlement agreement would. He said if the settlement was approved by the Board, a check would be delivered for a quarter of the amount that was due and every year there would be another payment coming in to the County. He said if one considered the proposed settlement against the chances of being able to collect every last dime by going through litigation, they would have to consider the fact that tax litigation was complex, would take a long time, cost a lot of money, and produce an uncertain result.

Commissioner Hartung asked if Baseball would be paying their current tax liabilities when there were due. Mr. Lipparelli said the agreement had a provision in it that the County would contribute its share of the proceeds of the ballpark if the ballpark owners paid their future property taxes. He said if Baseball did not do that they would be in violation of the agreement and would subject themselves to a lawsuit. He said Baseball representatives had given him no indication that they were going to go back to a position of avoiding their property taxes. He thought the agreement was meant to resolve the past and set the parties on a course for a cooperative and harmonious future relationship. He said it would surprise him greatly if they bothered to go to all this trouble and then did not pay their next tax bill.

Commissioner Hartung stated the \$500,000 the County would collect for the next four years would be dispersed to the School District, the City of Reno, and to all of the different agencies that they were in charge of collecting taxes for. He asked Mr. Lipparelli if the County had to give any of that money over to the RDA. Mr. Lipparelli replied that if all the conditions were met, the future tax payments would be delivered to the Stadium Authority, not the RDA. He said the past due amounts would be distributed

in the same way that the Treasurer was already required to allocate to the various recipients.

Commissioner Jung wondered how much tax money had been spent on the negotiations. She asked Tammi Davis, Treasurer, if there had been a precedence set for allowing overdue tax payments to be paid in installments. Ms. Davis replied the only instance she could think of was due to bankruptcy claims. Commissioner Jung asked if there were any instances due to lawsuits, such as the Incline Village lawsuit. Ms. Davis said that was an example of the reverse type of situation in which the County paid the taxes. Commissioner Jung concluded this would not be the first time tax payments would be paid in installments.

Mr. Lipparelli stated he wanted to answer Commissioner Jung's questions about how much time had been spent on negotiations. He said it was a considerable amount of time and he held up a thick folder, which he said represented all the notes he had taken in the dozens of meetings he had with various Baseball representatives. He said the County was fortunate that it did not have to obtain outside lawyers thus far, but if the settlement agreement was not approved they might find it necessary to obtain outside counsel to deal with the complicated tax issues.

Commissioner Jung said she wanted to make the point that negotiations had a cost and she said she was not sure Mr. Lipparelli had said enough to satisfy the public's understanding as to why the County was considering the settlement. She asked how many years it would take to get paid if the County were to sue and be granted a judgement. Mr. Lipparelli said he understood Nevada Land, LLC already had a mortgage with recorded deeds of trust, so he thought the County's judgement would be in line behind any other liens that were already in place. Commissioner Jung said a "begging billionaire" could pick up and leave without concern and she thought the settlement would be a "win" for the County. She said there were complaints about what was printed in the newspaper, but the County had no control over that and negotiations had been going on for a very long time.

Commissioner Hartung asked Ms. Davis if Baseball owned any other properties that were delinquent. Ms. Davis thought there were originally seven parcels that had been delinquent, but aside from the stadium parcel, she believed the others were current. Commissioner Hartung stated it was the County's position that the other parcels would be liquidated in order to pay the property taxes, but Baseball came in at the last minute and paid the taxes, penalties and interest on them. Ms. Davis said to her recollection those parcels were treated the same as every other parcel in the County and the debts were redeemed.

Chair Berkbigler stated she worked with Mr. Lipparelli on this issue for an extended period of time. She said when the discussion first began, Baseball requested the County donate \$500,000 to their tax bill out of the General Fund and the County refused. She said the commitment the County was making to donate a portion of the General Fund Property Tax was not going to help pay off their debt, but was going towards the

operation costs of the currently unfunded Stadium Authority. She explained the Stadium Authority would be responsible for the stadium but also other projects, such as the racing venues that Commissioner Hartung was working to bring to the County. She said the only County money that was going to the stadium was a portion of the rental car fee. She wanted to make it clear that the settlement was a good deal for the County's citizens because if they had to hire a tax lawyer to fight for them, it would cost considerably more than the approximately \$700,000 in penalties and interest the County was proposing to waive. She said she received numerous emails from citizens who were glad to see the issue would be resolved because they wanted to attend the baseball games but refused to buy tickets until Baseball paid their taxes. She stated there would be one change to the proposed agreement and she asked Mr. Lipparelli to speak about that.

Mr. Lipparelli explained the change would entail striking a section of the language on the top of page 4, which he read. He said although the settlement agreement was already signed by Mr. Simon, his representatives agreed to the change and would state that for the record. He also noted corrections to two NRS citations on page 2 of the agreement. He asked the Board to direct him to make those changes, by hand, if they were inclined to approve the agreement and to include that in the motion.

Mr. Lipparelli stated he received some correspondence from an attorney who expressed concerns about the Open Meeting Law as it related to this agenda item and he wanted to give the Board the benefit of his perspective on the matter. He said he verified that the meeting agenda was posted the previous Thursday morning, and knew the supporting materials for Agenda Item 12 were not released to the Board or the public until Monday around 9:30 a.m. He said there were earlier drafts of the agreement and other term sheets and summaries that were provided to the Board members, but those were not included in the Board's packet because they were not supporting materials. He said the supporting materials included the proposed agreement and the staff report, both of which were delivered to the Commissioners by email the previous morning. He stated those materials were also posted on the County's website and were made available to the public at the same time that they were made available to Commission members. He explained, with a few exceptions, the three-day rule did not apply to supporting materials and he wanted the Board to know it was his view there had not been an Open Meeting Law violation. Commissioner Berkbigler stated she wanted to make it clear she had discussions with both sides on this issue as well.

In response to Commissioner Hartung's earlier question about other properties owned by Baseball, Ms. Davis confirmed there were six other real property parcels and one personal property and all of them were current on their taxes. Commissioner Berkbigler said Mr. Simon owned a large mall in the community and she asked if the taxes on that property were current. Ms. Davis stated it had not come to her attention that it was not current and she would need to confirm that.

On the call for public comment, Eddie Lorton said he was dismayed to hear the Board's Chair had been discussing the issue for six months because he thought that amounted to lobbying. He did not think precedence had been set for allowing the

payment to be made in installments because this was not a bankruptcy case. He said the ballpark owner paid millions of dollars to contest the taxes on every property they owned and he would hate to see taxpayer money taken from schools to the benefit the “begging billionaire”. He stated fair and equal treatment for all should prevail.

Cliff Low said he had substantive issues with the settlement. He asked the Board to take a pause on the issue because the specifics of the settlement were only made available to the public the previous day. He did not think County citizens were well served by taking action on this item without providing for more visibility on the issue and he could see no reason to rush to judgement. He stated the Board should keep in mind that other public entities would be impacted by the agreement and he wondered if the Board had received any input from the School District or the City of Reno.

Tom Taber talked about his background as a baseball coach and scout. He said he had a problem with the settlement agreement and with the formation of a new Commission with money that should be utilized to take care of the County’s current bills. He thought it was wrong to continue to ask citizens for more money to fund an expanding government. He thought history showed that the people who ran the baseball organization could do whatever they liked, including forcing the County and City to give them more leeway.

Mr. Lipparelli asked the Baseball representatives to note that they agreed to the changes to the agreement which he described earlier. Eric Edelstein, Executive Vice President and Chief Executive Officer (CEO) Reno Aces, stated Baseball was in agreement with the changes to the agreement.

Chair Berkgigler moved to approve the proposed Settlement Agreement between the County and Nevada Land, LLC, as stated in the staff report. Commissioner Jung seconded the motion.

Commissioner Hartung stated his reluctant support. He said he would love to deal with the issue another way, but given the legal challenges he did not think the Board had any other recourse. He said the County could try to force Baseball to pay everything that was due, but he thought that effort would take an immense amount of time. He stated the County would have almost \$500,000 in hand immediately upon approval, so he did not see any other option in this case.

Commissioner Herman said she wanted some assurances that the Treasurer was secure with the arrangement. Ms. Davis stated her approval.

Mr. Lipparelli asked if the motion included the changes that were read earlier. Chair Berkgigler amended the motion to include the changes as noted and the seconder agreed.

On call for the question the vote was 5-0 in favor of the motion.

**15-0340      AGENDA ITEM 21 – CLOSED SESSION**

**Agenda Subject: “Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.”**

**12:53 p.m.**      On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**2:05 p.m.**      The Board of County Commissioners reconvened with all members present.

**15-0341      AGENDA ITEM 13 – COMMUNITY SERVICES**

**Agenda Subject: “Update and possible direction to staff on requests for refund of infrastructure fees held by Washoe County for the Warm Springs Specific Plan Area. (Commission District 5)”**

Dave Solaro, Community Services Director, provided an update in regards to direction the Board gave at their March 10th meeting. He said Community Services Department staff, the District Attorney’s Office and the Comptroller’s Office had been working to create a list of options for the resolution of the grievance and would present those options to the Board at their May 12th meeting.

Mr. Solaro described the three options which were being contemplated. He said the first option was to continue the implementation of the financing plan as approved by the Board in 1995. He stated the second option was to remove the financing plan from the Specific Plan Area (SPA), not to require the collection of the fees for the plan in the future, and to refund the fees collected to date. He said the third option might be a hybrid of the first two options. He explained staff was still working through the process so they could present all the potential solutions to the Board.

Mr. Solaro stated all of the options would require further due diligence, which was why they would not be ready to present to the Board until the May meeting. He said they were working to complete a list of pros and cons, a schedule, and a process for each option. He said staff determined there were 11 development agreements to consider and they were in the process of conducting legal review to determine who the money belonged to. He said they established there were no other development agreements like this in the County based on the type of financing plan and SPA.

Mr. Solaro stated the money, which was held by the County, was projected to be \$773,008.78 at the end of the fiscal year. He said the initial amount which was deposited by the developers was \$619,190.00, which indicated the money had been

accruing interest. He said the amount also took into account the 1 percent administration fee that was paid out to the County.

Commissioner Jung said she would like to expedite the process and she hoped the public appreciated there was an end in sight. She was glad the Board would have options to consider so they could ensure they were protecting the County's fiduciary responsibilities and she was confident the issue would be resolved when the Board reviewed the options in May.

Commissioner Lucey hoped staff would ensure this type of situation would not happen again so the County would not be in the position of holding funds hostage due to development issues.

Commissioner Herman moved that the Treasurer expedite payments to the attorney for the recipients in a negotiated amount as soon as possible, that the financing portion of the agreement be removed and to ensure current regulations were adequate to move forward. Commissioner Jung seconded the motion.

Paul Lipparelli, Legal Counsel, stated the agenda item was for the update and possible direction to staff in regards to the request for the refund of infrastructure fees. He thought the motion went beyond what the Open Meeting Law would allow. He said it would be appropriate to make a motion to direct staff to bring back the necessary documents and other recommendations. He stated there were also legal ramifications to the three different options that Mr. Solaro talked about and he thought the Board needed the benefit of that advice before it was ready to act.

Chair Berkgigler said she thought the motion should state the Board's acknowledgment of the update with the understanding that they were moving forward on the issue and that staff would be coming back to the Board with options on May 12th.

Commissioner Herman amended her motion to match Chair Berkgigler's statement and Commissioner Jung seconded it.

On the call for public comment, George Newell provided a handout, which was placed on file with the Clerk. He thanked the Board for reviewing the letters that had been sent to them regarding the facts of the case. He said Mr. Lipparelli claimed certain provisions did not appear to be a part of the SPA, but he had documents to prove otherwise. He said the County realized more than \$1 million in revenue due to the SPA, but failed to live up to the contracts and agreements. He asked the Board to abide by the contracts and return the money that was owed. He said he determined the amount due by reviewing the prime rates that existed at the time of the contract, which he thought was fair since the County failed to place the accounts in separate interest bearing bank accounts from the start. He demanded payment and said if the County did not take action on the issue immediately it would suffer the consequences.

Mr. Lipparelli said the communication he sent to Mr. Newell's attorney described the information the County had and he invited the attorney to provide any information he had to the contrary. He said he never resisted any information that Mr. Newell and his attorney had to offer.

On the call for the question, the motion passed on a vote of 5-0.

**15-0342      AGENDA ITEM 14 - MANAGER**

**Agenda Subject: "Recommendation to accept status report and possible direction to staff on the County Manager's recommended Fiscal Year 2015-16 Budget; and approve the changes to position control for Fiscal Year 2015-16; and, direct the County Manager to return to the Board of County Commission with a Tentative and Final Budget incorporating the approved County Manager's recommendations for adoption at the public hearing scheduled for May 18, 2015. (All Commission Districts)"**

John Slaughter, County Manager, asked the Board to open Agenda Items 14 and 15 simultaneously. He said the budget team worked long and hard on the budget and there had been some interesting challenges. He stated there were a number of accomplishments to be proud of and he was happy the strategic plan process and the budget process were finally tied together.

Al Rogers, Director of Management Services, conducted a PowerPoint presentation, which was placed on file with the Clerk. He said he would update the Board about the processes and assumptions going into the fiscal year 2015-16 (FY16). He talked about the need to proceed with cautious optimism and said the Budget Team (Team) received great feedback from the Board in terms of establishing strategic objectives and fiscal goals. He stated the budget process was carried out in a slightly different way this year and the plan was to present the budget for final adoption on May 18th.

Mr. Rogers talked about some of the new budget approaches for FY16 including the development of a form to allow departments the opportunity to provide feedback as to how revenues could be augmented to help fund requested budget increases. He spoke about proposed changes to the Stabilization Fund, the recognition of salary savings due to attrition, and encouraging departments to provide more realistic "estimates to complete". He also commended Mark Mathers, Principle Fiscal Analyst, for recognizing that the State's property tax revenue estimates were not reflective of new development in the County, which ultimately resulted in some beneficial changes.

Mr. Rogers said a trend analysis showed there were substantial dollars left in the services and supplies budgets of the various departments at the end of each year. He said that discovery led to discussions about the utilization of those funds to provide for more positions within the County. He said the departments were urged to base their operating budgets on typical service levels rather than on worst case scenario situations

while keeping in mind the County had a contingency fund that could be used for any anomalies. He said the approach was well received by the departments.

Mr. Rogers stated one of the budget goals was to move internal costs off-cycle in relation to the budget process. He explained there were a lot of balls in the air in regards to budgeting for health benefits and Workers Compensation, so moving them off-cycle would allow for more cost certainties.

Mark Mathers, Principle Fiscal Analyst, spoke about revenue forecasts and assumptions. He said the Board was historically fiscally conservative so the goal was to remain cautiously optimistic and to take a realistic view of both revenues and expenditures. He said, although budget growth was rather flat, the Team found the funding for a number of additional positions through identified budget savings. He said the County was one of the few agencies that provided for ongoing post-employment benefit contributions and they felt it would be prudent to continue to do so. He stated the County had been very successful at paying down its long-term debt and consequently it was the only agency in Northern Nevada with a solid AA credit rating. He thought that was reflective of fiscal conservatism and he wanted to see that continue.

Mr. Mathers stated property taxes represented the single largest source of General Fund revenue and, even though housing prices had gone up during the last two years, property tax collections could not increase more than 3 percent per year due to the tax cap. He explained commercial industrial properties could increase by more than that, but based on the State formula those rates were right around 3 percent as well. He concluded the tax collection rates would be in the low-to-moderate single digits forever.

Commissioner Hartung said he understood the tax rates were grandfathered in and asked if the tax rates would apply to someone who was buying a new or existing home. Mr. Mathers replied the rates also applied to new homebuyers, which was unlike the situation in California wherein a home buyer would pay a rate based on current market value. He said in Nevada the grandfathered assessed value stayed with the property forever, so the only growth the County would realize in regards to property tax revenues would be due to new development.

Mr. Mathers said the second largest revenue was the consolidated tax which was largely comprised of sales tax. He said the County had seen strong growth at roughly 7.2 percent per year and, based on estimates that were provided by the State Economic Forum, the projected rate for FY16 was projected to be slightly lower at 5.6 percent. He said the key take-away was that, even though the County was seeing growth of about \$5 million per year, it was taking the County 11 years to reach the pre-recession level of \$100 million in consolidated taxes.

Mr. Mathers concluded that nearly 80 percent of the revenues consisted of property taxes and consolidated taxes. He said that fact presented a significant challenge since more than half of General Fund revenues were increasing at a very slow rate.

Mr. Mathers spoke about expenditure assumptions. He said the Public Employee Retirement System (PERS) rate would increase by 2.25 percent and health insurance premiums were expected to increase by 6 percent. He said anything above and beyond that assumption was not factored into the proposed budget and would result in reductions elsewhere. He said other considerations were the mandated increase of 4.5 percent for indigent medical expenditures and increases to internal service costs for property and liability insurance, Workers Compensation, and unemployment insurance. He said Other Post-Employment Benefit (OPEB) contributions would be reduced due to \$2 million in surplus monies in the OPEB Health Trust. He said that did not mean the County would not be funding the Actuarially Required Contributions (ARCs); it was just lining up its assets and liabilities. He said other General Fund expenditures included transfers in the amount of \$10.1 million to the Health District, \$1.4 million to the Senior Services Fund and \$1.275 million to the Child Protective Services Fund.

Mr. Mathers stated the County had seen gradual incremental increases to the General Fund's allocations for public safety over the years. He noted 40 percent of the General Fund was dedicated to funding public safety and 19 percent was provided for judicial costs, including judicial support functions. He said the remaining percentages were allocated to general government functions and other costs.

Mr. Mathers said page 15 in the presentation represented the level of increase from the current fiscal year to FY16. He noted the general government allocation appeared to be decreasing, but was actually a reflection of the proposal to reserve the funding for the Stabilization Fund against the ending fund balance. He said that meant the County would not be budgeting for the Stabilization Fund or spending any of the money already in the Fund.

Mr. Slaughter offered his recommendations. He noted there were several charts in the staff report which contained all the information he would discuss. He said the departments and budget staff deserved a lot of credit for their new approach to the budget process. He stated his recommendation included 19 new positions primarily due to the reallocation of budgets and resulting in a net increase of only \$100,000. He said budget reallocations also allowed for the funding of other non-personnel items such as the Employee Classification Study (Hay), the Redox Project for the Clerk's Office, equipment for the Medical Examiner, software upgrades for the Treasurer, tablets for the Alternate Public Defender and a new call center for the County. He said the much needed call center would provide assistance to citizens and businesses as they navigated through the complications of County government.

Mr. Slaughter talked about the above-base recommended positions, which were listed on Page 19 of the presentation. He said the Budget Office received requests for new positions amounting to more than \$10 million and even though above-base money did not exist they were able to identify 10 new positions including the new Business Facilitator position. He said proposed position reclassifications would cost just over \$100,000, which included the deletion of three positions, two of which were previously frozen.

Mr. Slaughter explained the above-base non-personnel recommendations including funding for the Sheriff's Crime Lab, Alternative Sentencing, the Alternate Public Defender, the Incline Constable, and Human Resources, which totaled less than \$250,000. He also discussed the above-base recommendations for "other funds", listed on page 22 of the presentation. He stated other fund positions would not impact the General Fund.

Mr. Slaughter stated there was a lot of interest in the County's ability to expand library hours. He said it was unfortunate the County would not be able to finance the additional hours through the General Fund, but he believed the Library Expansion Fund could be utilized to fund a sixth day at the libraries in the Northwest, Sparks, South Valleys and in the Senior Center.

Mr. Slaughter said Pages 24 through 31 of the presentation highlighted the recommended budget items related to Strategic Plan objectives, which he thought also provided insight into how budget items were prioritized. He stated the objectives included pending economic development impacts, keeping Senior Services on pace with the rising senior population, enhancing community safety through infrastructure, preparing for the impact of medical marijuana, working as a professional unified team, and simplifying workflows to improve service delivery and customer outcomes.

Finally, Mr. Slaughter stated the public hearing for the possible adoption of the FY16 budget was scheduled for May 18th.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14 be accepted, approved and directed.

**15-0343      AGENDA ITEM 15 - MANAGER**

**Agenda Subject: "Status report and possible direction to staff on the County Manager's recommended Capital Improvements Plan for Fiscal Years 2016-2020 and possible approval of change in current Board policy relating to Stabilization Funding. (All Commission Districts)"**

John Slaughter, County Manager, said he knew there had been a lot of discussion about parks in the community so he wanted to talk specifically about that, but there were a number of other items in the Capital Improvement Plan (CIP) he wanted to highlight as well.

Mark Mathers, Principle Fiscal Analyst, conducted a PowerPoint presentation, which was placed on file with the Clerk. He said he would review the CIP process and talk about the Stabilization Fund, the CIP recommendations and the final recommendations. He stated numerous requests were received from the Departments for a total of \$7 million for the first year and \$37 million for the entire five-year plan. He explained the CIP was on a cycle that was similar to the budget process timeline and the

planned approach for next year would involve a review in the fall. He said that would give them a better idea about CIP needs going into the operational budget season which would start in January.

Mr. Mathers said he wanted to discuss the Stabilization Fund Policy because it went hand-in-hand with the CIP requests. He explained stabilization funds were allowed, but not mandated, pursuant to Nevada Revised Statute (NRS) 354.6115 and that they were sometimes referred to as rainy day funds. He said the funds were very restrictive and the law only allowed them to be utilized in two specific situations, which included a revenue shortfall or a declared natural disaster. He stated the law did not mandate agencies to have stabilization funds, but did set a maximum fund balance at 10 percent. He talked about the Board's historical policies regarding the fund and stated that, even though the County had a stabilization fund since at least 2004, it had only tapped into the money once. He said it was interesting the County only pulled \$1 million of the \$3.25 million it had in the fund in 2008, which was during the depths of the Great Recession. He said that fact indicated the County found other ways to manage its budget during tough times.

Mr. Mathers said the recommendation was to set the Stabilization Fund at a flat \$3 million rather than at a rate of 1.5 percent, which would result in a one-time decrease of \$1.1 million to be utilized for the CIP program. He said the County historically utilized \$3 million of its General Fund towards CIP projects, but this year the recommendation was to spend a total of \$5 million. He stated half of the money would come from the one-time change to the Stabilization Fund and the other half would come from ongoing revenues.

Commissioner Hartung wondered what would happen if the County needed more than \$3 million to deal with a natural disaster. Mr. Mathers replied the County historically utilized Federal Emergency Management Agency (FEMA) funds or took savings from other budget units to cover costs. He said if that was not sufficient there was also a \$1.5 million Contingency Fund and a General Fund balance which could be augmented. Commissioner Hartung stated the County might need every single resource it could pull together to respond to something it never encountered before. Mr. Mathers responded the Budget Office planned to have more discussions about stabilization in the future, but they thought the proposed change would work for Fiscal Year 2015-16 (FY16).

Al Rogers, Director of Management Services, offered a summary of all of the capital funds including the Capital Improvement Fund, the Parks Capital Fund, the Capital Facilities Tax Fund, Utilities Funds, the Equipment Services Fund, and other funds, which amounted to \$48.4 million for FY16. He said the proposed change to the Stabilization Fund would increase the Capital Improvement Fund and allow the County to contribute \$5 million in General Fund money to CIP projects rather than the historical amount of \$3 million. He noted the Capital Improvement Fund requests, listed on pages 10 and 11 of the PowerPoint presentation, and talked a little bit about each of them.

Commissioner Hartung talked about a recent internet outage and asked if there had been any discussion about installing internal servers so daily work could continue when connectivity to the internet was lost. Joey Orduna Hastings, Assistant County Manager, stated that was something that would be looked at in light of the recent outage.

Mr. Rogers spoke about a number of Parks Department capital projects, which were listed on pages 12 through 14 of the presentation, and said a lot of the projects would be funded through various sources such as the Residential Construction Tax and grants. He noted the total for all of the projects was \$4.215 million for FY16.

Mr. Rogers went on to discuss the Capital Facilities Fund for the Medical Examiners building and other funds, which included Restricted Special Revenue Projects such as the Court Expansion Fund, the Roads Fund projects, regional communications projects, enhanced 911 projects and the Regional Public Safety Training Center. He further discussed fund projects for the Utilities Fund and equipment services, which were listed on pages 15 and 16 of the presentation.

He stated the final budget would be presented to the Board for final adoption on May 18<sup>th</sup> and noted that although the CIP recommendations were focused on FY16, it was actually part of a five-year plan.

There was no public comment on this item.

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

### PUBLIC HEARINGS

#### **15-0344      AGENDA ITEM 18 – COMMUNITY SERVICES**

**Agenda Subject: “Public hearing to consider the application for an Outdoor Festival Business License and Conditions of Approval, for the Red, White and Tahoe Blue 2015 Community Festival scheduled to be held from July 2 through July 4, 2015, at the Village Green, Aspen Grove, Incline Village’s Main Firehouse (Fire Station 11), Susie Scoops, 869 Tahoe Blvd., Potlatch, 930 Tahoe Blvd., and Incline Beach. Parking will be available at Diamond Peak Ski area, Incline Elementary School, Incline High School, and Sierra Nevada College; and if approved, authorize the Director of Planning and Development, Community Services Department, to issue the license when all pre-event conditions have been met (Commission District 1)”**

The Chair opened the public hearing by calling on anyone wishing to speak for or against the outdoor festival business license.

Eva Krause, Planner, stated 922 notices were sent out in regards to the business license and five responses were received. She said, of the five responses, two

stated objections and three expressed concerns about crowd control, alcohol, and other illegal substances. She provided copies of the letters, which were placed on file with the Clerk.

There being no response to the call for public comment, the hearing was closed.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, Agenda Item 18 was approved and authorized.

**15-0345      AGENDA ITEM 19 – COMMUNITY SERVICES**

**Agenda Subject: “Second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) to delete Section 110.806.25, Hearing of Appeal by Board, and Section 110.806.30, Notice of Board Hearing, of Division Eight, Procedures; to add a new Section at 110.912.20 of Division Nine, General Provisions, regarding appeals to the Board of County Commissioners of decisions by the Board of Adjustment, the Planning Commission, and Hearing Examiners; to amend various sections throughout the Development Code to adopt the new appeal provisions, including Section 110.606.55, Appeals of Parcel Map Decisions, and Section 110.608.15, Appeals of Decisions Regarding Subdivision Maps, of Division Six, Subdivision Regulations; and, Section 110.804.40, Appeals of Decisions Regarding Variances, Section 110.806.15, Review Procedures of Planning Commission Regarding Vacations and Abandonments of Easements or Streets, Section 110.806.35, Action by Board Regarding Vacations and Abandonments of Easements or Streets, Section 110.808.45, Appeals of Decisions Regarding Administrative Permits, Section 110.810.50, Appeals of Decisions Regarding Special Use Permits, Section 110.818.25, Appeals of a Denial Regarding Development Code Amendments, and Section 110.818.30, Action by Board Regarding Development Code Amendments, of Division Eight, Procedures; and, Section 110.912.10, Washoe County Board of Adjustment, to add a new subsection (j) to provide general rules regarding appeals of administrative decisions to the Board of Adjustment and other matters relating to the new appeal provisions and Board membership that is no longer applicable; Section 110.914.05, Washoe County Department of Community Development, at subsection (f) to provide for appeals of a decision of the Director; and, Section 110.914.00, Purpose, and Section 110.914.05, Washoe County Department of Community Development, to correct the terminology of the Planning and Development Division with the establishment of the Community Services Department of Division Nine, General Provisions. Recommendations include other matters properly relating thereto (Bill No. 1736). (All Commission Districts)”**

Jaime Dellera, Deputy Clerk, read the title for Ordinance No. 1555, Bill No. 1736.

Bob Webb, Planning Manager, noted the language for the possible motion was included on Page 11 of the staff report and said it included all of the required components.

There being no response to the call for public comment, the hearing was closed.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, Chair Berkbigler ordered that Ordinance No. 1555, Bill No. 1736, entitled, **"AN ORDINANCE AMENDING WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), TO DELETE SECTION 110.806.25, HEARING OF APPEAL BY BOARD, AND SECTION 110.806.30, NOTICE OF BOARD HEARING, OF DIVISION EIGHT, PROCEDURES; TO ADD A NEW SECTION AT 110.912.20 OF DIVISION NINE, GENERAL PROVISIONS, REGARDING APPEALS TO THE BOARD OF COUNTY COMMISSIONERS OF DECISIONS BY THE BOARD OF ADJUSTMENT, THE PLANNING COMMISSION, AND HEARING EXAMINERS; TO AMEND VARIOUS SECTIONS THROUGHOUT THE DEVELOPMENT CODE TO ADOPT THE NEW APPEAL PROVISIONS, INCLUDING SECTION 110.606.55, APPEALS OF PARCEL MAP DECISIONS, AND SECTION 110.608.15, APPEALS OF DECISIONS REGARDING SUBDIVISION MAPS, OF DIVISION SIX, SUBDIVISION REGULATIONS; AND, SECTION 110.804.40, APPEALS OF DECISIONS REGARDING VARIANCES, SECTION 110.806.15, REVIEW PROCEDURES OF PLANNING COMMISSION REGARDING VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS, SECTION 110.806.35, ACTION BY BOARD REGARDING VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS, SECTION 110.808.45, APPEALS OF DECISIONS REGARDING ADMINISTRATIVE PERMITS, SECTION 110.810.50, APPEALS OF DECISIONS REGARDING SPECIAL USE PERMITS, SECTION 110.818.25, APPEALS OF A DENIAL REGARDING DEVELOPMENT CODE AMENDMENTS, AND SECTION 110.818.30, ACTION BY BOARD REGARDING DEVELOPMENT CODE AMENDMENTS, OF DIVISION EIGHT, PROCEDURES; AND, SECTION 110.912.10, WASHOE COUNTY BOARD OF ADJUSTMENT, TO ADD A NEW SUBSECTION (J) TO PROVIDE GENERAL RULES REGARDING APPEALS OF ADMINISTRATIVE DECISIONS TO THE BOARD OF ADJUSTMENT AND OTHER MATTERS RELATING TO THE NEW APPEAL PROVISIONS AND BOARD MEMBERSHIP THAT IS NO LONGER APPLICABLE; SECTION 110.914.05, WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, AT SUBSECTION (F) TO PROVIDE FOR APPEALS OF A DECISION OF THE DIRECTOR; AND, SECTION 110.914.00, PURPOSE, AND SECTION 110.914.05, WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, TO CORRECT THE TERMINOLOGY OF THE PLANNING AND DEVELOPMENT DIVISION WITH THE ESTABLISHMENT OF THE COMMUNITY SERVICES DEPARTMENT OF DIVISION NINE, GENERAL PROVISIONS. RECOMMENDATIONS INCLUDE OTHER MATTERS PROPERLY RELATING**

**THERE TO,** be adopted, approved and published in accordance with NRS 244.100. The Ordinance was adopted with the finding that the Ordinance did not impose a direct and significant economic burden upon a business, nor did it directly restrict the formation, operation or expansion of a business. It was further moved to affirm the four findings of fact of the Washoe County Planning Commission on March 3, 2015 as recorded within Resolution 15-04 and as attached to the staff report for this item.

**15-0346      AGENDA ITEM 20 – ANIMAL SERVICES**

**Agenda Subject: “Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by adding provisions related to the managed care of feral cats and related definitions; and making changes to the definitions of “nuisance” and “owner” (Bill No. 1737). (All Commission Districts)”**

Jaime Dellera, Deputy County Clerk, read the title for Ordinance No. 1556, Bill No. 1737.

Chair Berkbigler stated several Board members received an email from a constituent who expressed concerns about a possible Open Meeting Law violation. She asked Paul Lipparelli, Legal Counsel, to respond to the allegation.

Mr. Lipparelli stated he had not seen the communication and was unsure about the specific allegation; however, he confirmed that the agenda was posted to the appropriate bulletin boards and published to the proper websites in a timely manner. He said he did not have any independent information about when the supporting materials for Agenda Item 20 were made available to the public, but he knew there was a requirement that the Ordinance be available to the Clerk prior to its consideration by the Board. He said perhaps the Board needed to confirm what time the materials were included to guard against any claims that there was an Open Meeting Law violation.

Chair Berkbigler stated the supporting materials were in her packet when she picked it up the morning of Thursday, April 23rd and she thought the Board had established the documents had been posted correctly.

Commissioner Herman wondered if there might be any liability issues for owners of feral cats. Bobby Smith, Animal Services Manager, stated feral cats typically did not have owners. He said the program sponsor, who was registered with Regional Animal Services, would provide caretakers who would be responsible for the animals in the colonies. Commissioner Herman wondered if there were concerns about the animals being outside due to the current drought conditions. Mr. Smith replied statistics showed the number of animals going into animal services had been reduced from approximately 10,000 or 12,000 to around 4,000, which was an indication the program was working.

On call for public comment Kim Jolly, Nevada Department of Wildlife, said she appreciated Animal Services for working with them on the Ordinance language.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, Chair Berkbigler ordered that Ordinance No. 1556, Bill No. 1737, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS RELATED TO THE MANAGED CARE OF FERAL CATS AND RELATED DEFINITIONS; AND MAKING CHANGES TO THE DEFINITIONS OF "NUISANCE" AND "OWNER", be adopted, approved and published in accordance with NRS 244.100.

**15-0347      AGENDA ITEM 17 – ANIMAL SERVICES**

**Agenda Subject: "Introduction and first reading of an ordinance amending Washoe County Code Chapter 55 by adding provisions creating the Department of Regional Animal Services, creating the position of Director of Regional Animal Services, and specifying the powers and duties of the Director of Regional Animal Services; by revising provisions relating to the animal services center; by making changes to the definition of "animal control officer"; and by clarifying the powers and duties of an animal control officer; and if supported, set the public hearing for second reading and possible adoption of the ordinance. (All Commission Districts)"**

Nancy Parent, County Clerk, read the title for Bill No. 1738.

There was no public comment on this item.

Bill No. 1738, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS CREATING THE DEPARTMENT OF REGIONAL ANIMAL SERVICES, CREATING THE POSITION OF DIRECTOR OF REGIONAL ANIMAL SERVICES, AND SPECIFYING THE POWERS AND DUTIES OF THE DIRECTOR OF REGIONAL ANIMAL SERVICES; BY REVISING PROVISIONS RELATING TO THE ANIMAL SERVICES CENTER; BY MAKING CHANGES TO THE DEFINITION OF "ANIMAL CONTROL OFFICER"; AND BY CLARIFYING THE POWERS AND DUTIES OF AN ANIMAL CONTROL OFFICER," was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

**15-0348      AGENDA ITEM 16 - MANAGER**

**Agenda Subject: "Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County 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. (All Commission Districts)"**

John Slaughter, County Manager, stated he was pleased to announce Assembly Bill 333 (AB333) regarding the merger of the County's two Fire Protection Districts had cleared its last hurdle and would be signed by the Governor soon. He said

Senate Bill 185 (SB185) regarding Automatic Aid had not cleared its first House; however, it was allowed an exemption to the deadline so it would continue to move forward in the legislative process. He said Senator Kieckhefer asked for weekly updates regarding fire related discussions between the County and the City of Reno. He said he thought Chair Berkbigler attended the hearing on Senate Bill 29 (SB29) regarding Home Rule in the Counties.

Chair Berkbigler confirmed she attended the hearing and stated the bill was passed by the Senate. She said she knew some Assembly members had some questions about the bill, but she felt it would pass.

Commissioner Lucey said he had been working to add language to Assembly Bill 25 (AB25) to redefine the duties and responsibilities of the Regional Planning Governing Board and the Regional Planning Commission. He said the intention was to remove the veto powers of those entities to allow the County to develop commercial and industrial land within its own boundaries. He said the proposed amendment encountered a lot of “push back” from the other entities and was removed by the Legislative Counsel Bureau (LCB) because they thought it was not germane to the bill as proposed. He thought it would be important to continue to discuss the issue and look for solutions to the problem.

Commissioner Jung asked if there was an update in regards to the Health District Board bill. Mr. Slaughter thought the bill was in the Senate and explained the strategy was to wait for it to work through the process and approach it from the other side of the legislature.

Commissioner Lucey commended the Legislative Team for their efforts.

Commissioner Hartung asked where Assembly Bill 94 (AB94), regarding sample ballots, was in the process. He wanted to know if it was ready for the Governor to sign. Mr. Slaughter replied he did not know if the bill had been delivered to the Governor, but he expected that it was on its way. Commissioner Hartung said the bill would be a great move forward for the State. Mr. Slaughter said the Governor’s Office had been notified that representatives from the County wanted to be there when the bill was signed.

Chair Berkbigler said she understood arrangements had been made to have a photo taken with the Governor when AB333 was signed. Mr. Slaughter confirmed that the request had been made.

There was no public comment or action on this item.

\* \* \* \* \*

\*\* Due to a request by Commissioner Hartung, Agenda Item 4 was reopened. Please see discussion under Agenda Item 4.

15-0349 AGENDA ITEM 23 – PUBLIC COMMENT

**Agenda Subject:** “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.”

There was no response to the call for public comment.

\* \* \* \* \*

**3:37 p.m.** There being no further business to discuss, on motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, the meeting was adjourned.

\_\_\_\_\_  
**MARSHA BERKBIGLER**, Chair  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by:  
Cathy Smith, Deputy County Clerk*

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

TUESDAY

8:30 A.M.

MAY 4, 2015

**CONCURRENT MEETING**

PRESENT:

**Marsha Berkbigler, Chair**  
**Vaughn Hartung, Commissioner**  
**Jeanne Herman, Commissioner**  
**Bob Lucey, Commissioner**

**Nancy Parent, County Clerk**  
**John Slaughter, County Manager**  
**Paul Lipparelli, Legal Counsel**

ABSENT:

**Kitty Jung, Vice Chair**

The Washoe County Board of Commissioners convened at 8:32 a.m. in special 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:

**15-0352      AGENDA ITEM 4 – PUBLIC COMMENT**

**Agenda Subject: “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission, Reno City Council, Sparks City Council, and Washoe County School District Board of Trustees as a whole.”**

Christi Cakiroglu, Keep Truckee Meadows Beautiful (KTMB) Executive Director, said 660 volunteers removed over 120 tons of trash from 18 sites and 18 abandoned vehicles were removed with the assistance of the Nevada National Guard. She stated KTMB had been working for over 10 years to clean up the Truckee River, but it continued to get worse. She said KTMB was working with the Nevada Land Trust to develop a Truckee River Corridor Management Plan, and she asked for the Board’s help and support. She said staff from the City of Reno and Washoe County were on board. She stated the focus moving forward would be on Phase 1 of the Plan, which primarily addressed the section of the River located within the City of Reno. She said the support of the National Parks Society, the Western Regional Water Commission, and the Truckee

River Fund had been secured; but more funds and additional staff would be needed moving forward.

**15-0353      AGENDA ITEM 5**

**Agenda Subject: “Presentation, discussion and possible direction to staff regarding the report from the Economic Planning Impacts Committee (EPIC) - John Restrepo, Principal, RCG Economics.”**

Mike Kazmierski, Economic Development Authority of Western Nevada (EDAWN) Chief Executive Officer, advised some of the report’s numbers were still being tweaked. He stated the study started six months ago and every agency in the region participated, which was the kind of cooperation needed to continue the great things that were happening in the region. He said what this effort did was allow us to talk with one voice. He said as the discussion on growth started, projections started coming in from everywhere and they all had different numbers. He stated it was determined a single set of numbers needed to be developed that everyone could agree on. He said those numbers were being used to determine what the coming growth would do to our region, so we could get out in front of the growth and solve any problems before they occurred. He thanked all of the people involved, because this had been a significant effort to date.

Mr. Kazmierski conducted a PowerPoint presentation highlighting the background of the area’s growth, a chart showing the historic growth rate in Reno-Sparks, the announced jobs, and the pending jobs – very likely and probable. He said the hot prospects that would be announced in the next three to four months were for fairly small companies, which would help add diversity to the region. He noted there were 140 prospects on the prospect list and, when the final stage was reached, EDAWN won more than 70 percent of those prospects. He reviewed the assumptions slide and the Economic Planning Impacts Committee (EPIC) members slide. He said very conservative numbers were used for the report, so a consensus could be reached on the numbers, but his sense was those numbers would be exceeded. He said this report was a very collaborative effort and was a great opportunity to work together as a region.

Mr. Kazmierski thanked Kimberly Robinson, Truckee Meadows Regional Planning Agency (TMRPA) Executive Director, and Jeremy Smith, TMRPA, because the report would not be this far along without the analysis and maps they did.

Mr. Kazmierski reviewed the scope of work slide and introduced John Restrepo, RCG Economics. Mr. Restrepo noted the things happening in Northern Nevada were simply amazing.

Mr. Restrepo reviewed the slides highlighting Nevada’s job recoveries prior to the Great Recession and the job recoveries after the Great Recession (after 94 months). He said the latest recovery took longer and was more pronounced. He continued reviewing the slides, which highlighted the State’s taxable sales were near an all-time high, gaming revenues returned moderately, visitor volume was up modestly, the level of

home affordability, the drop in the unemployment rate, the rise in raises and jobs, the Tesla slide, the slides showing maps of the counties included in the study area, the 18 EPIC zones, the Scenario B five-year growth chart, Scenario B growth concentration map, the employment growth concentration, maps showing the concentration of the population growth, and listing for Scenario B of the zones with the concentration of the population growth. A copy of Mr. Kazmierski's and Mr. Resrepo's combined presentation was placed on file with the Clerk.

While discussing growth, Mr. Resrepo said three growth scenarios were looked at; one of which projected growth over the next five years of approximately 55,000 jobs, the second projected 52,000 jobs, and the third projected 45,000 jobs. He stated the middle scenario, Scenario B, was the scenario being used.

Mr. Resrepo indicated everyone involved should be looking at this information every 18-24 months and making changes, because this was not a static process, and keeping the process going was necessary due to it being critical for the infrastructure and school planning and all of the other things that go along with growth. He said this process could not have been done as cleanly and quickly as it was without the proactive and positive involvement of all of the people in the organizations listed on slide 33.

Reno City Councilmember Neoma Jardon asked if there was a discussion regarding the biggest threats to our ability to meet this unprecedented growth. Mr. Resrepo said at this point it was decided to provide a high level overview of the potential public sector revenue sources that would come from this growth, but the fiscal costs were not discussed. He stated the growth would generate taxes, but there would also be service costs related to the growth. He said now that there was an understanding of the magnitude of the growth and the revenues, the cost side could be done for fire, police, schools, and health care. He stated each agency would look at their costs and would start to develop their capital budgeting process. He said the study just set the overall framework regarding the revenues.

Councilmember Jardon asked about the infrastructure. Mr. Kazmierski confirmed this was an overview effort to identify how, when, and where the impacts would occur. He said the entities could then take that data and run it through their models, which would allow them to understand the impacts. He said once the impacts were known, then they could generate their individual organizational assessments. He noted those assessments would also provide them with an idea of the fiscal impacts. He stated each group analyzed the data in different ways and this report was more about laying out the data. Mr. Resrepo said the data had been provided by Mr. Smith to the Reno Transportation Commission (RTC), so their travel demand model could be done. He noted this was the first step in a long process by all of the entities involved.

Reno City Councilmember Naomi Duerr asked if there was an anticipated phase 2 under EDAWN's umbrella or would each agency do their own thing. Mr. Kazmierski advised every agency had their own timeline, and that timeline would drive

the agency's putting their resources behind their planning efforts. He stated EDAWN's planning efforts had been shifted to determine how the needs of the employers could be met, because the employees needed to be available and ready to meet the employers' needs or there would be problems. Councilmember Duerr said she was thinking about the water, sewer, roads, and schools. She asked if this would be coming back, because the presentation had been very helpful. Mr. Kazmierski replied there would be no phase 2, because every organization would drill down to the level they were comfortable with to get their numbers; even so, there was a plan to come together in 18 months for an update. Councilmember Duerr suggested relooking at this sooner than 18 months.

Commissioner Lucey said he had concerns about the industrial and commercial land availability within Washoe County. Mr. Kazmierski said within the region and the study area, the Tahoe-Reno Industrial Center helped meet the larger manufacturing requirements, but there were concerns because Washoe County was running out of industrial space. He stated that would need to be addressed in the long term. Mr. Resrepo said there was the same problem in Southern Nevada due to the big push by residential home builders to get commercial land, primarily industrial land, rezoned to residential. He said due to the concerns industrial land was getting more and more expensive and drove the industrial land rents higher, he was retained to look at the allocation of the land and the land use patterns through 2040. He said there needed to be a very healthy industrial-lands sector to support a healthy economy, and the County's zoning decisions needed to be looked at so its industrial lands would be preserved.

Reno City Councilmember Paul McKenzie said it would take dollars to meet the coming growth, but there was not the ability to give the Washoe County School District (WCSD) the funds to build the needed schools nor did the RTC have the funds to support the coming growth in the North Valleys. He asked at what point would the inability to support growth choke off EDAWN's ability to bring companies to the area. Mr. Kazmierski replied there clearly was an issue with the WCSDs need for capital, which had been an issue for the last 10 years. He stated there were efforts underway to address that, and he was optimistic we could get there. He said there were plans for the roads in the North Valleys, and there were also plans to look at the impacts in the Sparks area. He stated Highway 395 was pretty solid, but there were some upgrades that would help accommodate the growth going north on Highway 395. He stated even though there were no blank checks, there were plans and priorities that would allow mitigating some of the pain. Councilmember McKenzie stated he disagreed with the Highway 395 corridor assessment, because traffic stopped on it every morning between 7:00 and 8:30 a.m. from Lemmon Valley to past the Spaghetti Bowl, and the reverse happened in the evening. He stated if the growth was planned to the north, there would be a major traffic issue on Highway 395, and if that issue could not be fixed, the planned growth up in the North Valleys would die on the vine. He felt there were other areas in the City where the same problems would occur, because we had not stayed ahead of the growth projections.

WCSD Trustee Angela Taylor asked how the growth numbers would be extrapolated to project how many students were anticipated. Mr. Resrepo said the WCSD

should have the metrics regarding the number of kids per household, and they would use our numbers to develop their forecasts.

Mr. Resrepo felt it would be a good idea to have the EPIC group continue to meet every quarter, so everyone would know what was going on.

Sparks City Councilmember Ed Lawson said an industrial needs analysis was done. Kim Robinson, Truckee Meadow Regional Planning Agency (TMRPA) replied it was done in 2013. Councilmember Lawson said he was not sure if all of the current elected officials had seen it, and would Ms. Robinson be willing to go to the entities to make the presentation again. Ms. Robinson said she would be happy to do that, and she would work with the managers to set that up. She stated a 20-year analysis was done of the projected growth along with a needs analysis of supply and demand of the industrial land in our area, where it was located, how much would be needed, and the types of services that would be needed. She said the available industrial land was broken down into three tiers based on whether or not it had services. Councilmember Lawson said all of the industrial growth going to Storey County would not leave this County with any money for its schools or the other things that needed to be done. He stated housing in the long term was a loser for the cities, so they needed some commercial and industrial in addition to housing.

Sparks City Councilmember Julia Ratti said the planning had been done for growth, even if the 20 years was significantly compressed, and she asked if the planning that was done was still valid. Ms. Robinson replied it was. She said the discussion was now about the timeline being compressed and the resulting enhanced economic impacts. She stated the idea was to get some numbers on what that could look like and to share those numbers with each of the jurisdictions so they could think about what they might need to do in the next five years. Councilmember Ratti said there was so much pressure with people wanting their projects now, which then caused some of the discord that occurred between the governing bodies. She asked if the processes currently used as a region to facilitate planning were still appropriate given the new reality. She said what came to mind was the update in 2017 of the Master Plan, and was that still the right process to use even though the pace changed. Ms. Robinson believed the processes were effective and the timing of the update was right. She said the industrial-land study was complete, the EPIC report talked about the enhanced growth, and a residential-land study was starting. She said all of those things flowed into the discussion on building a vision of how we wanted the region to look like based on some of the coming changes. She stated additional growth was anticipated, but it was a projection, which was why three different scenarios were done. She reiterated she felt the processes were working and the EPIC effort was more collaborative in terms of discussing these types of issues than she had been engaged with before, which was a real positive outcome.

Mr. Resrepo said there would be competing interests for the land with all of the coming growth. He stated home builders would argue that housing affordability needed to be maintained, which meant land would have to be converted to residential use. He stated we also needed to be looking at all of the lands whose use generated jobs, such

as commercial, industrial, and office space, because having a healthy jobs/housing balance was critical. He said making the wrong decision could have long-term impacts on the region's economic growth, prosperity, and community livability; and it all had to be integrated.

Councilmember Ratti believed she heard Mr. Kazmierski say there needed to be a follow-up study on the revenue streams, and was that study underway or was it something we needed to initiate. Mr. Kazmierski advised the funding streams would be part of this study. He stated the data would feed down from the jobs and population numbers, which were part of this effort. Mr. Resrepo said the numbers were being tweaked, which should be done in 10 days to two weeks and would then be given to the EPIC committee to look at. Councilmember Ratti asked if the numbers were based on today's tax laws. Mr. Resrepo replied they were, but they would be tweaked based on what happened at the Legislature. Councilmember Ratti asked if an update was anticipated to be done after June 1. Mr. Resrepo replied an update probably would be done at that point.

Reno City Councilmember Jenny Brekhus said Mr. Resrepo indicated housing costs were going up. She noted the housing burden took a tremendous jump with households paying more than 30 percent of their income for housing. She felt the need would be for a housing mix that had not been seen here before, and she asked if he agreed housing would be changing. Mr. Resrepo said those kinds of studies were being done all over the southwest. He said the Millennials and the members of Generation X wanted different types of housing. He stated part of the process was about understanding the housing demand in the sales and rental markets and tying that into the types of jobs. He said the higher the income, the more propensity there would be to buy a home, but the secondary jobs might require a different type of housing than what existed today in terms of density, prices, and living arrangements. He stated many younger people were not interested in moving into a suburb, but wanted apartments located in the downtown core. He said it needed to be understood that the demand would not be just for suburban homes, but for high-density housing in certain locations. He said another thing that should be looked at was our infill-development strategy for the more urban type of housing.

Councilmember Duerr said Mr. Kazmierski alluded to there being differences of opinion by the elected bodies on where, how, and when to do things; and she asked what the next step might be for the elected bodies. She asked if a joint visioning process should be undertaken to address where the residential and commercial/industrial should be put, and what could the elected officials do to smooth out the process and make sure they were of a joint mind instead of having differences of opinions. She also wondered if something different should be done regarding Regional Planning or was the process working. Mr. Kazmierski said Regional Planning had taken this on already, and the suggestion to bring the EPIC group together on a quarterly basis and for this group to meet to discuss this issue regularly was good. Councilmember Duerr asked if there was something more specific that could be done. She said one of the conversations at the City of Reno was about improving Regional Planning, and by that

she meant working together on a common framework. Ms. Robinson stated it was a wonderful opportunity for this body to say this was exactly the conversation we would want to have moving forward and, based on the information provided today, we want to engage in a consistent and engaged policy conversation about where residential, industrial, and commercial would be located to maximize the revenues generated by that development so the area could continue to grow in an appropriate fashion. She recommended starting to talk about having a regular meeting where the policy issues could be discussed together. Councilmember Duerr said she was hopeful staff would provide some concrete ways to move the dialogue forward which would ensure the conversations of the past would not be repeated.

Councilmember Duerr stated the City of Reno was also hearing the Millennials wanted something different, which was one of the reasons Midtown had been so successful. She felt everyone needed to roll up their sleeves and get to work on what the region should look like. Mr. Resrepo said at the other end of the spectrum was what was happening with the retiring Baby Boomers and the types of housing they would need as they aged. Councilmember Duerr said in her Ward there were numerous proposals for different types of retirement and assisted living. She said some people wanted to age in place, but some wanted to be with people while they were still healthy.

There was no public comment on this item.

**15-0354      AGENDA ITEM 6**

**Agenda Subject:** “Comments from the Councils, Commissions, Boards, and Managers.”

Sparks City Councilmember Ron Smith felt the Regional Transportation Commission (RTC) should be present at the Concurrent meetings due to the major projects the RTC was working on. He said he asked the RTC to lead a study on further defining the Interstate 11 route to avoid having problems with people coming into the area. He stated he would like to see the RTC on the August 31st agenda.

Commissioner Lucey said there had been discussion about the County wanting to look at the Regional Planning Governing Board (RPGB) and having a discussion regarding economic development, and he felt this would be the perfect forum to have that discussion. He requested a future agenda item to have that discussion. He felt there were concerns about putting the industrial and commercial development in the proper areas, and we needed to work together to find the solutions for the area.

Reno City Councilmember Neoma Jardon agreed it was unfortunate no one from the RTC was doing a presentation regarding the area's infrastructure and its importance to the region's growth. She also requested a representative from the Truckee Meadows Water Authority (TMWA) be present at the next meeting to conduct a presentation about the water supply and the water needs that would be caused due to the coming growth.

Commissioner Hartung said besides having the staff of the TMWA in on the discussion, he would also like to talk about the waste-water system at the same time. He stated the system was very close to being at its maximum capacity and there needed to be a discussion on what would be needed in the future and how those needs would be funded.

Reno City Councilmember Jenny Brekhus requested a discussion on the root causes of the jurisdictional conflicts in the region at the next meeting. Chair Berkbigler said the three governing bodies were cooperating for the most part, but some things need to be talked about by this group and Regional Planning. She said due to the County's concerns with Regional Planning, the Commission had requested a staff presentation about Regional Planning, and it might be appropriate to have the presentation brought before this group. She said going forward, her number one priority was to have a strong working relationship with both Cities and the Washoe County School District. She stated it would be incumbent on all of us to work together as a team to deal with the coming growth.

Councilmember Jardon suggested holding the next meeting before August. Chair Berkbigler said the Managers could look to see if the date could be moved up. Sparks City Councilmember Julia Ratti felt the processes used served us well over time and the Mayors and the Chair should determine the topics for the agenda. She said in the past when we tried to hold a meeting sooner, the turnout was not good due to the meeting not making it onto everyone's calendars.

**15-0355      AGENDA ITEM 7**

**Agenda Subject: "Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission, Reno City Council, Sparks City Council, and Washoe County School District Board of Trustees as a whole."**

There was no public comment.

\* \* \* \* \*

**9:44 a.m.** There being no further business to discuss, the meeting was adjourned without objection.

**MARSHA BERKBIGLER**, Chair  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by:  
Jan Frazzetta, Deputy County Clerk*

Pending Board Approval