

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

TUESDAY

9:00 A.M.

OCTOBER 25, 2016

PRESENT:

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

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

The Washoe County Board of Commissioners convened at 9:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

John Slaughter, County Manager, announced a portion of the meeting would be a joint meeting of the Board of County Commissioners and the Washoe County Library Board of Trustees for the first few items on the agenda. He stated public comment related to the Library Board would take place first and after the Library Board adjourned, public comment would be heard for other topics of interest.

In response to Chair Jung's question as to whether the Board could proceed in the matter as described by Mr. Slaughter, Paul Lipparelli, Legal Counsel, replied the Board would never get into trouble by offering more time for public comment.

Chair Jung echoed Mr. Slaughter's comments regarding public comment to the audience.

**16-0910**     **AGENDA ITEM 5** Washoe County Board of Commissioners and Washoe County Library. – see separate Notice of Joint Meeting and Agenda.

This item was heard under Agenda Item 6.

*The following item only (Agenda Item #6) was heard by Washoe County Board of Commissioner and Washoe County Library Board of Trustees.*

**16-0911**      **AGENDA ITEM 6** Presentation of the Washoe County Library Annual Report for Fiscal Year 2015-2016. Library. (All Commission Districts.)

Jeff Scott, Washoe County Library Director, conducted a PowerPoint presentation. The headings of the slides were as follows: 1) Your Washoe County Library. 2) Collection Development. 3) Library Cards. 4) Programs. 5) Hours. 6) Computer Usage. 7) Budget. 8) Highlights. 9) Support. 10) Upcoming.

Mr. Scott highlighted the Washoe County Library's Manufacturing Technician I Program, which was a partnership with the Economic Development Authority of Western Nevada and Truckee Meadows Community College. He noted the program was intended to prepare people to work in the manufacturing environment. The involved entities were looking to expand the program in the upcoming year.

Commissioner Lucey thanked Mr. Scott for his leadership. He said a number of new programs Mr. Scott initiated had been very successful. He commended the Board of Trustees for its tireless work. He thought the extension of the libraries' hours of operations was a highlight for most people. He referred to libraries as community centers and he urged people to continue to support the library system.

Commissioner Hartung commended Mr. Scott for his work. He stated his constituents would like the library in Spanish Springs to be open on Saturdays.

Mr. Scott indicated hours were being reviewed and he hoped to have good news in regards to the hours of operation.

Commissioner Berkgigler said there was nothing more important than libraries for children. She thanked Mr. Scott for everything he had done. She stated the library system was well-staffed with capable and involved individuals.

Chair Jung stated the Lucky Day Program was very important to her. She mentioned how friendly the librarians and staff were at the libraries. She noted the level of service was great. She spoke about how different her experiences were as a child when her view was not as positive.

Mr. Scott thanked his staff for all their hard work.

Jean Stoess, Washoe County Library Board Trustee, said when she was a child she was scared to death of the librarians. She stated her favorite program was the Lucky Day Program.

Commissioner Lucey mentioned the Library's website was phenomenal. He spoke about being able to put books on hold and search for books online. He said technology provided children the access to get back to reading.

Chair Jung thanked the Board of Trustees for its work. She noted this had been the most active and engaged Washoe County Library Board of Trustees. She added they were taking the County to the next level.

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

**9:31 a.m.** The Board recessed.

**9:39 a.m.** The Board reconvened with all members present.

**16-0912** **AGENDA ITEM 3** Public Comment.

The following individuals spoke in opposition to the possible relocation of a medical marijuana establishment (MME) from Incline Village to Spanish Springs: Gerard Mager, Nevada Assemblyman Ira Hansen, Maria Rodriguez, Karl Rodriguez, Greg Lyman, Donna Makley, Jeff Peters, Kent Aland, and Natalie Kahumoku. Nevada Assemblyman Ira Hansen noted he was also speaking on behalf of Nevada State Senator Don Gustavson who was unable to stay. Kent Aland provided a handout regarding the effects of marijuana use, which was placed on file with the Clerk.

The above individuals' concerns included: the proximity of MMEs to schools, bus stops and businesses that children frequented; safety issues due to increased traffic and the lack of parking; the approval of recreational marijuana may turn the MMEs into a main distribution point; increased crime; and the negative health effects of marijuana. There were requests to relocate the MME to an industrial area and a request for the County to ban recreational marijuana through administrative tactics should the recreational marijuana ballot measure pass.

Vicky Maltman agreed with the opposition to marijuana. She spoke about public land access. She read from a handout regarding public land access, which was placed on file with the Clerk.

Cathy Brandhorst spoke about matters of concern to herself.

**16-0913** **AGENDA ITEM 4** Announcements/Reports.

John Slaughter, County Manager, briefed the Board and the audience about the order in which certain Agenda Items would be addressed. He noted Agenda Item 14 would be removed at the request of the Chair.

Chair Jung stated she recently had the honor of judging the Firehouse Challenge at the International Chili Society's World's Championship Chili Cookoff at the Grand Sierra Resort. Local firehouses competed against each other and for the second year in a row, the Sparks Fire Department won. She added she noticed many out-of-state license plates at the event.

Commissioner Berkbigler said she had the opportunity to tour the Little Valley Fire area with Truckee Meadows Fire Protection District Chief Charles Moore. She indicated the experience was eye opening and she spoke about the way a forest fire burned when it was windy. She stated the firefighters had done a phenomenal job. She noted 23 homes and 17 outbuildings were lost; however, there were over 500 homes in the path of the fire.

Commissioner Lucey stated he was working with some individuals within the community to put together an Angel Fund for people who lost their homes during the Little Valley Fire. He commended County staff on the work they did at the public forum meeting and for assisting victims of the fire.

Commissioner Hartung remarked he hoped to bring single-stream recycling back to the Board in the near future. He asked Dave Solaro, Community Services Department Director, for an update on whether there was a solution to the traffic issue on Nicole Drive which was being utilized to bypass Eagle Canyon Road.

Chair Jung announced she would be attending a luncheon at the Sierra Job Corps Center to find out if there were any vocational opportunities for students to partner with the Steamboat Hot Springs, a non-profit organization. She also announced Mr. Slaughter would be giving a state of the County address at the County sponsored Western Industrial Nevada meeting. Lastly, she announced an upcoming District Board of Health meeting.

#### **CONSENT AGENDA ITEMS 7A THROUGH 7I2**

- 16-0914**      **7A** Cancel the November 22, 2016, December 20, 2016, and December 27, 2016 Board of County Commissioner meetings and propose a special meeting be scheduled on November 29, 2016.
- 16-0915**      **7B** Approval of minutes for the Board of County Commissioner's regular meetings of September 13, 2016, September 20, 2016 and September 27, 2016.
- 16-0916**      **7C** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2013/2014, 2014/2015, 2015/2016 and 2016/2017 secured tax roll and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$15,685.52]. Assessor. (Parcels are in Commission Districts 1, 3 & 5.)
- 16-0917**      **7D** Approve to acknowledge Receipt of the Interim Financial Report for Washoe County Governmental Funds for the three months Ended September 30, 2016 – Unaudited. Comptroller. (All Commission Districts.)

- 16-0918**      **7E** Approve to acknowledge a Specialty Court General Fund Allocation from the Judicial Council of the State of Nevada to the Reno Justice Court [\$116,814.00 for FY17, no match required], paid in quarterly installments retroactive to July 1, 2016 through June 30, 2017; and direct the Comptroller to make the appropriate budget adjustments. Reno Justice Court. (All Commission Districts.)
- 16-0919**      **7F** Approve reclassification requests for a vacant Appraisal Assistant, pay grade G, to a new job classification of Appraisal Support Specialist, pay grade H (Assessor's Office); and a vacant Chief Investigator, pay grade P, to Investigator II, pay grade LM, and two Deputy Public Defender III's, pay grade ATT, to Deputy Public Defender IV's, pay grade AUU (Public Defender) as evaluated by the Job Evaluation Committee. Estimated financial impact for FY 16/17 is \$14,405. Human Resources. (All Commission Districts.)
- 16-0920**      **7G1** Approve six separate CCFEA Amendments (RRIF Credit Extension) to Regional Road Impact Fee Capital Contribution Front Ending Agreements between Washoe County, the Regional Transportation Commission, and the CCFEA Account/Credit Holder; and, approve nine separate CCFEA Amendments (RRIF Credit Extension) to Regional Road Impact Fee Capital Contribution Front Ending Agreements between Washoe County, the City of Reno, the Regional Transportation Commission, and the CCFEA Account/Credit Holder, all for the extension of credit expiration dates. (All Commission Districts.)
- 16-0921**      **7G2** Approve the Second Amendment to Interlocal Agreement to the Septic Nitrate Baseline Data and Risk Assessment Study, Phase II: In-Depth Analysis of Prioritized Study Areas, Creation of Baseline Data Set, and Risk Assessment project, between Washoe County and the Western Regional Water Commission to extend the completion date of the final report to December 31, 2016, and to allow use of preliminary data by Washoe County, retroactive to July 1, 2015. (All Commission Districts.)
- 16-0922**      **7H1** Recommendation to receive and accept the Declaration of a State of Emergency by the Acting Washoe County Manager, ratify the Declaration, and direct staff to publicize the Declaration as required by WCC 65.320. (All Commission Districts.)
- 16-0923**      **7H2** Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of November 1, 2016 through December 31, 2016 [not to exceed \$25,750.00] and if approved, authorize County Manager to execute the Contract. (All Commission Districts.)

**16-0924**      **7I1** Approve a sub grant award [\$67,940.00, no match required] from the Nevada Division of Emergency Management, Federal FY 2016, Project number 16-3000, to the Washoe County Sheriff's Office for the Citizen Corps Program for the retroactive grant term of September 1, 2016 through August 31, 2018 and if approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

**16-0925**      **7I2** Approve a sub grant award [\$25,375.00, no match required] from the Nevada Division of Emergency Management, Federal FY 2016, Project number 16-3000, to the Washoe County Sheriff's Office for Cyber Security for the retroactive grant term of September 1, 2016 through August 31, 2018 and if approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself regarding Consent Agenda Items 7E and 7F.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Consent Agenda Items 7A through 7I2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 7A through 7I2 are attached hereto and made a part of the minutes thereof.

**BLOCK VOTE – AGENDA ITEMS 9, 10, 11 12 AND 15**

**16-0926**      **AGENDA ITEM 9** Recommendation to approve the terms of purchase for the property located at 905 E. Prater Way, Sparks, Nevada for use by the Child Protective Services as a family visitation center [\$535,000]; and authorize the Chair to act on behalf of Washoe County to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, closing documents and all other documents as may be necessary or appropriate to accomplish the acquisition of the property located at 905 E. Prater Way, Sparks, Nevada. Community Services. (All Commission Districts.)

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

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 9 be approved and authorized.

**16-0927**      **AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Rancho San Rafael Regional Park Irrigation Reconstruction Project - Phase 2 [staff

recommends Burdick Excavation Co., Inc. in the amount of \$1,200,135.00]. Community Services. (Commission District 3.)

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 10 be awarded and approved.

**16-0928**      **AGENDA ITEM 11** Recommendation to approve the purchase of Systems Furniture and the installation of SpaceFile File Systems for the Washoe County Medical Examiners Building Project from Reno Business Interiors [\$123,713.82] under NRS 332.195's provisions for joining the contracts of other governments or government agencies, U.S. Communities Contract #4400003402 (Haworth), NASPO/WSCA Contract #1931MA146 (Hon), and National IPA Contract #2015000063 (Sit On It and Ideon); and approve the purchase of SpaceFile file storage systems for the Washoe County Medical Examiners Project from SpaceFile [\$35,032.40] under NRS 332.195(m)'s provisions for purchasing from a vendor that has an agreement with the General Services Administration, GSA contract #GS-27F-0041X. Community Services. (Commission District 3.)

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

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 11 be approved.

**16-0929**      **AGENDA ITEM 12** Acknowledge status report on agreement with It's My Community Store for Office Supplies and Office Consumables and provide direction to staff regarding initiation of the second of two optional one year renewals of the agreement from November 17, 2016 to November 16, 2017. [\$261,000 estimate]. Manager. (All Commission Districts.)

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

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 12 be acknowledged with direction to staff to renew the contract with It's My Community Store.

**16-0930**      **AGENDA ITEM 15** Update and acknowledgement of the Washoe County FY16-18 Strategic Plan, including status thru first quarter of Fiscal Year 2016-17 goals and initiatives [No fiscal impact]. Manager. (All Commission Districts.)

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

**16-0931**      **AGENDA ITEM 8** Appearance: Sanford Center for Aging. Peter Reed Ph.D., MPH, Director. Presentation on the Sanford Center of Aging. Social Services. [10 minutes]

Dr. Reed stated the Sanford Center for Aging had served the County since 1993 and it had a legacy of supporting quality life and well-being for elders. He remarked their work was accomplished through community outreach programs, research services, academic programs and clinical services. He noted he would focus on their community outreach programs which were relevant to the County's work in serving elders within the community. The first program was the Senior Outreach Services Program which was an initiative funded by the Nevada Aging and Disability Services Division (NADSD) that was specific to the County. Through the program, the Sanford Center of Aging engaged with volunteers to go into the homes of low-income, vulnerable elders to provide them with one-on-one support, companionship, transportation to appointments, and to enhance their quality of life by increasing their socialization and by giving them access to functional resources. The program was currently serving 270 low-income elders while utilizing 150 volunteers to accomplish the work. He thanked Chair Jung for her contribution to the Senior Outreach Services Program. He said their work involved performing a comprehensive assessment of the seniors' needs so they could tailor the volunteers' work. He also thanked Washoe County Television for developing a public service announcement to raise awareness for the program and also for helping to recruit new volunteers. The second program was called Medication Therapy Management, which was also funded by the NADSD. This was a statewide program because it could be administered over the phone. He said the program utilized the services of a certified geriatric pharmacist to conduct a comprehensive review of all the medications that an elder was on. The pharmacist would also look for potential negative interactions between the medications. He mentioned a client that was on 42 different prescription medications which were prescribed by seven different physicians. The Medication Therapy Management Program looked at the medications, conducted reviews, and then provided tailored recommendations to clients and their primary care providers with the goal of realigning the mix of the medications to provide optimal benefits. The third program was the Community Wellness Education which included a set of programs based on a model at Stanford University that gave people the tools, skills and knowledge they needed to manage their own chronic conditions and to minimize the potential negative complications that could increase their healthcare costs. He said those were called Chronic Disease Self-Management Programs which were peer support programs. There was one program specific to general chronic diseases; such as, diabetes, arthritis and chronic pain. He also mentioned a program called Fit and Strong which was a strength and conditioning program for elders. The fourth program was the Retired and Senior Volunteer Program which was specific to the County. This program was funded by a federal grant from the Corporation for National and Community Service. It was a civic

engagement program where they identified retired elders who wanted to give back to their community. They would match the elders with a local community agency where they could volunteer. Presently there were over 600 volunteers serving nearly 40 non-profit and local agencies within the County.

Dr. Reed said the Sanford Center for Aging recently launched a new comprehensive, interdisciplinary geriatric clinic which was housed on the University of Nevada, Reno (UNR) campus. He noted they had a geriatrician who was a medical director that worked with a doctoral level clinical social worker and a geriatric pharmacist. The three of them would surround each client with the resources the client needed to be successful. Each of them would conduct a comprehensive assessment which involved looking at the client's medical, psychosocial, and pharmaceutical needs. After the assessments, they would come together to develop a care plan based on what they learned about the client. He said they did not recommend anything the client was not invested in. Through the clinic, they also housed the Nevada Geriatric Education Center which was committed to educating professionals on effective geriatric care. He said they were working on implementing a series of clinical rotations for health science students at the university so they could learn what a team-based approach to comprehensive geriatric care looked like. He said they also offered an academic program with a minor and certificate in gerontology. Currently they had about 115 students enrolled in the program at UNR. He added they were helping students understand issues of aging and aging services within the community so they could carry that forward into their careers. He continued by stating data had demonstrated that Nevada was the second fastest aging state in the country in terms of the percentage of the population that was over the age of 65. He mentioned there were significant workforce shortages in the state's ability to manage the aging population. He also mentioned the Sanford Center for Aging had a robust portfolio of research initiatives. Primarily they were doing their own internal program evaluation to assure the programs were having the impact they anticipated. They were also working with the state to evaluate some of the state's initiatives in regards to serving people with Alzheimer's and dementia. He said there were several programs and services within the County that supported elders; however, the challenge was that people were not aware of the availability of those programs. He stated if the awareness and the visibility of the services that existed were raised, and if those entities offering the services worked collaboratively, the quality of life for the community's elders would be enhanced.

Commissioner Berkbigler said senior services and related issues were very important. She asked whether the Sanford Center for Aging interacted with the County's senior centers. She also asked how the County would be able to send a senior in need to them.

Dr. Reed noted the Sanford Center for Aging had a lot of cross referrals. He stated their clinic was functioning at approximately 38 percent capacity in terms of the number of people they could serve. He added the more people they could see the better it would be for everyone. He also added all of their services were free of charge.

Chair Jung asked Dr. Reed to provide contact information for the Sanford Center for Aging.

Dr. Reed replied they did not have a call center. He said their phone number was (775) 327-2283 and he encouraged people to visit their website [www.dhs.unr.edu/aging](http://www.dhs.unr.edu/aging).

Chair Jung inquired which state had the fastest growth of seniors.

Dr. Reed replied Alaska. He said a lot of people would assume Florida, Arizona, or California since those states had a larger number of people over the age of 65, but in terms of the percentage of the population over the age of 65, Nevada had the second fastest growth rate of any state in the Country.

Chair Jung encouraged those in the audience who qualified for the services provided by the Sanford Center for Aging to take advantage of the services. She noted with more participants at the Sanford Center of Aging, they would be eligible for continuance of grants. She spoke about the growing number of Baby Boomers in relation to geriatric education. She said she was glad UNR was at the forefront of that education.

Commissioner Herman said she was only 77 years old and she joked when she became a senior, she would be glad the center was there.

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

**16-0932**     **AGENDA ITEM 13** Approve, tentatively, an Agreement for License and Professional Management Services at Washoe Golf Course between Washoe County and the most qualified proposer [staff recommends Billy Casper Golf], for full management of the Washoe Golf Course for a four and one half year period commencing on January 1, 2017 through June 30, 2021; and if tentatively approved, authorize the Community Services Department Director to further negotiate and sign the Agreement consistent with the selected vendor's proposal. (Commission District 1.)

Dave Solaro, Community Development Services Director, stated the County received four proposals. The proposals and related proposal documentation were placed on file with the Clerk. He conducted a PowerPoint presentation. The slides provided a timeline of the events since the May 24, 2016 Board meeting, the scoring of the proposals, and a staff recommendation to select Billy Casper Golf based on the scores. The last slide indicated staff was seeking direction from the Board as to whether it had a preference as to where the administration of the contract took place, and whether the Board wanted to have one operator for the two County owned golf courses.

Commissioner Berkbigler inquired whether Billy Casper Golf had ever operated in Northern Nevada.

Mr. Solaro replied the company had never operated in Northern Nevada.

Commissioner Berkbigler asked whether or not Billy Casper Golf knew how to operate a municipal golf course in a community like this one.

Mr. Solaro responded as staff reviewed the proposals, it looked at the proposer's ability to improve and market the golf course. All of the proposers proposed to have a local maintenance group who understood the course's agronomy and various other aspects. The interview panel was enthused with the marketability that a national company could bring to the forefront. He added a national company could learn about the local area. He noted Billy Casper Golf had done this in many municipalities around the country.

Commissioner Berkbigler expressed her concern about not utilizing a local business. Her concerns were also about continuity and the ability to run the golf course. She was less concerned about tying the two County golf courses together under one management team. She stated she could not support the concept of Billy Casper Golf since it was a national company.

Commissioner Lucey inquired about the numbers Billy Casper Golf proposed in their contract. He asked what would happen if Billy Casper Golf did not hit the \$950,000 number in their proposal.

Mr. Solaro answered by noting staff had reviewed five to ten years of the Washoe Golf Course's performance and they felt confident the gross revenue at the golf course would be at least \$1.4 to \$1.5 million each year. He noted staff felt comfortable the golf course would make over \$950,000. He explained Billy Casper Golf would take 15 percent of the gross revenue between \$950,000 and \$1.3 million, and 30 percent of the gross revenue in excess of \$1.3 million.

Commissioner Lucey also inquired about the collection of the proposed fees from the proposers. He asked at what point, based on gross revenue, would the County calculate the fees. He said until Billy Casper Golf had a year's worth of business it would be difficult to calculate.

Mr. Solaro replied staff proposed the collection of fees would occur on a monthly basis based on the amount for each specific month. He stated the County would probably have to start out at 15 percent in month one. He added if the \$950,000 cap was never reached, then the County would have to write Billy Casper Golf a check; however, he reiterated staff felt comfortable the golf course would make over \$950,000.

Commissioner Lucey stated if the County were to proceed with Billy Casper Golf, it would have to speculate regarding the fees. He said with Mazz Golf Management, it appeared the County would be able to quantify the numbers from the beginning.

Mr. Solaro noted Commissioner Lucey was correct by noting Mazz Golf Management would receive 10 percent of green fees.

Commissioner Lucey remarked the County would not have any accounting issues with regards to the fees in Mazz Golf Management's proposal. He noted that staff felt comfortable about the potential opportunity for one operator to operate both of the County's courses. He supported awarding the contract to Mazz Golf Management.

Paul Lipparelli, Legal Counsel, stated the County decided months ago to solicit proposals and the solicitation was not limited to just local operators. He said it would not be fair to the proposers who put considerable effort into making their submittals for the Board to say it would not consider operators outside of the community. He added it was completely fair for the Board to base their selection on which operator had the adequate means to provide the services that the Board expected a contractor to provide. He pointed out the contract was for a professional services contract and not a low-bid deal. There was not a requirement for the Board to accept the proposal which offered the County the most money. He stated the Board was free to ask questions in regards to how the operators had performed in other places.

Commissioner Hartung inquired who was currently doing the maintenance at the Washoe Golf Course.

Mr. Solaro replied County crews performed the maintenance on the golf course with a combination of full-time employees and seasonal help.

Commissioner Hartung asked whether Mazz Golf Management and Bell-Men Golf were the only operators based in Northern Nevada. He also asked whether Mazz Golf Management did the maintenance on the Sierra Sage Golf Course.

Mr. Solaro responded in the affirmative to both questions.

Commissioner Hartung inquired about the condition of Sierra Sage Golf Course. He also asked if the chosen operator would take over maintenance of the Washoe Golf Course.

Mr. Solaro answered that Sierra Sage Golf Course was in very good playable condition based on his last tour. He added he had not heard any complaints from the people who golfed there. In response to the second question, he said the agreement going forward would get the County out of maintaining Washoe Golf Course as the operator would need to provide their own maintenance.

Commissioner Herman stated she was not a golfer. She said she would support an operator the County knew was experienced and capable. She added she would not support someone new coming in to take over both of the County's golf courses.

Commissioner Berkbigler inquired whether all four of the proposals were bid in the same way in regards to taking over the maintenance; as well as, management of the course.

Mr. Solaro indicated all of the operators proposed taking over full operation of the maintenance and management of the course.

Commissioner Berkbigler asked whether staff knew who Billy Casper Golf and CourseCo would employ as their local professionals.

Mr. Solaro replied staff did not have the names of the professionals that would be employed by the out-of-state operators. The only information staff had was that the national operators would oversee those professionals.

Commissioner Berkbigler agreed with Mr. Lipparelli's comments; however, she said she was strongly opposed to the concept of hiring a national operator. She wanted a local operator to be selected.

Chair Jung asked the representatives from the proposed bidders to present their cases. There was no response to Chair Jung's call to present from Billy Casper Golf and CourseCo.

Mr. Solaro noted he did not invite the proposers to come and present. He mentioned the ranking had been done and the qualifications had been scored. He said he did not realize the Board would want to hear from the proposers so a representative from Billy Casper Golf might not be in attendance.

Chair Jung commented, for historical context, that several years ago the Board signed a Resolution regarding buying local. Buying local meant not buying from a business whose headquarters was not located in the community. She remarked the Board would be choosing an operator based on the level of service; as well as, the ability for the operator to provide a responsive and responsible professional service, and not necessarily based on the lowest bid.

Mike Mazzaferri, Mazz Golf Management, stated his group currently managed the Sierra Sage Golf Course under contract with the County. He spoke about how Mazz Golf Management revived the Sierra Sage Golf Course from a struggling golf course which was \$1.8 million in debt to a manageable business that could stand on its own. He noted over the past five years Mazz Golf Management had steadily increased the rounds of golf played, improved the golf course's condition, and changed the public opinion of the course. He thought they had shown their commitment to affordable golf. He said the Board was aware of what they could do and that they were a local operator. He thought Billy Casper Golf was attempting to recover their costs at the frontend of their proposed contract before they started to pay the County. He added in the event of a drought year, Billy Casper Golf might not pay anything if they did not reach the almost one million dollar threshold. He concluded by stating Mazz Golf Management did not

have to earn the respect of local golfers since they had already earned it through their efforts at Sierra Sage Golf Course.

Darren Menante, Bell-Men Golf, said Bell-Men Golf proudly held the management contract for Washoe Golf Course for over 30 years. He said they had been good stewards of the golf course despite the economic swings and downturns, and despite the harsh droughts. He spoke about their customer service and their relationships with various golf clubs. He added Bell-Men Golf already knew every inch of the property and knew precisely where the greatest needs were. He mentioned the golf course's neglect could not be disguised; however, maintenance had been the County's responsibility and not Bell-Men Golf's. He hoped the long history they shared with the County would count for something as they worked hard to earn and keep the County's trust. He said he was not sure how the scoring was conducted but that their history was not given full consideration. He asked the Board to direct staff to reopen the Request for Proposal process and to provide extra points for being a local operator, for length of service, customer satisfaction, and for course management during crisis conditions. He thanked the Board.

On the call for public comment, Jan Galassini, Chief Deputy Clerk, stated Darryn Crawford had submitted a letter for the record. The letter was placed on file with the Clerk.

The following individuals spoke in support of Mazz Golf Management: Gerard Mager, Peter Keehnen, Jerry Heckathorn, Don Vetter, and Robert Forse. Don Vetter submitted a handout regarding a marketing application called The Shoe and The Sage which was placed on file with the Clerk.

The above individuals' comments included: Mazz Golf Management's successful history of managing a golf course; the experience and a friendly atmosphere they provided; the ability to provide affordable golf; the ability to operate and market two County courses efficiently. There was a comment against awarding the agreement to Billy Casper Golf since the Washoe Golf Course was not a destination golf course.

The following individuals spoke in support of Bell-Men Golf: Hazel Bowen, Kyle DeMeza, Pat Hausman, Shirley Canale, Brad Filippone, Dawna Mantei, Clifford Rodecker, Marsha Tidd, Pedro Salcedo, Rich Maycock, Darryn Crawford, Troy Williams, Jeanmarie Walsh, Vickie Menante, and Steven Kafchinski.

The above individuals' comments included: Bell-Men Golf's relationship with and support for the various golf clubs; their familiarity with the course and its customers; that the poor conditions of the golf course were not Bell-Men Golf's fault since the maintenance was the responsibility of the County. There were comments against awarding the agreement to Billy Casper Golf due to fears that green fees would increase, that they were not a local business, they only cared about profits, and due to negative reviews online.

Ed DeMeza spoke against awarding the agreement to Billy Casper Golf due to their track record. He mentioned the vast majority of the golf courses they managed were private golf courses. He also mentioned the terms of their contract would allow them to increase green fees. He asked the Board to select a local operator to manage the golf course. He submitted a handout regarding 2016 green fees, which was placed on file with the Clerk.

Commissioner Berkbigler asserted she did not support the concept of an out-of-state operator. She noted there were past issues between the County and Bell-Men Golf; however, she thought it would be a good time to resolve the issues and retain them to operate the Washoe Golf Course. She mentioned the golfers at the Washoe Golf Course were loyal to Bell-Men Golf.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried with Commissioner Lucey and Commissioner Hartung voting “no”, it was ordered that an Agreement for License and Professional Management Services at Washoe Golf Course between Washoe County and Bell-Men Golf be approved for full management of the Washoe Golf Course for a four and one half year period commencing on January 1, 2017 through June 30, 2021, and to authorize the Community Services Department Director to further negotiate and sign the Agreement consistent with Bell-Men Golf’s proposal.

**12:07 p.m.** The Board recessed.

**1:30 p.m.** The Board reconvened with all members present.

## **PUBLIC HEARINGS**

**16-0933** **AGENDA ITEM 18** Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from GTI Nevada, LLC dba Rise Incline Village to move a medical dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board’s approval of the relocation request. Manager (Commission District 4.)

Kevin Schiller, Assistant County Manager, provided background information in regards to the proposed relocation of a medical marijuana establishment (MME). He said the Manager’s Office held a neighborhood meeting on October 18, 2016 at the Spanish Springs’ Library. He summarized the areas of concern listed in the staff report. He remarked the Board previously requested the number of card holders by zip codes and jurisdictions, which was information he was unable to obtain from the

state. He reported there were about 3,600 total card holders in the County. He believed this was the fourth request to move an MME that had come before the Board. He mentioned the law changed during the last legislative session to allow an MME to move beyond a five mile radius from their current location. He noted the proposed location met the zoning requirements as outlined by the state and in County Code.

Commissioner Hartung inquired what the law was in terms of loitering in front of an MME.

Mr. Schiller said he would defer to legal counsel; however, he did not think there was a regulatory or statutory compliance issue tied to loitering. He added each of the operators had to submit a specific security plan. He noted it was not legal to use marijuana products outside of an MME in a public place.

Commissioner Hartung pondered how an operator would stop someone from utilizing marijuana products in front of an MME. He concluded it would be a law enforcement issue.

Alicia Ashcraft, with the law firm Vincente Sederberg, LLC, introduced her client Anthony Georgiadis of GTI Nevada, LLC which was doing business as Rise Incline Village. She address Commissioner Hartung's inquiry regarding loitering by stating there was a requirement that operators adopt policies and procedures to prohibit loitering around dispensaries and facilities. She added she would obtain the exact citation for the Board. She noted GTI already opened a dispensary in Carson City.

Anthony Georgiadis said state law prohibited the use of medical cannabis in public areas. He added GTI had its own policies and procedures to prevent loitering and the use of cannabis in and around their facility. He noted their Carson City location had surveillance 24 hours a day that covered every portion of the interior and exterior of their building. He stated the location in Spanish Springs would also have cameras. He remarked there would also be a security guard who would provide surveillance at random times during the day to avoid creating a predetermined pattern. Additionally, staff and the MME's neighbors would also be trained to report suspicious activity. He mentioned their other locations in Carson City and in the state of Illinois. He said they had not experienced a security breach at any of their locations nor had they needed to call upon law enforcement. He stated they had a very communicative relationship with law enforcement. He also stated their staff would have a transponder which could automatically alert their security system to dispatch police. Lastly, he said their standard operating procedure would address anything the law did not.

The following individuals spoke in opposition to the possible relocation of an MME from Incline Village to Spanish Springs: Dr. Mary Peterson, Gerard Mager, Lynnette Peters, Jeff Peters, Illona Mager, Tasiana Wertyschyn, Karl Rodriguez, Diana Christensen, Don Christensen, Bob Marshall, Dan Myers, Karina Woodbury, Donna Makley, Linda Corbridge, Janice Jones, Earl Jones, Willie Kahumoku, Richard Kirkland,

Mike Ludel, Linda Kaplan, Susan Morrison, and Nevada Assemblyman Ira Hansen. A letter from Jill Valdez was placed on file with the Clerk.

The above individuals' concerns included: the proximity of MMEs to schools, bus stops and businesses that children and teenagers frequented; the number of MMEs in the area; the introduction of marijuana to children; safety issues due to increased traffic and the lack of parking; lack of notice of the proposed relocation of the MME; increased crime; the negative health effects of marijuana; individuals were able to obtain medical marijuana cards without proving medical necessity; exposure to and temptation for children to ingest edible marijuana; lack of police presence to police the area; possible increase in the amount of Driving Under the Influence occurrences; the ease to obtain a medical marijuana card; possibility of third-party sales of marijuana; medical marijuana not being prescribed through pharmacies; overall safety and security of the area. There were requests to relocate the MME to a less dangerous area. There was a request for the Nevada Department of Transportation to conduct a traffic study of the area.

Dr. Mary Peterson's comments also included her concern that her chiropractic business would be adjacent to the dispensary. She stated she was never notified the dispensary could be relocated next to her business.

The following individuals were unable to stay through the duration of the meeting and noted their opposition to the possible relocation of the MME on a public comment card: Ed and Deborah LeBaker, and Emily Mathews.

**2:20 p.m.** The Board recessed due to a fire alarm.

**2:37 p.m.** The Board reconvened with all members present.

William Adler, with the Nevada Medical Marijuana Association, spoke about the transfer of an MME license. He mentioned the Legislature initially divided the County into five segments: Spanish Springs, Sun Valley, Lemmon Valley, Mount Rose, and Washoe Valley. Later on the five segments were clustered in a singular area called Washoe County Undeclared. He noted the County went to the Legislature and testified in opposition to the clustering since it put all of the MMEs around Crystal Bay and Incline Village. Due to Incline Village's small population density, he believed the transfer of the MME license to the Spanish Springs area was appropriate due to the population distribution and for patient access.

Garth Elliott mentioned there were two dispensaries in his neighborhood and that none of the problems people assumed would occur had actually occurred. He noted his opposition to the legalization of recreational marijuana. He spoke about the dangers of alcohol and said alcohol was much worse than marijuana. He said if people were concerned about the location of the MME, then they should also be concerned about the location of establishments that sold alcohol.

Commissioner Hartung stated he could not support the relocation of the MME to the location in Spanish Springs because it would be impossible to stop children from congregating there. He suggested looking at other possible locations which were not near areas where children congregated. He mentioned the Board had made changes in the past for that specific reason.

Commissioner Berkbigler asked Mr. Schiller whether there was a time frame by which GTI would need to begin their process of relocating. She also inquired whether it was accurate that the County was required to place the MMEs in various outlying areas to assure people had equal access to them.

Mr. Schiller explained once a certificate was awarded, there was an 18 month time frame to set up a business. He noted the time frame had been extended; however, in this particular case, the certificate was originally issued for the location in Incline Village. There was not a deadline since the MME in Incline Village was purchased by GTI; however, that was being evaluated by the state. He mentioned there was an MME in Washoe Valley that was pushing hard in terms of building and planning in order to meet the state's time frames so they would not lose their certificate. He stated during the application process the County gave provisional zoning letters to eligible parcels that were based on the established state regulations which guided the County's Code. Also during the application process, the original location was discussed when the application process was opened. When the certificates were awarded, they were concentrated significantly in the Mount Rose and Incline Village corridor. A statutory change was made which authorized the relocation of an MME.

Commissioner Berkbigler inquired whether this was the last dispensary to be assigned a location. She noted the four other dispensaries had already been assigned locations so there was a location in each District; however, Chair Jung's District had two.

Mr. Schiller responded in the affirmative.

Commissioner Hartung mentioned many of his constituents were not opposed to having an MME in Spanish Springs but they were opposed to the placement of the MME in the proposed location. He asked whether the County could find a more suitable location.

Chair Jung inquired where the County was allowed to place the dispensaries, whether there were restrictions in terms of what a window display could look like, and whether the Legislature had the ability to enact requirements that edible marijuana did not look like certain candies.

Mr. Schiller replied they had to be placed in the unincorporated County. In regards to window displays, he noted the County's Code regarding signage was very clear in terms of what would be allowed. In terms of the Legislature's ability to enact requirements on edible marijuana, he said the regulations would be defined and dealt with at the state level.

Chair Jung said she wished Commissioner Hartung had met with staff to propose another location. She added the Agenda Item should have been pulled if Commissioner Hartung had another plan in regards to the location.

Commissioner Hartung stated he was unaware of the request for the relocation, and he added he heard about the plan to relocate two weeks ago.

Chair Jung noted two weeks was plenty of time to have pulled the Agenda Item.

Commissioner Hartung asserted he did not see the application and was unaware of the request.

Chair Jung remarked the relocation issue was not about whether the relocation was appropriate or not. She said out of the five MMEs assigned to the County, the state chose to place two in Incline Village and one in Crystal Bay.

Commissioner Hartung made a motion to deny the relocation of the MME and for staff to find a more suitable location that was tenable to all parties. The motion was seconded by Commissioner Herman.

Paul Lipparelli, Legal Counsel, stated the staff report identified Nevada Revised Statute 453A.350 as the statute that authorized the Board to approve an application for moving an MME. The statute did not give a lot of guidance on what the reasons should be for moving or not moving the MME. In order for the Board's record to be as complete as it could be, he advised the Board that the motion should contain a finding as to why the application was going to be denied or approved for the benefit of anyone who reviewed the record to understand the basis for the Board's decision.

Commissioner Hartung amended his motion to include adding the reason for the denial was due to the amount of underage foot traffic in that type of center. He thought it was improperly located and he asked for a new location to be found in a more commercialized or industrial area. Commissioner Herman, as the seconder, agreed.

Chair Jung stated she would support the motion because she found Commissioner Hartung to be reasonable. In order to be fair to GTI, she expressed her desire that the process be expedited. She offered her assistance to Commissioner Hartung should he need any help.

Commissioner Berkbigler expressed concerns about the motion. She mentioned the MME located in Incline Village was also centered near children, and that they were not experiencing any problems in regards to children having access or loitering in the parking lot. She noted Incline Village could not bear the brunt of having two MMEs. She concurred with Chair Jung's comments regarding expediting the process for GTI. She expressed her opposition to marijuana and she said the Legislature thrust the

issue upon the County. She stated she would support the motion only if staff worked as quickly as possible to help GTI find a new location.

Chair Jung noted the MME in Incline Village was a standalone building so the comparison to the location in Spanish Springs was not accurate.

Commissioner Hartung mentioned the MME in Sun Valley was in a secure location since it was located in an old bank with a vault.

Chair Jung remarked the MME on Sun Valley Boulevard eliminated a block of blight and it made the area much safer.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried, the relocation of a medical marijuana dispensary to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01) was denied due to the amount of underage foot traffic in the area, and it was directed that a new location in a more commercialized or industrialized area be determined for the relocation.

**16-0934**      **AGENDA ITEM 19** Hearing, discussion, and possible action on Appeal Case No. AX16-005 (Harris Ranch Subdivision), an appeal of the Planning Commission's decision to deny Tentative Map Case Number TM16-007 that involved the merger and re-subdivision of three lots into a 610 lot, single family detached, common open space subdivision on three parcels totaling ±610.34 acres. Lots would range in size from 10,000 square feet (.23 acres) to 50,855 square feet (1.17 acres) with lot sizes averaging approximately 14,866 square feet (.34 acres). The applicant is further requesting that the required yard setbacks be reduced from the required Low Density Suburban regulatory zone setbacks to the Medium Density Suburban regulatory zone setbacks of 20 feet front yard, 20 feet rear yard, and 8 foot side yard. The applicant is Spanish Springs Associates, LLC. The subject parcels (APN: 534-600-01, 534-600-02 and 076-290-44) are located southeast of Pyramid Highway and Alamosa Drive. The properties are ±610.34 acres in size within the Spanish Springs Area Plan and the Spanish Springs Citizen Advisory Board boundaries, Sections 11 and 13, Township 21N, Range 20E, MDM. The Development Code sections applicable to this amendment are Articles 408 (Common Open Space Developments) and 608 (Tentative Subdivision Maps). Community Services. (Commission District 4.)

A PowerPoint presentation depicting the information related to Tentative Map Case Number TM16-007 was displayed and placed on file with the Clerk.

Commissioner Hartung sought clarification as to whether the particular parcel the Harris Ranch Subdivision owned was currently zoned as Low Density Suburban (LDS).

Trevor Lloyd, Community Services Department Senior Planner, replied yes. All 610 acres were zoned as LDS with one dwelling unit per acre.

Commissioner Hartung inquired whether the applicant was requesting to change to Medium Density Suburban (MDS).

Mr. Lloyd replied there was not a request to change the density or the zoning. He noted the applicants were requesting to mirror the MDS setbacks, which were 20 feet for the front and rear, and 8 feet on the sides.

Commissioner Hartung confirmed the LDS setbacks were 30 feet for the front and rear, and 12 feet for the sides with Mr. Lloyd. He noted there was a request by the applicant to improve the intersection at Alamosa Drive and Pyramid Way, which was turned down by the Nevada Department of Transportation (NDOT). He inquired whether a signalized intersection or a high "T" intersection would be installed, and what a high "T" intersection would do in terms of ingress and egress for the existing residents in the Pebble Creek development.

Dwayne Smith, Engineering and Capital Projects Director, stated the developer said in a public meeting that they were interested and willing to make improvements to the NDOT's right-of-ways associated with Alamosa Drive. He said after staff assessed the traffic conditions, a high "T" intersection was recommended. He explained a high "T" intersection was not initially required to have lighted signalization; however, it could be added at a later time. The challenge with a high "T" intersection was that it reduced the number of movements for some of the legs of the intersection. In this case, a high "T" intersection would negatively impact the residents who lived on the west side of the Pebble Creek development. He mentioned a left turn in and out of Landmark Drive would be eliminated. When dealing with new developments, he remarked the County had to be cognizant of existing residents and their connectivity and ability to move successfully in and out of their developments. He mentioned the cost for a signalized intersection was about 20 to 25 percent more than that of a high "T" intersection. In terms of signalized traffic warrants, the County relied upon licensed traffic engineers to do a traffic analysis and determine what the various movements in and out of a development would be. He added the report that was performed for the Harris Ranch Subdivision did not indicate that all of the traffic warrants would be met.

Commissioner Hartung asked Mr. Smith to define what warrants were.

Mr. Smith replied warrants were a set of criteria that were used to identify the timing of when a signalized intersection would be built. He noted over time there could be enough movements that would trigger the requirement for a signalized intersection. He mentioned the Board should consider the opportunity the developer presented in regards to improvements within the NDOT right-of-way. There might be an opportunity to build certain improvements and when particular warrants were met.

In response to Commissioner Hartung's question as to whether the NDOT always required warrants to be met, Mr. Smith responded by stating all municipalities and jurisdictions utilized the rules that signalized warrants provided; however, there were certainly situations where other considerations were brought to bear.

Commissioner Hartung asked if the County was fairly close to convincing NDOT that a signalized intersection at Calle De La Plata and Pyramid Way was necessary.

Mr. Smith said Calle De La Plata had been identified as the next location for a signalized intersection as a result of expansion. He noted the County, the Regional Transportation Commission (RTC), and the NDOT was working collaboratively to find the most opportune time and the required funding to build signalized intersections.

Commissioner Hartung spoke about how several years ago Hawco agreed to build a storm water utility at no cost to residents in Spanish Springs. At the time, the Board turned down the offer and now residents in Spanish Springs were paying for it. He noted Hawco was here again and was willing to put in an intersection. He thought it was important for the Board to consider Hawco's request. He asked Mr. Smith whether there would be any changes in regards to not allowing a homeowners association (HOA) to control open space.

Mr. Smith stated he did not believe there was a resolution regarding that issue.

Commissioner Hartung commented Spanish Springs had a number of open space areas which people with off-road vehicles loved to use. In this case Hawco had some open space within their development, and they wanted the HOA to control the open spaces which would relieve the Sheriff's Office from having to patrol it. He said the County would be liable for the open spaces if it were considered open access.

Bill Whitney, Planning and Development Division Director, said the County generally tried to connect different developments together with pedestrian paths. He added the Parks Department looked at the opportunity to connect paths within the subject development and the HOA to a larger regional system. He mentioned the trail on the southern part went towards Sugarloaf Peak. As far as the misuse of the trails and open space, he stated that was a management issue. If the HOA was going to manage them, then that would be great as long as the public had access to the trails. He spoke about the use of gates and fencing to keep motorbikes off pedestrian trails.

Commissioner Hartung noted there were a number of places in Spanish Springs where residents were upset with the misuse of the open spaces. He did not think Hawco wanted to eliminate public use, but rather provide easements and access to the open spaces.

On the call for public comment, Richard Kirkland expressed his dismay that there were no inquiries about other pending developments while seeking information on the Harris Ranch Development. He recommended the County provide information regarding the accumulative rolling number of approved houses and possible impacts to the community. He added it would be a better process if citizens were better informed so they could participate. He said he appreciated the warrants in regards to traffic. He said he asked the Sheriff's Office and the RTC for data in a comparative format going back five years regarding traffic accidents, injuries, and deaths. He added that data did not exist. He questioned how decisions could be made in regards to traffic in terms of protection without the data.

Elizabeth Pasco expressed her concerns regarding the Harris Ranch Development. She said she was not opposed to growth in Spanish Springs; however, the lack of infrastructure was not adequate for the existing property owners. She spoke about traffic safety issues on Calle De La Plata and Pyramid Way due to increased traffic. She said the developers of the Harris Ranch Subdivision did not take into consideration the number of children that would be tempted to cross Pyramid Way to reach parks and schools.

Diana Christensen stated she was not opposed to growth, but she was weary of having more people driving on the roads and more children in already overcrowded schools. She said the County needed to be proactive in regards to the infrastructure in the area.

Don Christensen remarked that there was not enough road space for all of the traffic. He supported the denial of the setback changes in the Harris Ranch Subdivision. He commented on the difficulty of making a left turn out of his subdivision onto Pyramid Way. He favored the connection of existing trails.

Cassandra Lancaster mentioned there was a lack of notification in regards to the issue. She said Pyramid Way could not withstand additional traffic. She noted the Harris Ranch Subdivision would have one entrance and one exit. She questioned whether there should also be an emergency access road in and out of the subdivision.

Paul Lipparelli, Legal Counsel, noted the representative for the appellant had signed up to speak during public comment; however, the representative should be provided a reasonable amount of time to fully present the appellant's case.

Chair Jung suggested a ten minute time limit which was acknowledged by Mr. Lipparelli.

Bob Sader stated he was representing the applicant, Spanish Springs Associates. He said the appeal to the Planning Commission's denial was based on one of ten criteria, which was public health. He noted the only finding mentioned for the denial was that the design of the subdivision or type of improvement would likely cause significant public health problems. He commented that the master plan for the

subdivision had been approved as LDS. When the zoning and master plan were approved, the applicant acquired constitutionally protected property rights to develop. Under the master plan, this was where suburban development was supposed to be. He added the tentative map application filled in the basic details of how the subdivision would be approved and developed. Spanish Springs Associates was approved for 610 lots and the traffic impacts for those lots. He said this was not a traffic safety issue so the denial which was based on a public health or safety concern was not proper. He acknowledged the traffic issues on Pyramid Way, Calle De La Plata and Alamosa Drive. He stated their traffic report, which was based on nationally accepted traffic standards, did not indicate a requirement for improvements; such as, a lighted signal or a high “T” intersection at Alamosa Drive and Pyramid Way; however, they felt it was not appropriate, as members of the community, not to provide traffic improvements at the subject location. He remarked whether it was a lighted signal or a high “T” intersection, they would build it at their expense. They were committed to paying \$2.3 million in regional road impact fee credits for improvements on Pyramid Way in addition to the improvement at Alamosa Drive. He questioned how improvements would ever get done if the County did not support a developer based funding system to improve Pyramid Way. He said the current funding system worked if the County would let it. He discussed the issues of trails within the subdivision. There were two conditions for trails within the County’s conditions of approval. One condition required an easement from the applicant for a regional trail at the south end of the subdivision, which the appellant did not oppose. The appellant also did not oppose staff’s insistence on having a public trail system completely surrounding the subdivision and going through the middle of it in two places with respect to drainage channels. The appellant did not like that plan since they felt future residents in the subdivision would not want public trails surrounding their lots or next to their homes. Even though they disagreed with the staff, who felt strongly that connectivity was important, the appellant would accept the condition.

Commissioner Hartung inquired about the traffic conditions.

Paul Solaegui, Licensed Engineer for the appellant, stated input was sought from the County and the NDOT staff. An analysis was completed based on local policies and it included a 20 year scenario. He added the analysis was accepted by the County, the RTC and the NDOT staff with conditions. He said input was provided on a high “T” intersection, a roundabout and a lighted signal, which each had various benefits and challenges. The analysis gave a basis for each agency to be able to evaluate the technical merit and the specific traffic numbers. He mentioned many citizens at the Planning Commission meeting were concerned about existing deficiencies. In the past, he noted a program was utilized for traffic studies which were based on exactions. A large number of off-site intersections and deficiency issues would be studied. When the RTC came forward with their impact fee program, the traffic studies became smaller. He said the RTC effectively said that they would cover the major regional off-site issues and for him to focus on nearby locations. He noted the NDOT had a similar plan in place. In both cases as volume and accidents increased, specific projects would be moved up the priority list. He stated as a traffic engineer he felt the appellant had an excellent plan. He mentioned they coordinated extensively with the County, the RTC and the NDOT to offer

a plan with integrity. He concluded by stating the developers were offering to fund the expensive improvements at Alamosa Drive.

Commissioner Hartung inquired about how many homes would be built and when they would be built.

Mr. Sader replied it would be controlled by housing market conditions. He noted it would take at least six years to build out the subdivision under the short range plan and up to ten years under the long range plan. He added homebuilders were reluctant to build speculative homes and leave them standing. Homebuilders were also reluctant to engage in large final maps because so much money was spent on streets and utilities, and an economic downturn could upend it all.

Jan Galassini, Chief Deputy County Clerk, stated there was one more comment card; however, Ed and Deborah LeBaker were unable to stay. She said they wanted to express their opposition.

Mr. Lipparelli explained that the application before the Board was for a tentative map that was not approved by the Planning Commission. The basis for the denial by the Planning Commission was the inability to make the finding on public safety which was on page 20 of the 42 page staff report. The basis for the denial had been challenged. He said the Board was free to either uphold the Planning Commission's denial or to reverse the Planning Commission's denial. Whatever the Board's decision was should be based on the record that they had in front of them, and based on the testimony and evidence they heard.

Commissioner Hartung spoke about the traffic situation on Pyramid Way and how he had been trying to fix the problem for many years. He said he did not want to tell developers that they could not build because they had to wait for the infrastructure to catch up. He added if developers were not putting money into the system, the infrastructure would not catch up.

Commissioner Hartung moved to reverse the Planning Commission's denial; he directed staff to work on the installation of a lighted signal at the intersection of Alamosa Drive and Pyramid Way; and he requested the HOA take control of the trails with the caveat that the County be granted access to the easements, which would be written in the agreement.

Commissioner Herman seconded the motion.

Mr. Lipparelli inquired whether the lighted signal on Alamosa Drive and conceding control of the trail system to the HOA were already conditions within the Planning Commission's findings and records, or if they were new conditions. He noted if they were new conditions, the appellant should have a chance to either accept or reject them on the record.

Mr. Lloyd responded the HOA currently was responsible for the maintenance and upkeep for all of the trails on the property; however, access would be granted to the County for utility purposes. Regarding the lighted signal, the Board would have to add that condition; however, the ultimate authority in terms of whether or not to approve the request would be with the NDOT.

Mr. Lipparelli stated it was clear the NDOT had jurisdiction over the road. He mentioned the appellant did not object to making improvements to Pyramid Way provided the NDOT allowed them to. He said his focus was on whether this was a new condition being added and whether the appellant agreed to it.

Mr. Lloyd noted the County imposed the condition regarding the high "T" intersection which the appellant agreed to. The condition for a lighted signal was not made or agreed to.

Chair Jung asked Mr. Sader whether he agreed to the condition that was made in the motion.

Mr. Sader replied in the affirmative. He informed the Board that it needed to amend condition 2hh of the Conditions of Approval or it would leave the appellant with only the option of building a high "T" intersection.

Commissioner Hartung read aloud condition 2hh. He said if a lighted signal was not allowed by the NDOT then a high "T" intersection should be built. He added either improvement must be constructed to the satisfaction of the County engineer and the NDOT. He asked Mr. Lipparelli whether it would be suitable for the County engineer to determine compliance with the condition.

Mr. Lipparelli explained Mr. Sader pointed out that the language in the original condition gave them an option of either building a high "T" intersection or a lighted signal depending on what the NDOT approved. The motion as made eliminated the option for a high "T" intersection and emphasized it had to be a lighted signal. He remarked the question for the Board was whether they wanted to leave in the condition that the intersection had to be signalized or if they wanted to leave in the option for the NDOT's approval of the two options.

Commissioner Hartung stated he was confident staff could convince the NDOT to make certain kinds of changes to allow for signalization of the intersection.

Chair Jung inquired whether Commissioner Hartung was amending his motion to include the two options.

Commissioner Hartung amended his motion to allow the appellant the option of either building a high "T" intersection or a lighted signal depending on what the NDOT approved. The seconder agreed.

The motion duly carried on a vote of 5 to 0.

**16-0935** **AGENDA ITEM 20** Hearing, discussion, and possible action to affirm or reverse, with or without conditions, Appeal Case No. AX16-006 (Mil Drae Lane), an appeal of the Planning Commission's decision to deny Abandonment Case Number AB16-001 (1) to accept dedication of Mil Drae Lane and, following the acceptance of dedication, (2) to abandon Mil Drae Lane to the seven adjacent properties shown on the Mil Drae Country Estates Subdivision Tract Map #1568. The applicants for the abandonment are Ryan M Dolan Family Trust, Roland and Tina Scarselli, Nunnally Family Trust, Ernaut Family Trust, Faulstich Family Trust, and Herbert and Susan H Family Trust. The subject parcel (APN: 040-581-20) is located about 1,500 feet north of the intersection of Huffaker and Del Monte. The property is ±2.523 acre in size within the Southeast Truckee Meadows Area Plan and the South Truckee Meadows Washoe Valley Citizen Advisory Board boundaries, Section 1, Township 18N, Range 19E, MDM. The Development Code section applicable to this amendment is Article 806. Community Services. (Commission District 2.)

Commissioner Lucey requested to hear from the public and then from the appellant.

A PowerPoint presentation depicting the information related to Abandonment Case Number AB16-001 was displayed and placed on file with the Clerk.

On the call for public comment, Wilma Bennett stated she provided a packet to each of the Commissioners but she was not sure if they had a chance to go through it. She said it had been asserted the Bennett's never offered to participate in the road maintenance after the boundary line adjustment was approved in 2009. She added the Bennett's offered three times to participate. She noted First Centennial Title affirmed that her family owned 15 percent of Mil Drae Lane. She remarked the original developer quit claimed their interest to her family in 2014. She mentioned her family sold a parcel at the back of their property. She expressed her concerns with being subject to Mil Drae Country Estates' Covenants, Conditions, and Restrictions (CC&Rs). She stated her family would rather go its separate way than be a part of the CC&Rs. She inquired why another property would be allowed to have access to Mil Drae Lane when they were in the same situation as her family's property.

Dan Church said he was a professional land surveyor and the President of Sierra Surveying, Inc. He stated Ms. Bennett asked him to review the issue. He provided the history of the subdivision and Mil Drae Lane. He noted the Bennetts lived adjacent to and had access to Mil Drae Lane. He explained the dedication of a roadway meant the underlying roadway fee remained in the ownership of the person who offered the dedication until such time the County accepted it in full. Once that happened, the fee was extinguished and now the underlining fee belonged to the County. If the road was abandoned, the fee would be in the hands of the County and would be distributed to the

abutting property owners. He noted staff, the Board of Adjustment, and the Planning Commission had recommended denial of the abandonment. He added if the Board immediately accepted the offer of dedication, everyone's underlying personal property rights would go away. He said the Board would be taking away fee simple ownership and would distribute ownership to people who had no such rights.

Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Lucey asked the appellant to provide a quick synopsis.

Garrett Gordon stated he was representing the appellants. He displayed an original map of the Mil Drae Country Estates, which was placed on file with the Clerk. He noted there were seven properties in Mil Drae Country Estates, and he said the CC&Rs were recorded on the properties which included zoning and setback restrictions and road maintenance obligations. Mil Drae Country Estates had since expanded to a total of ten properties. The three additional properties agreed to be subject to the CC&Rs and the road maintenance agreement. He mentioned abandonment was done about ten years ago on a piece of property for Milabar Way. He said Mil Drae Country Estates was asking the County to wipe clear the ownership of Mil Drae Lane. He asked the Board to approve the dedication, abandon Mil Drae Lane to the original seven property owners, provide easements to the three property owners who were part of the subdivision, and to allow the required easements to be given to Assessor Parcel Numbers 040-582-11 and 040-582-12 if the properties agreed to be subject to the CC&Rs and the road maintenance obligations.

Paul Lipparelli, Legal Counsel, inquired whether the condition that would be placed in the order of abandonment would offer an easement to the two parcels mentioned by Mr. Gordon provided they subjected themselves to the CC&Rs and the road maintenance agreement. He sought clarification as to whether the two parcels included the one the Bennett's currently owned and the one they recently sold.

Mr. Gordon replied that would be the proposed compromise with the neighbors. He acknowledged the two parcels were as Mr. Lipparelli noted.

Mr. Lipparelli remarked under state law, if the County abandoned a road that it obtained through dedication, no payment would be required by those property owners and title would be returned to them in proportionate part to each abutting property owner. He asked if one of the seven original parcel owners conveyed the title they had to a road to someone else, how the order of abandonment would deal with the interest.

Mr. Gordon replied the purported deed would become subject to the map. The map had the condition on it that it was open for acceptance by the County, therefore, the title would be taken with that condition. The County had the right to accept the dedication and then the County would be a fee simple owner of the property. The County could then make a determination whether abandonment was appropriate.

Mr. Lipparelli acknowledged the logic that an offer of dedication was made by the original subdivider and upon acceptance it extinguished the ownership. He asked if the County abandoned the property back to someone, would the property be reconveyed through the abandonment order.

Mr. Gordon stated when the road was previously abandoned an application was filed for dedication, acceptance, and then abandonment. The abandoned property went to the original seven property owners when the original map was created. He mentioned a finding in which staff noted the abandonment of the property to the ten property owners would cause the back parcel to be landlocked. He stated the back parcel owner was not claiming they would be landlocked, and they agreed to be subjected to the CC&Rs and the road maintenance obligations in order to be granted an easement. He mentioned the address of the front parcel, which belonged to the Bennett's, was Del Monte Lane. He said there was no material injury for access given that the Bennett's had access to Del Monte Lane. He remarked the appellants were willing to have the Bennetts participate in their community if they agreed to the CC&Rs and the road maintenance obligations.

Mr. Lipparelli noted the proposal was to offer the Bennetts the opportunity to join the subdivision's obligations through the CC&Rs and the road maintenance agreement. He inquired how much time should the Bennetts be allowed to decide whether or not to accept the offer to join. He added the amount of time would have to be written into an order.

Mr. Gordon mentioned a 60 day requirement would be reasonable.

Chair Jung confirmed Mr. Lipparelli had no objections to the requirements.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, it was ordered that the Planning Commission's denial of Abandonment Case Number AB16-001 be reversed and to approve the abandonment of Mil Drae Lane with the conditions as presented by staff. Additionally, to ensure the abandonment went back to the original seven property owners; to provide an easement to the additional three property owners who were part of the Mil Drae Country Estates; and to provide APN 040-582-11 and APN 040-581-12 easements if they agree to Mil Drae Country Estates' CC&Rs, including maintenance and obligations on their property, within the next 60 days.

Commissioner Hartung added he saw the request by the appellants as a civil matter related to wanting the Bennetts to be part of a homeowners association (HOA) and a road maintenance agreement. He thought elimination of the back parcel solved all of the problems. He asked whether the Board could force the Bennetts to enter into an HOA agreement, and if the County could potentially become entangled in a civil matter.

Mr. Lipparelli replied no one could force the Bennetts or anyone else into an agreement. He thought what was being offered through the conditions in the motion to overturn the denial was the opportunity to join if they wanted to. He noted the Bennetts were being offered an opportunity to have access to Mil Drae Lane if they agreed to be a participant in the CC&Rs and the road maintenance obligations. He said it was up to the Bennetts to decide how much it was worth to them to have access from the rear of their parcel to Mil Drae Lane.

The motion duly carried on a vote of 5 to 0.

**16-0936**      **AGENDA ITEM 16** Discussion and direction to staff regarding Washoe County's Bill Draft Request of proposed changes to regional planning for the 2017 Nevada Legislative Session and other legislative issues proposed by legislators, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)

Al Rogers, Management Services Director, stated the deadline to submit Bill Draft Requests (BDRs) to the Legislative Counsel Bureau was fast approaching. He noted there were a couple of options which the County Manager would discuss.

John Slaughter, County Manager, thought it would be beneficial for the Board to make a motion with specific direction to staff at the end of the discussion. He said Option A would change the governance model. Under Option A, guidelines and requirements for Washoe County's appointees to the Regional Planning Governing Board would be removed, and the number of representatives from each of the jurisdictions would be equalized. He noted there would be no requirements as to who the Board appointed. The Governing Board would consist of three Washoe County members, three City of Sparks members, and three City of Reno members. He stated Option B would utilize the existing Clark County model, and would change the population threshold from 700,000 or more to 100,000 or more. He added the Clark County model was more advisory in nature. He submitted the proposed regional planning legislations, which were placed on file with the Clerk.

Commissioner Berkbigler thought Option A was the most appropriate option since it would resolve the County's concerns about not being treated equally. She added she did not have a problem with the people currently on the Governing Board.

In response to Commissioner Hartung's comments regarding relinquishing a seat on the Governing Board, Chair Jung replied it was not possible to do that without going to the Legislature.

Commissioner Hartung acknowledged Chair Jung's response.

Commissioner Herman suggested adding verbiage stating the County would place a person who had the most interest in a developing area on the Governing Board.

Commissioner Hartung recommended giving the Washoe County School District a constant seat on the Governing Board since regional issues affected them as well.

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

Garth Elliott stated for several legislative sessions the County had kept quiet in regards to BDRs. He said the County needed to correct planning issues; such as, the lack of infrastructure, through BDRs.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigger, which motion duly carried, it was ordered that staff submit a Bill Draft Request containing Option A, to change the governance of the Regional Planning Governing Board, which would abolish the Nevada Revised Statute directive regarding the County's appointees, and equalize the representatives of each jurisdiction.

**16-0937**      **AGENDA ITEM 17** Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Bill Whitney, Planning and Development Division Director, reported he already spoke to the Reno City Council. He added he and Commissioner Lucey met with off-road vehicle enthusiasts regarding their concerns. He said he would be speaking to the Sun Valley General Improvement District to talk about the Public Lands Bill. He noted the next large public meeting would be held on November 2nd.

Commissioner Lucey added he and Mr. Whitney also met with the Friends of Nevada Wilderness. He said the community involvement had been great and was much appreciated.

There was no public comment or action on this item.

**16-0938**      **AGENDA ITEM 21** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

There was no closed session.

**16-0939**      **AGENDA ITEM 22** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

Garth Elliott said many years ago he accused the Community Services Department (CSD) of using a Magic 8 Ball to make their decisions. He was concerned the CSD was using it in regards to cargo containers, hoop houses, and the sign ordinance in Sun Valley. He added he was not speaking on behalf of the Sun Valley General Improvement District. He mentioned he had been working to replace Sun Valley's electronic sign, which was about to fall down. He noted the electronic sign was utilized to alert residents of emergency situations and he would continue his quest to get the electronic sign replaced.

**16-0940      AGENDA ITEM 23 Announcements/Reports.**

John Slaughter, County Manager, announced November 15th, November 29th and December 13th were the remaining Board meeting dates for the year. The meetings would be held in the Health District auditorium due to the remodeling project in Chambers.

Chair Jung requested the Health District post the alternate location for the Board of Health meetings as well.

\* \* \* \* \*

**5:14 p.m.** There being no further business to discuss, the meeting was adjourned without objection.

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**KITTY K. JUNG, Chair**  
Washoe County Commission

ATTEST:

---

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

*Minutes Prepared by:*  
*Michael Siva, Deputy County Clerk*

**SECOND AMENDMENT  
TO  
INTERLOCAL AGREEMENT**

The Interlocal Agreement (the "Agreement"), dated September 18, 2013, entered into between the Western Regional Water Commission, a political subdivision of the State of Nevada, (the "Commission") and Washoe County (the "County"), collectively the "Parties", is hereby amended as follows:

3) RIGHTS & DUTIES

**The last sentence of Subsection 3.1.1 is revised to provide as follows:**

Work on the project will progress and be completed by December 31, 2016.

**Subsection 3.1.7 is added to provide as follows:**

The County may, at any time prior to or following delivery of the work product materials referred to in Subsection 3.1.6 above, use any data or information obtained during the course of the Project, or contained in the work product deliverables, to protect or promote the public health, safety and welfare, by providing such information to the public as the County, in its sole discretion, deems advisable or necessary.

The Agreement as amended to include the revisions set forth above is incorporated herein by reference, and all other terms and conditions of the Agreement shall remain in full force and effect.

This Amendment is effective retroactively to July 1, 2015, regardless of the respective dates of execution by the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

WESTERN REGIONAL WATER COMMISSION

WASHOE COUNTY

Dated this \_\_\_ day of \_\_\_\_\_, 2016

Dated this \_\_\_ day of \_\_\_\_\_, 2016

By \_\_\_\_\_  
Vaughn Hartung, Chairman  
Western Regional Water Commission

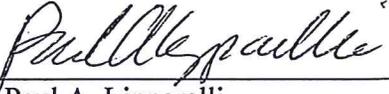
By   
Kitty K. Jung, Chair  
Washoe County Commission

16-0921

APPROVED AS TO FORM:

By \_\_\_\_\_  
John B. Rhodes, Legal Counsel  
Rhodes Law Offices, Ltd.

APPROVED AS TO FORM:

By  \_\_\_\_\_  
Paul A. Lipparelli  
Assistant District Attorney

**FIRST AMENDMENT  
TO  
INTERLOCAL AGREEMENT**

The Interlocal Agreement (the "Agreement"), dated September 18, 2013, entered into between the Western Regional Water Commission, a political subdivision of the State of Nevada, (the "Commission") and Washoe County (the "County"), collectively the "Parties" is hereby amended as follows:

3) RIGHTS & DUTIES

**The last sentence of Subsection 3.1.1 is revised to provide as follows:**

Work on the project will progress and be completed by June 30, 2016.

**Subsection 3.2.5 is revised to provide as follows:**

3.2.5 Any remaining funds after payment of authorized expenses for the Project for fiscal year 2013 / 2014 may be used by the Commission, if necessary, for Project continuation in fiscal years 2014 / 2015 and 2015 / 2016.

The Agreement as amended to include the revisions set forth above is incorporated herein by reference, and all other terms and conditions of the Agreement shall remain in full force and effect.

This Amendment is effective July 1, 2015, regardless of the respective dates of execution by the Parties ("Effective Date").

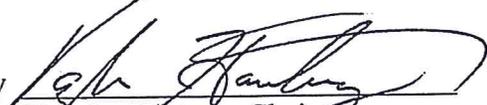
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

WESTERN REGIONAL WATER COMMISSION

WASHOE COUNTY

Dated this 18 day of November, 2015

Dated this 12<sup>th</sup> day of January, 2015

By   
Vaughn Hartung, Chairman  
Western Regional Water Commission

By   
Kitty K. Jung Marsha Berkfigler, Chair  
Washoe County Commission

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By   
John B. Rhodes, Legal Counsel  
Rhodes Law Offices, Ltd.

By   
Paul A. Lipparelli  
Assistant District Attorney

## INTERLOCAL AGREEMENT

### 1) PARTIES

This Interlocal Agreement ("Agreement") is entered into between the Western Regional Water Commission, a political subdivision of the State of Nevada, (the "Commission") and Washoe County (the "County"), collectively the "Parties". In consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

### 2) RECITALS

2.1 The Parties are public agencies as defined in NRS 277.100(1)(a).

2.2 NRS 277.180 provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any public agency, entering into the contract, is authorized to perform.

2.3 The Commission's budget for fiscal year 2013 / 2014 identifies funding for Septic System Mitigation Planning.

2.4 Chapter 531, Statutes of Nevada 2007, the Western Regional Water Commission Act, Section 42 (2), requires the Comprehensive Regional Water Management Plan to contain a Groundwater Quality element, which must include, without limitation: Compliance with standards of quality for hydrographic basins and septic tanks; and, Programs to attain protection from pollution by both concentrated and diffuse sources.

2.5 The Northern Nevada Water Planning Commission, at its regular meeting held August 7, 2013 recommended that the Commission approve the Scope of Work and Budget attached hereto as Exhibit "A", and funding from the Regional Water Management Fund ("RWMF") in an amount not to exceed \$150,000, for a study entitled: "Phase II: In-Depth Analysis of Prioritized Study Areas, Creation of Baseline Data Set,

and Risk Assessment", ("the Project") for fiscal year 2013 / 2014, as set forth in Exhibit "A", to continue the ongoing Septic Nitrate Study.

3) **RIGHTS & DUTIES**

3.1 The County

3.1.1 The County will provide services required to conduct the Project and will submit invoices to the Commission through its Contract Administrator, for work completed on the Project under the Scope of Work and Budget attached hereto as Exhibit "A", and incorporated herein by reference. Work on the Project will progress and be completed before June 30, 2015.

3.1.2 The County will provide or contract for all services required to complete the Project.

3.1.3 The County shall, through its designated representative or Contract Administrator, provide to the Commission any information requested by the Commission's Contract Administrator, relating to any invoice submitted for payment.

3.1.4 The County shall set up a separate account for the Project, if not already existing, so that check numbers along with copies of cancelled checks for all expenditures can be submitted, as well as an exact itemization of Project expenditures, copies of itemized invoices, and properly documented timesheets.

3.1.5 RWMF monies will reimburse the County for salary, benefits, and related costs for County personnel as set forth in the Budget. The County may shift funding between line items if costs necessitate a transfer of funds.

3.1.6 All work product deliverables shall, at a minimum, be provided to the Commission as follows:

One (1) complete final printed version.

One (1) complete final electronic version of each document in the current version of Adobe Acrobat PDF file format inclusive of all

text and graphic work product. The file shall be indexed and capable of text recognition using Adobe Reader and will be provided at a minimum resolution of 300 dots-per-inch.

One (1) copy of each deliverable element in its current native file format. Native formats for deliverables will be provided as follows: Text in Microsoft Word format; Spreadsheets in Excel format; Databases in Microsoft Access format; graphics in AutoCAD format, all native pre-modeling and post-modeling files and Geographic Information Systems data in ESRI ArcMap/ArcInfo compatible file formats. Additionally, any and all native file formats as may be specified in the Scope of Work.

### 3.2 The Commission

3.2.1 The Commission's Water Resources Program Manager, Jim Smitherman, is hereby designated as the Commission's Contract Administrator.

3.2.2 Upon the submission of an invoice for payment, pursuant to Paragraph 3.1.1 above, the Contract Administrator shall promptly review the invoice, request any further information or documentation required, and process the invoice for payment within thirty (30) days following his approval.

3.2.3 The Commission, at its discretion, may conduct an audit of compliance with this Agreement and the funding provided for herein, relating to performance of this Agreement, compliance with the scope of the Project, and compliance with all applicable State, Federal and local laws, policies and procedures. Such audit shall be at the Commission's expense.

3.2.4 The total amount of invoices paid pursuant to this Agreement shall not exceed the sum of \$150,000 from the RWMF. All labor charges must be consistent with rates and fees identified in the Unit Fee Schedule attached hereto as Exhibit "B".

3.2.5 Any remaining funds after payment of authorized expenses for the Project for fiscal year 2013 / 2014 may be used by the Commission, if necessary, for Project continuation in fiscal year 2014 /2015.

### 3.3 Joint Rights and Responsibilities

3.3.1 Either Party may terminate this Agreement with thirty (30) day advance written notice to the other.

3.3.2 Both Parties agree to coordinate and use their best efforts to complete the Project and to collaborate in a timely manner in order to maximize the efficient use of funding and other resources.

## 4) INDEMNIFICATION

4.1 Each Party agrees to be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost, or judgment made against that Party arising from any negligent act or negligent failure to act by any of that Party's employees, agents in connection with the performance of obligations assumed pursuant to this Agreement.

4.2 Each Party further agrees, to the extent allowed by law pursuant to Chapter 41 of the Nevada Revised Statutes ("NRS"), to hold harmless, indemnify and defend the other from all losses, liabilities or expenses of any nature to the person or property of another, to which the indemnified party may be subjected as a result of any claim, demand, action or cause of action arising out of the negligent acts, errors or omissions on the part of employees or agents of the indemnifying party in relation to this Agreement.

## 5) MISCELLANEOUS PROVISIONS

5.1 This Agreement is binding upon and inures to the benefit of the Parties and their respective heirs, estates, personal representatives, successors and assigns.

5.2 This Agreement is made in, and shall be governed, enforced and construed under the laws of the State of Nevada.

5.3 This Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter hereof, and supersedes and replaces all prior understandings and agreements, whether verbal or in writing, with respect to the subject matter hereof.

5.4 This Agreement may not be modified or amended in any respect, except pursuant to an instrument in writing duly executed by the Parties.

5.5 In the event the Commission fails to appropriate or budget funds for the purposes as specified in this Agreement, The County hereby consents to the termination of this Agreement. In such event, the Commission shall notify The County in writing and the Agreement will terminate on the date specified in the notice. The Parties understand that this funding out provision is required under NRS 244.320 and NRS 354.626.

5.6 In the event either Party brings any legal action or other proceeding with respect to the breach, interpretation, or enforcement of this Agreement, or with respect to any dispute relating to any transaction covered by this Agreement, the losing Party or Parties in such action or proceeding shall reimburse the prevailing Party or Parties therein for all reasonable costs of litigation, including reasonable attorneys' fees.

5.7 No delay or omission by either Party in exercising any right or power under this Agreement shall impair any such right or power or be construed to be a waiver thereof, unless this Agreement specifies a time limit for the exercise of such right or power or unless such waiver is set forth in a written instrument duly executed by the person granting such waiver. A waiver of any person of any of the covenants, conditions, or agreements hereof to be performed by any other Party shall not be construed as a waiver of any succeeding breach of the same or any other covenants, agreement, restrictions or conditions hereof.

5.8 All notices, demands or other communications required or permitted to be given in connection with this Agreement, shall be in writing, and shall be deemed delivered when personally delivered to a Party or, if mailed, three (3) business days after deposit in the United States mail, postage prepaid, certified or registered mail, addressed to the Parties as follows:

To Commission: Jim Smitherman, Water Resources Program Manager  
Western Regional Water Commission  
4930 Energy Way  
Reno, Nevada 89502

To County: David Solaro, Acting Director  
Community Services Department  
4930 Energy Way  
Reno, Nevada 89502

4.9 This Agreement is effective upon the date the last signing Party signs this Agreement ("Effective Date").

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

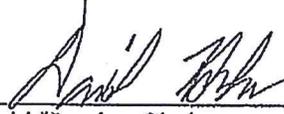
WESTERN REGIONAL WATER COMMISSION

WASHOE COUNTY

Dated this \_\_\_ day of \_\_\_\_\_, 2013

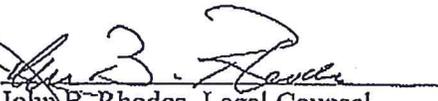
Dated this \_\_\_ day of \_\_\_\_\_, 2013

By   
Mike Carrigan, Chairman  
Western Regional Water Commission

By   
David Humke, Chairman  
Washoe County Commission

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By   
John B. Rhodes, Legal Counsel  
Rhodes Law Offices, Ltd.

By   
~~Peter C. Simeoni~~ Paul Lipparelli  
Deputy District Attorney

**EXHIBIT "A"**

**Scope of Work and Budget**

**Western Regional Water Commission  
Septic Nitrate Baseline Data and Risk Assessment  
Study for Washoe County**

*PHASE II: IN-DEPTH ANALYSIS OF PRIORITIZED STUDY  
AREAS, CREATION OF BASELINE DATA SET, AND  
RISK ASSESSMENT*

July 22, 2013

*Principal Investigator*

**Christian A. Kropf, Washoe County Community Services Department**

## Introduction

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The Truckee Meadows Water Authority (TMWA) provides commercial and residential water service to almost 90,000 customers, and the Washoe County Community Services Department ("CSD") provides water service to approximately 22,000 residential customers. The majority of the CSD demand and approximately 15% of TMWA demand is met with groundwater. As development intensifies, population centers expand, and water needs multiply, ever-increasing pressure is put on already stressed groundwater and surface water sources.

Along with supply pressures, groundwater and surface waters are threatened by contaminants to water quality. Possibly the largest threat to water systems nation-wide is nitrate, from both natural and anthropogenic sources <sup>(1)</sup>. The CSD has identified areas of water quality degradation as a result of septic tank effluent, occurring predominantly in areas with high septic tank densities. There are approximately 18,300 septic tanks in Washoe County, and at least sixteen areas that may exhibit densities high enough to pose a problem to potable groundwater supplies. In addition to high densities, other contributing factors include shallow depths to groundwater, permeable soil conditions, and proximity to sensitive receptors. These conditions are present in Spanish Springs Valley <sup>(2)</sup>, Washoe Valley <sup>(3)</sup>, and Lemmon Valley <sup>(4)</sup> <sup>(5)</sup>, and have been shown to lead to water quality degradation.

In Spanish Springs Valley, fifteen years of groundwater quality monitoring have shown increasing levels of nitrate contamination in municipal wells. Almost 2,000 septic systems are located within a four square-mile area, with almost half of these systems within 2,000 feet of one or more municipal water supply wells. Two of six municipal wells in the highly developed portion of Spanish Springs Valley have nitrate-nitrogen concentrations at or approaching the maximum contaminant level (MCL) of 10 ppm nitrate-nitrogen. A 1999 U.S. Geological Survey (USGS) study suggested that increasing nitrate levels may be linked to local septic systems <sup>(6)</sup> <sup>(7)</sup>. A recent study by the USGS and CSD found that nitrate-nitrogen concentrations of 44 mg/L from septic effluent in the densely populated portion of the valley account for approximately 30 tons of nitrogen entering the groundwater system every year <sup>(2)</sup>. An on-going study by the CSD shows nitrate concentrations increasing to over 57 ppm in the shallow aquifer.

Using lessons learned in these areas, and especially in Spanish Springs Valley, the CSD is prepared to expand the scope of the septic effluent investigation throughout the densely populated portions of the County. By determining where shallow groundwater is at risk from nitrate contamination, managers can decide where to allocate resources for appropriate follow-up action.

## Project Goals

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*Phase I: Prioritization of Study Areas and Assessment of Data Needs*, was a paper study using available data to identify potential areas of nitrate contamination and determine data needs. The goal of the investigation described herein, *Phase II: In-Depth Analysis of Prioritized Study Areas, Creation of Baseline Data Set, and Assessment of Risk*, is to identify areas with high septic system density that are degrading groundwater quality.

## Project Tasks

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It is estimated that five to eight of the prioritized study areas identified in Phase I will require more in-depth analysis to determine the risk they pose to water quality. Data gaps identified in Phase I will be addressed in Phase II, and may include additional water quality analyses and water sampling, water level collection, more intense records searches for water quality data and/or geologic information, and additional database creation. In addition, groundwater gradient maps, computer modeling, and mass balance modeling will be completed for each study area to determine the septic effluent and nitrate load to groundwater. This investigation will culminate in a report and presentation, with recommendations on addressing any areas that have degraded water quality or pose a high risk for water quality degradation.

### Task I – Project Planning

- Overall project planning
  - Scheduling
  - Budgeting
  - Team development and meetings

### Task II – Baseline Dataset Creation

- Fill data gaps, more intense records search or field work
  - Well log database queries
  - Water quality sampling – groundwater and/or surface water
  - Water levels
  - Geology
  - Septic design review
- Public outreach to obtain volunteers for well sampling

### Task III – In-Depth Analysis

- Organization and database creation
  - Data collected from Phase I
  - Additional data collected in Task II above
- Modeling
  - Groundwater gradients
  - Vadose zone modeling
  - Mass balance modeling

**Task IV – Risk Assessment**

- Development of tables and maps based on all data collected above
- Comparison to areas of known contamination: Spanish Springs, Lemmon Valley, Washoe Valley
- Identification of areas of potential risk

**Task V – Report Preparation and Presentation**

- Preparation of a report divided by Study Area and a Presentation
  - Background
  - History of septic in the Study Area
  - Data findings
  - Modeling results
  - Risk assessment
  - Recommendations

- 
- (1) Nolan, B.T., Hitt, K.J., and Ruddy, B.C. 2002. *Probability of Nitrate Contamination of Recently Recharged Groundwaters in the Conterminous United States*: Environmental Science and Technology, v. 36, no. 10, p. 2138-2144.
- (2) Rosen, M.R., Kropf, C., and Thomas, K.A. 2006. *Quantification of the Contribution of Nitrogen from Septic Tanks to Ground Water in Spanish Springs Valley, Nevada*: U.S. Geological Survey Scientific Investigations Report 2006-5206.
- (3) McKay, W.A. and H. Zhan, 1999. *A Solute Transport Model of Nitrate Occurrence in Washoe Valley, Nevada*: Desert Research Institute Publication No. 41162, 76 p.
- (4) Widmer, M.C. and W. A. McKay, 1994. *Ground Water Contamination from Septic Effluent in a Closed Basin, Washoe County, Nevada*: Washoe County Department of Public Works, Utility Division, 64 p.
- (5) Seiler, R.L., 1996. *Methods for Identifying Sources of Nitrogen Contamination of Ground Water in Valleys in Washoe County, Nevada*: U.S. Geological Survey Open-File Report 96-461, 20 p.
- (6) Seiler, R.L., 1999. *A Chemical Signature for Ground Water Contamination by Domestic Wastewater*: Reno, University of Nevada, Ph.D. dissertation, 125 p.
- (7) Seiler, R.L., Zaugg, S.D., Thomas, J.M., and Howeroff, D.L., 1999, *Caffeine and Pharmaceuticals as Indicators of Wastewater Contamination in Wells*: Ground Water, v. 37, no. 3, p. 405-410.

### Estimated Project Costs and Schedule

Task	Staff	Hours	Rate	Subtotal	Task Total	Schedule
I	Hydrogeologist	40	\$ 69.25	\$ 2,770.00		
	Intern	80	\$ 11.45	\$ 916.00	\$ 3,686.00	2 weeks
II	Hydrogeologist	200	\$ 69.25	\$ 13,850.00		
	Hydrogeologist	100	\$ 69.25	\$ 6,925.00		
	Engineering	40	\$ 76.07	\$ 3,042.80		
	GIS	40	\$ 58.21	\$ 2,328.40		
	Intern	200	\$ 11.45	\$ 2,290.00		
	Lab Analytical	Not-to-Exceed		\$	50,000.00	\$ 78,436.20
III	Hydrogeologist	150	\$ 69.25	\$ 10,387.50		
	Engineering	20	\$ 76.07	\$ 1,521.40		
	GIS	100	\$ 58.21	\$ 5,821.00		
	Intern	200	\$ 11.45	\$ 2,290.00		
	DRI - Modelling		Lump	\$	10,000.00	\$ 30,019.90
IV	Hydrogeologist	120	\$ 69.25	\$ 8,310.00		
	Engineering	20	\$ 76.07	\$ 1,521.40		
	GIS	120	\$ 58.21	\$ 6,985.20		
	Intern	120	\$ 11.45	\$ 1,374.00	\$ 18,190.60	3 weeks
V	Hydrogeologist	150	\$ 69.25	\$ 10,387.50		
	Engineering	20	\$ 76.07	\$ 1,521.40		
	GIS	100	\$ 58.21	\$ 5,821.00		
	Intern	80	\$ 11.45	\$ 916.00		
	Materials			\$	1,000.00	\$ 19,645.90
<b>Project Total</b>					<b>\$ 149,978.60</b>	<b>20 weeks</b>

#### Notes:

1. Funds may be transferred as needed between tasks but the overall project total is a "Not to Exceed" cost.
2. Estimated project start date: November 2013
3. Estimated project duration: 12 months

**EXHIBIT "B"**UNIT FEE SCHEDULE

<u>Labor</u>	<u>Unit/Hour Rate</u>
Hydrogeologist*	\$69.25
Engineer*	\$76.07
GIS*	\$58.21
Intern*	\$11.45
 <u>Expenses</u>	
Materials - Not to Exceed	\$1,000.00
Mileage**	

## Notes:

- \* Labor rate may subject to change based on a contractual rate adjustment as negotiated per County employee collective bargaining agreements.
- \*\* Mileage rate based on current internal revenue service allowable reimbursement rates.