

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

TUESDAY

10:00 A.M.

DECEMBER 8, 2015

PRESENT:

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

**Jan Galassini, Chief Deputy County Clerk**  
**John Slaughter, County Manager**  
**Paul Lipparelli, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:02 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Chief Deputy Clerk called the roll and the Board conducted the following business:

**15-1005** **AGENDA ITEM 3** Presentation-Glenn Duncan Elementary School Choir.

Students from the Glenn Duncan Elementary School Choir sang a holiday song to the Board and the audience.

**15-1006** **AGENDA ITEM 4** Public Comment.

Pete Todoroff spoke about his concerns regarding the water quality improvements planned for East Incline Village, which did not include a pedestrian and bicycle path. He stated County and Tahoe Regional Planning Agency's (TRPA) planning documents from 1996 included a separate pathway for pedestrians and bicycles. He noted the issue was brought before the Incline Village/Crystal Bay Community Advisory Board (CAB) and it was recommended to seek accommodations for a pathway into the design. He said the County indicated there were not funds available to include a pathway. He provided a handout, which was placed on file with the Clerk.

The following individuals spoke in opposition to Medical Marijuana Establishments (MMEs) in the County: Illona Mager, Gerard Mager, John Redfern, John J. Bax, David LaBarge, Julie Fontecchio, Jimmy Conway, Dennis Giangreco, Ken Reese, Joan Shubinski, Kathy Redfern, Debra Larson, Mary Jo Stein, Manuel Stein, Nancy Henderson, Lexi Cerretti, Gina Wiebe, Mary Alber, Ellen Daleke, David Fore, Carol Burns, and Maureen Toner. John Redfern, Lexi Cerretti, and Ellen Daleke provided handouts, which were placed on file with the Clerk.

The above individuals' concerns included: the proximity of MMEs to schools, bus stops and businesses that children frequent; safety due to MMEs cash business; the potential for medical marijuana to result in recreational use; the existing drug problems in the County; individuals were able obtain medical marijuana cards without proving medical necessity; and the stigma that pot smokers were lower caliber citizens.

Valerie Hand spoke about bear problems on the Mount Rose Corridor. She indicated that 95 percent of all bear encounters were due to inadequate trash containers and she hoped Waste Management (WM) could provide bear-proof containers to residents.

Dee Williams spoke about her concerns regarding a criminal matter and missing child abuse documents.

Ardena F. Perry spoke about her concerns regarding animal welfare. She stated she did not agree with Agenda Item 27, which was a proposed ordinance that would create provisions to regulate commercial animal establishments through an animal welfare permit. She provided a handout, which was placed on file with the Clerk.

Levi Hooper introduced himself as the voice of the downtrodden. He thanked Commissioner Herman for her generous donation and stated he obtained blankets and coats for many of the homeless people in the area. He noted there was a storm coming and he encouraged individuals to consider helping the homeless.

Garth Elliott spoke about uninformed hysteria, MMEs, alcohol and prescription drugs.

Meghan Di Rocco introduced herself as the founder of the Galena Bear Awareness Committee. She stated the committee focused on human and bear encounters related to trash. She said the goal was to create local awareness about trash issues and the potential harm it could bring to animals and humans if trash was not handled properly. She expressed her support of WM and wanted to see animal resistant cans become mandatory in bear prone areas.

Katherine Snedigar spoke regarding the effects of marijuana, gateway drugs and alcohol. She also voiced her concern regarding a cargo container regulation.

Connie McMullen introduced herself as the Vice Chairman of the Washoe County Senior Citizens Advisory Board (WCSCAB). She noted there was a presentation on the agenda about seniors and she was glad that seniors were becoming a priority.

Sam Dehne spoke about marijuana, tequila, the low-life factor, and the *Reno Gazette-Journal*.

Cathy Brandhorst spoke about matters of concern to herself.

Donna Clontz introduced herself as a member of the WCSCAB and the Chair of the City of Reno Senior Citizen Advisory Committee. She stated she was in support of Agenda Items 8 and 10 and wanted to thank the Board for making seniors a priority in the strategic plan. She said the steps taken to integrate services for seniors into a human services agency would enable the County to serve a larger number of seniors in the community. She noted WCSCAB members were pleased that Kevin Schiller, Assistant County Manager, was appointed Acting Director of the Senior Services Department.

Tena Montoya spoke in support of a MME located in Incline Village. She said she and a few individuals she knew needed medical marijuana for insomnia, anxiety and Multiple Sclerosis. She said the benefits had been life changing for her.

Joy Strotz spoke about the effects on individuals while they were under the influence of marijuana. She noted that young adults believed they could drive under the influence of marijuana because they did not feel impaired, even though they would not drive under the influence of alcohol. She stated a breathalyzer to determine intoxication by marijuana was in the process of being designed. She said she was not against medical marijuana for individuals with a medical necessity but she felt there were more individuals who were not legitimately in need of the drug.

**11:48 a.m.** The Board recessed.

**11:58 a.m.** The Board reconvened with all members present.

**15-1007** **AGENDA ITEM 5** Announcements/Reports.

John Slaughter stated it was requested that Agenda Items 6H2 and 6K6 be removed from the Consent Agenda. He commented that Agenda Items 23 and 24 were scheduled for public hearing but the recommendation was to open the public hearings for public comments but continue them to the December 15th meeting for action.

Commissioner Lucey stated the Fixing America's Surface Transportation (FAST) Act was passed unanimously at the House and the Senate, and was going to the President for approval. He stated the FAST Act was a five-year, multi-billion dollar bill, which meant Nevada would have funding for future roads and improvements. He mentioned that Southwest Airlines added three daily non-stop flights between Oakland and Reno.

Commissioner Jung stated that Medical Marijuana Establishment (MME) owners inquired what they could do for the communities in which they were located. She said it was suggested they provide body cameras for the Sheriff's Deputies and possibly donate data storage as well. She requested staff to follow up and bring an update back to the Board. She noted that Hillary Clinton, Presidential Candidate, toured the Crossroads

facility which received national recognition as a model program to assist the indigent population.

Commissioner Hartung said he had the pleasure of attending the national presentation for the Nevada Attorney General's Office of Military Legal Assistance (OMLA), which offered pro bono civil legal services to military families. He said he attended an event where Charter Communications presented the Children's Cabinet with a helpful donation. He asked staff when the updated changes for the new cargo container regulations would be brought back to the Board.

Commissioner Herman stated her district was lacking Community Advisory Boards (CABs) and mentioned it was important to the constituents to have them reinstated.

Chair Berkbigler requested a status update of the contract between the County and the City of Reno for dispatch and crime lab services to be presented at the last meeting in January. She said she toured the Jan Evans Center and she praised the work they did.

#### CONSENT ITEMS 6A THROUGH 6M

- 15-1008** 6A Approve minutes for the Board of County Commissioners' regular meetings of October 27, 2015 and November 10, 2015.
- 15-1009** 6B Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2013/2014, 2014/2015 and 2015/2016 secured and unsecured tax rolls and authorize Chairman to execute the changes described in Exhibit A and Exhibit B and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$142,903.86]. Assessor. (Parcels are in various Commission Districts.)
- 15-1010** 6C Acknowledge Receipt of the Interim Financial Report for Washoe County Governmental Funds for the three months Ended September 30, 2015 - Unaudited. Comptroller. (All Commission Districts.)
- 15-1011** 6D Approve payments [totaling \$13,840.31] to vendors for assistance of 50 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons. District Attorney. (All Commission Districts.)
- 15-1012** 6E Authorize the Director of Social Services to accept [\$28,837; \$9,612 match required] for the Federal Title IV-B Subpart 2 grant from the State of Nevada, Division of Child and Family Services to support caseworker

visits retroactive to October 1, 2015 through September 30, 2016; and direct the Comptroller's Office to make the appropriate budget adjustments. Social Services. (All Commission Districts.)

**15-1013** **6F** Acknowledge a Specialty Court General Fund Allocation from the Judicial Council of the State of Nevada to the Sparks Justice Court [\$45,050 for FY16, no match required], paid in quarterly installments retroactive to November 1, 2015; and direct the Comptroller to make the appropriate budget adjustments. Sparks Justice Court. (Commission Districts 3, 4 & 5.)

**15-1014** **6G** Approve the Travel/Training request for two (2) individuals from each of the three (3) primary Public Safety Answering Points (PSAPs) to attend a total of three (3) Public Safety Training Courses in an amount [not to exceed \$49,781.60 total for Fiscal Year 2015-2016]. Total expenditures, to be funded within the adopted operating budgets of the E911 Fund. Technology Services/911 Emergency Response Advisory Committee. (All Commission Districts.)

**15-1015** **6H1** Adopt the following Resolutions Accepting Real Property for Use as a Public Street (a portion of seven Official Plats as listed below totaling 816,694 square feet), for use as public street rights-of-way; and if approved, direct the Clerk's Office to record the Resolutions: (1) A portion of Official Plat of Pebble Creek - Unit 6A, Subdivision Tract Map 5086, Spanish Sand Court, a portion of Spanish Sand Drive, a portion of Topaz Creek Drive, and a portion of Mystic Sands Drive, APN 538-204-07, approximately 103,030 square feet; (2) A portion of Pebble Creek - Unit 6B, Subdivision Tract Map 5114, Mystic Mountain Court, a portion of Mystic Mountain Drive, a portion of Mystic Sands Drive, and a portion of Topaz Creek Drive, APN 538-213-18 and APN 538-203-11, approximately 165,038 square feet; (3) A portion of Official Plat of Donovan Ranch - Phase 3, Subdivision Tract Map 5122, Valley Crest Drive, Valley Sage Drive, Vista Grande Drive, Vista Park Drive, a portion of Horizon Ridge Road, and a portion of Shady Valley Road, APN 534-624-08 and APN 534-617-15, approximately 233,108 square feet; (4) A portion of Official Plat of Eagle Canyon Ranch - Unit 1, Subdivision Tract Map 5124, a portion of Rudy Way and a portion of Rosy Finch Drive, APN 532-142-11, approximately 28,509 square feet; (5) A portion of Official Plat of Autumn Trails - Unit 1, Subdivision Tract Map 5127, Buckle Court, Highball Court, Longridge Drive and portion of Hayfield Drive, APN 534-632-04, approximately 78,433 square feet; (6) A portion of Official Plat of Woodland Village Phase 19, Subdivision Tract Map 5120, Giant Panda Court, Kodiak Bear Court, Polar Bear Court, a portion of Polar Bear Drive, and a portion of Desert Lake Drive, APN 556-592-10, approximately 196,191 square feet; and (7) A portion of Official Plat of Woodland Village Phase 18, Subdivision Tract Map 5087, a portion of

Desert Lake Drive, APN 556-572-04, approximately 12,386 square feet. (Commission Districts 4 and 5.)

- 15-1016** **6H3** Approve Amendment #1 to Agreement Regarding November 2002 State Question 1: Parks and Open Space Bond Issue-Truckee River Rock Park Restroom – Project Funding between Washoe County and the City of Sparks. (Commission District 3.)
- 15-1017** **6H4** Approve Amendment to Water Rights Deed between Washoe County and Utilities, Inc. of Nevada. (Commission District 5.)
- 15-1018** **6H5** Acknowledge receipt of the Washoe County Water and Sanitary Sewer Financial Assistance Program Status Report as of September 30, 2015. (All Commission Districts.)
- 15-1019** **6H6** Approve four Deeds of Dedication to accept real property (County Road 34), a portion of APN 071-211-11 (totaling 2.48 acres), a portion of APN 071-211-13 (totaling 6.58 acres), a portion of APN 071-211-14 (totaling 3.41 acres), and a portion of APN 071-211-15 (totaling 3.24 acres) for use as a public street right-of-way; and if approved, direct the Clerk's Office to record the Deeds of Dedication. (Commission District 5.)
- 15-1020** **6I1** Approve a request for reclassification of a vacant Property Program and Fiscal Control Manager, pay grade Q, to an Administrative Secretary, pay grade J (Community Services), as evaluated by the Job Evaluation Committee, and elimination of unused or obsolete job classifications as listed in Exhibit 1. [Net annual savings is estimated at \$39,877]. (All Commission Districts.)
- 15-1021** **6I2** Approve the Trust Agreement between the County of Washoe and Reliance Trust Company as the Trustee for loans in the Deferred Compensation 457 Plan; and if approved, authorize the Director of Human Resources/Labor Relations to execute same. [No fiscal impact.] (All Commission Districts.)
- 15-1022** **6J1** Acknowledge Receipt of the Workers' Compensation Audit Report from the Internal Audit Division. (All Commission Districts.)
- 15-1023** **6J2** Approve re-appointment of Ms. Elaine Alexander, to the Washoe County Audit Committee for the term commencing January 1, 2016 and expiring on December 31, 2017. (All Commission Districts.)
- 15-1024** **6J3** Approve Resolution to augment the Regional Public Safety Training Center (RPSTC) Fund to increase expenditure authority in the amount of [\$92,450] for fiscal year 2015-16; and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)

- 15-1025**      **6K1** Approve Sheriff's Right of Entry and Hold Harmless Agreement between the Thunderbird Lodge Preservation Society and the Washoe County Sheriff's Office for use of pier, dinghy, and properties located at 5000 State Route 28 and 1056 Tahoe Boulevard North, Incline Village, NV 89451 by the Washoe County Sheriff's Office for Marine 9 and if approved, authorized Risk Management to sign the Agreement. [No fiscal impact.] (Commission District 1.)
- 15-1026**      **6K2** Approve Sheriff's Security Agreement between the G&I VII Reno Operating, L.L.C. and the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for Security [No fiscal impact to County, estimated reimbursed security costs is no more than \$7,800] for the retroactive period of November 21, 2015 through December 26, 2015. (Commission District 2.)
- 15-1027**      **6K3** Approve a grant award [\$14,000, no match required] from the Nevada Commission on Off-Highway Vehicles, FFY 2015, Project number 2015LE001, to the Washoe County Sheriff's Office for the purchase of an off-highway vehicle. Grant term is retroactive from June 15, 2015 through June 14, 2016 and if approved, direct Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)
- 15-1028**      **6K4** Approve funding [\$15,000, no match required] provided by the 780 Police Department through their grant award 15-JAG-26 through the Justice Assistance Grant program, Office of Criminal Justice Assistance for overtime costs associated with the Regional Gang Task Force activities for the retroactive grant period of October 1, 2015 through September 30, 2016; and if approved, authorize Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)
- 15-1029**      **6K5** Approve a grant award [not to exceed \$17,200, no match required] from the US Marshal's Office for reimbursement of overtime costs incurred while participating in the US Marshal's Regional Fugitive Investigative Strike Teams (FIST) during the retroactive FFY period of October 3, 2015-September 30, 2016; and if approved, authorize Comptroller's Office to make necessary budget adjustments. (All Commission Districts.)
- 15-1030**      **6L1** Approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: WCAD 23 – Arrowcreek Water, WCAD 32 – Spanish Springs Valley Ranch Rd. (Commission Districts 2 and 5.)

**15-1031**      **6L2** Approve and Execute Resolution Authorizing the Washoe County Treasurer to Transfer to Other Governmental Entities, Real Property held in Trust due to property tax delinquencies and other matters properly related thereto. (Commission District 4.)

**15-1032**      **6M** Recommendation to approve the submission of the following grants to the State of Nevada Community Development Block Grant (CDBG) program for funding consideration: Non-emergency Medical Transportation in Unincorporated Washoe County, in the amount of [\$267,298]; and Sun Valley Pool Repair and Play Features, in the amount of [\$493,500]; priority ranking for the applications recommended as follows: Non-emergency Medical Transportation in Unincorporated Washoe County priority one, and Sun Valley Pool Repair and Play Features priority two; and if approved, authorize the Chair to execute the documents concerning same. Manager. (All Commission Districts.)

Commissioner Herman stated there was an error within Agenda Item 4 in the minutes for the meeting of November 10th. She said her correct statement was “the containers were ‘not’ considered real property”.

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

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Agenda Item 6A amended and Agenda Items 6H2 and 6K6 pulled, it was ordered that Consent Agenda Items 6A through 6M be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6M are attached hereto and made a part of the minutes thereof.

**BLOCK VOTE** (8, 9, 10, 11, 12, 15, 16, 17 and 21).

**15-1033**      **AGENDA ITEM 8** Recommendation to appoint Kevin Schiller, Assistant County Manager as Acting Director of the Washoe County Senior Services Department effective December 8, 2015. Manager. (All Commission Districts.)

On the call for public comment, Garth Elliott stated he was sad to see Grady Tarbutton retire but he was glad that Kevin Schiller would be appointed Acting Director of Senior Services.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Kevin Schiller, Assistant County Manager, be appointed Acting Director of the Washoe County Senior Services Department.

**15-1034**      **AGENDA ITEM 9** Recommendation to approve agreement between Netsmart Technologies, Inc. and Washoe County for purchase of



myAvatar software upgrade, new implementation and support for the Social and Senior Services Departments in the amount of [\$418,928.68] effective December 8, 2015. Social Services. (All Commission Districts.)

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

- 15-1035** **AGENDA ITEM 10** Recommendation to approve an agreement between Catholic Charities of Northern Nevada (CCNN) and Washoe County in an amount [not to exceed \$672,813 on an annual basis], to provide housing, property management and supportive services at multiple sites for the Crossroads Program retroactive to December 1, 2015 through June 30, 2016 with the option to renew for two (2) additional one (1) year periods. Social Services. (All Commission Districts.)

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

- 15-1036** **AGENDA ITEM 11** Recommendation to approve an Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services, Division of Health Care Financing and Policy and Washoe County, authorizing the Department of Social Services to participate in claiming allowable reimbursements covered under Federal Title XIX of the Social Security Act, for activities performed for Medicaid Targeted Case Management (TCM) Services, Direct Services, and Medicaid Administrative Services, retroactive to July 1, 2015 until June 30, 2019 for [approximately \$437,000 for SFY 2016, \$475,000 for SFY 2017, \$525,000 for SFY 2018 and \$570,000 for SFY 2019 with the total reimbursement not exceeding \$2,007,000] for administrative services costs only for the term of the contract. Social Services. (All Commission Districts.)

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

- 15-1037** **AGENDA ITEM 12** Recommendation to approve an Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2015 until June 30, 2017 for a [projected amount of \$5,000,000 per fiscal year]. Social Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 12 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

**15-1038**      **AGENDA ITEM 15** Recommendation to approve an Agreement to Provide Water Service under the Firm Standby Partial Requirements Rate Schedule for the Golden Valley Artificial Recharge Program between Washoe County and the Truckee Meadows Water Authority (TMWA); and if approved, 1) Authorize the purchase of 21.03 acre feet of water resources from the TMWA Rule 7 water resource inventory [\$158,145.60]; and, 2) Adopt a Resolution to augment the budget of the Golden Valley Artificial Recharge Program within the Washoe County Utilities Enterprise Fund 566 [\$85,000]; and direct the Comptroller's Office to make the appropriate adjustments. Community Services. (All Commission Districts.)

On the call for public comment, Francine Dunshick spoke on behalf of the Golden Valley Property Owners Association and thanked the County for a successful agreement with the Truckee Meadows Water Authority (TMWA) for the Golden Valley Artificial Recharge Program.

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

**15-1039**      **AGENDA ITEM 16** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Sparks Library HVAC Project [staff recommends Mt. Rose Heating & Air Conditioning, Inc. in the amount of \$364,400]. Community Services. (Commission District 3.)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 16 be awarded and approved.

**15-1040**      **AGENDA ITEM 17** Recommendation to approve an Owner-CMAR Construction Agreement between Washoe County and Q&D Construction, Inc. to provide Construction Manager At Risk (CMAR) construction services for the Washoe County Medical Examiners Facility Project [\$10,770,482.00]; and direct the Comptroller's Office to make the appropriate budget adjustments. Community Services. (All Commission Districts.)

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

**15-1041** **AGENDA ITEM 21** Discussion and possible direction to the County Manager to utilize two or more hours of staff time to research and develop a “Business to Business – Buy Local” initiative with members of the Organizational Effectiveness Committee. (Requested by Commissioner Berkgigler)

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 21 be approved.

**15-1042** **AGENDA ITEM 7** Department presentation by Social Services and Senior Services.

Amber Howell, Social Services Director, conducted a PowerPoint presentation, which included an overview of Child Welfare, Adult Services and Senior Services. She indicated there had been a significant increase in the number of children who were removed from their homes and fortunately, there had not been a spike in child fatalities. She noted that 50 percent of last year’s child fatalities were due to co-sleeping and unsafe sleeping conditions, which were considered preventable deaths. She said there had been an increase in child welfare placement costs, which was due to emergency shelter needs. She stated there had been a specialized foster care pilot program in place for the past two years that addressed children who required a higher level of care. She said with this program the children would get the appropriate services to meet their needs and the associated costs would decrease dramatically. She stated permanent placement would increase when children returned home or were adopted.

Ms. Howell indicated the number of home delivered meals had increased due to the addition of a second meal being provided for homebound seniors. She also noted that there had been an increase in the number of people who were served through the Crossroads program. She highlighted that the program supported living arrangements to help transition men and women out of homelessness by connecting them to services such as alcohol and drug counseling. She stated the program had proven to be effective with decreasing relapses and jail bookings, which had saved the community millions of dollars.

Kevin Schiller, Assistant County Manager, continued the presentation by stating the key areas associated with Senior Services were the Senior Centers, Congregate Nutrition and Meals on Wheels, Case Management, Representative Payee and Homemaker Services, Daybreak, senior ambassadors, volunteer programs, partnerships and legal services. He noted the support services for the families who cared for loved ones with Alzheimer’s and Dementia were not cost effective in the area and he hoped Northern Nevada could create a program at a cost that would be manageable. He mentioned the meals that were provided to seniors would not decrease because the population of seniors continued to rise. He commented the plan was to request increased funding for senior programs within the next legislative session.

Ms. Howell continued the presentation by reviewing where Social Services staff were located throughout the County. She described the change that would create the Human Services Agency by merging Child Welfare, Adult Services and Senior Services into one unified department. She stated the changes would create focus and combine the needs for citizens throughout their entire lifespan. She noted the change would encompass the basic needs including emergency services, self-sufficiency, independence, and access to services for the combined population. She highlighted the Crossroads expansion included an increase from 60 beds to 151 beds. In closing, she reviewed the substantial list of future goals for the agency, which included increased capacity at Crossroads, expanding services for caregivers, increased adoptions, a Dementia caregivers respite program, and increased programming at the senior centers.

Commissioner Lucey commended Ms. Howell, Mr. Schiller and the staff for their continued focus on Human Services and Social Services and thanked them for the informative presentation.

In response to Commissioner Jung's question regarding the amount of staff, Ms. Howell replied that there had not been a tremendous increase in staff besides the 15 additional staff members that were added in June of 2015. She said even though the investigations and the responses were not doubling, the removal of children was.

In response to Commissioner Jung's question as to whether there was a person who was dedicated to adoptions, Ms. Howell replied there was not a specific person for that role but there were a number of initiatives to assist with the increased number of them. She noted there was a lack of District Attorneys, which created delays with the finalization of adoptions, but additional positions had been approved. She added there were a number of children in pre-adoptive placement, who were waiting for the adoptions to be finalized.

Commissioner Jung voiced her concern regarding foster children who age-out of the system, and she thought the responsibility of foster parents should extend beyond the child turning 18 years old. She stated the amount of money in the budget for Independent Living was low and she wondered whether the County should be doing more to assist young adults. She questioned the difference in special revenue funding for Senior Services as compared to Child Protective Services and she wondered what needed to occur to balance the services more evenly. She thought that more seniors would be relocating to the area because of the attractive tax shelters that Nevada offered and she was concerned there would be insufficient services to support them. She expressed that seniors should be a higher priority.

In response to Commissioner Hartung's question regarding whether each of the departments would continue to have a department head under the new structure, Mr. Schiller responded staff would seek input from the Board regarding structure.

Commissioner Hartung hoped there would be more training and family involvement for Alzheimer's and Dementia patients and caregivers.

In response to Commissioner Hartung's questions regarding whether the Crossroads program would expand to Sparks and whether it would consider a 24/7 monitoring program, Ms. Howell stated that Crossroads was looking to expand by acquiring lodging accommodations; such as motels and homes. She continued by stating Crossroads had 25 existing clients in a 24/7 program, which was located at the main location on Gould Street.

Commissioner Hartung requested a presentation about the Rock Steady program for Parkinson's patients. He noted Parkinson's disease was not specific to the elderly and he thought there needed to be more awareness.

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

**15-1043** AGENDA ITEM 28 Possible Closed Session for the purpose of discussing labor negotiations with Washoe County Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

**1:08 p.m.** On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**2:33 p.m.** The Board reconvened with all members present

**15-1044** AGENDA ITEM 13 Recommendation to approve and execute an ordinance authorizing the issuance of the Washoe County, Nevada, Sales Tax Revenue Refunding Bonds, Series 2016A, for the purpose of refinancing certain outstanding obligations; providing the form, terms and conditions of the bonds and other details in connection therewith. [The total principal amount of bonds is estimated to be \$13,850,000.] Manager. (All Commission Districts)

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

Paul Lipparelli, Legal Counsel, stated the Board was authorized by State Law to act as if an emergency existed. He explained the difficulty with the bond approvals was the time between the first and second readings and the publication posting, therefore, Nevada Revised Statute 350.579 authorized one act for the approval of the bonds. He noted the staff report explained this and the Ordinance contained language to the same effect. He stated if the Board was inclined to approve the Ordinance, it would be understood that it was a one-time approval as if an emergency existed.

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1570, Bill No. 1753.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried, Chair Berkbigler ordered that Ordinance No.1570, Bill No. 1753, be approved, executed and published in accordance with NRS 244.100.

**15-1045** **AGENDA ITEM 14** Recommendation to approve and execute an ordinance authorizing the issuance of the Washoe County, Nevada, General Obligation (Limited Tax) Public Safety Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2016B, for the purpose of refinancing certain outstanding obligations; providing the form, terms and conditions of the bonds and other details in connection therewith. The total principal amount of bonds is estimated to be \$10,420,000. Manager. (All Commission Districts.)

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

Paul Lipparelli, Legal Counsel, stated the Board was authorized by State Law to act as if an emergency existed. He explained the difficulty with the bond approvals was the time between the first and second readings and the publication posting, therefore, Nevada Revised Statute 350.579 authorized one act for the approval of the bonds. He noted the staff report explained this and the Ordinance contained language to the same effect. He stated if the Board was inclined to approve the Ordinance, it would be understood that it was a one-time approval as if an emergency existed.

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1571, Bill No. 1754.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, Chair Berkbigler ordered that Ordinance No.1571, Bill No. 1754, be approved, executed and published in accordance with NRS 244.100.

**15-1046** **AGENDA ITEM 18** Presentation and possible direction to staff on Recreational Marijuana Establishments and related matters in Washoe County; and an update on Medical Marijuana Establishments and direction to staff on related matters within Washoe County. (Request by Chair Berkbigler.)

Kevin Schiller, Assistant County Manager, reviewed the staff report regarding Recreational Marijuana Establishments, Medical Marijuana Establishments (MMEs), and related matters. Mr. Schiller reviewed the previous actions for the items, the background, and presented an MME update. The Board directed Mr. Schiller to have staff research the following concerns and to bring them back to the Board for review and

further direction: initiate changes to the County Code to prohibit recreational marijuana use or sales within the unincorporated County; the County Health District to conduct monthly mandatory MME inspections; mandate that MMEs provide a Sheriff's Deputy to patrol the area surrounding a MME; mandate that future MMEs would be allowed in industrial areas only when there were no schools in close proximity; establish maximum dispensary limits for MME card holders; create a protected fund for the proceeds of fees and taxes; mandate that funds stay in the area in which were collected; create law enforcement guidelines for cost repayment; create guidelines for standard cost recovery; and determine where funds would be designated.

On the call for public comment, David LaBarge reiterated his earlier comments regarding his opposition to MMEs and he asked the Board to be cautious with the decisions they made.

Carol Burns spoke about her concerns regarding the locations of MMEs in Sun Valley and she thought they should be farther than 1,000 feet from a school.

Mr. Schiller reminded the Board that location moves after October 1, 2015 would require the Board's approval. He stated that Tryke Companies, who had been issued a certificate for a location in Incline Village, had submitted a request to relocate to Sun Valley. He indicated a meeting was held with Tryke Companies and they were specific about how they could contribute back to the community in Sun Valley.

In response to Commissioner Hartung's question regarding alternative payment options for the MMEs, Mr. Schiller stated he would add that to his list and bring it back to the Board.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered to approve and acknowledge Agenda Item 18 with the stated direction.

**15-1047** AGENDA ITEM 19 Update and Presentation on Single Stream Recycling Proposed Models and other related matters with direction to staff on future changes to the current Garbage Franchise Agreement. Manager. (All Commission Districts.)

Kevin Schiller, Assistant County Manager, reviewed the staff report regarding Waste Management's Single Stream Recycling Program, which included an update and proposed changes to the current Waste Management (WM) Franchise Agreement. He reviewed the background of the agreement, proposed rate increases and the recommendations to the Board. He reviewed options that could increase the franchise fee from the current five percent up to eight percent. He stated for every percent the franchise fee was increased, it would equate to an increase of approximately \$100,000 in annual revenue. He noted that Reno and Sparks franchise fees were fixed at eight percent. He commented an increase in the franchise fee could offset other related expenses such as animal resistant containers and illegal dumping. He explained the Single Stream

Recycling Program was approved for Sparks on October 28th and delivery of the containers would start on December 28th with full operation by February 1st.

Greg Martinelli, Waste Management, indicated there was an error in the proposed rate within the staff report and he clarified the current rate and proposed rate were reversed on the first line of the residential trash options (on page 5 of the staff report). Mr. Martinelli reviewed the proposed changes in rates and stated the rates were based on the current five percent franchise fee. He stated bear issues had been a topic of discussion recently and he thought there were additional options that could be added to the proposal to accommodate for bear prone areas.

In response to Commissioner Lucey's concerns regarding the Galena area bear issues, Mr. Martinelli replied that bear containers were effective in most situations. He commented the best option would be to install a bear box onsite because there would be a one-time cost and they were more reliable than a bear container. He stated that they would research multiple options for bear containers and boxes and bring them back to the Board for further discussion.

In response to questions from the Board regarding the franchise agreement, Mr. Martinelli explained that the age for senior discount customers was 70 years old. He continued his responses by explaining the cart switch out fee indicated on page 5 of the staff report, was to change the size of the container or to replace a container when customer damage was present. He indicated that Styrofoam was now considered a recyclable material and could be added to the recycle cart. He stated the missed pick up issues in Palomino Valley, which were due to weather issues, would be serviced as soon as possible. He explained that the trucks weigh in excess of 50,000 pounds and if there was snow or mud on a road, it could be difficult to maneuver the truck through the area.

Mr. Schiller received the following direction from the Board for staff to research and bring back for further discussion: animal containers for bear prone areas; a countywide fee for environmental education to support the non-profit environmental education groups; exchange the Free Dump Days for 'neighborhood clean-ups'; and options to increase the franchise fees.

On the call for public comment, Lorrie Olson provided a handout, which was placed on file with the Clerk. She spoke regarding bear containers and she wanted WM to make containers available to residents in bear prone areas. She stated Caughlin Ranch had an increasing problem with bears due to the lack of bear containers. She stated once a bear was able to access a trashcan with garbage in it, they would always come back to that location in search of food.

Meghan Di Ricco spoke regarding bear containers and the necessity in the Galena Forest Estates. She stated she supported the franchise agreement to include bear containers and boxes in bear prone areas. She said the outside storage of non-animal resistant containers should be prohibited. She commented that the bear problem was moving east and she hoped the problem could be contained before it worsened.



On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 19 be acknowledged and directed.

**15-1048** **AGENDA ITEM 20** Introduction and first reading of an ordinance repealing the existing storm water discharge Ordinance 1223 (2003) and replacing it by amending the Washoe County Code at Chapter 110 (Development Code) to create Article 421, Storm Water Discharge Program, in order to update, codify and provide best management practices relating to the storm water discharge program and the National Pollutant Discharge Elimination System (NPDES) permit issued to Washoe County, and other matters necessarily connected therewith and pertaining thereto (DCA 14-014); and, if supported, set the public hearing for second reading and possible adoption of the Ordinance for January 12, 2016. Community Services. (All Commission Districts.)

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

Dave Solaro, Community Services Director, indicated the manuals and handbook described on page 20 and 21 of the staff report (Section 110.421.40) would be kept on file in the Community Services Department, not in the Clerk's office as the indicated in the staff report.

Jan Galassini, Chief Deputy County Clerk, read the title for Bill No. 1755.

Bill No. 1755 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

**15-1049** **AGENDA ITEM 22** Performance evaluation for the Washoe County Manager, including but not limited to discussion of goals and results of County Manager; consider and possibly take action regarding current compensation and approve corresponding changes to existing or approve new employee agreement. Human Resources. (All Commission Districts.)

Chair Berkbigler stated the Board had the opportunity to review the performance evaluation for John Slaughter, County Manager. She said Mr. Slaughter had done an outstanding job and it was great working with him the past year. She explained that Mr. Slaughter had requested not to receive an increase in pay, but stated he would accept a bonus as long as 10 percent of the bonus went to the Employee Recognition Program.

Commissioner Jung stated Mr. Slaughter had exceeded her expectations. She said he was a pleasure to work with and she had never had a complaint about him. She wanted his severance package to be equitable with his peers in the Cities and she recommended to change Mr. Slaughter's contract to reflect six months severance instead of three months.

Commissioner Lucey thought Mr. Slaughter was second to none and said he had the ability to effectively communicate with staff and the community. He thanked Mr. Slaughter for a phenomenal job.

Commissioner Hartung stated Mr. Slaughter deserved a raise.

Commissioner Herman concurred that Mr. Slaughter had done a great job.

Chair Berkbigler recommended a \$10,000 bonus for Mr. Slaughter with 10 percent going to the employee recognition program as requested.

John Slaughter thanked the entire Board and said that they were wonderful to work with also.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 22 be approved with direction to the District Attorney's Office to make the recommended changes to the contract.

**15-1050**

**AGENDA ITEM 23** Public Hearing and possible action: 1) To consider an application by NV Energy, doing business as Sierra Pacific Power Company for a franchise agreement to provide natural and other gas service to portions of Washoe County, including any objections on the matter; 2) If determined to be in the best interests of the residents of Washoe County, to approve a Franchise Agreement between NV Energy, doing business as Sierra Pacific Power Company and the County of Washoe, retroactive to April 24, 2015, effective for a period of twenty (20) years from the effective date of the agreement, with upon review by the County an extension of the term of the franchise for five (5) years, fixing the terms and prescribing the conditions pursuant to which the franchise is to be granted, the character or kinds of service to be rendered, the maximum rates to be charged for the service, and such other matters as may be properly connected therewith; 3) If the Franchise Agreement is approved, to adopt a Resolution Authorizing and Approving the Issuance of a Franchise to NV Energy, doing business as Sierra Pacific Power Company to Supply Natural Gas to Portions of Washoe County, Nevada; and 4) If the Franchise Agreement is approved, to approve an associated Agreement to Pay Annually to Washoe County 2% of the franchisee's Net

Profits under the franchise for the Benefit of the County School District Fund of Washoe County, State of Nevada; and approve an associated franchise fee to be determined by the Board of gross profits up to 5 %. Manager. (All Commission Districts.)

John Slaughter, County Manager, recommended to open the public hearing for public comment, but to continue the item to the December 15th meeting for action.

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

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 23 be brought back to the Board on December 15th for action.

**15-1051**      **AGENDA ITEM 24** Public Hearing and possible action: 1) To consider an application by NV Energy, doing business as Sierra Pacific Power Company for a franchise agreement to provide electric service to portions of Washoe County, including any objections on the matter; 2) If determined to be in the best interests of the residents of Washoe County, to approve a Franchise Agreement between NV Energy, doing business as Sierra Pacific Power Company and the County of Washoe, retroactive to September 7, 2015, effective for a period of twenty (20) years from the effective date of the agreement, with upon review by the County an extension of the term of the franchise for five (5) years, fixing the terms and prescribing the conditions pursuant to which the franchise is to be granted, the character or kinds of service to be rendered, the maximum rates to be charged for the service, and such other matters as may be properly connected therewith; 3) If the Franchise Agreement is approved, to adopt a Resolution Authorizing and Approving the Issuance of a Franchise to NV Energy, doing business as Sierra Pacific Power Company to supply electric service to Portions of Washoe County, Nevada; and 4) If the Franchise Agreement is approved, to approve an associated Agreement to Pay Annually to Washoe County 2% of the franchisee's Net Profits under the franchise for the Benefit of the County School District Fund of Washoe County, State of Nevada; and 5) If the Franchise Agreement is approved, the Board has the option approve an associated franchise fee to be determined by the Board of up to 5% of gross profits. Manager. (All Commission Districts.)

John Slaughter, County Manager, recommended to open the public hearing for public comment, but to continue the item to the December 15th meeting for action.

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

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 24 be brought back to the Board on December 15th for action.

**4:37 p.m.** The Board recessed.

**6:00 p.m.** The Board reconvened with all members present.

**6:00 p.m.** **Public Hearings**

**15-1052** **AGENDA ITEM 25** Hearing, discussion, and possible action on Appeal Case No. AX15-004 (William Van Leuven), an appeal of the Board of Adjustment's decision to deny Variance Case No. VA15-009, which requested a reduction of the required side yard setback from 50 feet to 15 feet to facilitate the construction of a garage. The property is located at 25 Aguilar Court, at the southwest corner of Aguilar Court and Valle De Sol Boulevard and within the Spanish Springs Area Plan. The Assessor's Parcel Number is 076-381-28. The property is located within Section 30, Township 21 North, Range 21 East, MDM. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial; reverse the Board of Adjustment's denial and issue the Variance with Conditions of Approval; remand the matter back to the board of adjustment for further proceedings; or modify the Variance's Conditions and issue the Variance. Community Services. (Commission District 4.)

Roger Pelham, Planning and Development Senior Planner, conducted a PowerPoint presentation regarding Variance Case No. VA15-009. He reviewed the information in the staff report. He stated the case was denied by the Board of Adjustment. The request by the property owner was to reduce the side yard setback from 50 feet to 15 feet. He noted a discrepancy on the site plan which showed the dwelling about 255 feet from the property line. The actual distance was around 100 feet. He added this information was not germane to the variance but he wanted to indicate the discrepancy. He discussed the variance evaluations on the staff report. He recommended to the Board to uphold the decision made by the Board of Adjustment.

Commissioner Hartung asked whether there would be any detriment if the setback was moved from 50 feet to 15 feet. He mentioned seeking public comment to see whether there were neighbors who would be opposed to the setback change. He also asked what the purpose was for the 50 foot setback.

Mr. Pelham said a neighboring property owner provided a letter indicating no opposition. He stated the detriment would probably be to the purpose and intent of the

Development Code. Regarding the 50 feet setback, the purpose was to maintain community standards that were consistent with the low density rural zone; as well as, the general rural zone.

William "Butch" Van Leuven stated flooding had always been an issue in Spanish Springs. He said he unfortunately picked a property that had a lot of flooding; however, where he built the home was the best location to avoid the flood area. He showed photographs of his property and he described the flooding issues he had.

Commissioner Jung asked whether the issue had been taken to the Spanish Springs' Citizen Advisory Board (CAB) since she did not see their feedback in the staff report. She also asked whether any neighbors expressed concern about the variance. Mr. Pelham replied the issue was presented to the Spanish Springs' CAB. He noted the CAB's feedback was provided to the Board of Adjustment. He also noted there were no comments. The Board of Adjustment voted to recommend approval because no one was there to object to it.

Commissioner Hartung moved to reverse the Board of Adjustment's denial and approve Variance Case No. VA15-009, subject to the conditions stated in Attachment E of the staff report, based on the applicant's proposal to reduce the required 50 foot side yard setback to 15 feet to facilitate the construction of a garage. This reversal was based on the Board's review of the written materials and oral testimony at the public hearing, and the Board's interpretation that all four required findings could be made in accordance with Washoe County Development Code Section 110.804.25. Commissioner Jung seconded the motion.

Chair Berkbiger asked Paul Lipparelli, Legal Counsel, if the Board needed to state the findings in the motion.

Mr. Lipparelli replied the Board was probably covered since the motion indicated the basis for it was found in the testimony that was given on the record in the hearing.

On the call for public comment, Allan Gordon said his parcel was directly north of Mr. Van Leuven's. He mentioned the flooding they experienced. He said he had no objections.

Adrian Dyette stated he was also a neighbor and had no objections.

Mr. Lipparelli requested for Mr. Pelham or Mr. Van Leuven to affirm that the pictures displayed during the Mr. Van Leuven's testimony was already part of the packet. Mr. Pelham submitted the photographs which were placed on file with the Clerk.

Mr. Lipparelli noted Mr. Van Leuven indicated that he had an engineer who was going to make a report. He asked whether the engineer's information was

already in the materials. Chair Berkbigler believed the information was submitted in the documents the Board received from the Board of Adjustment.

Craig Wesner, Chief Operating Officer of Lumos and Associates, stated he was not the engineer who provided the material previously but he offered to make a presentation on behalf of Mr. Van Leuven if necessary. Mr. Lipparelli stated he wanted the record to reflect the opportunity for the report since Mr. Van Leuven had mentioned his engineer. He closed by stating the opportunity had been given.

On call for the question, the motion was passed on a 5 to 0 vote.

**15-1053** AGENDA ITEM 26 Master Plan Amendment Case No. MPA15-006 and Regulatory Zone Amendment Case No. RZA15-007 Hearing, discussion, and possible action to approve: (1) an amendment to the Spanish Springs Master Plan Map, changing the Master Plan Category from Suburban Residential (SR) to Industrial (I) on one +60 acre parcel (APN: 538-171-09); and (2) an amendment to the Spanish Springs Regulatory Zone Map, changing the Regulatory Zone from Low Density Suburban (LDS) to Industrial (I) on the same +60 acre parcel subject to the adoption of Master Plan Amendment Case No. MPA15-006, and if approved, authorize the Chair to sign the resolutions to adopt the amendments to the Spanish Springs Area Plan after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. Community Services. (Commission District 4.)

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried, it was ordered that Agenda Item 26 be approved and authorized.

**15-1054** AGENDA ITEM 27 Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto (Bill No. 1752) Animal Services. (All Commission Districts.)

Commissioner Lucey disclosed he was engaged in business, in a private capacity, with a veterinary clinic. He noted the ordinance specifically excluded veterinarians; therefore, his business interest would not be directly affected by the passage or defeat of the proposed ordinance. Since his business interest might create a perception that he could not be impartial or that he would indirectly benefit by the exemption of veterinary facilities, he indicated he would abstain from the participation and voting on this item.

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1572, Bill No. 1752.

**6:24 p.m.** Commissioner Lucey left the meeting.

Chair Berkbigler mentioned the Board received several emails requesting the insertion of an adoption-only language into the ordinance. She asked Robert Smith, Animal Services Manager, to clarify whether the ordinance was the appropriate place for such language.

Mr. Smith remarked the request did not belong in the ordinance. The request would fall into the jurisdiction of zoning and business licensing.

On the call for public comment, Melissa Cowan stated she was in support of the adoption-only language. She also supported banning the sales of animals in pet shops.

Katherine Bell, associated with Puppy Mill Free Reno, read a statement which was placed on file with the Clerk. The statement expressed her concerns regarding puppy mills.

Dr. Richard Simmonds indicated he was a veterinarian. He stated he was representing himself since he was associated with various state and local organizations. He read a statement which was placed on file with the Clerk. He spoke of his concerns regarding the proposed amendment to Chapter 55 of the County Code which lacked specifics. He urged the Board to vote against the ordinance due to the ambiguities and deficiencies.

Tim Stoffell spoke against the proposed ordinance. He said he and his friends spent too much time before the Board defending the rights to have animals, keep animals, and raise animals. He stated the ordinance represented another hindrance and another level of red tape. He noted the Puppy Mill Free Reno people wanted a puppy free Reno and not a puppy mill free Reno. He recommended the Board to oppose the ordinance.

Harry Thomas, associated with Puppy Mill Free Reno, read a statement which was placed on file, along with backup material, with the Clerk. The statement addressed events concerning animal welfare.

Barry O'Dea said veterinarians, kennels, non-profits, and rescues should be under the same rules. He stated if the Board was going to implement a good rule out of

concern for the welfare of the dogs, then the Board should mandate that every kennel, which boarded dogs, had someone on their property 24 hours, 7 days a week.

Rene Johnson displayed a sign depicting the Puppy Mill Free Reno website (pmfr.org). The sign was not placed on file with the Clerk. She spoke in opposition to puppy mills. She mentioned a documentary titled Dog by Dog would be coming out soon and she provided the documentary's website (DogByDogDocumentary.com).

Billy Howard, associated with Puppy Mill Free Reno, read a statement which was placed on file with the Clerk. The statement addressed events and future considerations concerning animal welfare.

Charlene Bybee, Sparks Councilwoman, stated she was in attendance as a resident. She expressed her concerns with the ordinance. Her concerns included the ambiguities with the ordinance language which did not clearly define animals, and the requirement of the animal welfare permits which could affect businesses that were associated with animals but, were not engaged in the sale of animals. She felt the language should specify cats and dogs if that was the intention. She noted business licensing and enforcement was the responsibility of the City of Sparks. She questioned whether the Board had data regarding animal cruelty and issues with animals from puppy mills that warranted the change to the Code. If such data existed, she said she would be in support of the change to the Code. She asked whether there was data which indicated a change to the Code would be beneficial. Her last concern was whether the change to the Code would have unintended consequences. She closed by stating she saw the ordinance as government overreach which she did not support.

Lindsay Garrison spoke of her personal experiences with a Newfoundland puppy she purchased from Puppies Plus in 2015. She said she brought the puppy home out of genuine fear it would die. She described the puppy's emaciated condition and various ailments. She noted her eight-month-old Newfoundland weighed 37 pounds. She added a typical Newfoundland at this age should weigh between 75 to 100 pounds.

Bill Maggiora stated he followed the evolution of the proposed animal control ordinance since he first heard about it in the summer of 2014. He noted the initial version of the ordinance was unacceptable. He said the proposed ordinance changes appeared to be an attempt to use unreasonable prohibitions, excessive fees, and the burden of oppressive regulations to prevent the public from keeping any animals except cats and dogs from animal shelters. He was concerned about possible abuses related to the enforcement of the ordinance by Animal Services.

Ardena Perry read a statement which was placed on file with the Clerk. She spoke in opposition to the ordinance. She felt Animal Services would better serve the needs of the community if the focus was on field services.



Michael Schneider, owner of Puppies Plus, addressed the issue regarding the Newfoundland puppy. He said he was sorry to hear what happened. He remarked he was not aware of the extent of the issues. He noted he honored the warranties in place for hereditary congenital issues and for veterinarian expenses up to the purchase price of the pet. He stated he was not comfortable with the animal welfare permit. He mentioned there were already State Statutes in place to govern pet store owners, and he questioned the need for additional oversight by another governmental body. He felt offended by being singled out. He said the 120 hour hold-time for pets would place a hardship on his business since it would eliminate special orders; such as, presales of dogs.

Jimmie Martin, Sierra Safari Zoo, spoke of his concerns over the lack of clarity as to how animal was being defined. He thought the Ordinance should be rewritten.

Daniel Gray, Nevada Animal Owners Alliance, stated there was no such thing as a puppy mill. He said "puppy mill" was not a legally defined term but was instead a slang invented by animal rights extremists to bad-mouth any and all breeders. He noted newer, stricter laws would only affect those who were already working to follow the laws. Breeders were not responsible for the dogs in shelters. The issue was with the lack of responsible ownership, poor shelter management and poor pet distribution. He stated education was the key to improving the situation.

William Baker said he was the manager and trainer at Puppies Plus. He stated he volunteered for rescues and shelters in the past. He mentioned there was animal abuse inflicted by the volunteers. He concluded by stating the dogs at Puppies Plus were well-loved and taken care of.

John Potash stated he had reservations with the Code. He asked the Board, as well as staff, to continue to work with the actual stake-holders to create fair and reasonable regulations which addressed animal welfare concerns while maintaining the rights and freedoms of citizens and local businesses.

Commissioner Herman spoke about the freedom of choice, and about her personal experiences with raising and training dogs. She said she spent Black Friday at Puppies Plus where she had the opportunity to meet the entire staff. She stated she watched over 100 people visit the store. She added the store was very clean. She mentioned she also raised horses and cattle. She expressed her concerns regarding the lack of clarity as to which animals were being addressed in the bill. Her other concerns included the exemption of veterinarians from the bill, the unknown number of unscheduled inspections, the 72 hour hold-time for pets being sold by a pet store being too long, and the lack of information about the administrative hearing officer position. She did not believe the ordinance was ready for use.

Commissioner Hartung agreed with Commissioner Herman regarding the need to clarify the language within the Code. He believed the definition of animal establishments should be defined. He was also concerned with the vagueness of what the

industry standards were. He stated there should not be any exemptions for certain businesses.

Commissioner Jung noted the concerns regarding the exemption of veterinarians, zoos and rescues from the Code. She asked who oversaw those businesses. She also sought clarification as to what types of animals were being regulated by Animal Services.

Mr. Smith replied by stating veterinarians who had established boarding facilities within their clinics were regulated by the Nevada State Board of Veterinary Medical Examiners, which also oversaw animal rescues. Regarding zoos, he said they were not part of the ordinance. He clarified that commercial animal establishments were businesses such as a pet store, kennel or boarding facility.

Commissioner Jung asked if the language was specific regarding the commercial animal establishments to which Mr. Smith replied yes. Commissioner Jung then asked if the District Attorney who assisted Animal Services approved or reviewed the language to ensure the County was conforming to the law. Mr. Smith replied yes, that Animal Services worked very closely with the District Attorney's Office. He continued by stating verbiage had been added to the Ordinance at the request of the Board to state, "Each commercial establishment shall house its animals in accordance with industry standards." He noted horses did not belong on concrete and he mentioned the industry standards used for horses were from the University of California, Davis.

In response to Commissioner Jung's question about the number of administrative hearing officers in the County, Paul Lipparelli, Legal Counsel, stated there was an administrative hearing chapter within the County Code. He noted community services and zoning issues along with animal enforcement issues and other violations of Codes could be adjudicated by hearing officers. He mentioned the County's approach had been to use a list of pro-tem judges which the Justice Court selected. He also mentioned there was a process underway to consider having the County's own pool of administrative hearing officers who had demonstrated the qualifications to conduct administrative hearings.

Commissioner Jung and Mr. Smith discussed the amount of time and effort that went into the Ordinance. Mr. Smith mentioned there were open forums and sit-downs with the public which led Animal Services to conclude the Ordinance would be acceptable. Commissioner Jung added the County had done its due diligence. She stated the idea of making the County an adoption only County had nothing to do with the Ordinance.

Commissioner Hartung asked Mr. Smith to clarify his comments about the industry standards from the University of California, Davis. Mr. Smith stated when Animal Services responded to a horse investigation it utilized similar standards to the minimum industry standards from the University of California, Davis.

Commissioner Hartung stated he would be more comfortable if Animal Services called out the specific standards it was utilizing. He suggested adding a link to the particular industry standard rather than adding more pages to the Code. He continued to express his concerns regarding the language in the Code but he added he had no issues with the 72 hour hold-time for pets being sold out of a pet store. He mentioned the language regarding penalties was addressed and outlined.

Chair Berkbigler questioned whether it would be normal to detail all the various specific industry standards. She also sought clarification as to the reason changes to the language were needed. Mr. Smith stated it was not something typically added to the Code. He acknowledged that the changes were to clarify the procedures and regulations. He explained the Code was an outline of what the Board expected Animal Services to follow. Policies and procedures were then put together in accordance with the Code.

Chair Berkbigler thought Commissioner Hartung's point was valid but she suggested the clarification of the industry standards be placed in the regulations rather than the Code. Mr. Smith added Animal Services could bring the regulation before the Board to be vetted.

Commissioner Hartung believed it was important to explain where the standards were obtained from rather than saying it was a uniform Code or industry standards.

Mr. Lipparelli stated with Commissioner Lucey's abstention, under Nevada Revised Statute (NRS) 281, the number of votes required to pass an item was reduced by his abstention as if he was not a member of the Board. He said in this instance the Board needed three votes to pass any Ordinance. He clarified that the item scheduled was the second reading and possible adoption of the Ordinance. The first reading had already been held, and there was a time period of 35 days during which time the Board had to act. He said the Board could approve the Ordinance, take no action which would essentially cause the process to start over with the first reading, or it could act to turn down or reject the Ordinance as proposed and suggest certain specific changes be made in order for a revised version to be brought back on a first reading.

Commissioner Jung moved to adopt Ordinance 1572.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly failed with Commissioner Lucey abstaining, and Commissioners Herman and Hartung voting "no".

After the vote, Commissioner Hartung stated the Ordinance would be fixed with simple tweaks to the language relating to the definition of animals and the specification of the standards.

In response to Chair Berkbigler's comment about the continuation of discussion needing to be under Agenda Item 30, Mr. Lipparelli noted the motion failed; however, the item was still open if the Board wanted to take action or direct staff.

Commissioner Hartung directed staff to specify the standard the County would be utilizing and to be more definitive as to what type of animals were being addressed under the definition of a commercial animal establishment.

Commissioner Herman concurred that the definition of animal needed to be specified.

**15-1055**      **AGENDA ITEM 29** Public Comment.

No public comment.

**15-1056**      **AGENDA ITEM 30** Announcements/Reports.

No comments.

\*   \*   \*   \*   \*   \*   \*   \*   \*

### **COMMUNICATIONS AND REPORTS**

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

#### **FINANCIAL STATEMENTS:**

**15-1057**      Gerlach General Improvement District 2015 Audited Financial Statement for fiscal year ending June 30, 2015.

#### **MONTHLY STATEMENTS**

**15-1058**      Monthly Statement of Washoe County Treasurer for month ending September 30, 2015.

**15-1059**      Monthly Statement of Washoe County Treasurer for month ending October 31, 2015.

#### **QUARTERLY FINANCIAL STATEMENTS**

**15-1060**      Sheriff's Office - First Quarter Report of Civil Fees and Commissions for fiscal Year 2014-2015.

**15-1061**      Office of the Constable – Quarterly Report of Revenues Received for the period Ending September, 2015.

**15-1062** Washoe County School District's Financial Report for the Fourth Quarter of FY 2014-2015, ending June 30, 2015.

**15-1063** County Clerk's Quarterly Financial Statement, Quarter FY 2015-2016.

\* \* \* \* \*

**7:44 p.m.** There being no further business to discuss, the meeting was adjourned without objection.

**MARSHA BERKBIGLER**, Chair  
Washoe County Commission

ATTEST:

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

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

BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

DECEMBER 15, 2015

PRESENT:

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

Nancy Parent, County Clerk  
John Slaughter, County Manager  
David Watts-Vial, Legal Counsel

The Washoe County Board of Commissioners convened at 10:22 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:

**15-1066** AGENDA ITEM 3 Public Comment.

Dee Williams expressed her concerns regarding the destruction of child abuse evidence.

Danielle Henderson, Truckee River Flood Management Authority (TRFMA) Natural Resource Manager, provided handouts which were placed on file with the Clerk. She noted the TRFMA was a consortium of the City of Sparks, the City of Reno and the County. The agency's mission was to plan, design and build infrastructure to protect the Truckee Meadows' community from devastating flood impacts. The TRFMA worked with the United States Army Corps of Engineers to implement a flood project authorized last year by the United States Congress. She said the TRFMA was working to secure federal funding and to raise local funds for the project construction. The TRFMA was currently using funds from sales tax, specifically dedicated by the County for flood protection, and funds from leveraging numerous public and private partnerships and grants to: 1) Purchase flood prone properties along the Truckee River. 2) Relocate businesses out of the flood plain. 3) Demolish at-risk structures located within the flood plain. 4) Build levies and flood walls to protect businesses. 5) Initiate their residential home elevation program. 5) Help restore habitat for native species along the lower Truckee River. She stated in coordination with the United States Geological Survey and the Emergency Managers, the TRFMA operated and maintained a network of stream gauges which monitored river stages as part of the regional flood warning system. She mentioned Jay Aldean, TRFMA Director, would present an update on the flood project at the Board's next concurrent meeting in February. She stated most of the

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devastating floods in the County occurred during the winter months. She spoke about the 1997 New Year's flood and the costs associated with the damage. She noted experts estimated another similar flood could cause \$2 billion in damages. The TRFMA was part of an interagency campaign to raise public awareness of flooding in Nevada, and to help businesses and residents better prepare for flood emergencies.

Katherine Snedigar expressed her concerns relating to the transition of agricultural properties to suburban properties by the County. She stated she could not find one place in the Planning and Development sections of the Nevada Revised Statutes and the Nevada Administrative Codes that allowed that to happen. She noted the statute stated residential properties were five acres or less.

Cathy Brandhorst spoke about matters of concern to herself.

**15-1067**      **AGENDA ITEM 4** Introduction of new Washoe County Employees.

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

Keith Glidewell, Social Services  
David Moser, Social Services  
Hannah Sugui, Community Services Department  
Lona Tette, Assessor's Office  
Leslie Mondragon, Library  
Emily Ladouceur, Assessor's Office  
Stephanie Charter, District Attorney's Office

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

**15-1068**      **AGENDA ITEM 5** Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses. Human Resources.

John Slaughter, County Manager, recognized Ana Gonzalez, Health District, and Kelly Rowe, Juvenile Services, for successful completion of the Excellence in Public Service Certificate Programs administered by the Human Resources Department.

**15-1069**      **AGENDA ITEM 6** Approve minutes for the Board of County Commissioners' regular meeting of November 17, 2015.

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

## PROCLAMATIONS

### **15-1070**      7A Proclamation -- January 2016 National Radon Action Month.

Commissioner Lucey read and presented the Proclamation to Susan Howe, Nevada Radon Education Program Director.

Ms. Howe stated the proclamation and the Board's support of the Nevada Radon Education Program's service to the area was important because radon was the leading cause of lung cancer for non-smokers. She said testing was the only way to find out if a home had a radon problem. Since January was National Radon Action Month, the Nevada Radon Education Program was offering free test kits until the end of February. She provided statistics on radon levels in various zip codes within the County. She displayed a map which was placed on file with the Clerk. She mentioned there would be radon presentations at the North Valleys Library, Sierra View Library, South Valleys Library and the Northwest Reno Library where residents could obtain a free test kit. The Environmental Protection Agency recommended radon testing every two years.

### **15-1071**      7B Proclamation -- Reno Rodeo Foundation Denim Drive.

Commissioner Herman read and presented the Proclamation to Clara Andriola, Reno Rodeo Foundation Executive Director.

Ms. Andriola provided a denim pocket with information about the Reno Rodeo Denim Drive to each Commissioner. The denim pocket with its contents was placed on file with the Clerk. She mentioned the Reno Rodeo Foundation was bringing back the Rhythm and Rawhide event. She recognized the Reno Rodeo Foundation volunteers. She also acknowledged County employees Victoria Bowers and Kristy Baker for their work and assistance.

There was no public comment on the Proclamations listed above.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Items 7A to 7B be adopted.

## DONATIONS

### **15-1072**      8A Accept cash donations in the amount of [\$11,009.03] for the period of October 1, 2015 – November 30, 2015 and direct the Comptroller to make the appropriate budget adjustments. Senior Services. (All Commission Districts.)

Commissioner Jung stated the donation was to help sustain the County's senior services program.



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

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 8A be accepted and directed.

**15-1073**      **AGENDA ITEM 9** Public Hearing and possible action: To consider an application by NV Energy, doing business as Sierra Pacific Power Company for a franchise agreement to provide electric service to portions of Washoe County, including any objections on the matter; If determined to be in the best interests of the residents of Washoe County, to approve a Franchise Agreement between NV Energy, doing business as Sierra Pacific Power Company and the County of Washoe, retroactive to September 7, 2015, effective for a period of twenty (20) years from the effective date of the agreement, with upon review by the County an extension of the term of the franchise for five (5) years, fixing the terms and prescribing the conditions pursuant to which the franchise is to be granted, the character or kinds of service to be rendered, the maximum rates to be charged for the service, and such other matters as may be properly connected therewith; If the Franchise Agreement is approved, to adopt a Resolution Authorizing and Approving the Issuance of a Franchise to NV Energy, doing business as Sierra Pacific Power Company to supply electric service to Portions of Washoe County, Nevada; and If the Franchise Agreement is approved, to approve an associated Agreement to Pay Annually to Washoe County 2% of the franchisee's Net Profits under the franchise for the Benefit of the County School District Fund of Washoe County, State of Nevada; and If the Franchise Agreement is approved, the Board has the option approve an associated franchise fee to be determined by the Board of up to 5% of gross profits. (All Commission Districts.) **This item continued from the December 8, 2015 County Commission meeting.**

John Slaughter, County Manager, stated the online posting of the staff reports for Agenda Items 9 and 10 were reversed.

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

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 9 be approved and adopted. The Resolution is attached hereto and made a part of the record thereof.

**15-1074**      **AGENDA ITEM 10** Public Hearing and possible action: To consider an application by NV Energy, doing business as Sierra Pacific Power Company for a franchise agreement to provide natural and other gas service to portions of Washoe County, including any objections on the

matter; If determined to be in the best interests of the residents of Washoe County, to approve a Franchise Agreement between NV Energy, doing business as Sierra Pacific Power Company and the County of Washoe, retroactive to April 24, 2015, effective for a period of twenty (20) years from the effective date of the agreement, with upon review by the County an extension of the term of the franchise for five (5) years, fixing the terms and prescribing the conditions pursuant to which the franchise is to be granted, the character or kinds of service to be rendered, the maximum rates to be charged for the service, and such other matters as may be properly connected therewith; If the Franchise Agreement is approved, to adopt a Resolution Authorizing and Approving the Issuance of a Franchise to NV Energy, doing business as Sierra Pacific Power Company to Supply Natural Gas to Portions of Washoe County, Nevada; and If the Franchise Agreement is approved, to approve an associated Agreement to Pay Annually to Washoe County 2% of the franchisee's Net Profits under the franchise for the Benefit of the County School District Fund of Washoe County, State of Nevada; and approve an associated franchise fee to be determined by the Board of gross profits up to 5%. (All Commission Districts.) **This item continued from the December 8, 2015 County Commission meeting.**

Kevin Schiller, Assistant County Manager, advised the Board if they wanted to adopt a two percent franchise fee within the gas agreement, they would need to continue the Agenda Item in order to work out any legal issues. He stated a franchise fee for gas was not specified in the Code.

Chair Berkgibler said there was no desire by the Board to do that.

There was no public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 10 be approved and adopted. The Resolution is attached hereto and made a part of the record thereof.

**15-1075** **AGENDA ITEM 11** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

**15-1076** **AGENDA ITEM 12** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

**15-1077**      **AGENDA ITEM 13** Announcements/Reports.

John Slaughter, County Manger, stated there was a problem with the Chamber's heating unit.

Commissioner Jung requested an update from staff regarding the community's lack of doctors. She mentioned new data which indicated the price of a gallbladder surgery could be nine times higher in a community where there was a healthcare monopoly. She asked for a cost comparison analysis of the costs associated with a caesarean section procedure performed here and in other areas. She said she met with the Community Assistance Center Transitional Governing Board (CACTGB) regarding how homelessness was being handled within the region. Information from the CACTGB would be brought to the Board at a concurrent meeting. She also mentioned the County hosted a Western Nevada Development District (WNDD) event at the Reno-Tahoe International Airport. This was the first time the County hosted the WNDD.

Each Commissioner stated their appreciation for Mr. Slaughter and County staff.

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**COMMUNICATIONS AND REPORTS**

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

**FINANCIAL STATEMENTS:**

**15-1078**      Verdi Television Maintenance District Financial Statement for the year ended June 30, 2015.

**15-1079**      Western Regional Water Commission Financial Statements, dated June 30, 2015.

**15-1080**      North Lake Tahoe Fire Protection District Financial Statements, dated June 30, 2015.

**15-1081**      Washoe County School District's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2015.

**QUARTERLY FINANCIAL STATEMENTS**

**15-1082**      Washoe County School District's Financial Report for the First Quarter of Fiscal Year 2015-16, ending September 30, 2015.

\* \* \* \* \*

**11:27 p.m.** There being no further business to discuss, the meeting was adjourned without objection.

**MARSHA BERKBIGLER**, Chair  
Washoe County Commission

ATTEST:

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

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

Pending Board Approval