

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

TUESDAY

10:00 A.M.

JANUARY 24, 2017

PRESENT:

Bob Lucey, Chair
Marsha Berkbigler, Vice Chair
Kitty Jung, 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 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

Chair Lucey announced the Board would move Agenda Item 10 to earlier in the day to accommodate public comment speakers.

17-0068 AGENDA ITEM 3 Public Comment.

Claudia Watkins, Reno resident, speculated about the new Waste Management contract and how it would affect people in the County. She used to pay for seven 96-gallon totes, one for home waste and six for horse manure. Waste Management (WM) asked her to buy her own totes, which cost her more than \$300. She alleged WM indicated they would only accept one tote and would not accept her purchased totes, which she called criminal. She protested the requirement to place stickers on the loose garbage bags and spoke out against the fee to dump her trailer. She claimed to have seen people illegally dumping in the hills. She implored the Board to not sign the contract.

John Slaughter, County Manager, announced there were technical difficulties with the outside audio feed but technicians were actively working on the problem.

Ray Lake, Chairman of North Valleys Citizen's Advisory Board, mentioned he had requested an update on the WM contract in August but did not receive one. He recalled when recycling began he was told it would save him money but instead his rates increased. He expressed frustration at the rate increase and urged the Board to take another look at the contract. He noted the old contract extended into 2020. He was disappointed there had been no competitive bids.

Tammy Still spoke of the flooding in Lemmon Valley. She distributed to the Commissioners a packet of information including photos and Federal Emergency Management Agency (FEMA) information, which was placed on file with the Clerk. She requested the Board members sign a document to acknowledge receipt of the same. She cited flooding issues at Tupelo Street and Waterash Street in Lemmon Valley, claiming an insufficient pipe caused the flooding of two houses. She decried having only one water outlet for over 100 residential acres. She further pointed out the lake had not been dredged to alleviate the overflow issues as promised. She offered solutions including changing the outflow pipe size and implementing proper grading of the ditches.

Will Brown of Spanish Springs purchased a 40-acre parcel of land one half mile north of La Posada in 1977. In 1978 the County stated there was not enough water to justify the zoning assigned to the property. He said originally it was zoned for one dwelling unit per acre but it had been downzoned to one dwelling per 10 acres. The area near Delores Drive was rezoned to one dwelling per 1/3 acre. He had seen thousands of acres developed in Spanish Springs on lots ranging from 1/3 acre to 2 acres but nothing had been done about reinstating the previous zoning on his property. He alleged the County said they would review the water situation and restore the zoning but it still had not happened.

Elise Weatherly from Sun Valley inquired who decided Marvin Neal would not be allowed to volunteer at the Jan Evans Juvenile Justice Center. She accused the decision makers of breaking the law and requested changes so children in juvenile centers could learn right from wrong.

Sam Dehne voiced his displeasure at the new chairs in Chambers and the cost to install them. He also implied there could have been vote rigging.

Garth Elliott requested the installment of handicapped parking spaces in front of the County complex. He alleged the Sign Ordinance was an example of turning the scales of justice upside down.

Danny Cleous, a Lemmon Valley resident, claimed there had been drainage issues on his property since the County redesigned the drainage system in 1980. He noted his parents brought a signed petition to the County in the 1980s but nothing had been done since then. He warned Lemmon Drive would flood again if there was another storm and suggested the County build another levy along the trailer park.

Donna Robinson reminded the Board she showed them photos of devastated homes at a previous meeting. She displayed additional pictures of flooding in Lemmon Valley which were placed on file with the Clerk. Her neighbor's house sank and the septic tank had collapsed due to flooding. She requested the maintenance schedule for ditch repairs. She noted Community Services Director David Solaro's staff unplugged one of the blocked culverts but she asked the Board for more help.

Jeff Church, owner of a website called renotaxrevolt.com, spoke about Washoe County Question 1 (WC-1). He alleged the enactment was illegal and he provided an update on the pending litigation of the matter. He raised concerns about where some of the approved budget was going, such as for salaries and new vehicles. He claimed approval of Agenda Item 16 would violate Nevada Revised Statute 387 and the public was promised the money would not be used for administrators. He submitted a handout, which was placed on file with the Clerk.

Vicky Maltman spoke about the Waste Management contract. She expressed displeasure at having received a single-stream recycling container despite having elected to opt out. Among her concerns were confusion as to what to recycle, wasting water to wash out containers, and having to separate recycling from trash. She felt the Board chose to put politics before people.

17-0069 **AGENDA ITEM 4** Announcements/Reports.

Mr. Slaughter announced the Board would take a one hour lunch break at 12:30 p.m.

Commissioner Jung insisted there was a balance to consider in terms of Waste Management (WM) rates that would not result in illegal dumping. She requested they emulate the policy of the Mills Lane Justice Center by installing a portrait of President Barack Obama since he was no longer a sitting president. In reference to Lemmon Valley's flooding, she requested the District Attorney's Office contact the developer to determine what sign-off mechanism was used when the development's drainage system was approved. She requested a method to assess who was liable for drainage issues, the Developer or the County, and how long they held that liability.

Commissioner Berkbigler opted to wait to address the WM issue until Agenda Item 10 came up. She agreed with Commissioner Jung's concerns regarding the Lemmon Valley issue, saying it needed to be addressed.

Commissioner Herman indicated she wanted to hear the opinions of the public.

Commissioner Hartung implied that allowing competition could fix the WM problem. He requested to see a schedule of the maintenance of the ditches in the region and to see how the cleanup effort was being prioritized. He invited a discussion of what a regional storm water utility program would look like.

Chair Lucey expressed disappointment with the WM agreement and WM's understanding of it. He requested a presentation from the Regional Transportation Commission regarding the southeast connector in Hidden Valley and the mercury deposits reported there. He thanked David Solaro, Dwayne Smith and the Community Services Department (CSD) staff for their time and energy in response to the recent weather events. He called for a presentation from the CSD regarding how plowing was

prioritized. He echoed Commissioner Jung's concerns over development issues with regard to flooding, not only in the North Valleys but in areas like Toll Road and Geiger Grade as well. He specifically asked for an update on the problems surrounding Toll Road.

CONSENT AGENDA ITEMS – 5A THROUGH 5D

- 17-0070** **5A** Approval of minutes for the Board of County Commissioner's regular meeting of December 13, 2016 and special meeting of January 3, 2017.
- 17-0071** **5B** Approve the Forensic Support Services Agreement between Washoe County on behalf of Washoe County Sheriff's Office and Mono County on behalf Mono County District Attorney's Office for a fee of [\$250 per hour, not to exceed \$15,000.00 total income] for the retroactive term of January 1, 2017 to June 30, 2017. Sheriff. (All Commission Districts.)
- 17-0072** **5C** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2014/2015, 2015/2016 and 2016/2017 secured and unsecured tax rolls and authorize Chair to execute the changes described in Exhibits A and B and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$22,127.85]. Assessor. (Parcels are in Commission Districts 1, 2, 3, 4 & 5.)
- 17-0073** **5D** Authorize the Tax Collector to strike names and amounts identified on delinquency/uncollectible Personal Property Tax list for fiscal years 2008-09 to 2015-16,[totaling \$73,629.75]. Comptroller. (All Commission Districts.)

On the call for public comment, Jeff Church spoke on Agenda Item 5B. He reflected on the importance of a crime lab but pointed out the City of Reno paid nothing for crime lab services while Mono County was required to pay for them. He beseeched the Board look into that inequality. He alleged the Board was supposed to address the issue in December of 2015 but had not yet done so.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5D be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5D are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 6,7,8 AND 11

17-0074 **AGENDA ITEM 6** Award Bid No. 3007-17, to purchase three replacement 66,000 GVWR Truck Cab/Chassis for [\$357,411], and Bid No. 3008-17, to purchase two replacement 60,000 GVWR Truck Cab/Chassis for [\$226,350], from the lowest responsive responsible bidder [staff recommends Sierra Freightliner Sterling Western Star Inc.] for the Community Services Department Operations Division. Community Services. (All Commission Districts.)

There was no public comment on this item.

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

17-0075 **AGENDA ITEM 7** Approve an Easement Deed Grant of Easement between Washoe County and Maria Hogencamp Tanghe for a permanent non-exclusive easement and right-of-way for ingress, egress, public and private utilities totaling 26,400 square feet on APN 066-070-05. Community Services. (Commission District 5.)

On call for public comment, Elise Weatherly asked for help getting the easement built for the Sierra Nevada Teen Ranch.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried with Commissioner Jung absent during the vote, it was ordered that Agenda Item 7 be approved.

17-0076 **AGENDA ITEM 8** Approve a Participating Agreement Interpretive Services between the Great Basin Institute, Washoe County Regional Parks and Open Space and the U.S. Department of Agriculture Forest Service Humboldt-Toiyabe National Forest for continued cooperative visitor services and programming at the Galena Creek Visitor Center and Recreation Area, and authorize the Director of the Community Services Department to sign the Agreement on behalf of Washoe County; and further authorize the Operations Division Director of the Community Services Department to annually approve the Annual Operating Plan on behalf of Washoe County. Community Services. (Commission District 1.)

There was no public comment on this item.

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

17-0077 **AGENDA ITEM 11** Discussion and possible action to accept the resignation and approve the separation agreement with Washoe County Building Official Don Jeppson effective January 24, 2017. [\$185,000.00]. Manager. (All Commission Districts.)

On call for public comment, Elise Weatherly said she did not like separation agreements because of their vague language. She expressed shock at the amount of the separation agreement.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 11 be approved.

10:48 a.m. **After seconding the motion, Commissioner Jung left the meeting.**

10:51 a.m. **Commissioner Jung returned to the meeting.**

17-0078 **AGENDA ITEM 10** Update and possible direction to staff on the Waste Management franchise agreement and possible related matters. Manager. (All Commission Districts.)

Kevin Schiller, Assistant County Manager, reported on the Waste Management (WM) franchise agreement and single-stream recycling. He drew attention to copies of the staff reports that had been made available to the public. He explained the single-stream component was comprised of three pieces: 1) The communication and notification of the program to the customers. The County met with WM and discovered written notification had been sent out after the holidays, though WM acknowledged there may have been delays in sending the notifications. 2) Flexibility within the single-stream program. WM had approved 64-gallon and 96-gallon bins for garbage and recycling but had not approved a 32-gallon option. WM agreed they could add an option for a smaller bin size. He stated 7,000 customers across unincorporated Washoe County did not have designated bins. WM provided those customers with 64-gallon bins and notified customers they could change their base service level after February 1, 2017. 3) The largest issue was the accuracy of information provided to customers. The issue had been addressed with Greg Martinelli, WM Area Manager, and the County had worked with the Phoenix call center, resulting in a reduction of customer complaints. He noted the implementation of the single-stream program along with the recent bad weather had created nonstop complaints. He highlighted the old agreement's seven bag limit was not enforced by WM and he compared that to the new agreement where customers were provided with 25 stickers. In addition there were two months a year when the stickers were not required. He stated there was a communication issue regarding the rate structure between Reno and WM's call center based in Phoenix. He acknowledged the senior discount expired years ago but many individuals were grandfathered into the agreement and would likely stay well below the standard rate. He suggested the County use a piece of the franchise fee to subsidize the senior rates. He revealed customers could opt out of

the single-stream program though they could not opt out of their garbage service. He reported his department received many complaints related to trash service during the inclement weather. Some customers had gone three weeks without trash service. He met with Mr. Solaro to discuss scheduling plows. He recounted complaints of recycling trucks picking up their bins but not the trash trucks. WM explained it was due to the weight of the garbage trucks. He reminded the Board an ombudsman was assigned to address disputes regarding the scope of the contract reviewed on December 29, 2016. The Manager's Office was in daily talks with WM to address both the complaints and how they could better educate customers. He urged WM and the County to discuss the pick-up process and routes, the notification of cancelled service to customers, and how to manage the expectations of customers in high-impact weather areas. He noted there were complaints of trash not being picked up even though roads were clear. He emphasized the key complaint about WM was communication. He commended his staff for doing what they could to address customers' concerns.

Chair Lucey expressed disappointment with WM's rollout of the program. He pointed out the majority of Washoe County was comprised of rural residences. He passed along the complaint that the County Manager's Office had spent much of their time acting as customer service department for WM. He asked Mr. Schiller for an estimate of the time he had spent fielding calls to which Mr. Schiller responded the task comprised about half of his office's time over the previous several weeks. Chair Lucey called that unacceptable and pointed out WM had promised ombudsmen and service in the contract that had been drawn up. He invited Robert Sack, Division Director of Environmental Health for the Health District, to the podium. Mr. Sack confirmed garbage was required to be picked up once a week with no exceptions for temperature; however, he acknowledged that historically service had lapsed for more than seven days because of inclement weather. When asked if there were repercussions for WM's inability to provide service, Mr. Sack expressed concern and mentioned action could be taken against them, though the Health District had historically been flexible during times of bad weather.

Commissioner Berkbigler echoed Chair Lucey's remarks stating it was not the County's job to take care of WM's customer service issues. She had heard more than twenty complaints from customers who were promised pickups that did not occur, pickups that were not rescheduled in a timely fashion, or WM failing to take all the garbage that was left out. Those complaints came from both City and County customers. She reiterated constituents' complaints about single-stream recycling such as receiving containers after opting out, having inadequate recycling containers, and experiencing service delays of three weeks or more. She explained when the new franchise agreement was first being discussed they emphasized the differences between rural and city areas. She pointed out larger parcels produced more waste and would require more receptacles. She asked Mr. Schiller consider how the County could help constituents with larger yards or horses before an agreement was signed as that was a common complaint. She added though some people were unhappy with single-stream recycling, many were happy with it.

Mr. Schiller indicated WM had pledged flexibility for larger parcel sizes, such as providing the availability of additional service levels for purchase and the ability to use stickers on self-purchased cans. Commissioner Berkbigler provided the example of Dr. Linkus, surgeon, who had four cans that WM used to pick up, but since the rates went up WM would only pick up two cans, which had to be special cans purchased from WM. She stressed the situation needed to be addressed.

Commissioner Herman reminded the Board she was not happy with the proposed contract and had voted against it. She indicated she had to walk a mile to drop off her cans and that she had tried to opt out of the single-stream recycling program but missed the deadline. She pointed out the inequity that District 5, which had quite a bit of industrial zoning, had to pay more than Sparks did. She hoped these issues would be worked out.

Commissioner Hartung expressed frustration at having to play customer service representative at all times of the day. He told of one citizen who was on hold with the Phoenix call center for over 30 minutes before being hung up on. He praised Independent Sanitation whose customer service had been local and available. He relayed the story of a woman whose garbage did not get picked up for three weeks. When WM finally came they only took one can. The woman requested a credit on her account which was denied. He alleged there was a disconnect between the route drivers' actions and the managers' instructions and remarked the disconnect should not be the County's problem. He stated most complaints he received in his district were from the rural areas of Spanish Springs. The larger parcel owners with horses stressed to him the inadequacy of the current contract. He suggested creating an equestrian package with proper disposal measures for manure and also proposed additional transfer stations in the south and in Spanish Springs. He cited a lack of competition as a source of tension. He acknowledged the difficulty with the bad weather but appealed to WM to propose solutions to those problems. He mentioned the issue of everyone paying the same regardless of parcel size and wanted equity for those customers who didn't need as many services.

Chair Lucey asked if there was a current limit on totes for garbage. Mr. Schiller replied customers could upgrade their service level for a larger pickup or they could utilize the stickers. Chair Lucey asked if there was any WM staff present with the capability of making decisions. Mr. Schiller introduced Sam Ottoson, District Manager for Reno Disposal, and Kendra Kostecky, Communications Specialist for WM. Mr. Ottoson clarified residents were allowed to order as many totes as they wanted and additional totes were \$5-\$6 as opposed to \$21 for the initial toter. Another option he presented was to put a sticker on an additional can. He said WM trucks were not gentle with cans, which was why they recommended using WM cans.

Commissioner Hartung asked if Mr. Martinelli had originally stated customers could use their own cans, to which Mr. Ottoson replied customers were to use WM cans only.

Commissioner Jung pointed out when the rental containers were put into use, labor costs went down. She asked why rates had not gone down since customers were taking on some of WM's responsibilities and helped to prevent workman's compensation accidents. Mr. Ottosen replied safety was the first concern and the trade-off was the increased cost of the trucks. WM ordered 50 new trucks over the course of three or four years. Commissioner Jung requested the data analytics to verify that information. Sam declared Mr. Martinelli expressed his apologies for being unable to attend the meeting and thanked the County for acting as customer service representatives.

Chair Lucey inquired about changes to pick-up locations for those citizens with long driveways and what the communication plan was for those customers. Mr. Ottosen cited an increase in private property damage complaints because of the increased weight of the new trucks as the reason for the policy change. Chair Lucey observed communication regarding those changes had not yet happened. Mr. Ottosen said he directed his managers to continue pick-ups at prior locations until they notified the specific customers of any changes. When asked about the contingency plan for removing garbage when they could not pick up at the normal time, Mr. Ottosen responded the normal procedure was to return the next day, or the day after, depending on the cause of the delay. In unusual circumstances like bad weather they would return on the next service day.

Chair Lucey contended WM was a very large corporation that should have a contingency fund to contract other haulers to help with weather-related overflow. He conceded nobody could control the weather but chided WM for its poor service and communication. He said the lack of service was unacceptable by the Health District and by the County. He alleged it should be unacceptable to WM. He requested solutions to rectify the issues.

Commissioner Hartung spoke of customers in Spanish Springs who were encouraged by WM to put their trash in bags, but then animals got into the bags and garbage was strewn everywhere. Though not WM's fault, the incident was caused by WM's suggestion and nobody from WM would clean up the mess.

On call for public comment, the following individuals voiced their concerns about the proposed Waste Management agreement: Gary Derks, Claudia Watkins, Tom Broome, Donna Robinson, and Pete Todoroff.

The above individuals' concerns included: inadequate communication from WM; an insufficient number of stickers for additional trash; the reduced number of cans WM would pick up; the inability to properly dispose of horse manure; WM's poor service not being related to the poor weather; and the lack of competition in the area.

Nikki Berry, Lemmon Valley resident, spoke of the drainage issues caused by WM's failures. She requested the Board create a Citizen Advisory Board (CAB) in Lemmon Valley.

Ray Lake, Chair of the North Valley's CAB, invited Ms. Berry to attend the North Valley's CAB meeting on February 13 at the North Valleys Community Center. He spoke of rumors that the single-stream recycling program was implemented to avoid filling up the Lockwood landfill in Storey County, saying he felt their goals were unattainable. He also brought up a rumor that the recyclables were being diverted back into the trash stream for disposal.

Roger Edwards agreed with many of the same complaints and implored the Commissioners seek out a task force to bring forward citizens' concerns. He volunteered to be a part of that group.

Wes Cameron discussed the waste management company of Las Vegas, Republic Services. He claimed they picked up trash twice a week, offered free dumping for customers who paid their bills on time, removed large appliances, and had cheaper rates than WM in Reno. He called signing a contract without considering other companies ridiculous.

Chair Lucey stated the objective of the Commission was to create safe, secure, and healthy communities. He charged the current system promoted illegal dumping and implied the communication effort of WM was a failure. He thought it discourteous of WM to not send any decision makers to the meeting. He entreated staff to bring back a different agreement or alternatives to the Board.

Commissioner Herman commended Mr. Edwards' idea of creating a task force and opined there could be a better agreement. She suggested there should be no deadline for the opt-out option of single-stream recycling and also that people should be able to find an alternative to the entire garbage service program.

Commissioner Hartung dismissed the comment about Storey County's landfill as it was not pertinent to Washoe County. He posed the question of how to structure competition since WM owned the local landfill and concluded there had to be a better way to do business.

Chair Lucey pointed out there were no repercussions for WM's failures but there were repercussions for citizens. He declared he wanted to look at the possibility of open market options.

Mr. Schiller confirmed he received enough direction and anticipated the need for a future agenda item.

Commissioner Hartung directed Mr. Schiller to look into Republic Service's business model in Las Vegas.

12:08 p.m. The Board recessed.

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

PUBLIC HEARINGS

17-0079 **AGENDA ITEM 12** Master Plan Amendment Case No. MPA16-001 and Regulatory Zone Amendment Case No. RZA16-002 (USA Parkway Industrial) - Public hearing, discussion and possible action to affirm the findings of the Planning Commission and: (1) To adopt an amendment to the Washoe County Master Plan, Truckee Canyon Area Plan to change the Master Plan Category on one ±60.22-acre parcel from Rural to a mix of Industrial and Open Space; (2) Subject to final approval of the associated Master Plan change, to adopt an amendment to the Truckee Canyon Area Plan Regulatory Zone Map, changing the Regulatory Zone from General Rural (maximum density: 1 dwelling unit per 40 acres) to a mix of Industrial (no allowable residential density) and Open Space (no allowable residential density); and, if approved, (3) To authorize the Chair to sign the two resolutions to adopt the amendments to the Truckee Canyon Master Plan Map and Regulatory Zone Map, after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. Stan Lucas is the applicant and property owner. The subject parcel (APN: 084-120-26) is ±60.22 acres in size and located at 22560 Interstate 80 East, approximately ½ mile west of USA Parkway. It is situated within the Truckee Canyon Area Plan and East Truckee Canyon Citizen Advisory Board boundaries and within portions of Section 27 and Section 34, T20N, R22E, MDM. Community Services. (Commission District 4.)

The Chair opened the public hearing by calling on anyone wishing to speak on this item.

Commissioner Hartung invited Bill Whitney, Division Director of Planning and Development, to the podium. In response to a question by Commissioner Hartung, Mr. Whitney stated a request had been made for additional industrial land use in Spanish Springs and there were still some unused acres. Mr. Hartung indicated he thought some of the land was available in Lemmon Valley, but Mr. Whitney clarified the land involved did not fall within the Truckee Meadows Service Area (TMSA) and therefore did not follow Policy 1.3.3. When asked about the leftover acreage, Mr. Whitney confirmed the remaining acreage would be sufficient.

On the call for public comment Lucas Ingvaldstad, Director of Public Affairs for Crowley & Ferrato, spoke in representation of EP Minerals. He stated one of EP's primary manufacturing plants was located at the intersection of USA Parkway and I-80. He expressed pleasure at seeing the economic development in the area but was concerned about traffic. He encouraged the Board to insure proper infrastructure to accommodate existing and future growth.

Commissioner Hartung moved to affirm the findings of the Planning Commission for MPA16-001 and RZA16-002, and (1) Adopt an amendment to the

Washoe County Master Plan, Truckee Canyon Area Plan to change the Master Plan Category on one ±60.22-acre parcel from Rural to a mix of Industrial and Open Space; (2) Subject to final approval of the associated Master Plan change, to adopt an amendment to the Truckee Canyon Area Plan Regulatory Zone Map, changing the Regulatory Zone from General Rural to a mix of Industrial and Open Space; and (3) Authorize the Chair to sign the two resolutions to adopt the amendments to the Truckee Canyon Master Plan Map and Regulatory Zone Map, after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. Commissioner Herman seconded the motion. The motion passed on a vote of 5-0. The resolutions for same are attached hereto and made a part of the minutes thereof.

17-0080 **AGENDA ITEM 13** Appeal hearing and possible action to affirm, modify, or reverse the Board of Adjustment's denial of Administrative Permit Case Number AP16-008, an application by the Sun Valley General Improvement District for an Administrative Permit for an Electronic Message Display sign. The overall height of the proposed sign was six feet. The overall width of the proposed sign was eight feet. The electronic message display area was approximately seven-and-a-half feet in width and two feet in height (15 square feet). The property is located at 115 W. 6th Avenue, at the Sun Valley Regional Park and within Section 18, Township 20 North, Range 20 East, MDM. The Assessor's Parcel Number is 085-211-03. The parcel is ± 26.1 acres in size. The Master Plan Category is Suburban Residential and the zoning is Parks and Recreation (PR). Community Services. (Commission District 3.)

Mr. Lipparelli, Legal Counsel, instructed the Board since Agenda Item 13 was an appeal hearing, the proper order needed to be followed: the Chair could ask for a brief staff report, then the appellant needed to be given the chance to make their case, followed by questions and discussion.

Darren Price, General Manager for the Sun Valley General Improvement District, thanked Commissioners Herman and Jung for partnering with him in this endeavor. He explained the County had raised the funds for the electronic sign but the special use permit was denied. He conducted a PowerPoint presentation, which was placed on file with the Clerk. He showed the current sign, installed in 1996, and called it antiquated since changing text required someone to physically slide letters in and out. He pointed out the County had many entities in the Neighborhood Center including Senior Services, the Sheriff's Department, and others. He stated there was a need for a way to convey messages other than online methods. He compared the current sign with the proposed sign, stressing the practicality of displaying emergency notifications on the new sign such as amber alerts and weather alerts. He showed a photo of a detention basin which would be where the proposed sign would need to be to be in compliance with the Sign Code. He showed several photos of the easement area and explained the concerns with each possible location, including the existence of sidewalks and trees, as well as visibility issues caused by the sloping ground. He claimed they met every aspect of the

Sign Code except for the requirement to be outside the 200 foot radius instituted by the Code. He said Garth Elliott had collected three affected owners' signatures supporting the sign and pointed out there would only be four or five residences within the 200 foot radius of the new sign. He showed photos of a large pedestrian crosswalk that flashed 24 hours a day in that same radius and alleged the brightness of the proposed sign would be nothing new to residents. He informed the Commissioners his board already discussed ways to mitigate some concerns, including changing dwell times, changing transition times, or turning off the sign at certain times. He highlighted the benefit of changing messages remotely and the new sign's ability to display more than one message simultaneously. He pleaded with the Commissioners to reconsider the decision of the Board of Adjustment (BOA) because the opportunity to improve their medium to low income community should not be passed by.

On the call for public comment, Garth Elliott called the BOA's decision a case of community development gone awry. He commented the 25,000 people in Sun Valley were never consulted about the sign and alleged the Sign Code did not meet the needs of the community. He chided the Code's language for having no recourse to appeal other than through the Board of County Commissioners (BCC). He stressed the need to be able to communicate emergency notifications and asked the Board to fix the problem.

Vicky Maltman, member of the Sun Valley Citizen Advisory Board, called Sun Valley the stepchild of the County and stressed how important the sign would be for the community. She conceded while the community could connect to social media, the majority of older Sun Valley residents did not use computers and did not access the internet. She mentioned the General Improvement District's (GID's) messages would not be seen by half the residents. She wished the sign was being considered for placement further down to El Rancho but insisted it would be the best thing for the community. She implored the Commissioners to allow the sign which would provide information about seniors' lunch programs and missing child alerts. She claimed the residents supported the sign.

Commissioner Herman referred the Board to an email from Susan Severt, which was placed on file with the Clerk. Commissioner Herman lamented she had been trying to get the sign approved for a while. She commented the BOA was limited in its authority but the BCC was not. She entreated the Commissioners to find a way to make the sign happen.

Mr. Lipparelli offered an explanation of the legal standard set by the Sign Code which restricted the location of the sign to further than 200 feet from residential zoning. He explained the Sign Code as written would not permit the sign unless the issuance of the permit was required by state or federal mandate. He warned future applicants would think an exception would give the impression one government entity was doing a favor for another. He listed the following options: to overturn the BOA decision knowing it would create an exception to the Sign Code, or to amend the Sign Code to either lessen the distance standard, or to exempt signs operated by other government entities. He reminded the Board the Sign Code revision was a long process

and cautioned of possible legal ramifications. The Board's decision would not just be based on measuring the value of the sign, but on following the Sign Code.

Commissioner Jung asked Mr. Lipparelli if she could exempt other government agencies from adherence to the Sign Code to promote the safety of the public at the meeting or if she would have to bring the item back on a future agenda. Based on Mr. Lipparelli's legal advice, Commission Jung moved to overturn the BOA's decision and to direct the issuance of a permit. She further directed staff to produce an amendment to the Sign Code that would articulate the basis for the exception.

Commissioner Hartung agreed with Commissioner Jung's assessment that the sign was a unique opportunity; he suggested the sign could convey messages in Spanish. It would provide the community with news they might not be able to access otherwise.

Mr. Lipparelli asked for clarification of Ms. Jung's motion.

Commissioner Jung retracted her initial motion and moved to reverse the decision of the BOA and approve Administrative Permit Case Number AP16-008 for the Sun Valley General Improvement District, having made all five findings in accordance with Washoe County Development Code Section 110.808.25: 1) Consistency – the use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan; 2) Improvements – That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven; 3) Site Suitability – That the site is physically suitable for type of development, i.e. an EMD, and for the intensity of such a development; 4) Issuance Not Detrimental – That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and 5) Effect on Military Installation – Issuance of the permit will not have a detrimental effect on the location, purpose or mission of a military installation. Commissioner Herman seconded the motion. The motion passed on a vote of 5 to 0.

Upon Chair Lucey's direction, Commissioner Jung directed staff to attend the next meeting with language amending the Sign Code with the intent to exempt other governmental agencies that meet the conditioning requirements. Chair Lucey announced he briefly opened up Agenda Item 18 to have the preceding discussion.

17-0081 **AGENDA ITEM 14** Appeal hearing and possible action to affirm, modify, or reverse the Board of Adjustment's denial of Special Use Permit Case Number SB16-010 (Truckee Meadows Fire Protection District, Station Number 14) which requested approval of a special use permit for the construction and operation of a new fire station. The property is located at the southeast corner of Foothill Road and Broken Hill Road and

within Section 8, Township 18 North, Range 20 East, MDM. The Assessor's Parcel Number is 044-300-19. The parcel is \pm 3 acres in size. The Master Plan Category is Suburban Residential and the zoning is Medium Density Suburban (MDS). Community Services. (Commission District 2.)

Angela Fuss with CFA Inc. representing the Truckee Meadows Fire Protection District (TMFPD) initiated the presentation, saying they began the process to relocate Station 14 two years prior. It was initially a volunteer station but since its inception it had first been a City of Reno station then a TMFPD station. She claimed the current location had response time issues. She drew attention to the presentation slide showing the large area Station 14 serviced. They had been searching for a central location with easy access to Route 395 and Virginia Street to allow better service to the entire area. She stated the proposed location at Foothill Road and Broken Hill Road was ideal because it was central, could provide backup protection for the Hidden Valley area, and was close to Marvin Picollo School. The new location would put the station 30 seconds away from the school's special needs students instead of 4½ minutes. Additionally the parcel of land was bigger than needed at five acres and the station could be accessed from two different roads which would save time. She showed a rendering of the proposed station and compared the station's proximity to residential areas to those of the Hidden Valley fire station, the Arrowcreek station, the Joy Lake station, and the Sun Valley fire station. She highlighted some of the issues brought up by the public and announced the proposed plans to amend the site accordingly. The two access roads would eliminate trucks having to back into a service area. The station would have the capability of accommodating two fire crews rather than having to build a second fire station. To allay parking concerns, the design allowed for 15 parking spots when only five were required by Code. The project would install sidewalks to both Foothill Road and Broken Hill Road. They had amended the lighting plan to avoid light pollution and the site had been modified to include an eight foot tall block wall to refocus and reduce generator noise from 70 decibels to 50 decibels. They worked with the School District to add a school bus pad making it safer for students. She announced the proposal was in agreement with the amended conditions of approval: widening Foothill Drive, adding sidewalks, amending site lighting, and relocating the training tower to an alternate location. She addressed concerns of traffic backup during the schools' drop-off and pick-up times, reporting a survey conducted at more than a dozen different times over two months showed no traffic where the station would be located. A traffic engineer verified Foothill Drive produced Level C traffic, an acceptable amount. Despite having no requirements to widen the road, pursuant the County Engineer's request they would widen the road within the limits of the fire station parcel. She announced to prevent fire trucks getting stuck at the Virginia Street traffic light they would put in a traffic signal pre-emption system that could speed up the light. She noted there would also be emergency vehicle crossing signage and striping.

Charles Moore, TMFPD Chief, relayed a National Fire Protection Association statistic that 96 percent of fire deaths occurred at home. He stated all TMFPD stations except Station 14 were already in residential areas. He repeated how

advantageous it would be to be closer to a school for disabled children which made an average of nine serious Emergency Medical Services (EMS) calls per year. He estimated the station responded to an average of three calls a day, one of which was to support other districts. He deduced the likely addition of another engine in the next budget cycle could mean the proposed station would expect to respond to two calls per day over the course of a year. He declared regardless of where a fire station was located they would need to go into neighborhoods with lights and sirens on. He alleged the location would move the station closer to the calls they were servicing. He noted the proposal went before the Citizen's Advisory Board (CAB) three times and was heard before the Board of Fire Commissioners at least twelve times, but he had not heard any pushback until the community meeting. He stated in his professional judgment the station needed to be at the proposed location.

On the call for public comment, the following individuals voiced their opposition to overturning the Board of Appeals decision: Ken McBride, Chris Russ, Kathy Russ, Joe Theaman, Kay Theaman, Geordan Goebel, Deborah Goebel, and Michael Imus.

The individuals' concerns included: the property was purchased years before they were given approval for the station; the excessive traffic the fire station would cause; the timing of the traffic study that was performed; the safety of cyclists and pedestrians on Foothill Drive; the inability to pull over to allow fire trucks passage; the volume of generator and sirens' sounds; and the minimal notice about the proposal the residents received.

Kathy Russ and Deborah Goebel showed photographs of the area, which were placed on file with the Clerk.

Commissioner Hartung acknowledged the decision was difficult. He spoke of the fire station in his neighborhood that extinguished a fire at his house in 1988 and said he never heard a fire station mentioned as a negative thing by any residents he spoke to. He intimated fire stations belonged in residential areas because that was where they were needed. He empathized with the concerns over traffic as he experienced that in Spanish Springs but added those issues were cleared up over time. He claimed emergency vehicles were less of a problem than parents picking up their children from school. He concluded he had trouble understanding the concern over a fire station. Commissioner Herman referenced a terrible fire in Verdi, saying the residents would have loved to have a fire station in their community.

Mr. Lipparelli pointed out within the staff report were recommendations from staff as well as a recitation of standards and findings that needed to be made for the issuance of a special use permit. He recommended if they were to sustain or overturn the decision, the explanation should be within the scope of the findings for special use permits.

Commissioner Jung moved to reverse the decision of the BOA and approve, with the conditions of approval included at Attachment D to this report, Special Use Permit Case Number SB16-010 for Truckee Meadows Fire Protection District, having made the five findings required in accordance with Washoe County Code Section 110.810.30 and one finding in accordance with the Southwest Truckee Meadows Area Plan, including: 1) Consistency – That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows; 2) Improvements – That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven; 3) Site Suitability – That the site is physically suitable for a fire station (safety services civic use type), and for the intensity of such a development; 4) Issuance Not Detrimental – That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; 5) Effect on a Military Installation – Issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation, and 6) Southwest Truckee Meadows Area Plan Required Finding – Community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts. Commissioner Berkgigler seconded the motion. The motion duly carried on a vote of 5-0.

17-0082 **AGENDA ITEM 15** Hearing and possible action to affirm, modify, or reverse the Board of Adjustment's denial of Variance Case Number VA16-005 (Thomas Lypka), which sought approval of variances: 1) reducing the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback. The variances were requested to facilitate the expansion of the existing dwelling. The property is located at 755 Judith Court at the southeast corner of its intersection with Harper Court in Incline Village and within Section 9, Township 16 North, Range 18 East, MDM. The Assessor's Parcel Number is 125-231-19. The parcel is 6,460 square feet in size. The Master Plan Category is Suburban Residential and the zoning is High Density Suburban (HDS). Community Services. (Commission District 1.)

Robert Angres, Esq., attorney for Thomas Lypka the appellant, made reference to his legal brief, which was placed on file with the Clerk. He noted Mr. Lypka's request for a minor variance was solely for safety to prevent a buildup of black ice in the entryway and large icicles on the eaves. Pictures were presented which were also placed on file with the Clerk. He stated at the time of the enactment of Nevada Revised Statute 278.300 there was a zero foot setback. He said Mr. Lypka was only asking for a variance of 5 feet, 4 inches. He alluded to support by neighbors and unanimous support by the Community Advisory Board (CAB).

Wayne Ford, of Wayne Ford Residential Design, representative for Mr. Lypka, stated the request for a variance was because of safety but the findings could be made because of the funnel shape and modest size of Mr. Lypka's lot. He claimed the front yard was misrepresented in the staff report by saying it required a hold harmless agreement, but he clarified the appellant would not need one because there would be no building of structures closer to the street. He maintained the BOA's denial was due to the assumption the property was rectangular in shape and not trapezoidal. The measurement was made in the middle of the property, giving an inaccurate assessment of the size and shape of the property. He stated the purpose of the variance was to allow an extension of the overhanging deck, and to prevent numerous safety issues like black ice, dangerous icicles, and snow buildup. The neighbor most affected had signed a letter in support of the project. Mr. Ford showed a PowerPoint presentation with pictures that supported Mr. Lypka's appeal and read aloud the presentation. The PowerPoint presentation was placed on file with the Clerk.

On the call for public comment, Pete Todoroff, Chairman of the Incline Village/Crystal Bay CAB, repeated the CAB's unanimous approval of the project. He expressed doubt that the person who issued the BOA's denial actually visited the property.

3:01 p.m. Commissioner Hartung left the meeting.

Commissioner Berkbigler moved to reverse the decision of the BOA and approve the Variance Case Number VA 16-005 (Thomas Lypka) which sought approval of variances: 1) reducing the rear yard setback from 20 feet to 14 feet 6 inches; 2) increasing the allowed overhang on the front eaves of the existing dwelling from 2 feet to 4 feet 6 inches, into the front yard setback, subject to the Conditions of Approval included at Attachment D to the staff report. The variances facilitate the expansion of the existing dwelling. The approval is based upon the following findings required Washoe County Code (WCC) Section 110.804.25, Variances: 1) Special Circumstances – Because of the special circumstances related to the size and the shape of the property, the exceptional narrowness and shallowness of the property; the exceptional topographic conditions; extraordinary and exceptional situation or condition of the property, and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property; 2) No Detriment – The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted; 3) No Special Privileges – The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; 4) Use Authorized – The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; 5) Effect on a Military Installation – The variance will not have a detrimental effect on the location, purpose and mission of a military installation. Chair Lucey seconded the motion.

Upon request by Mr. Angres, Commissioner Berkbigler amended her motion to remove the requirement of attachment D to the staff report. Chair Lucey agreed to the amendment.

Upon further request by Mr. Lipparelli and Mr. Ford, Commissioner Berkbigler amended her motion to include attachment D but removed the requirement for a hold harmless clause.

The motion duly carried on a 5-0 vote with Commissioner Hartung absent.

17-0083 **AGENDA ITEM 16** Second reading and possible adoption of an ordinance imposing additional sales and use taxes as required by the passage of S.B. 411 of the 78th Nevada Legislature and Washoe County Question 1 (2016) by amending chapter 21 of the Washoe County Code (Miscellaneous And Additional Taxes) by adding section 21.212 (Imposition and rate of additional sales tax) to impose an additional 0.54 % sales tax, and by adding section 21.382 (Imposition and rate of additional use tax) to impose an additional 0.54 % use tax, and providing for other matters properly relating thereto. District Attorney. (All Commission Districts.)

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. 1590, Bill No. 1774.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Hartung absent, Chair Lucey ordered that Ordinance No. 1590, Bill No. 1774, be adopted, approved and published in accordance with NRS 244.100.

17-0084 **AGENDA ITEM 9** Review and approve the 2017 Washoe County Legislative Principles including an update and discussion regarding the 79th (2017) Session of the Nevada State Legislature with possible direction to staff. Manager. (All Commission Districts.)

Al Rogers, Management Services Director, conducted a PowerPoint presentation with slides entitled: Washoe County Legislative Team; Nevada State Senate; Nevada State Assembly; Washoe County Delegation – Senate Members; Washoe County Delegation – Assembly Members; Washoe County Internal Efforts; 2017 Legislative Principles; 2017 Legislative Principles – Respect for Governmental Roles; 2017 Legislative Roles – Respect for Governmental Roles (Continued); 2017 Legislative Roles – Recover Our Economic Strength; 2017 Legislative Principles – Regional Solutions to

Service Provisions; 2017 Legislative Principles – Commitment; 2017 Legislative Principles – Legislative Communication Policy; two untitled slides; In Conclusion; and Questions? He highlighted the hiring of Jamie Rodriguez for the position of Management Analyst for Government Affairs. He distributed a document with information on the members of the legislature, which was placed on file with the Clerk.

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

17-0085 **AGENDA ITEM 17** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

17-0086 **AGENDA ITEM 18** Announcements/Reports.

Chair Lucey briefly opened Agenda Item 18 during Agenda Item 13, at which point Commissioner Jung directed staff to attend the next meeting with language amending the Sign Code with the intent to exempt other governmental agencies that meet the conditioning requirements.

Commissioner Herman restated the public comment request for a Lemmon Valley Citizen’s Advisory Board. She addressed Rick Snow’s concerns about not seeing an agenda item for the burned home in Lemmon Valley. She requested a report about the feasibility of collecting private-sector bids on a massive ditch cleanup to prevent flooding.

Mr. Slaughter, County Manager, announced Commissioner Herman had a scheduling conflict with the next Flood Board meeting date and they would discuss getting an alternate to fill in for her.

* * * * *

3:30 p.m. There being no further business to discuss, the meeting was adjourned.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Doni Gassaway and Derek Sonderfan, Deputy County Clerks*

**FORENSIC SUPPORT SERVICES AGREEMENT
BETWEEN
WASHOE COUNTY ON BEHALF OF
THE WASHOE COUNTY SHERIFF'S OFFICE
AND
MONO COUNTY, ON BEHALF OF
MONO COUNTY DISTRICT ATTORNEY'S OFFICE**

THIS AGREEMENT is made and entered by and between **WASHOE COUNTY**, on behalf of the **WASHOE COUNTY SHERIFF'S OFFICE**, hereinafter referred to collectively as **WASHOE**, and **MONO COUNTY** on behalf of the **MONO COUNTY DISTRICT ATTORNEY'S OFFICE**, hereinafter referred to as **USER**.

W I T N E S S E T H:

WHEREAS, pursuant to NRS 277.180, **WASHOE** and **USER** may, in the performance of their functions, use each other's facilities and services, with the consent of the other party and subject to such terms and conditions as the parties may agree upon; and

WHEREAS, **USER** desires to acquire the assistance of **WASHOE** in providing **USER** the use of **WASHOE'S** Forensic Support Facilities and Services;

WHEREAS, **WASHOE** desires to provide its assistance to **USER** in regard to the use of **WASHOE'S** Forensic Support Facilities and Services;

NOW, THEREFORE, based on the foregoing premises and the following covenants, terms and conditions, the parties hereto do hereby agree as follows:

1. SERVICES PROVIDED: Unless otherwise provided and/or amended by written agreement of the parties hereto, **WASHOE** shall provide for **USER** forensic analyses within the existing capabilities of **WASHOE** as set forth in **Exhibit A** attached hereto and hereby incorporated by reference. In this regard, it is the understanding and intent of the parties, as the capabilities of **WASHOE** change over time, to execute written amendments to this Agreement indicating any services no longer provided as well as to identify any new services to be provided and the cost thereof.

WASHOE staff shall be available, upon reasonable notice should **USER** require said staff, to participate in legal proceedings (discovery practice or court appearances) to testify as to any testing and certification services performed for **USER** pursuant to this Agreement.

17-0071

A. For the term of the agreement USER shall pay to WASHOE a fee of **\$250 per hour. The total amount of Forensic Services shall not exceed \$15,000 payable upon receipt of invoice(s)**, which fee shall entitle USER to the use of the forensic laboratory services currently within the capability of WASHOE as such are more fully set forth in **Exhibit A** attached hereto and hereby incorporated by reference. The annual fee shall compensate Washoe County for work performed during the contract period. Fees for services are due and payable in full within 30 days of USER'S receipt of billing by WASHOE. Toxicology services shall continue to be invoiced quarterly. Toxicology services are not included in this Agreement. Any costs incurred for toxicology services shall be invoiced separately and shall be paid in addition to the annual fee paid by USER hereunder.

B. In the event, during any fiscal year covered by this Agreement, WASHOE shall increase its forensic laboratory services beyond those set-forth in **Exhibit A**, the parties agree to negotiate, in good faith, an increase in the annual fee charged by WASHOE to USER to compensate WASHOE for the provision of the additional forensic laboratory services to USER. Any such agreement shall be memorialized by a written addendum to this Agreement signed by both of the parties hereto. Any increase in the annual fee shall be due and payable in full within 30 days after execution of said addendum.

C. In the event that the governing body of the county fails to obligate any funds necessary to carry out the duties created hereunder beyond the county's then current fiscal year, this agreement shall terminate without charge, penalty, or sanction.

D. During the term of this Agreement, in the event that WASHOE shall be required to engage the consultation services of any outside forensic laboratory or specialist in order to provide USER with any additional expertise or equipment outside of the current capability of WASHOE to perform for USER, USER shall reimburse WASHOE in full for any costs or fees incurred as a result of said consultation. Any such consultation fees shall be due and payable in full within 30 days of USER'S receipt of billing by WASHOE for any such consultation services.

E. In the event that USER shall require the testimony of any of the staff of WASHOE in any legal proceedings in order to testify as to any testing or certification performed for USER pursuant to this Agreement, USER agrees to reimburse WASHOE for any compensation, benefits, travel and per diem costs incurred by WASHOE in providing said staff at the time, place and for the purposes required to assist USER. Any such reimbursement shall be due and payable in full within 30 days of USER'S receipt of billing by WASHOE for any such staff services.

2. INDEMNIFICATION: USER agrees to indemnify, defend and hold harmless WASHOE, its officers, employees, and agents, from and against any and all claims, demands, or actions by any person or entity which arise or result from any act or omission to act on the part of any officers, employees, or agents of USER in connection with the services to be provided pursuant to this Agreement.

WASHOE agrees to indemnify, defend and hold harmless USER, its officers, employees, and agents, from and against any and all claims, demands, or actions by any person or entity which arise or result from any act or omission to act on the part of any officers, employees, and agents of WASHOE in connection with the services to be provided pursuant to this Agreement.

The parties do not waive and intend to assert any liability limitations available under law,

including but not limited to those defenses available under chapter 41 of Nevada Revised Statutes in all cases.

3. **MODIFICATION:** Any modification or amendment to this Agreement, in order to be binding upon the parties, must be in writing and be signed by both of the parties hereto.

4. **EFFECTIVE DATE AND RENEWAL:**

A. This Agreement shall be effective as of January 1, 2017 and terminate as of June 30, 2017.

B. Either party to this Agreement may terminate this Agreement at any time of the term of the Agreement by giving the other party to this Agreement 180 days prior written notice.

C. This Agreement may be renewed by the parties for any subsequent fiscal year by virtue of the parties' execution of a renewal agreement setting for the fiscal year for which the renewal shall be effective, the services to be rendered, and the costs and fees to be incurred by USER to WASHOE. Any such renewal shall be contingent upon the parties agreeing to the annual fee to be charged by WASHOE to USER.

DATE: 12-27-16

BY: 
WASHOE COUNTY SHERIFF

DATE: 1/24/17

BY: 
CHAIR
WASHOE COUNTY COMMISSION



DATE: 1/24/17

ATTEST:  Chief Deputy
WASHOE COUNTY CLERK

DATE: 12/3/16

BY: 
USER

Exhibit A

FY 16/17

Full Services Provided Under the Forensic Science Division Contract Option A

Controlled Substances

- Qualitative analysis and identification of substances controlled under the Federal Controlled Substances Act (CSA) or the Nevada Administrative Code (NAC).
 - Up to 5 separate items can be submitted per case.
 - Evidence will be accepted in cases that are being actively prosecuted, needed for Grand Jury to support charges, to obtain a warrant, in an on-going investigation, or for officer safety.
- Only selected items from those submitted will be analyzed.
 - When substances likely to contain a Schedule I compound are submitted, one of each type of substance will be analyzed.
 - When a Schedule I compound is identified, substances likely to contain a compound in a lower schedule will not be analyzed.
 - Visually similar substances will be tested when the total net weight could substantiate a trafficking charge. This may be deferred until the case is set for District Court.
 - Residue and paraphernalia items only will be tested when no other controlled substance evidence exists.
 - Pharmaceutical preparations (tablets or capsules)
 - ♦ Identification of any controlled substance in one dosage unit when no other controlled substance evidence is present (except marijuana).
 - ♦ Visual examination only when a scheduled controlled substance is identified, as outlined above (except marijuana), or if consistent with prescription or over-the-counter preparations.

Additional controlled substance exhibits may be analyzed on a case by case basis. If services beyond those listed above are needed, please contact the division for consultation prior to submitting the evidence.

- Controlled Substances services NOT included, or restricted.
 - Quantitative or purity analysis
 - Analysis of the contents of syringes; unless extenuating circumstances exist as approved by the Laboratory Director
 - Analysis of non-controlled substances as poisons, clandestine laboratories chemicals, and various cutting agents.
 - Clandestine lab testimony

Shoeprint and Tire track Comparison

Firearms/Toolmark Examinations (Cases going to court and those needed for investigative purposes are being prioritized. After those, cases are being worked in reverse order (newest first))

- Distance determination
- Comparative analysis (bullets, cartridge cases, toolmarks etc.)
- Weapon function test
- Serial number restoration

Crime Scene Investigation (24/7 Response)

- Homicide
- Attempted homicide
- Officer involved shootings
- Questionable deaths with detective on scene
- Kidnapping
- Child abuse
- Sexual assault with substantial bodily injury or unknown suspect
- Battery with a deadly weapon with substantial bodily injury
- Armed robbery with substantial bodily injury
- Bank robbery with substantial bodily injury
- Robbery, strong armed, with substantial bodily injury
- Fatal traffic accidents when vehicular homicide is suspected
- Homicide autopsy
- Does NOT include response to non-major crimes such as burglary, recovered stolen vehicle, evidence collection from officer at hospital, consensual sexual cases, single vehicle fatality or response to collect a piece of evidence in the absence of a CSI officer

Latent Print Processing

- Appropriate chemical or powder processing of submitted items
- Development and submission of latent prints of value

Latent Print Comparison

- Evaluation of submitted prints- determination of value
- WIN/ABIS (Western Identification Network/Automated Biometric Identification System)
- Known subject comparison

Photo Laboratory Services

- Creation of CDs from scene photos taken by FIS
- CDs created from previously processed 35mm negatives

Primary Examination

- Presumptive and confirmatory stain characterization
 - ♦ Semen (presence of sperm cells)
 - ♦ Seminal fluid (absence of sperm cells)
 - ♦ Saliva
 - ♦ Blood including human blood
- Determination of human vs animal hair and suitability of hair for DNA testing

DNA Analysis

- Homicide (up to 15 evidentiary samples and 10 reference samples)
- Sexual crimes (with presence of sperm up to 3 evidentiary samples and 5 reference samples)
- Sexual crimes (absence of sperm up to 5 evidentiary samples and 5 reference samples)
- Crimes against a person (up to 4 evidentiary samples and 5 reference samples)
- Property crimes (up to 2 evidentiary samples and 5 reference samples)
- DNA samples in addition to above limits can be processed at \$250.00 per hour

Forensic services within the existing capabilities of the laboratory do NOT include the following:

- DNA analysis on skeletal remains, weapons violations, possession of stolen property, found property, vandalism, controlled substances, and larceny.
- Trace evidence analysis: fibers, glass, paint, hair, chemical unknowns, physical match, explosive materials, and arson (ignitable liquids)
- Latent print processing or DNA analysis of fired cartridge casings.
- Document examination such as handwriting comparisons
- Consultation on casework performed by other laboratories
- Casework or testimony on civil matters

Incomplete Case Submissions:

Examination requests that are missing information may be held for up to 30 days awaiting complete information. If the information is not received, the examination will be cancelled, no report will be issued, and the evidence will be returned to the submitting agency.

Note: The following services are provided by the Forensic Science Division but are not included as part of this contract as they are funded by other means.

- The Breath Alcohol Program is funded by the State.
- DNA analysis of convicted offenders samples per NRS 176.0913. The funding for this analysis is provided through the \$150.00 fee collection per NRS 176.0915 and grant funding.
- DNA Analysis of Arrestee sample for the database. This is funded through an administrative assessment per NRS 176.0623.
- The IBIS/NIBIN (Integrated Ballistic Identification System/National Integrated Ballistic Information Network) (firearms database) is included for all agencies. This is not a service that is charged for.

This scope of work does not include Toxicology services. Toxicology will continue to be billed on a per test basis. If you have any questions regarding Toxicology services, contact the Forensic Science Division.