

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

TUESDAY

10:00 A.M.

APRIL 24, 2018

PRESENT:

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

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Deputy District Attorney

ABSENT:

Vaughn Hartung, Commissioner

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:

18-0300 **AGENDA ITEM 3** Appearance: Tom Cates, President; Sue Hoffman, Executive Director Nevada Agriculture Foundation. Presentation on the Nevada Agriculture Foundation as a local non-profit whose primary mission is to support the agricultural community through grants and financial support for students and education initiatives.

Tom Cates, President of the Nevada Agricultural Foundation (NAF) stated the organization's mission was to promote and strengthen agriculture in Nevada by providing financial assistance to deserving groups involved in research or education. He noted agriculture was the third-largest industry in the State, adding it generated more than \$500 million annually. He mentioned there were around 470 farms which occupied 400,000 acres in the County, and he listed some of the commodities grown there.

Mr. Cates indicated the NAF was founded in 1976 by professors from the University of Nevada and it was one of a small number of non-profit organizations dedicated to agriculture. The NAF supported students, funded research projects, and contributed to other agriculturally-related programs. Since 1977 the organization gave more than 600 college students scholarships totaling over \$1,800,000 and provided \$250,000 to support research and development for various projects. He said the NAF was developing educational materials about water in an effort to focus on agriculture in the classrooms.

Sue Hoffman, Executive Director of the NAF, remarked the agriculture in the classroom program was national but it was run individually by each state; it was a volunteer organization in Nevada. She pointed out Nevada was the most arid state in the country and said people did not always recognize the benefit of agricultural development to the entire population. She added the program's curriculum was being finalized and she presented two videos that were made to relate to young students.

Chair Berkbigler asked whether the videos would be used as commercials for the program, to which Ms. Hoffman responded they would be utilized by teachers. Chair Berkbigler thanked them for the presentation.

18-0301 **AGENDA ITEM 4** Appearance: Marily Mora, A.A.E., President/CEO Reno-Tahoe Airport Authority. Presentation and annual airport update.

Marily Mora, President of the Reno-Tahoe Airport Authority (RTAA), introduced Board of Trustees members Lisa Gianoli and Nat Carasali who were in attendance. Ms. Mora conducted a PowerPoint presentation, which was placed on file with the Clerk, and reviewed slides with the following titles: Who We Are; Flights to/from Reno-Tahoe International Airport; Exciting Non-Stop Flight Additions; Record-setting year in 2017; Regional Air Service Corporation; Exciting Programs are in the Air at RNO; Concourse Alternatives Goals & Objectives; Recommended Concourse Alternative; Terminal Building Goals & Objectives; Landside Goals & Objectives; Recommended Landside Alternative; Approved Terminal & Landside Alternatives; Cargo Goals & Objectives; Recommended Cargo Alternative; General Aviation Goals & Objectives; Recommended General Aviation Alternatives; Master Plan Runway Analysis; Current RNO Airfield Conditions; Current RNO Operational Challenges; Current RNO Operational Condition (2 slides); RNO Runway Conclusions; What Can Be Done?; Reno-Stead Airport Airfield Features; New Airport Amenities; NDOT Spaghetti Bowl Plan; and Questions.

Ms. Mora indicated the RTAA was near the end of its master plan process. She pointed out the airport did not use taxpayer dollars, instead generating revenue primarily from non-airline sources. This enabled the RTAA to keep rates for airlines at a modest level. She lauded Frontier Airlines for returning to the Reno-Tahoe International Airport (RNO) and launching service to Austin, Texas in April. She encouraged the community to support all new flights and said the Regional Air Service Corporation partners supported the RTAA by doing marketing for new flights. She mentioned there had not been a new master plan in twenty years and they were considering all the different aspects of their facilities.

Dean Schultz, Executive Vice President of the RTAA, stated the master plan forecast indicated the number of passengers was expected to increase by 60 percent over the planning period. He commented the existing concourses were almost forty years old and lacked the width and gate counts of modern concourses. He noted the Customs and Border Protection facility was built in the early 1970s and it required modernization.

Mr. Schultz explained they planned to replace the existing concourses and possibly add a third in the future. They would start by constructing a wider terminal C which would allow for more restrooms and concessions. They would also replace the Customs and Border Protection facility, which would accommodate twice as many passengers as the current facility. He added this stage of development would also include additional administrative space. He discussed the replacement of the existing Concourse B and the expansion northward with a third concourse as need dictated.

Mr. Schultz noted addressing the capacity issues of the public parking area and rental car facilities would be one of the first projects to be undertaken. Moving the rental return facilities from the public parking area would expand that capacity. He said they also planned to build a consolidated rental car facility which would be within walking distance of the terminal. He estimated the total for the airport's capital improvement program would be \$1.6 billion.

Mr. Schultz pointed out there was enough space next to the main runway to accommodate both the high-forecast growth and the addition of a fourth cargo operator. He said they considered the benefits of lengthening runways and mentioned some of the constraints, including the Truckee River and McCarran Boulevard. He explained aircraft performed more poorly the higher the elevation and temperature of the airport from which they took off. He said the most significant challenge was the terrain to the north and south of the airport and removing the terrain to accommodate flights would be too expensive.

Ms. Mora stated the Reno-Stead Airport was a leader in testing for the potential integration of drones into national airspace. She praised the new escape lounge at RNO and announced a Vino Volo wine bar would be opening. She supported the Nevada Department of Transportation's "Spaghetti Bowl" plan but expressed concern that it could limit direct access to the airport.

Chair Berkbigler said she was glad the plan was in place. She commented how fast the community was growing but noted there was a cost associated with growth.

18-0302 AGENDA ITEM 5 Public Comment.

Mr. Sherman Boxx announced he was a candidate for Washoe County Sheriff and spoke about pay inequity and management issues within the dispatch center. He indicated the Board of County Commissioners made a deal in 1990 with the City of Reno to trade dispatch assistance for crime lab services and alleged the Reno Police Department now received crime lab services for free. He suggested consolidating dispatch under the management of the Sheriff and training every employee in all three communication disciplines. He expressed concern the City of Sparks was rumored to no longer pay for crime lab services. He related this discussion to a prior discussion about the Reno Police Department's use of the Regional Aviation Enforcement helicopter.

Ms. Anna Williams remarked pursuant to Washoe County Code 55.230 Bordertown Road was listed as a congested area despite being a private road with three residents on it. She displayed pictures of the road, copies of which were placed on file with the Clerk. She emphasized the importance of her animals to her and asked the Board to amend the Code to designate Bordertown Road as a non-congested area.

Ms. Vicky Maltman defined the terms quality, integrity, and effective communication. She expressed concern that developers received favorable treatment by the County and requested a better response from the Board when citizens offered public comment.

Ms. LaVonne Brooks thanked the Board for the item amending the community development block grant. She promoted a disability awareness event on September 8 and encouraged the County to consider employment awareness training. She hoped one day to not have a need for organizations like hers. She told a story about a person on the autism spectrum who was having difficulty interviewing.

Ms. Tammy Holt-Still disputed a claim about 2017's weather being an anomaly and displayed a chart to back up her statement. Copies of this and photographs she later presented were placed on file with the Clerk. She alleged Swan Lake never flooded in other high-precipitation years. She reviewed photos of various flooding incidents and said it was not an insignificant amount of water. She requested there be no more pumping from Prado Ranch into areas that affected other residents.

Mr. Sam Dehne spoke about moving public comment to after the presentations, Storey County Sheriff Gerald Antinoro, the Tesla gigafactory, and the media.

Ms. Denise Ross stated Ms. Holt-Still would speak later in the meeting during Agenda Item 24 on behalf of many residents who supported the appeal. She cited a study performed in 2007 that warned new development would make flooding worse. She read a section from the Regional Open Space and Natural Resource Management Plan, which was placed on file with the Clerk. She opined developed should not happen until a new study could be performed.

Ms. Janet Phillips provided handouts to the Clerk, who distributed them to the Commissioners and placed them on file. She said the handout showed the progress of the Tahoe-Pyramid Bikeway and said between Reno and Truckee, California, there were only two miles of path yet to be built. She hoped it would be completed this summer. She noted the project received four national awards and the State of California presented her with the Trail Advocate of the Year award. She estimated the project was 80 percent complete and thanked the Truckee Meadows Water Authority for their partnership.

Ms. Elise Weatherly told a story about an altercation with her neighbor and thanked the Washoe County Sheriff's Office for their assistance in the matter. She provided her opinion on the subjects introduced by previous speakers.

Ms. Carolyn Sasek stressed the importance of a moratorium on new and proposed construction in the North Valleys. She wanted concerns such as Highway 395, schools, emergency services, and water issues to be addressed before construction was considered, and she provided personal stories related to each topic. She stated the eclectic residents who enjoyed the rural lifestyle were threatened by continued development. She added it was irresponsible to hope developers would provide a remedy.

Ms. Regina Rumf relayed a story from August 2015 about her dog being attacked and killed by another dog. In the process Ms. Rumf fell and injured herself and was transported to the hospital. She felt the dog that attacked hers should be euthanized because it was a threat to other animals. She provided documents and a photo which were placed on file with the Clerk.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

18-0303 **AGENDA ITEM 6** Announcements/Reports.

County Manager John Slaughter announced Executive Director of the Truckee River Flood Management Authority Jay Aldean requested Agenda Item 16 be removed from the agenda and brought back at a future date. Mr. Slaughter declared Agenda Item 24 would not be heard before 2:00 p.m.

Regarding a concern raised during public comment, Commissioner Herman requested the Board change the designation of Bordertown Road to a non-congested area. She expressed concern about the cancellation of Citizen Advisory Board meetings. She requested signage be put up around Peavine mountain since taxpayers already paid \$4,250 dollars for it. She mentioned a neighborhood complaint that she requested be signed and notarized three years prior. She asked for the Warm Springs polling station to be moved to a more convenient location for area citizens. She noted the residents of Monte Cristo could still not obtain building permits for their properties. She expressed concern about the annexation of lands by the City of Reno and suggested addressing the problem through legislation.

Commissioner Jung praised Janet Phillips with for her work on the Reno-Tahoe Bike Pathway. She wanted an update on the outdoor entertainment conformity plan she requested several years prior and confirmed the Board had directed staff to work on that. She mentioned the County sponsored the Bike Ballet at an Earth Day event, which encouraged people to take a bicycle to the event rather than drive.

Chair Berkbigler added she was at the Earth Day event and noted it was well-attended. She said she represented the County at the ribbon-cutting ceremony for the women's bowling tournament and indicated more than 17,000 teams would compete through the end of June. She stated Regional Animal Services Director Shyanne Schull was addressing the violent dog situation referenced during public comment. She

requested an update about the Bordertown Road issue and suggested amending the Code to accommodate the request.

Mr. Slaughter announced the outdoor entertainment ordinance was scheduled for its second reading on May 8.

18-0304 **AGENDA ITEM 7** Proclamation - Proclaim April 2018 as Fair Housing Month.

Commissioner Jung read and presented the Proclamation to Roberto Ortiz, Director of Programs with the Silver State Fair Housing Council (SSFHC).

Mr. Ortiz remarked the mission of the SSFHC was to ensure equal opportunities for all residents of Nevada. He noted the organization had a productive relationship with Washoe County to affirm fair housing through education and advocacy. He stressed the need to address the barrier of illegal housing discrimination. He provided a postcard celebrating the 50th anniversary of the passing of the Fair Housing Act and a calendar, copies of which were placed on file with the Clerk.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Chair Berkbigler, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 7 be approved.

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Deputy District Attorney Paul Lipparelli indicated with only three Commissioners present, pursuant to State law all three needed to vote in the affirmative for action to be taken on any item.

CONSENT AGENDA ITEMS – 8A THROUGH 8G2

18-0305 **8A** Approve a grant award of [\$1,600, no County match required], made possible by Maddie Pet Project for Nevada, thanks to Maddie’s Fund and the Dave and Cheryl Duffield Foundation, to cover expenses for Shyanne Schull, Director of Regional Animal Services, to attend the Humane Society of the United States (HSUS) Animal Care Expo held in Kansas City, MO on May 15 - 17, 2018; if approved authorize the director’s travel and direct the Comptroller’s Office to make the necessary budget amendments. Animal Services (All Commission Districts)

18-0306 **8B** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2017/2018 secured tax roll and authorize Chair to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount

of decrease to all taxing entities \$12,434.39]. Assessor. (Commission Districts 1, 2, 3 & 5)

- 18-0307** **8C** Approve an adjustment to the Reno Justice Court budget for by moving (\$10,000.00) from the budget in the Professional Services line item to the Travel line item and (\$10,000.00) from the budget in the Contract/Temp Services line item to the Meals and Lodging line item. Reno Justice Court. (All Commission Districts).
- 18-0308** **8D1** Approve a supplemental award for the FY18 Nutrition Services Incentive Program (NSIP) grant from the State Aging and Disability Services Division (ADSD) in the amount of [\$49,326; no county match] to support food costs for senior congregate and home delivered meals retroactive from October 1, 2017 through September 30, 2018; authorize the Department to execute the award; and direct the Comptroller's Office to make the appropriate budget amendments. Human Services Agency. (All Commission Districts.)
- 18-0309** **8D2** Approve to accept a Child Abuse and Neglect (CANS) Sub-Grant award from the State of Nevada, Division of Child and Family Services (DCFS) in the amount of [\$2,000; no county match required] retroactive to March 1, 2018 through September 30, 2018; authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. Human Services Agency (All Commission Districts)
- 18-0310** **8E1** Accept grant funding [\$4,416.58 with no county match] from the USDA Forest Service, received under the 1908 Act which mandates 25 percent payments to the states from receipts from national forests in each state for the benefit of public roads within Washoe County, and direct the Comptroller's Office to make the necessary budget amendments. Community Services. (All Commission Districts.)
- 18-0311** **8E2** Approve a Cooperating Agency Memorandum of Understanding (MOU) between Washoe County and the Bureau of Land Management, United States Department of the Interior, to participate as a cooperative agency in the development of an Environmental Impact Study for the Burning Man event; and authorize Assistant County Manager David Solaro to execute the MOU. Community Services. (Commission District 5.)
- 18-0312** **8E3** Approve a Parking-Space Lease Agreement, under NRS 244.294(3), between Washoe County (Lessor) and Gorelick Real Estate Advisors, LLC, (Lessee) to lease 20 parking spaces at Washoe County's 220 South Center Street Garage that will commence on April 24, 2018, and terminate on July 31, 2028. [\$45.04 per space, per month in revenue, with 3%

annual escalators through July 31, 2021; new prices will be negotiated for the remaining term, if necessary; and a one-time fee of \$400.00]. Community Services. (Commission Districts 3.)

- 18-0313** **8E4** Adopt a Resolution of Intent to Lease a portion of 855 Alder Avenue, Incline Village, Nevada, to the Tahoe Regional Planning Agency for a 36-month term commencing May 9, 2018 through May 31, 2021, for office space located within the Incline Village Community Center; and if adopted, set a public hearing on the matter for May 8, 2018. Community Services. (Commission District 1.)
- 18-0314** **8E5** Adopt a Resolution of Intent to Lease a portion of 855 Alder Avenue, Incline Village, Nevada, to the Tahoe Transportation District for a 36-month term commencing May 9, 2018 through May 31, 2021, for office space located within the Incline Village Community Center; and if adopted, set a public hearing on the matter for May 8, 2018. Community Services. (Commission District 1.)
- 18-0315** **8F1** Approve an Interlocal Cooperative Agreement (ICA) and acceptance of a contribution of [\$10,000.00] from the City of Reno for a regional Flood Response Action Plan (FRAP) and authorize Comptroller to make appropriate budget amendments. Manager. (All Commission Districts.)
- 18-0316** **8F2** Approve Release and Waiver Agreement between Washoe County, City of Reno, and High Sierra Industries (HSI) and Washoe Ability Resource Center (WARC) to release HSI-WARC from the obligation to repay Washoe County and the City of Reno for grants received in 1980. Manager. (All Commission Districts.)
- 18-0317** **8G1** Approve funding [\$2,500.00, no match required] from the Federal Bureau of Investigations, Organized Crime Drug Enforcement Task Force (OCDETF) for reimbursement of overtime costs incurred while involved in the investigation of OCDETF Initiative number PA-NV-0306 for the retroactive period of 03/01/2018 - 09/30/2018 and authorize Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts)
- 18-0318** **8G2** Acknowledge Receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Committee for Third Quarter for Fiscal Year 17/18. Sheriff. (All Commission Districts.)

On the call for public comment, Mr. Sam Dehne was called but was not present to speak.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Ms. Elise Weatherly expressed frustration about some of the items the County was spending money on. She praised the Reno Justice Court and agreed with Consent Agenda Item 8C, indicating money should not be spent on entitlements but should instead go to the justice system.

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Consent Agenda Items 8A through 8G2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 8A through 8G2 are attached hereto and made a part of the minutes thereof.

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Commissioner Jung moved to put Agenda Items 11, 12, 14, 15, 18, 19, 20, 21, 22, and 23 into a block vote. When asked whether she wanted to include Agenda Item 13, she noted the District Attorney (DA) had concerns about making sure there would be a public hearing. Deputy District Attorney Paul Lipparelli said he would make comments about the item and it could be kept in the block vote. He said the contract up for approval by the Board was not attached to the staff report and he had copies for the Board. One was placed on file with the Clerk. He wanted the Board's authority to make the following changes to the contract: to remove the word 'draft' and have the contract be considered final, and to substitute 'Washoe County Sheriff' for 'the advisory committee' in two sections of Section 4.2 since the committee did not have any legal standing to take contractual actions. He requested the motion to authorize the DA to make those changes prior to the Sheriff signing the agreement. Chair Berkbigler noted they would add Agenda Item 13 to the block vote with the suggested changes.

Commissioner Herman asked to remove Agenda Item 21 from the block vote since the area in question was under water. Chair Berkbigler said they would pull the item from the block vote for further discussion.

Mr. Lipparelli mentioned he had copies of the Agenda Item 13 agreement if anyone in the audience wanted to see one.

BLOCK VOTE – 11, 12, 13, 14, 15, 18, 19, 20, 22, & 23

18-0319 **AGENDA ITEM 11** Recommendation to approve two (2) new full-time positions in the Department of Alternative Sentencing: a new Assistant Alternative Sentencing Officer, pay grade ENN; and a new Assistant Alternative Sentencing Officer Supervisor, pay grade EOO, as evaluated by the Job Evaluation Committee, and authorize Human Resources to make the necessary changes. [Net FY2018/2019 fiscal impact is estimated at \$260,278.] Human Resources. (All Commission Districts.)

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

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 11 be approved and authorized.

18-0320 **AGENDA ITEM 12** Recommendation to approve the direct grant award from the State of Nevada Department of Transportation (NDOT) [\$258,307.00 with a County match of \$13,595.00 required; Sheriff forfeiture funds to be used] to purchase new law enforcement citation devices necessary for the transition to the state sponsored crash and citation software for the retroactive grant period of 2/20/18 through 9/30/18 and if approved, direct Comptroller's Office to make necessary budget amendments and if approved, authorize the purchase of the law enforcement citation devices through a Joinder with the Nevada Department of Public Safety contract #17327 awarded to Tyler Technologies, Inc. at 5519 53rd Street, Lubbock TX 79414 as per the state RFP #1818. Sheriff. (All Commission Districts)

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

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 12 be approved, directed, and authorized.

18-0321 **AGENDA ITEM 13** Recommendation to award a shared revenue contract for Inmate Phone Services to Legacy Inmate Communications with principal offices at 10833 Valley View Street, Suite 150, Cypress, CA 90630. The estimated revenue is expected to meet or exceed [\$750,000] annually with an 80% return share to the Washoe County Sheriff's Office Commissary Fund estimated at [\$600,000] annually for the initial contract period of July 1, 2018 through June 30, 2021 with additional renewal periods of one year each. If approved, authorize the Sheriff to execute the agreement. Sheriff. (All Commission Districts.)

As per prior discussion, Deputy District Attorney Paul Lipparelli noted the agreement was being approved with the following changes: to remove the word 'draft' and have the contract be considered final, and to substitute 'Washoe County Sheriff' for 'advisory committee' in two sections of Section 4.2. In that discussion Chair Berkbigler confirmed Agenda Item 13 would include Mr. Lipparelli's suggestions.

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

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 13 be awarded and authorized.

18-0322 **AGENDA ITEM 14** Recommendation to approve a joinder agreement between Washoe County and Neutron Holdings, Inc., dba LimeBike, to join under NRS 332.195 and 244.188, LimeBike's franchise agreement with the City of Reno to implement a pilot program for providing the public with a dockless-bike-sharing transportation system within the Truckee Meadows. Manager. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 14 be approved.

18-0323 **AGENDA ITEM 15** Recommend nomination of Jay Aldean, Greg Dennis and Tyler Henderson to the Governor of the State of Nevada from which the Governor shall appoint a member to serve on the Board of Directors of the Carson-Truckee Water Conservancy District to represent Washoe County for a four-year term effective upon appointment by the Governor and to end December 31, 2022; and direct the Clerk's Office to submit a Notice of Action letter to the Governor and the Carson-Truckee Water Conservancy District. Manager. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, Jay Aldean, Greg Dennis and Tyler Henderson were nominated to the Governor of the State of Nevada from which the Governor shall appoint a member to serve on the Board of Directors of the Carson-Truckee Water Conservancy District to represent Washoe County for a four-year term effective upon appointment from the Governor to end December 31, 2022; and the Clerk was directed to submit a Notice of Action letter to the Governor and the Carson-Truckee Water Conservancy District.

18-0324 **AGENDA ITEM 18** Recommendation to approve the resolution to augment the Enhanced 911 Fund in the amount of [\$300,000] to increase expenditure authority for reimbursement of portable event recording devices and related expenses for fiscal year 2017-18; and direct the Comptroller to make the appropriate budget amendments (net impact to General Fund is zero). Manager. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 18 be approved and directed. The Resolution pertinent to Consent Agenda Items 18 is attached hereto and made a part of the minutes thereof.

18-0325 **AGENDA ITEM 19** Approve reimbursement of funds utilized to purchase portable event recording devices (body-worn cameras) to the City of Reno, [\$49,999.36]; the City of Sparks, [\$50,000]; and to the Washoe County Sheriff's Office [\$49,999.25]; for a total reimbursement from the Enhanced 911 (E911) Fund not to exceed [\$149,998.61] as recommended by the 911 Emergency Response Advisory Committee. Technology Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 19 be approved.

18-0326 **AGENDA ITEM 20** Recommendation to approve the resolution to augment the Capital Improvements Fund in the amount of [\$484,017] to increase expenditure authority for capital projects from the January and February 2017 flood events for fiscal year 2017-18; and direct the Comptroller to make the appropriate budget amendments. Manager. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 20 be approved and directed. The Resolution pertinent to Consent Agenda Items 20 is attached hereto and made a part of the minutes thereof.

18-0327 **AGENDA ITEM 22** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Washoe County Trail and Reconstruction Project [staff recommends Sierra Sports Marketing LLC dba Sierra Trail Works, in the amount of \$202,051]. Community Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 22 be awarded and approved.

18-0328 **AGENDA ITEM 23** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Washoe County Parks Flood Damage Repair Project, [staff recommends Impact Construction, in the amount of \$166,286]. Community Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 23 be awarded and approved.

18-0329 **AGENDA ITEM 21** Award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Swan Lake Nature Study Area Rehabilitation Project [staff recommends Aspen Developers Corp., in the amount of \$115,679.99]. Community Services. (Commission District 5.)

Assistant County Manager Dave Solaro reminded the Board under Federal Emergency Management Agency (FEMA) guidelines, the County had 18 months to initiate and complete projects associated with flood damage. The project associated with Agenda Item 21 would address five sections of the floating dock and the trail network, which were damaged by flood waters in February 2017. He said completion of the project would allow for the nature study to be reopened to meet the 18-month FEMA guidelines.

There was no response for the call to public comment.

On motion by Commissioner Herman, seconded by Commissioner Jung, which motion duly carried with Commissioners Lucey and Hartung absent, it was ordered that Agenda Item 21 be awarded and approved.

18-0330 **AGENDA ITEM 9** Presentation and Update by Washoe County Treasurer Tammi Davis on Best Practices - Local Government Investment Pools. Treasurer. (All Commission Districts.)

Washoe County Treasurer Tammi Davis conducted a PowerPoint presentation, which was placed on file with the Clerk, and reviewed slides with the following titles: Government Finance Officers Association Best Practices; Benefits to Pool and Participants; In Nevada; Reviewed policies from several states; Washoe County Funds; Washoe Interlocal Investment Agreements; Benefits Specific to Washoe County; and Questions.

Ms. Davis indicated the key source for relevant best practice information was the Government Finance Officers Association. She said full-time portfolio management by one government agency was a benefit for other jurisdictions that could not afford it on their own. She emphasized enhanced diversification minimized risk for all pool participants.

Ms. Davis said the best practices document was at a high level because laws varied greatly from state to state. She mentioned she reviewed policies from several states and, while some were minimal and some were robust, all had a few things in common, which were listed in the PowerPoint presentation. She commented every participant needed to understand there was risk involved with investing and she added each of the County's interlocal agreements contained those common provisions.

Ms. Davis explained there were 165 funds which the Comptroller tracked, 112 of which belonged to the County. The other 53 were funds the County tracked for a short time before allocating the funds to other agencies. She provided an example that

property taxes were billed by the Treasurer then allocated to a wide group of agencies. Consolidated tax and fuel taxes came to the County from the State; the County kept a portion of those and passed a portion on to other agencies. She added this process would occur whether or not the County participated in an investment pool. Ms. Davis indicated the interlocal agreements dictated the County would invest funds in its possession, and all participants would share the benefits and costs of the program.

Ms. Davis stated third-party costs included payment to PFM Group Consulting LLC and each agency would have to cover those costs whether or not they were in the pool. She said other transactional costs, such as those to the County's main bank and its custody bank, were also shared by participants. Over \$26,000 of the \$64,000 in fees credited back to the General Fund were from other participants in the pool. She remarked longer-timeline investments earned all participants an additional \$158,000 to \$195,000 because of the enhanced cash flow of the pool. This increase came despite low interest rates during the prior five years. She reiterated the County also benefitted from greater diversification because the larger pool reduced risk.

Asked by Commissioner Jung about the other states' policies, Ms. Davis replied she looked at policies from Wisconsin, Michigan, Washington, California, Nevada, and several other states. Washington had a more robust policy while Wisconsin and Michigan's were less detailed.

Commissioner Jung stated when discussing shared services and fiscal equity within the community, it was important to highlight that Washoe County managed this portfolio for other agencies. She felt the County should emphasize those agencies had greater financial diversification as a result of the County's actions.

There was no response to the call for public comment.

11:57 a.m. The Board adjourned.

12:45 p.m. The Board reconvened with Commissioners Lucey and Hartung absent.

18-0331 AGENDA ITEM 10 Recommendation to acknowledge status report and possible direction to staff on the County Manager's recommended Fiscal Year 2019 Budget; and direct the County Manager to return to the Board of County Commission with a Tentative and Final Budget incorporating the approved County Manager's recommendations for adoption at a public hearing to be scheduled on May 22, 2018. Manager. (All Commission Districts.)

County Manager John Slaughter recalled the discussion held during the strategic planning workshop in January about the budget and the economic condition of the region. He recognized budget staff members John Bozanich, Kari Estrada, and Valerie Gilmore who were all in attendance and praised them for their work.

Mr. Slaughter conducted a PowerPoint presentation, which was placed on file with the Clerk, and reviewed the slides entitled Agenda; and Budget Process Update.

Mr. Slaughter pointed out not much had changed with the budget since January and it remained the most guarded situation he had encountered in his tenure as County Manager. He noted the County submitted a tentative budget by the deadline of April 15, 2018, though he noted that budget was subject to change. He indicated the budget was based first on available resources and then on the priorities and goals of the Commission.

Assistant County Manager Christine Vuletich reviewed slides with the following titles: General Fund Fiscal Year End 2018 Estimated; Historical & Projected Fiscal Year 2018 General Fund Ending Fund Balance; Fiscal Year 2019; Economic Outlook; Washoe County Population vs. Staffing; FY 2019 General Fund Budget Assumptions; FY 2019 Recommended General Fund Budget; Washoe County General Fund; and General Fund Changes in Fund Balance.

Ms. Vuletich explained the larger source of revenues came from departments like the Medical Examiner's Office, the Department of Alternative Sentencing, and the Washoe County Sheriff's Office, all of which generated higher fees than anticipated. She remarked the stabilization fund was allowed by the State to address disasters, and all \$3 million of those funds were transferred for projects to repair flooding damage.

Ms. Vuletich mentioned the 14.3 percent ratio of ending fund balance to expenditures was within the County's policy level. She said leading economic indicators forecasted growth over the following six to twelve months. Referring to the expected \$1.2 million shortfall in the Fiscal Year (FY) 2019 General Fund budget, Ms. Vuletich said it was smaller than projected in January but they were not able to balance the budget completely. She pointed out the goal was to always have income equal to or higher than expenditures, but expenses had been higher since 2016. She mentioned she would never request to spend \$1.2 million of the County's savings to cover ongoing expenditures; that would only occur due to extraordinary circumstances. She said the County was not the only entity involved in the refunding of the overpayment of sales and use taxes, noting the State and the Cities of Reno and Sparks also had to repay those funds. She said it was budgeted conservatively as if the entire \$4.6 million would be paid back in FY 2019 although the County requested a longer payback period.

Budget Manager Lori Cooke indicated consolidated tax was projected to be flat because increases in revenues due to growth would be offset by the one-time repayment. She stated intergovernmental revenues increased due to Assembly Bill 104 revenues. She explained charges for services were down 4.7 percent because the general fund charges were allocated internally to special revenue funds and internal service funds like the Health District's overhead expenses. She corrected the verbiage on the General Fund Property Tax Revenue slide, saying the general fund portion of abatement was

approaching \$200 million since FY 2006. She defined abatement as the difference between the amount of taxes due based on assessed valuation and the amount paid.

Ms. Cooke noted the County extended its contract for County-wide security though staff would return to the Board with a bid on those services. She clarified Pre-Sentencing Investigation expenses were billed by the State of Nevada to various counties for the services they provided. She said as property taxes for the China Spring Youth Camp and Indigent Services increased, payments to those agencies would also go up.

Mr. Slaughter explained pre-sentencing investigations were reports done when criminals were convicted so they could be classified as they went to prison. This was funded by the counties and Mr. Slaughter noted staff was working on having that overturned during the next legislative session because they felt the State prison system benefitted from the reports.

Mr. Slaughter noted there was a desire to increase budgets if possible but conceded there would not be funds to do that this fiscal year. He stated there was less discretion on the Enterprise Funds and the Internal Service Funds and remarked the recommendation of 4.8 new positions was the smallest amount in his time as County Manager. Departments were asked to reprioritize and adjust their processes, which they did, resulting in a cost of only \$91,000. He noted that was unsustainable.

Mr. Slaughter mentioned the \$41.7 million transfers to other Funds went to the Health District, Indigent Services, Child Protective Services, Road Maintenance Debt Service, and the County's Capital Improvement Plan. He pointed out the County was better off than other jurisdiction since it had 55 days of operating cash, but he admitted he did not want to keep that little in case of catastrophic events; 13.7 percent was within the Board's policy. He praised staff for addressing the radon issue. He clarified some examples of unforeseen needs which the Major Maintenance and Replacement Funding mechanism would address, included leaking roofs and broken elevators. He added any funds which were not used would accumulate to make those repairs as the need arose.

***1:14 p.m. Commissioner Lucey arrived.**

Mr. Slaughter continued, saying the eight proposed new positions for the Human Services Agency were contracted services that were returning to the County, and they would allow for better efficiency and more control over the programs. He reiterated May 22 was the target day for the public hearing and possible adoption of the final budget.

Commissioner Jung said she thought the County was going to explore repaying the one-time tax obligation in payments. Mr. Slaughter answered the County did not have much control but it was engaged in discussions about an 18-month payback period. The County was still awaiting a final determination. Commissioner Jung urged

staff to work out the payment policy, which Mr. Slaughter indicated was part of the ongoing discussion.

Commissioner Jung stated there was a policy in Nevada which stated if an inmate did not have a sponsor in the community to get placed into a halfway house, the State kept them imprisoned. She wondered what the County's role in that might be and expressed concern about civil rights violations. She suggested instead of giving the State money for pre-trial services, they could use those funds to open up halfway houses. She requested more information. Mr. Slaughter informed her there would be an opportunity during the next legislative session to try to reduce or eliminate the pre-investigation fee.

Chair Berkbigler asked whether the \$7 million in flood expenditures included broad base repairs or just repairs for Lemmon Valley and the South Valleys. Assistant County Manager David Solaro answered those funds included projects that had been started and for which staff anticipated receiving federal reimbursement funds. He stated the \$7 million included all flood response as well as other projects, but it would not include the \$500,000 in projects approved earlier in the meeting.

Ms. Vuletich added the \$3 million stabilization fund was not included in the \$7 million total. She indicated staff was working with the State and the Federal Emergency Management Agency (FEMA) to get projects approved and to submit claims. The County already submitted almost \$7 million in claims and they could be reimbursed for 75 percent of that amount. She reminded the Board they directed staff to replenish the stabilization fund with any reimbursements received. Mr. Slaughter confirmed the County had not yet received any funds.

Mr. Slaughter reiterated the public hearing to adopt the FY 19 budget would be held at the May 22 meeting.

Commissioner Jung praised the budget team and the current streamlined budget process, calling the older process a waste of time. Manager Slaughter thanked his staff. Chair Berkbigler praised Ms. Vuletich and the entire budget team. She appreciated how staff worked with department heads who were requesting additional funds, all while trying to save the taxpayers money.

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

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 10 be acknowledged and directed.

18-0332 **AGENDA ITEM 17** Discussion and possible recommendation to approve a recruitment process for appointment of a new Washoe County Public Defender. Manager. (All Commission Districts.)

County Manager John Slaughter noted the current Public Defender Jeremy Bosler would be retiring effective August 31, 2018. He mentioned staff was working with Mr. Bosler to find a replacement who would work with Mr. Bosler for six weeks prior to his retirement. He explained the appointment of a Public Defender was the duty of the Board of County Commissioners and not an appointment Mr. Slaughter could make.

Mr. Slaughter indicated there were two options laid out in the staff report. The first was used in the past and it involved Human Resources developing a list of names, followed by invitations by a review committee for candidates to interview before the Board. The second option would begin the same way but the County Manager would have discretion to review the candidates and then present one candidate to the Board for appointment. He said it was the Board's choice but he recommended the second option. He felt the first option had its positive aspects but it also presented challenges to the organization and the candidates.

Commissioner Jung opined the Public Defender was one of the most important positions the County provided funds for. She said the qualifications needed as a public defender were different than a human resources director. She felt option two would expedite the process so Mr. Bosler would have time to train his replacement, and it would also allow an external committee of judges and victims' rights activists to weigh in. This would facilitate the Manager in making one recommendation to the Board, which she felt would also result in a better selection.

Commissioner Lucey agreed and said the County was lucky to have quality district attorneys. He underscored the importance of relationships with the judicial system and said it was beneficial to the County to be as expeditious as possible. He noted in addition to being the Public Defender, Mr. Bosler worked on many different projects and programs within the County; it was important that he be able to impart all his knowledge to his successor.

1:36 p.m. Commissioner Jung left.

On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried with Commissioners Jung and Hartung absent, it was ordered that the County Manager be given discretion to select and recommend the top candidate to the Board.

18-0333 **AGENDA ITEM 25** Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend the standards within Section 110.406.05, General; and to address other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses a property, regardless of width, in which case the setback would be measured from the edge of the road. The Board introduced and conducted a first reading of the proposed ordinance on April 10, 2018. 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.

Nancy Parent, County Clerk, read the title for Ordinance No. 1618, Bill No. 1804.

On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried with Commissioners Jung and Hartung absent, Chair Berkbigler ordered that Ordinance No. 1618, Bill No. 1804, be adopted, approved and published in accordance with NRS 244.100.

18-0334 **AGENDA ITEM 26** Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, to amend Section 110.306.10 Detached Accessory Structures, to define how the height of an accessory structure is measured both (1) when the structure is located within the required rear or side yard setback (12 feet maximum height as measured from the lowest finished grade of the structure to the average height of the highest of a pitched or hipped roof), and (2) when it is located outside of all applicable setbacks (35 feet maximum height as currently measured per Article 902); and to address other matters necessarily connected therewith and pertaining thereto. The Board of County Commissioners introduced and conducted a first reading of the proposed ordinance on April 10, 2018. 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.

Nancy Parent, County Clerk, read the title for Ordinance No. 1619, Bill No. 1805.

On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried with Commissioners Jung and Hartung absent, Chair Berkbigler ordered that Ordinance No. 1619, Bill No. 1805, be adopted, approved and published in accordance with NRS 244.100.

18-0335 **AGENDA ITEM 27** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

County Manager John Slaughter stated there was no need for a closed session. He also reminded the Board Item 16 had been removed from the agenda.

18-0336 **AGENDA ITEM 29** Announcements/Reports.

County Manager John Slaughter commented he attended the National Highway Traffic Safety Administration's 2018 Life Savers Conference where the County's Sober 24 program was awarded the public safety life savers award. The award was given to organizations and individuals working to reduce deaths on highways and roads. He mentioned other individuals at the conference said it was a model program for the rest of the country.

Commissioner Lucey apologized for his tardiness earlier in the meeting. He remarked he and several staff members attended the Summit Awards for commercial real estate. He said the County received a Summit Award for the Family Engagement Center as an innovative way to address public facilities. He praised the work of the Community Services Department as well as the Human Services Agency.

1:45 p.m. **The Board recessed.**

2:00 p.m. **The Board reconvened with Commissioner Hartung absent.**

18-0337

AGENDA ITEM 24 Public hearing: Appeal of the Washoe County Planning Commission's approval of Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights). The project is a 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (\pm .10 acres) to a maximum size of 17,206 square feet (\pm .39 acres) with an average size of 6,540 square feet (\pm .15 acres). Side yard setbacks are reduced from a minimum of 8 feet to a minimum of 5 feet, and lot widths from 80 feet to 45 feet minimum.

The Board of County Commissioners (Board) may affirm, reverse, or modify the decision of the Planning Commission. The Board's analysis may also include a finding on the issue of standing to bring the appeal in the first place. If the Board modifies or reverses, it may remand the matter back to the Planning Commission with instructions.

The applicant is JDS, LLC. The property owners are JDS, LLC and Jennifer Jory and Sunrinder Preet. The address is 1200 Estates Road. The Assessor's Parcel Numbers are 080-635-01, 080-635-02, 080-730-35, 080-730-21, and 552-210-07. The project area is \pm 128.5 acres total. The Master Plan Categories are Rural (R) and Suburban Residential (SR), the Regulatory Zones are General Rural (GR, \pm 59.95 acres, 1 dwelling per 40 acres) and Medium Density Suburban (MDS, \pm 68.64 acres, 3 dwellings per acre). The project is located within the North Valleys Plan Area, within the North Valleys Citizen Advisory Board boundary and within Sections 34 and 35, T21N, R19E, MDM, Washoe County, NV. The subdivision is authorized in Article 608, Tentative Subdivision Maps and Article 408, Common Open Space Development. Community Services. (Commission District 5.)

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

Senior Planner Roger Pelham asked whether the Board would like a more-detailed or less-detailed presentation and the Board opted for the shorter one. Mr. Pelham conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: Overview; Vicinity Map; Appeal; Standing (Right) to Appeal; Public Notice & CAB; Planning Commission Action; Storm Water Retention Basins; Project Evaluation; Tentative Subdivision Map Findings (2 slides); Recommendation; Possible Motion; and Questions.

Mr. Pelham asserted the appeal was filed in a timely manner. He drew the Board's attention to the retention basin map and claimed stormwater runoff would be reduced by 40 percent after development of the area as compared to its current undeveloped state. He commented the County Engineer was available to answer any questions about stormwater runoff, sewer, and water.

Chair Berkbigler asked for clarification about community water, to which Mr. Pelham stated the new dwellings would not be on individual wells, but rather there would be a system to provide potable water to each parcel. Sewer service would be on a pipe sewer system, not individual septic tanks. He also indicated none of the dwellings would be built inside the Swan Lake flood plain.

Commissioner Lucey, citing the presentation, mentioned the appellant's dwelling was 2.5 miles outside the subject property. He expressed concern about hearing the appeal since it would set a precedent where individuals all over the County could appeal projects they did not like.

Deputy District Attorney Paul Lipparelli remarked the Board needed to address the issue of standing and said his office provided advice to the planning staff. He admitted neither the District Attorney nor planning staff were in a position to make the decision. He stated his office's advice included citations to State law and referenced cases from the Nevada Supreme Court and other jurisdictions considering standing. He said some legal authorities would say the appellant was not aggrieved because of her distance from the subject property but he added Code did not have a distance requirement in its definition of an aggrieved person. He indicated noticing requirements were analogous to distance requirements because anyone entitled to notice would likely have a strong interest in the project and would probably have standing.

Mr. Lipparelli advised the Board to make a decision on standing and, regardless of their ruling, still allow the appellant to make her presentation. This would allow their opinions about whether there was merit to the contentions of the appeal to be on the record in the event of a legal court challenge.

Commissioner Lucey felt the appeal was a gross overreach and the appellant did not have standing to proceed. He recognized there were challenges in Lemmon Valley but the Board ruling that the appellant had standing could set a precedent for future development projects.

Commissioner Herman remarked she spent a lot of time in the area and pointed to a report from hydrologist Mark Walker who believed the appellant had standing. She agreed with that opinion and said the appellant should be allowed to present her case.

Chair Berkbigler concurred the appellant should be allowed to make her case as Mr. Lipparelli recommended. After a brief discussion, it was determined the appellant would have ten minutes for her entire presentation.

Mr. Lipparelli mentioned the Commissioners received two packets that were not part of the published materials for the agenda item, copies of which were placed on file with County Clerk Nancy Parent. Ms. Parent also stated the appellant provided affidavits which she distributed to the Board and placed on file.

Appellant Tammy Holt-Still showed several photographs and documents, copies of which were given to the Clerk. She displayed a photograph of her backyard that was flooded to demonstrate she was aggrieved and had standing to make the appeal per the Nevada Revised Statute's definition. Additionally she mentioned road closures and mosquitos which resulted from the flooding affected her and gave her standing.

Ms. Holt-Still alleged the sewer plant which would connect to the development should never have been built in a flood zone. She said the County spent over \$640,000 to protect the sewer plant. She said the plant violated the Nevada Administrative Code by being in the 100-year flood plain. She claimed the Nevada Division of Environmental Protection (NDEP) recommended denial of the plan and said nothing in the plans addressed who would supply fresh water or flood risk mitigation.

Ms. Holt-Still stated there was an average of 1.2 children per home in the United States yet projections showed only 18 children would attend school from the new subdivision. She pointed out the overpopulated elementary school was adjacent to the sewer plant. She spoke about a plan to elevate a 2,600-foot portion of Lemmon Drive two feet and said it was an environmental risk. She indicated a road called Fleetwood would have to be constructed in the flood plain which would reduce drainage potential.

Ms. Holt-Still said proper evaluations using actual data had not yet been performed. She stated as per the State of Emergency declaration there should have been stilling wells in the three major tributaries to obtain accurate runoff information, but that was not done. She expressed concern about the additional effluent water that could result from the development and said the sewer plant would lose its license at the end of December. She admitted the Stead Sewer Plant could be enlarged up to 4 million gallons a day but there was no place to discharge that water. She said emergency response was jeopardized whenever the road flooded.

Chair Berkbigler asked for clarification about Fleetwood and Ms. Holt-Still drew her attention to the tentative map where Fleetwood would run through the flood plain.

Chair Berkbigler inquired about the capacity of the sewer plant. Director of Engineering and Capital Projects Dwayne Smith responded there were two sewer plants within the Stead hydro basin and the tentative map approval process included a review of where those sewers would flow to. He said the flows were eligible for municipal service and there was existing capacity at the Lemmon Valley treatment plant. He said a proposal was being explored about how to treat sewer water which also considered alternatives for sewer service. These were researched at the Board's direction and the County was working collaboratively with the City of Reno to prepare for new development. He clarified there was more than enough sewer capacity within the County's Lemmon Valley wastewater treatment plant for the 206 homes associated with the development. He mentioned the State of Nevada required the County to plan for expansion when they hit prescribed levels and the County was planning for that.

In response to Chair Berkbigler's query, Mr. Smith said the sewer plant was not in danger of losing its license. Regarding whether NDEP issued a warning about the sewer not meeting capacity, Mr. Smith answered NDEP came to the County's facility on a weekly basis during the flooding in 2016 and 2017. They witnessed the County's response to maintain the availability of the plant, including installing additional chlorination and increasing berms to prevent erosion. Additionally the County placed pumps in the facility to pump out water where seepage was occurring. He stated NDEP was complimentary of the County's process to keep the wastewater plant in good operating condition despite the challenges.

Chair Berkbigler asked about Fleetwood Road. Pointing to the map in the presentation, Mr. Pelham explained there were two retention basins with a cul-de-sac and a dead-end street. He said the County traffic engineer required the street connection be made, so the retention basin would need to be redesigned and moved from its current location. He mentioned it was relatively common to have those kinds of technical details evaluated at the tentative map stage for compliance to the conditions of approval. He explained State law gave the applicant four years to return with the first final map and added there could be subsequent final maps. He said those four years were needed for all final engineering and construction drawings to be developed. He stressed the approval they had was tentative.

Commissioner Herman felt it was irresponsible to approve the project given the impact to the valley. She expressed concern that more flow to the sewer could result in the nearby school being flooded. Mr. Pelham responded technical experts evaluated the plan and recommended approval subject to certain conditions being met. He said the Planning Commission (PC) made its decision based on the evaluation of those technical experts as well as the findings required by Code and disputed the notion that it was an irresponsible decision.

Mr. Lipparelli read a section of a letter from the NDEP recommending denial and asked whether that was something that happened between the tentative and final map stage. Mr. Pelham affirmed it was and further other reviewing agencies could issue denials at this time based on the need for more information. Mr. Lipparelli asked how staff ensured all approvals were in place before the final map stage. Mr. Pelham replied the first page of the final map would include certifications by each reviewing agency that its conditions were met.

Mr. Lipparelli asked when the Lemmon Valley plant was constructed and Mr. Smith responded in the late 1960s or early 1970s. Responding to another query by Mr. Lipparelli, Mr. Smith said he believed there were codes in place at the time regarding the placement of the plant and he believed those were followed. Mr. Smith confirmed Mr. Lipparelli's assertion the County could not have opened the plant if it violated the Code at the time. Mr. Smith said he did not think the Lemmon Valley plant was ever closed or fined by the State for failure to comply with standards.

Chair Berkbigler asked whether Lemmon Valley was on the list for improvements in the form of a new school. Mr. Pelham answered he knew the School District had aggressive improvement plans but he did not know the plans for this area. He noted as per the School District planner's analysis, each school would still not be at capacity with the additional students generated from the development.

Chair Berkbigler spoke about a discussion at the Truckee Meadows Fire Protection District (TMFPD) Board meeting regarding fire stations in Lemmon Valley. She asked whether the same presentation was made for the PC to make the applicant aware. Mr. Pelham responded the application was presented to the TMFPD and they did not recommend denial of the plan.

On the call for public comment, Mr. Carlos Archuleta commented the increased traffic on Estates Road would affect him. He expressed concern about traffic safety and said the County never visited Estates Road to determine the effect of the development.

Mr. Danny Cleous alleged the northeast side of the development did not comply with the North Valleys/Lemmon Valley master plan. He expressed concern about the location and the effectiveness of detention ponds, and commented the development did not have a letter of recommendation from the fire department. He claimed every resident of Lemmon Valley had standing because there was only one road in and out of the area.

Ms. Denise Ross displayed photos and documents, copies of which were placed on file with the Clerk. She noted there needed to be percolation in a detention pond for it to be effective. She expressed concern about the smell of the sewer plant and how it would affect homeowners and prospective home buyers in the area. She provided data about the storage capacity of the detention ponds and concluded the basin would overflow if a 100-year storm and a two-year storm happened in the same season.

Ms. Linda Walls claimed the new home lots would contain 39.91 percent impervious surface fraction and the right of ways would have 66 percent; the existing neighborhood was at 35 percent. She stated the annual wastewater generated by the 206 new homes according to Environmental Protection Agency standards was 62 acre feet, more than what was produced during a 100-year storm. She expressed concern about raising Lemmon Drive, increased flood risk, and increased health risks. She requested further study before approving the development.

Ms. Carolyn Sasek explained where her house was in proximity to the new development and stated the detention ponds did not drain, they only held water. She felt the small lot sizes of the development did not match the area's current lot sizes. She expressed concern about the fire risk associated with the proposed density, increased traffic congestion, and safety issues. She agreed there should be more current studies and the Board should reevaluate its position given current information.

Mr. George Still said the NDEP verified a holding pond breached during the winter of 2017 and he alleged there were no letters of recommendation from the fire department or the health department. He stated the NDEP requested denial because of sewer issues and he thought the homes-per-acre was higher than originally submitted. He noted Reno Councilman Paul McKenzie said there was nowhere for additional water from sewer plants to go.

Mr. Chris Baker from Manhard Consulting, Ltd. spoke on behalf of the applicant and mentioned they did significant public outreach. He said they pledged to do everything in their power to provide regional mitigation, including purchasing adjacent properties for additional storage to reduce flooding concerns. He said the project would reduce water flows by 75 percent through the existing neighborhood and added their plan was praised at the PC meeting for reducing water flows as much as it would.

County Clerk Nancy Parent said she received an email from Ms. Lindsey Judd, which she distributed to the Board and placed on file.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Herman moved to give Ms. Holt-Still standing to make the appeal. The motion failed for lack of a second.

Commissioner Lucey moved that the appeal should not be heard because Ms. Holt-Still did not have standing. Commissioner Jung seconded the motion.

Mr. Lipparelli stated the Board needed to make findings for the lack of standing. He provided several examples but stated the Board could add its own findings.

Commissioner Lucey amended his motion to state the appellant had no standing because she lived outside 500 feet of the proposed development and was not aggrieved in any manner. The seconder agreed with the amended motion. Mr. Lipparelli affirmed those could serve as findings at the Board's discretion.

Chair Berkbigler stated she did not support building in flood plains but this project was not in a flood plain. She felt the development met the requirements by including catch basins and she agreed with the motion.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried with Commissioner Hartung absent and Commissioner Herman voting "no", it was ordered that the appeal not be heard because Ms. Holt-Still did not have standing. The findings for her lack of standing included her distance from the development and that she was not aggrieved by the development.

18-0338 **AGENDA ITEM 28** Public Comment.

Ms. Cathy Brandhorst spoke about matters of concern to herself.

Ms. Tammy Holt-Still thanked the Board for hearing the entire presentation instead of only ruling on standing. She insinuated the County did not require developers to abide by County Code and she expressed frustration that it was ruled she did not have standing when she had water on her property. She remarked proper surveys to get the correct stormwater runoff amounts were not done and the computer models used allowed variables to be changed. She expressed frustration at the County’s response to the flooding.

Ms. Carolyn Sasek admitted the Citizen’s Advisory Board (CAB) approved the Lemmon Valley Heights development but wondered how that was possible when every resident at the meeting opposed the project. She added the CAB said no more development would be approved until infrastructure concerns were addressed. She expressed concern about the density of the Silver Hills development. She said Ms. Holt-Still was the voice of many Lemmon Valley residents and she did not understand how it was determined Ms. Holt-Still did not have standing. Ms. Sasek stressed the need for a moratorium on new building until infrastructure issues were address and added she did not want high density housing in the North Valleys.

* * * * *

3:18 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:
Derek Sonderfan, Deputy County Clerk*

RESOLUTION

RESOLUTION OF INTENT TO LEASE A PORTION OF 855 ALDER AVENUE, INCLINE VILLAGE NEVADA, TO THE TAHOE REGIONAL PLANNING AGENCY, FOR A 36 MONTH TERM COMMENCING TO MAY 9, 2018 THROUGH MAY 31, 2021, FOR SPACE WITHIN THE INCLINE VILLAGE COMMUNITY CENTER; AND IF ADOPTED, SET A PUBLIC HEARING ON THE MATTER FOR MAY 8, 2018.

WHEREAS, Washoe County owns a certain parcel of real property located at 855 Alder Avenue, Incline Village, Nevada, (the Incline Village Community Center); and

WHEREAS, The Tahoe Regional Planning Agency, has requested to lease a small portion (approximately 82 +/- square feet) of the Incline Village Community Center commencing on May 9, 2018 through May 31, 2021 to provide office space for building permit review services; and

WHEREAS, Nevada Revised Statutes 277.050 authorizes the Board of County Commissioners of Washoe County, Nevada, to sell or lease to another public agency, the State of Nevada or a department or agency of the State or an Indian tribe, for term not exceeding 99 years any real property belonging to it; and

WHEREAS, the Tahoe Regional Planning Agency is a Nevada/California bi-state governmental agency, a public agency defined in NRS 277.050 and has requested that Washoe County lease the space at no cost for a 36-month term commencing May 9, 2018; and

WHEREAS, Washoe County will schedule this proposed lease agreement for its next public meeting on May 8, 2018, to allow for any objections to this action; and

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners:

1. That is has the authority to lease said property to the Tahoe Regional Planning Agency, without offering said real property to the public as authorized within NRS 277.050; and
2. The Board of County Commissioners shall determine the rental amount; the Tahoe Regional Planning Agency, has offered the sum of zero dollars per square foot for a 36-month term commencing May 9, 2018; and

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3. The Board of County Commissioners will consider this proposal on May 8, 2018 to allow for any objections to this action; and
4. Upon approval by the Washoe County Board of Commissioners and satisfaction of all terms and conditions, the Chair shall be authorized to execute the proposed lease agreement and deliver it to Lessee upon the performance and compliance of all the terms and conditions of the lease to be performed concurrently with the delivery.

The motion to adopt the above resolution was made by County Commissioner Jung and seconded by County Commissioner Herman and the vote of said motion is as follows:

AYES: Kitty Jung, Marsha Berkbigler and Jeanne Herman
NAYS: none.
ABSENT: Bob Lucey and Vaughn Hartung
ABSTAIN: none.

Dated this 24th day of April, 2018.

Marsha Berkbigler
Marsha Berkbigler, Chair
Washoe County Commission

ATTEST:

Amy L. Paul
Washoe County Clerk

RESOLUTION

RESOLUTION OF INTENT TO LEASE A PORTION OF 855 ALDER AVENUE, INCLINE VILLAGE NEVADA, TO THE TAHOE TRANSPORTATION DISTRICT, FOR A 36 MONTH TERM COMMENCING TO MAY 9, 2018 THROUGH MAY 31, 2021, FOR SPACE WITHIN THE INCLINE VILLAGE COMMUNITY CENTER; AND IF ADOPTED, SET A PUBLIC HEARING ON THE MATTER FOR MAY 8, 2018.

WHEREAS, Washoe County owns a certain parcel of real property located at 855 Alder Avenue, Incline Village, Nevada, (the Incline Village Community Center); and

WHEREAS, The Tahoe Transportation District, has requested to lease a small portion (approximately 148 +/- square feet) of the Incline Village Community Center commencing on May 9, 2018 through May 31, 2021 to provide office space for the District's operations; and

WHEREAS, Nevada Revised Statutes 277.050 authorizes the Board of County Commissioners of Washoe County, Nevada, to sell or lease to another public agency, the State of Nevada or a department or agency of the State or an Indian tribe, for term not exceeding 99 years any real property belonging to it; and

WHEREAS, the Tahoe Transportation District is a Nevada/California bi-state special purpose district, a public agency defined in NRS 277.050 and has requested that Washoe County lease the space for one dollar seventy cents per square foot (\$1.70) for a 36-month term commencing May 9, 2018; and

WHEREAS, Washoe County will schedule this proposed lease agreement for its next public meeting on May 8, 2018, to allow for any objections to this action; and

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners:

1. That is has the authority to lease said property to the Tahoe Transportation District, without offering said real property to the public as authorized within NRS 277.050; and
2. The Board of County Commissioners shall determine the rental amount; the Tahoe Transportation District, has offered the sum of one dollar seventy cents per square foot (\$1.70) for a 36-month term commencing May 9, 2018; and

18-0314

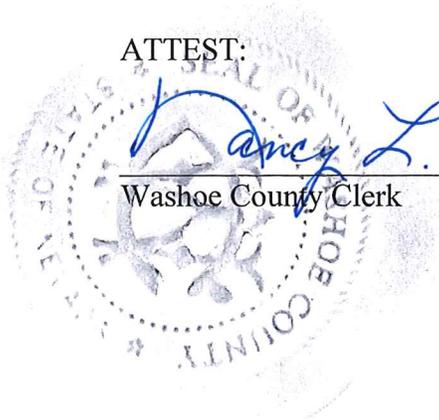
3. The Board of County Commissioners will consider this proposal on May 8, 2018 to allow for any objections to this action; and
4. Upon approval by the Washoe County Board of Commissioners and satisfaction of all terms and conditions, the Chair shall be authorized to execute the proposed lease agreement and deliver it to Lessee upon the performance and compliance of all the terms and conditions of the lease to be performed concurrently with the delivery.

The motion to adopt the above resolution was made by County Commissioner Jung and seconded by County Commissioner Herman and the vote of said motion is as follows:

AYES: Kitty Jung, Marsha Berkbigler and Jeanne Herman
NAYS: none.
ABSENT: Bob Lucey and Vaughn Hartung
ABSTAIN: none.

Dated this 24th day of April, 2018.
Marsha Berkbigler
Marsha Berkbigler, Chair
Washoe County Commission

ATTEST:
Nancy L. Parent
Washoe County Clerk



Regional Flood Response Action Plan (FRAP) Donation

1) PARTIES

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

2) RECITALS

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

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

2.3 County has engaged the services of Ecology and Environment, Inc. to update the Flood Response Action Plan ("FRAP").

2.4 As a Regional Partner, Reno wishes to contribute the sum of \$10,000.00 for the updating of FRAP.

3) RIGHTS & DUTIES

3.1 County

3.1.1 County has contracted with Ecology and Environment, Inc., who will update the FRAP.

3.1.2 County will, through its designated representative, provide to Reno the invoice for payment.

3.2 Reno

3.2.1 Upon the submission of an invoice for payment, pursuant to Paragraph 3.1.1 above, Reno will process the invoice for payment within 10 working days.

18-0315

3.2.2 The total amount paid pursuant to this Agreement by Reno is the sum of \$10,000.00.

4) INDEMNIFICATION

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

4.2 The Parties further agree, to the extent allowed by law pursuant to Chapter 41 of the Nevada Revised Statutes ("NRS"), to hold harmless, indemnify and defend each other from all losses, liabilities or expenses of any nature to the person or property of another, to which each may be subjected as a result of any claim, demand, action or cause of action arising out of the negligent acts, errors or omissions on the part of employees.

5) MISCELLANEOUS PROVISIONS

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

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

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

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

5.5 In the event a party fails to appropriate or budget funds for the purposes as specified in this Agreement, the Parties hereby consent to the termination of this Agreement. In such event, such party shall notify the other party in writing and the

Agreement will terminate on the date specified in the notice. The Parties understand that this funding out provision is required under NRS 244.320 and NRS 354.626.

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

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

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

To Reno: John Flansberg, P.E., Director of Public Works
 City of Reno
 1 East First Street, 7th Floor
 Reno, Nevada 89501

To County: Aaron R. Kenneston, CEM
 Washoe County Emergency Management
 1001 E. 9th Street
 Reno, NV 89512

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

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

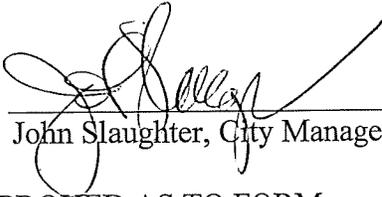
WASHOE COUNTY

CITY OF RENO

Dated this 24th day of April, 2018

Dated this ___ day of _____, 2018

By



John Slaughter, City Manager

By

Sabra Newby, City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:


District Attorney

Deputy City Attorney

RESOLUTION
TO AUGMENT THE 2017-2018 BUDGET OF THE WASHOE COUNTY
ENHANCED 911 FUND

WHEREAS, total resources of the Washoe County Enhanced 911 Fund was budgeted to be \$2,119,650 on July 1, 2017 and

WHEREAS, the total available resources are now determined to be \$2,419,650; and

WHEREAS, said additional unanticipated resources are as follows:

Telephone Line Surcharge in excess of those budgeted \$300,000.00

WHEREAS, there is a need to apply these excess resources in the Enhanced 911 Fund.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, State of Nevada:

Section 1. That Washoe County shall augment its 2017-18 budget by appropriating \$300,000.00 for use in the Enhanced 911 Fund as follows:

<u>Increase Revenues</u>		
C800802 E911 Public Safety Cameras	460351 – Surcharge Cellular	\$ 196,032.24
C800802 E911 Public Safety Cameras	460352 – Surcharge Land	\$ 96,156.23
C800802 E911 Public Safety Cameras	460353 – Surcharge Resale	\$ 7,811.53

<u>Increase Expenditures</u>		
C800802 E911 Public Safety Cameras	710400 – Payments to Other Agencies	\$ 300,000.00

18-0324

Section 2. This Resolution shall be effective on passage and approval.

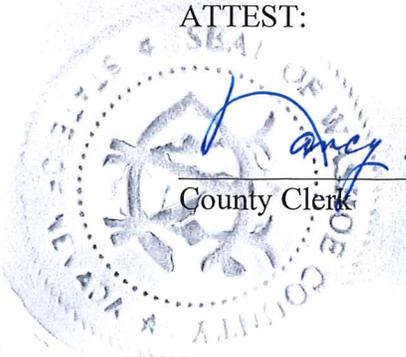
Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, Comptroller, and the Budget Division.

Adopted this 24th day of April, 2018.

Masha Burkoff
Chair, Washoe County
Board of County Commissioners

ATTEST:

Lancy L. Parent
County Clerk



RESOLUTION
TO AUGMENT THE 2017-2018 BUDGET OF THE WASHOE COUNTY
CAPITAL IMPROVEMENTS FUND

WHEREAS, total resources of the Washoe County Capital Improvements Fund has sufficient available resources consisting of an opening fund balance of \$10,205,761.11 on April 1, 2018; and

WHEREAS, the Washoe County Capital Improvements Fund has the need for appropriation authority for unbudgeted expenditures; and

WHEREAS, the Washoe County Capital Improvements Fund also has sufficient cash to meet these additional expenditures;

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, State of Nevada:

Section 1. That the budget of the Washoe County Capital Improvements Fund be adjusted as follows:

<u>Increase Revenues/Sources</u>		
Capital Improvements Fund unappropriated fund balance		\$ 484,017
<u>Increase Expenditures</u>		
FL021702.870 WASHG57-Swan Lake Nature Area Trails/Dock	781080 – Construction Contracts	\$ 115,680
FL011702.841 WASHG10-Parks Flood Damage Repair	781080 – Construction Contracts	\$ 166,286
FL011702.853 – WASHG11-County Trails and Reconstruction	781080 – Construction Contracts	\$ 202,051
<hr/>		
Total Increase in Expenditures		\$ 484,017

18-034

Section 2. This Resolution shall be effective on passage and approval.

Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, Comptroller, and the Budget Division.

Adopted this 24th day of April, 2018.

Marilyn Berthel
Chair, Washoe County
Board of County Commissioners

ATTEST:
Nancy L. Parent
County Clerk

