

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

TUESDAY

10:00 A.M.

APRIL 9, 2019

PRESENT:

Vaughn Hartung, Chair

Bob Lucey, Vice Chair

Marsha Berkgigler, Commissioner

Kitty Jung, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

John Slaughter, County Manager

David Watts-Vial, Deputy District Attorney

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:

19-0248 AGENDA ITEM 3 Public Comment.

Ms. Pam Roberts submitted a document, a copy of which was placed on file with the Clerk. She stated there was an apparent conflict of interest between the applicant for the Marshall Ranch project, Ken Krater, and the Board. She noted Mr. Krater was appointed by the Board to serve on the Capital Improvements Advisory Committee (CIAC) on May 9, 2017 on the recommendation of Commissioner Lucey. She spoke about a letter from Mr. Krater to the Board concerning systematic entitlement of the Marshall Ranch property and a letter from County planning staff regarding development of 5-acre parcels on the property. She noted the Warm Springs Area Plan contemplated a minimum of 40-acre parcels with the exception of the Specific Plan Area (SPA). She stated Mr. Krater had been working in his capacity as a CIAC member while working on the Marshall Ranch project. She questioned whether it was insider dealing or at least a conflict of interest.

Ms. Tammy Holt-Still thanked the Board for the Lemmon Valley agenda item. She spoke about the expenditures for Tiger Dams, the elevation of Lemmon Drive, and the amount of effluent being discharged into Swan Lake during the winter. She noted staff's estimate of the size of Swan Lake was not the same as reported on Wikipedia. She thought the County needed new staff.

Ms. Susan Ambrose spoke about Palomino Valley and the Warm Springs SPA. She noted the development had not happened as originally planned due to the high cost of infrastructure. She stated the Marshall Ranch project was a similar development

plan which was premature and lacked the necessary infrastructure. She urged the Board to affirm the Planning Commission's denial. She mentioned the Warm Springs community supported residents of Lemmon Valley who were struggling with unprecedented flooding.

Ms. Sharon Korn spoke about the direction of development in the City of Reno and the County. She said there was one opportunity every 20 years to make the right decisions on development. She offered to help with any Warm Springs Plan modifications. She requested the Board not approve new development plans before the regional and area plans were completed. She expressed concern about the Warm Springs/Palomino Valley area becoming the next Lemmon Valley.

Mr. Jacob Newman stated he was hit by a vehicle while walking on Wedekind Road between El Rancho Drive and Sullivan Lane. He noted he had been walking approximately six to eight feet from the travel lane. He requested the City of Sparks and the County collaborate to put a sidewalk or concrete barrier along Wedekind Road. He noted there was a partial sidewalk on the south side of the road and requested the sidewalk be continued in both directions between Sullivan Lane and El Rancho Drive. He mentioned he attended the Sparks City Council meeting the previous day and the Council said it was the County's responsibility.

Mr. Pat Flynn spoke about the unprecedented water in Lemmon Valley. He expressed concern about what children were being exposed to as a result of flooding in the school and the ball field. He said the Environmental Protection Agency would not allow that water into the Truckee River. He stated the City of Reno and the County needed to work together to find a solution before new development was approved. He said the solutions which had been proposed by staff would not work. He noted residents wanted to live there but were being driven out.

Ms. Marjorie Gwyn said she had a small tree service and needed to drive her trailers and equipment on Lemmon Drive daily. She expressed fear about driving on Lemmon Drive. She stated she was not against growth but thought it should be slowed down. She urged the Board to fix the lake before allowing more development. She noted 400 houses were being built and she questioned why additional sewage would be put into a treatment plant which was already overburdened. She suggested putting a moratorium on building and reducing the density of development.

Ms. Rosalyn Shelton expressed concern about the flooding of Lemmon Valley Elementary School (LVES). She stated the water had reached the school buildings and would go into the buildings if it continued to rise. She said it would not be long before children had to walk through effluent to go in and out of the school buildings. She surmised children would get sick from contact with the water. She stated the flooding was worse than what was reported by the media and urged the Board to fix the issue.

Mr. Ray Lake, Chairman of the North Valleys Citizen Advisory Board (CAB), spoke about the previous CAB meeting which was very well attended. He

mentioned Pedro Rodriguez, Project Manager at the Nevada Department of Transportation, was in attendance but was only given three minutes to speak. Mr. Rodriguez had expressed interest in speaking to the CAB again but seven of the previous eight meetings had been cancelled. Mr. Lake appealed for consistency the CAB meetings and enough advance notice to allow CAB members to set an agenda and notify stakeholders.

Mr. Elija W. was called but was not present to speak.

Mr. Rich Gwyn asserted the pollution in the lake needed to be cleaned up before any new development requiring sewer service was permitted. He surmised the pollution would result in illnesses for which the County would be responsible.

Ms. Tracy Hall thanked the Board for allowing the installation of bladder walls in her yard without signing an agreement. She noted there would have been fewer issues with the installation of the barriers if they had been installed earlier. She suggested the County look into the future rather than waiting to fix issues when they became dire. She mentioned the County was counting on evaporation of excess water but she asserted the water would not evaporate.

Mr. Tim Fadda noted the causes contributing to the flooding were all a result of development and poor planning. He said the County needed to plan for drought years as well as stormy years. He asserted a moratorium on building was the only solution until the effluent situation was resolved.

Ms. Kathy Jeter stated Director of Engineering and Capital Projects Dwayne Smith said LVES was not flooding but she disagreed. She expressed concern about children going to school with effluent water on the playground. She asserted evaporation would not resolve the issue, the Hesco barriers were falling apart, and more effluent was being put in to the lake.

Mr. Jeff Church, owner of renotaxrevolt.com, announced Earth Day was coming and he thanked the Board for having electric vehicle chargers in the parking lot. He referred to an email sent by Mike Kazmierski, President of the Economic Development Authority of Western Nevada (EDAWN), linking to a video about the nationwide homelessness crisis. He spoke about Paul Orphan, former water engineer for the County, who pled guilty to embezzlement. He questioned whether the County had received restitution and whether Mr. Orphan had served the required 12-year minimum sentence. He asked for transparency regarding the case from the agencies involved. He submitted documents, copies of which were placed on file with the Clerk.

Mr. Thomas Herndon said he sympathized with Lemmon Valley residents and suggested the Board think ahead. He said there were major transportation issues in the County. He believed building a second deck on U.S. 395, Interstate 80, and Pyramid Way would resolve the traffic issues for the next 15 to 20 years. He expressed concern

about the people who would be moving into the area. He spoke about the possibility of the Truckee River flooding and suggested the County needed to be prepared.

Ms. Lori Beach stated government had a tendency to be reactive. She noted the Board had the opportunity to be proactive, even though it had been reactive to the flooding in Lemmon Valley for the previous two years. She spoke about infrastructure provided by developers. She stated the City of Reno said they had attempted to meet with the County regarding the flooding. She said they needed to work together to resolve the issue.

Ms. Leona Galau spoke about the closure of Lemmon Drive on April 8, 2019, the Hesco barriers, the safety of the children in Lemmon Valley, and the increased population as a result of large companies coming to the area. She expressed concern about the effect of the Prada Ranch project on Lemmon Valley residents. She noted the sewer smell in her back yard was terrible. She urged the Board to solve the issue.

Ms. Carli Fripp expressed concern about her children being exposed to pollution at the elementary school and issues with her animals. She urged the Board to consider all aspects and effects of the flooding and find a solution.

Mr. Sam Dehne spoke about Reno media, the Tesla Gigafactory, EDAWN, and the flooding in Lemmon Valley. He suggested the Board cancel the Wildcreek High School project and use that money to fix the flooding in Lemmon Valley.

Ms. Debra Campbell stated she was the trustee for a property on Winnemucca Ranch Road which was directly attached to Winnemucca Holdings land. She said Winnemucca Holdings had diverted a jeep trail and made it a full-sized road across her property without her knowledge or consent. The company told her they would return her property to its previous state. The road had not yet been removed. She noted she would not be opposed to the increase in density or the zoning change if the road was moved off of her property.

Ms. Elise Weatherly spoke about former water engineer Paul Orphan, County accounting staff, services provided to drug addicted residents, and City of Reno staff.

Mr. Charles Stockford said the dumping on Quartz Lane had not received attention. He noted a new motorhome had been dumped next to the other vehicles. He stated all garbage had been moved from the north side to the south side of the street. He said some people who did not pay for garbage collection were dumping their garbage inside the vehicles abandoned there. All of the vehicles were full of garbage and garbage bags were breaking down, scattering the garbage. He mentioned he called the Health Department but nothing had been done.

19-0249 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Jung mentioned she had asked for Quartz Lane to be cleaned up since she joined the Commission 12 years earlier. She noted Mr. Stockford had taken her on a tour of Quartz Lane after a Sun Valley Citizen Advisory Board meeting. She requested a rush on the cleaning of Quartz Lane.

Commissioner Jung asked that a map of all flood plains in the County be placed prominently on the County website. She believed many residents had already built on flood plains because the County was primarily in a flood plain. She asked for the report to be provided by subject matter experts such as geologists and water engineers.

Commissioner Jung requested a method of communicating with residents and educating them about the difference between the Washoe County School District (WCSD) and the Washoe County Board of County Commissioners. She noted they were two elected bodies with entirely different functions. She said she received questions about Lemmon Valley Elementary School and public commenters spoke to the Board about the Wildcreek High School, but they should be addressing the WCSD Board of Trustees who was responsible for overseeing schools.

In response to the public commenter who was hit by a car while walking on Wedekind Road, Commissioner Jung inquired whether the Board could work with the either the City of Sparks or the City of Reno to put sidewalks on that road. She suggested using Community Development Block Grant funds in cooperation with the responsible city and the WCSD. She noted the WCSD was responsible for getting students, including those who walked, to and from school.

Regarding Mr. Paul Orphan's repayment to the County, Commissioner Jung believed the Board would be having an attorney/client meeting later in the day. She asked for an attorney/client meeting soon if one was not already scheduled. She stated she would contribute funds if an outside attorney needed to be hired. She remarked she had argued against any prison time for Mr. Orphan because it was a crime based on a gambling addiction. She had asked for Mr. Orphan to continue to work so he could pay the County back. She inquired where the money was and why it had not been garnished. She understood there was a question of whether the Nevada Revised Statute allowed garnishment but she asserted the County should fight for the money because it was taxpayer money. She noted Mr. Orphan was said to have embezzled exactly what the insurance would pay for, but she thought it had been a much higher amount.

Commissioner Jung said she had met with staff to review budgets and had two additional requests. She thought Commissioners needed more discretionary funds. She requested staff investigate best practices to find what percentage of the budget should be allocated to Commissioners. She said \$20,000 was not enough money to do real work within their districts.

Commissioner Jung inquired about the cost of cleaning the parking garage, how often it should be cleaned, and whether money needed to be added to that budget. She stated the parking garage was very dirty and she wanted it cleaned.

Commissioner Berkgigler requested information about who was responsible for the sidewalks on Wedekind Road. She agreed with Mr. Newman and stated the responsible entity needed to do something about the sidewalks; she thought that area was in the City of Sparks. She suggested the WCSD might need to take part in that discussion as well.

Commissioner Berkgigler said she thought Tiger Dam barriers had been placed around the Lemmon Valley ball field and workers were in the process of pumping water out of the field. She requested staff notify her if she was incorrect and, if that was the case, provide an explanation as to why it had not been done.

Commissioner Berkgigler mentioned she had attended a Tahoe Regional Planning Agency (TRPA) meeting, noting she served on that Board. The TRPA was responsible for cleaning Lake Tahoe up and restoring its clarity pursuant to a bi-state federally-designated contract. She noted the TRPA was in the process of beginning their summer work on the project. They were in the process of eliminating invasive species and she noted there had been no new invasive species for ten years, which was an indication their efforts were working.

Commissioner Berkgigler noted the TRPA would continue to work on the state-line to state-line bike path. She believed there were only one or two bridges which needed to be put in. The bridge which went from Incline Village to the Sand Harbor beach was in place but not completed. There was still a significant amount of snow in the Lake Tahoe area but they expected to have the bike path project completed by July 2019.

Commissioner Berkgigler stated the Health District was preparing for mosquitos in various lake areas. They were principally focusing on Lemmon Valley but would also monitor the Washoe Lake area where mosquitos were an issue.

Commissioner Berkgigler stated she would contact the Health District regarding trash dumping on Quartz Lane. She said the Health District should be concerned about trash being spread around, particularly if it was human waste.

Commissioner Lucey said a constituent requested information regarding in-house coffee roasting and how it pertained to the cottage food industry. He requested information from staff through the Health Department regarding the issue. He noted the constituent would be roasting coffee for personal consumption only.

Commissioner Lucey mentioned he had participated in a 'Women in Transportation' panel with the Regional Transportation Commission (RTC), the southern Regional Transportation Commission (SRTC), and members of the Nevada Department

of Transportation. He stated there were discussions about the advanced pace of technology, how it was outpacing transportation, and how transportation would be addressed going forward. He said the RTC and SRTC would be hosting joint student panels with engineering students from the University of Nevada, Reno (UNR) and the University of Nevada, Las Vegas. The panels would involve discussions about how future transportation could be affected by technology such as light rail and autonomous buses. He said they wanted to get students more involved.

Commissioner Lucey stated he participated in discussions in Carson City regarding some bills currently under review. He said the community homeless issues within the County were discussed there as well as at a Community Homelessness Advisory Board meeting as well. The County was working to address some of the issues with the contractor and they would ensure concerns were being addressed by whoever oversaw operations. He noted the County paid a significant amount of money into the homeless center. The challenges at the center were concerning and changes were planned for the near future. The goal was to have the Northern Nevada Adult Mental Health Services campus ready as quickly as possible to move vulnerable populations and thereby address some of the challenges. He hoped to continue working with the Cities of Reno and Sparks on the transition.

Commissioner Herman mentioned Swan Lake would be discussed later in the meeting. She noted not all of the suggestions were ideal but she thought the options could be narrowed down. She said residents had been asking for Quartz Lane to be cleaned up and it had not happened yet. She asked Ms. Campbell, who spoke during public comment, to call her to discuss the issue she brought up. She referred to the public commenter who suggested double-decker highways and said she suggested that in the past but the idea was not taken seriously. She mentioned the highways in the Houston area had double decks because they required less land.

Chair Hartung noted he looked up Wedekind Road on the regional mapping system and it was unclear who owned it; it appeared the County owned the north side and City of Sparks owned the south side. There was also a large portion on the south side which was under the purview of UNR. He requested confirmation from Assistant County Manager Dave Solaro about the ownership of the road. He thought Wedekind Road would qualify as a regional road because it moved traffic from one jurisdiction to another and suggested RTC staff make a presentation to the Board on the issue.

In reference to Commissioner Jung's suggestion about publishing flood plain information on the website, Chair Hartung remarked there was an overlay on the regional mapping system which showed that information. He suggested staff might provide a direct link to the map. He mentioned he was waiting to hear from Mr. Solaro and Director of Engineering and Capital Projects Dwayne Smith about some stop sign issues.

Deputy District Attorney David Watts-Vial noted Mr. Paul Orphan was sentenced but he was not sure of the length of the sentence. He stated the Criminal Division of the District Attorney's (DA's) Office was or would be assessing the case to see whether Mr. Orphan had served a sufficient sentence. He said the issue with getting restitution from Mr. Orphan was that he received Public Employees' Retirement System (PERS) income. PERS had a variety of laws which made it difficult to pursue that money. He indicated the Civil Division of the DA's Office would be assessing the case and working with staff to find a way to get the money. He said the Board would receive a request to sue or take some other action to get the money from Mr. Orphan.

Commissioner Berkbigler noted a joint meeting between the City of Reno and the County regarding Lemmon Drive was set for April 29, 2019. She said the County had been aggressively interested in getting the meeting scheduled for some time. She reported the Truckee Regional Planning Agency Governing Board continued to work on finalizing the Regional Master Plan. She stated they had encountered some politics but hoped to have the plan completed within three to six months.

Commissioner Jung inquired whether the DA was doing something regarding the restrictions on pursuing PERS funds during the current legislative session. She stated other communities across the country were examining the extent to which PERS income was untouchable and whether people should receive it if they left a job they had done poorly. She asked the lobbyist liaison whether there had been any conversation about the issue and what the DA had been doing to change the law.

Regarding Commissioners' comments about the situation on Quartz Lane, County Manager John Slaughter mentioned there had been an agenda item at a previous meeting during which the Board had given direction to staff. He understood several Commissioners were briefed on the issues regarding Quartz Lane. He said staff was following the procedures outlined by the County Code to abate the issue.

CONSENT AGENDA ITEMS – 5A1 THROUGH 5D3

- 19-0250** **5A1** Approval of minutes for the Board of County Commissioners' regular meeting of February 19, 2019. Clerk. (All Commission Districts.)
- 19-0251** **5A2** Approval of minutes for the Board of County Commissioners' regular meeting of February 26, 2019. Clerk. (All Commission Districts.)
- 19-0252** **5A3** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners. Clerk. (All Commission Districts.)
- 19-0253** **5B** Recommendation to approve amendments totaling an increase of [\$1,900] in both revenue and expense to the FY19 National Environmental Health Association (NEHA) in support of the Environmental Health Services Division (EHS) Food Safety Program - National Environmental

Assessment Reporting Systems (NEARS), IO 11565; and if approved direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)

- 19-0254** **5C1** Recommendation to approve a Resolution calling a public hearing (to be set for May 10, 2019) on the amendment of the boundaries of District No. 24 (Groundwater Remediation/Central Truckee Meadows Remediation District) in Washoe County, Nevada; providing for a notice of hearing and for other matters properly related thereto. Community Services. (All Commission Districts.)
- 19-0255** **5C2** Recommendation to approve a Cancellation Agreement and associated Water Rights Deed to terminate a Water Sale Agreement between Washoe County and Randall J. Warner, doing business as Washoe Valley Veterinary Hospital, and re-convey 1.012 acre-feet of water rights from Washoe County to Randall J. Warner. Community Services. (Commission District 2.)
- 19-0256** **5C3** Recommendation to approve a Cancellation Agreement and associated Water Rights Deed to terminate Water Sale Agreements between Washoe County and Grand Slam Enterprises, LLC, and re-convey 12.00 acre-feet of water rights from Washoe County to Grand Slam Enterprises, LLC. Community Services. (Commission District 4.)
- 19-0257** **5C4** Recommendation to approve a Cancellation Agreement and associated Water Rights Deed to terminate a Water Sale Agreement between Washoe County and Stremmel Capital Group, LLC, and re-convey 28.73 acre-feet of water rights from Washoe County to Stremmel Capital Group, LLC. Community Services. (Commission District 5).
- 19-0258** **5C5** Recommendation to approve a Cancellation Agreement and associated Water Rights Deed to terminate Water Sale Agreements between Washoe County and Great Basin Water Company, as successor in interest to Sky Ranch Utility Company, and re-convey 64.40 acre-feet of water rights from Washoe County to Great Basin Water Company. Community Services. (Commission District 4.)
- 19-0259** **5C6** Recommendation to approve a Water Rights Deed to re-convey 15.00 acre-feet of water rights from Washoe County to the Estate of Heather Martini. Community Services. (Commission District 2.)
- 19-0260** **5C7** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 2019/2020 Encroachment / Excavation Repair Project for Truckee Meadows, [staff recommends Vega Asphalt Paving, in the amount of \$138,375.00]. Community Services. (All Commission Districts.)

- 19-0261** **5C8** Recommendation to approve: 1) an Interlocal Cooperative Agreement between Washoe County, the Regional Transportation Commission (RTC), and the City of Reno; and 2) approve an Interlocal Cooperative Agreement between Washoe County, the RTC and the City of Sparks, for the approval of the RTC's FY2020 Program of Projects that were identified and approved in the RTC FY2020 Regional Transportation Plan Update. Community Services (Commission District 5.)
- 19-0262** **5D2** Recommendation to authorize the payment of [\$27,417.00] to Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact (Article VIII, Public Law 96-551, December 1980). Manager. (All Commission Districts.)
- 19-0263** **5D3** Recommendation to acknowledge Receipt of the five audits completed for the Minimum Accounting Standards Audit of the courts in Washoe County from the Washoe County Internal Audit Division. Manager. (All Commission Districts.)

County Manager John Slaughter said Commissioner Herman had questions about the Consent Agenda items concerning water rights. Mr. Slaughter suggested staff could discuss those items.

Commissioner Jung requested Consent Agenda Items 5C2, 5C3, 5C4, 5C5, and 5C6 be explained from a global perspective because the agenda description was unclear. She asked for a presentation on Consent Agenda Item 5C8 because she had requested upgrades to the pass that connected Sun Valley to Lemmon Valley. There was traffic, construction, and school buses on the road but it remained a two-lane road. She inquired about the funding source for Consent Agenda Item 5D1. She had questions for staff about Consent Agenda Item 5D3.

Chair Hartung asked whether Commissioners Herman and Jung wanted to pull the items out of consent for discussion or whether they wanted them left in consent but have staff discuss them. Commissioner Herman requested staff discuss the items.

Vahid Behmaram, Water Management Planner, stated four of the five water-related items on the agenda were in one category and the fifth was different. He said Agenda Item 5C6 for Heather Martini included a block of water which was banked with the County in the mid-1990s. He explained Ms. Martini had passed away and no one pursued the water rights so they had been in the County's holding. He indicated he had attempted to find heirs or successors in interest. The Public Administrator's Office had provided assistance and a successor had been located. He summarized the agenda item would return water rights belonging to someone else because the County no longer wanted the responsibility of managing and holding on to them.

Mr. Behmaram said the other four agenda items were part of a global issue. He stated Washoe County Development Code Article 422 had a mandate about the dedication of water rights for various types of projects within the County. He said the County had leased the water rights back to the entities that dedicated them for 99 years at no cost. The County had been challenged in court about the legality of that procedure. He noted the Code had been amended in 2017 to remove the mandate. He stated the County was still concerned with the management of water rights when new projects that included water demands were initiated. Language was added to the Development Code regarding the 99-year lease agreements, stating the lease agreements would be voided and water rights would be returned to the entity who previously owned them if they had a history of managing the water. The County would monitor the water use and validity of water rights through other means.

Commissioner Jung asked what the fiscal impact would be. Mr. Behmaram replied there was no impact. The County would give the water rights back and the owner would record the deeds and file them with the State. Commissioner Jung inquired whether the individuals had originally owned the water rights and the County took over the water rights to manage them. Mr. Behmaram responded yes, the previous Code required that water rights be dedicated to the County.

Commissioner Jung said it was not legal. Mr. Behmaram clarified the litigation was never finalized and the County settled rather than pursue it. He would not say it was illegal but the County was challenged in court. He noted the individuals were responsible for fees and management under the water sale agreements.

Commissioner Jung noted the County would allow responsible individuals to manage their own water rights so there would be a positive fiscal impact. Mr. Behmaram responded there could possibly be a de minimis fiscal impact. Commissioner Jung stated she accepted the explanation. She noted the language for the agenda items was overly technical and her attention was heightened because water rights were like gold in Northern Nevada.

Mr. Behmaram said more similar agenda items would be heard at future meetings. He was implementing the change in the Code globally. Chair Hartung asked whether these were housekeeping items. Mr. Behmaram replied yes.

Chair Hartung asked Commissioner Herman whether Mr. Behmaram's explanation answered her questions. Commissioner Herman said she wanted the public to know what the agenda items were about because she had received calls about them.

Chair Hartung asked staff to make a presentation on Agenda Item 5C8. Director of Engineering and Capital Projects Dwayne Smith explained the Regional Transportation Commission (RTC) approved a set of projects each year. Through an Interlocal Agreement, the set of projects was approved by the County and the Cities of Reno and Sparks. The agreement would allow the RTC to perform those projects throughout the year. He said the RTC submitted the project plan to the County for Board

approval each year. The plan would then go to the Cities of Reno and Sparks for approval. Historically it was one agreement but, due to an interpretation of the Nevada Revised Statute (NRS) and a desire to separate them, Agenda Item 5C8 would separate the agreement into two Interlocal Agreements.

Mr. Smith explained the County was a signator to the agreements because the RTC projects used fuel tax. The fuel tax would go to the County and would then be distributed to the RTC for roadway projects. The NRS bound the County to that part of the process. He said the Interlocal Agreements would continue to be separate in the future and they would allow projects within the Cities of Sparks or Reno to be identified in the corresponding Interlocal Agreement. He noted the County and the Cities of Sparks and Reno each had processes for discussing projects with the RTC. He stated the agenda item was affirming the decision made at the January RTC meeting.

Commissioner Jung asked who approved the projects. Mr. Smith said staff had a Technical Advisory Committee which made recommendations, though the RTC Board would originally review the projects. Commissioner Jung noted the Board also reviewed them because Mr. Smith submitted the plan to them. Mr. Smith said yes, the item concerned reviewing and approving the use of the fuel tax funding as part of the process.

Commissioner Jung said unincorporated County residents arguably paid fuel tax. She inquired whether there was a reporting of the County receiving RTC funds for that. Mr. Smith responded everyone paid fuel tax when they purchased fuel and the County used fuel tax for field operations associated with roads.

Commissioner Jung questioned whether the RTC did anything for the unincorporated County with the fuel tax they collected. Mr. Smith retorted the RTC was responsible for regional roads and there were regional roads within the County's jurisdiction identified in the RTC's projects plan.

Commissioner Jung asked why the agenda item only identified the Cities of Sparks and Reno and did not include an Interlocal Agreement between the RTC and the unincorporated County. Mr. Smith responded the projects he showed were regional projects identified for 2019. Commissioner Jung asked for clarification about whether any unincorporated regional roads were identified for the year. Mr. Smith noted there was a maintenance part to the program. The County maintained County roads using fuel tax funding. He said the County also collaborated with the RTC and diverted RTC dollars into maintenance projects located within the unincorporated County. Commissioner Jung said she thought that needed to be changed.

Commissioner Jung requested an update on O'Brien Pass. She said she would attend the RTC meeting and advocate for the pass, noting she had requested that for a couple of years. Chair Hartung clarified it was 7th Street to Golden Valley Road.

Brian Stewart, RTC Director of Engineering, said he would be happy to meet with Commissioner Jung to discuss O'Brien Pass. He said the RTC was reviewing the Eagle Canyon connection and discussing connecting Lemmon Valley to western part of the City of Sparks. Commissioner Jung stated she was discussing O'Brien Pass specifically, which was not in Lemmon Valley. Mr. Stewart responded he did not have that information.

Chair Hartung said he thought Golden Valley Road was on the Capital Improvement Project list. Amy Cummings, RTC Director of Planning, responded it was not on the Regional Transportation Plan. She said RTC was preparing to update the plan and they could consider O'Brien Pass.

Commissioner Jung said it needed to be prioritized because the congestion on that road was substantial during commuting hours. She suggested a discussion with the City of Reno because it was part of their development and planning area. She stated it needed to be a priority, using fuel tax the RTC received from everyone in the community.

Commissioner Jung requested a report from the RTC of money spent for projects completed in the past 12 years in the unincorporated County and the Cities of Sparks and Reno.

Chair Hartung pointed out Exhibit A showed Lemmon Valley Drive going from Fleetwood Drive to Chickadee Drive. Since they were in the planning stages, he wanted to note the widening of four lanes needed to go further to Ramsey Way. Mr. Stewart said the RTC would review that to ensure they had the correct limits as they developed the plan for the project.

Commissioner Jung requested information about the funding source for the \$90,000 denoted on item 5D1. She did not recall voting on it. County Manager John Slaughter responded the item was submitted by the Second Judicial District Court. The \$90,000 was for a consultant involved in the Court expansion project. He said the funding source was from the County's unspent general fund.

Commissioner Jung asked whether the Board had voted on it. Mr. Slaughter replied he did not believe the Board had voted on it. Commissioner Jung questioned why the Board would spend money on something they had not voted on. Mr. Slaughter explained any money which had not been spent by County departments at the end of the fiscal year would go into the general fund. The County had a long-standing agreement for half of those funds to go to the Court for the expansion project.

Commissioner Jung indicated she was not comfortable with the expenditure. She did not think the Board had taken a position on the item and it had not been voted on. She stated she had asked Mr. Slaughter to investigate why the State did not pay for the Courts. She said the State could pay the \$90,000 since the courts were staffed by State employees, not County employees.

Chair Hartung asked whether Commissioner Jung wanted to pull Agenda Item 5D1 from the Consent Agenda. Commissioner Jung stated she wanted the item pulled and did not want to vote on it. She said it was not appropriate and the Board had not approved any sort of expansion. Chair Hartung said he would pull it from the Consent Agenda and vote on it separately.

Commissioner Jung noted the Board had not given direction to the District Court regarding an expansion. She asked Deputy District Attorney David Watts-Vial why the County was giving \$90,000 for professional agreements the Board had not agreed to. She thought there was more to discuss on the item. The courts were owned by the State and she felt the State needed to pay for them.

Mr. Watts-Vial responded he could not provide precise answers without first looking at the agreements the Court had. He said the Court had the ability to enter into contracts on its own but he would need to see the contracts to provide an answer.

Commissioner Jung expressed concern about item 5D1.

Commissioner Lucey state Chair Hartung had to step out of Chambers briefly. He asked Commissioner Jung whether she had questions on item 5D2. Commissioner Jung responded she had questions regarding item 5D3. She noted the courts had reported on accounting standards. She requested the District Court and the other courts provide performance audits of judges before any of the public budget events were held. She stated a judge had been dismissed because his performance was not satisfactory but wondered about other judges. She asked to see a reporting of what each court did in terms of self-auditing when they approached the County during budget season.

Chair Hartung pulled item 5D1 from the Consent Agenda.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 5A1 through 5C8 and 5D2 through 5D3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A1 through 5C8 and 5D2 through 5D3 are attached hereto and made a part of the minutes thereof.

19-0264 **5D1** Recommendation to approve the resolution to augment the Capital Improvements Fund in the amount of [\$90,000.00] to increase expenditure authority for professional services contracts to support District Court Capital Expansion for fiscal year 2019; and direct the Comptroller to make the appropriate budget amendments. Manager. (All Commission District.)

Commissioner Lucey said the discussion regarding the Court expansion had been ongoing for some time. He noted the chief judge had presented to the Board several times. He confirmed the Board would vote on the expansion plan during the current meeting.

Chair Hartung asked Commissioner Lucey whether he would make a motion to either approve or deny the item. Commissioner Lucey moved to approve the item and Commissioner Berkbigler seconded the motion for purposes of discussion.

Commissioner Berkbigler said a presentation had been made to the Board on the need for a new courthouse so she was unsure why the item was objectionable. She requested to hear the Commissioners' concerns regarding the item.

Commissioner Lucey said he had no concerns regarding the item. He thought there had been a long discussion about what the County did with capital funding in regards to the courthouse expansion. He said that capital improvement project had been presented to the Board a number of times and the needs had been demonstrated. He noted the agenda item was for the completion of an agreement with the Court's own consultant. He thought the agenda item was a first step in identifying the plan for the project.

Commissioner Jung reiterated the Board had never taken a policy position on the project. She noted the Board had many presentations but they should not go from a non-action item to funding a project. She stated the Board had not discussed the item thoroughly and she would not support it. She believed the Court could raise their own money or the State could pay for it because the courts were under the purview of the State. She did not agree with funding the expansion of a Court when the County could not provide housing for middle class citizens with jobs who made too much to qualify for assistance programs. She stated it was not fair-minded or well-planned and she was vehemently against the item.

Mr. Slaughter noted the staff report listed previous action by the Board on the item. On February 26, 2019 the Board approved the contract with the Court contractor GSD Nevada in the amount of \$108,000.

Commissioner Berkbigler said it was important to remember why the new courthouse was being built. While she would prefer State funds for the project, she said the State historically did not pay for courthouses to be built in counties. She doubted the State would contribute any money regardless of whether the Legislature was in session or not. She indicated one of the reasons the County was considering the project was for protection; judges, witnesses, and children used the same space as the people who committed crimes against them. She said the County's need for a new courthouse was the reason for the study regarding the courthouse. She noted the Nevada Revised Statutes (NRS) and the Nevada Administrative Code set requirements for budgetary augmentations based on resources at the mid-year budget, which included a larger opening balance than anticipated. She said the County had that available in the Court fund area. She stated she would side in favor of the expenditure.

On the call for public comment, Kathryn Snedigar noted it was a State Court and questioned why the Cities or Reno and Sparks were not contributing. She asked why the County was paying for a State court with her money. She spoke about

other expenditures the County made which she felt should be shared by other jurisdictions. She expressed concern about the burden of the expenditure being placed only on County residents.

Commissioner Berkbigler clarified the \$90,000 was made up of funds from taxpayers in the unincorporated County and the Cities of Reno and Sparks.

Deputy District Attorney David Watts-Vial noted the Board of County Commissioners was required by law to fund the operations of the District Courts. The State only paid for the salaries and benefits of the individual judges. He stated the requirement could be traced to the Nevada Constitution and the NRS. He clarified the Board did not have a choice of whether to fund; the choice was about how much to fund and even that was subject to law as well.

Commissioner Herman asked whether it was something that needed to go to the Legislature or whether the Board was committed to the expenditure. Chair Hartung responded the item before the Board was Agenda Item 5D1. He said they could discuss the funding requirement when they discussed legislative changes.

Commissioner Jung asked whether there was a reason for not taking the issue to the Legislature since the legislative session was open with new administration, a majority in the House and Senate, and a new Governor. Mr. Slaughter said Agenda Item 13 concerned legislative issues and suggested the item be discussed at that time.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-1 vote with Commissioner Jung voting “no”, it was ordered that Agenda Items 5D1 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Agenda Items 5D1 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 8 AND 9

19-0265 **AGENDA ITEM 9** Recommendation to: 1) approve Change Order #2 to the Agreement for Professional Consulting Services with Poggemeyer Design Group, Inc. [in the amount of \$72,956.00] for additional permit process development and permit review services, [bringing the total contract amount to \$172,456.00]; and 2), approve Change Order #2 to the Agreement for Professional Consulting Services with Poggemeyer Design Group, Inc. [in the amount of \$86,332.00] for additional technical review of plats and map check services, [bringing the total contract amount to \$185,832.00]. Community Services. (All Commission Districts.).

Commissioner Jung inquired what the original contract amount was for the plats and maps technical review services. Director of Engineering and Capital Projects Dwayne Smith replied the contract was for \$50,000 when the project started. Commissioner Jung asked for an explanation for the change order request being for more

than double the original contract amount. Mr. Smith responded consultants were brought in by staff to help with technical map review but it was not for a specific project. They found the work the consultants did was helping staff maintain schedules for the technical maps which were going through the review process.

Commissioner Jung asked whether the County had staff that could perform the technical map process. Mr. Smith replied the County was better served by using consultants due to the volume of work. Commissioner Jung inquired how long the consultants had been employed by the County. Mr. Smith stated they were employed the previous fall.

Commissioner Jung noted the approval of the change order request would turn the original \$50,000 job into an \$186,000 job. She questioned how the contract amount ballooned so much. She asked whether the scope had been broadened with more work specifications or whether the contractor underbid as a point of entry and then quickly inflated their prices. Mr. Smith responded it was a professional services contract so a bid process was not involved. A proposal that defined the scope of work was solicited from the contractor. He said staff realized the scope of work was too small and they could receive better benefits by using the consultant to do a review of technical maps. Staff had asked the consultant for additional time to perform the work. He noted the details of the scope of work had essentially stayed the same. The increase in the contract amount reflected the additional time commitment by the consultant.

Commissioner Jung asked where the additional funds would be sourced from. Mr. Smith responded the primary source would be from the fees collected for technical map checks. He explained a fee was paid by anyone who submitted a map for technical review. Commissioner Jung asked about the balance of the technical review fund but Mr. Smith responded he did not know the exact balance. Commissioner Jung requested a report of the balance. Mr. Smith stated he would ensure the fund balance was included in future staff reports.

Commissioner Jung said she understood consultants were being used because staff's workload was high. She inquired whether there was a reason why staff had not performed that work when development was slow. She noted staff could have expected the demand to increase and could have been performing the work preemptively until development increased. Mr. Smith responded the approach Engineering and Capital Projects took was to maintain a steady work level for staff and use consultants as demands increased. Commissioner Jung stated the demand was low during the recession. She questioned why staff had not done plats and maps checks during that time. Mr. Smith clarified the technical review checks being performed now were for current development. Commissioner Jung sought confirmation that the work involved developers submitting development maps to the County for technical review, which resulted in 'as needed' contracts for consultant services to cover the added demand. Mr. Smith responded that was correct.

Commissioner Jung expressed concern about the size of the change order request. She said the agenda item summary that people read should indicate the change order was based on volume. Mr. Smith said staff would clarify agenda item descriptions in the future. Commissioner Jung said she would approve the item in block.

Chair Hartung asked County Manager John Slaughter to read Agenda Items 8 and 9. Mr. Slaughter stated he would read Agenda Item 9 first as it had just been discussed.

12:03 p.m. Commissioners Berkgigler and Jung left the meeting.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 3-0 vote with Commissioners Berkgigler and Jung absent, it was ordered that Agenda Item 9 be approved.

19-0266 **AGENDA ITEM 8** Recommendation to: 1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Phase 1 - Cast-In-Place Pipe (CIPP) Lining Project [staff recommends SAK Construction, LLC, in the amount of \$1,746,298]; and 2) approve an Agreement for Professional Consulting Services between Washoe County and Brown and Caldwell to provide construction services for the Phase 1 - Cast-In-Place Pipe Lining Project [\$167,358]. Community Services. (Commission District 2.).

Commissioner Herman said this item was in District 2 and wondered whether it was part of the work being done on the sewer. Commissioner Lucey affirmed it was in his district and said it was a recommendation for a cast-in-place pipe for sewer treatment. It was part of the sewer piping infrastructure improvements to through the Double Diamond area to make sure the capacity for growth was in place.

Chair Hartung asked Deputy District Attorney David Watts-Vial whether the Board could vote on a motion seconded by Commissioner Berkgigler although she was out of Chambers. Mr. Watts-Vial affirmed the Board could vote.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 3-0 vote with Commissioner Berkgigler and Commissioner Jung absent, it was ordered that Agenda Item 8 be approved.

19-0267 **AGENDA ITEM 6** Recommendation to discuss and provide policy direction to staff related to the closed East Lemmon Valley Hydrographic Basin to include next steps to address lasting elevated lake levels. Possible options may include:

- 1) Contain Swan Lake within the boundary created by Lemmon Drive on the east and north, Pompe to the west, and Lear Boulevard to the south.
 - 2) Manage Swan Lake at an elevation to keep water off private property.
 - 3) To allow Swan Lake to rise and fall with no interference.
- Community Services. (Commission District 5.)

12:06 p.m. **Commissioner Berkbigler returned to the meeting.**

Chair Hartung thanked Assistant County Manager Dave Solaro for putting together the matrix of options. He stated he saw it as a living document and welcomed any additional information and ideas pertaining to the issue.

Mr. Solaro conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: East Lemmon Valley Hydrographic Basin; Previous Direction Received from the BCC; Status; Current Activities; overview map of Swan Lake; Historic lake elevations; 2017 event continued data collection (2 slides); Options to Consider; Discussion.

Mr. Solaro stated staff had continued flood response activities and was working through weather-related issues as they occurred. He noted the barrier system created a barrier for water to enter into the lake. He said significant work had been done both keeping water in the lake and putting it into the lake as it ran down the hill to the edge of the barrier. He noted the closed basin flood response action plan had been completed. He said staff had initiated the closed basin flood mitigation plan update with the assistance of grant funding obtained by Regional Emergency Manager Aaron Kenneston. The update would add closed basin flooding as a regional hazard to the flood mitigation plan on a countywide basis. The hazard mitigation plan needed to be in place before federal funds could be sought for any projects or mitigation. He said Mr. Kenneston was collaborating with staff from the County, the Cities of Reno and Sparks, and other regional agencies to work through the Federal Emergency Management Agency (FEMA) required framework to update the Hazard Mitigation Plan (HMP). He stated the HMP update had to be completed and accepted by FEMA before the County could apply for funds outside of those for the federally declared disaster from 2017. He hoped FEMA would approve the HMP update in November or December of 2019, which would allow the County to apply for grants.

12:09 p.m. **Commissioner Jung returned to the meeting.**

Mr. Solaro noted the County submitted two applications to FEMA for their Hazard Mitigation Grant Program. One application was for nine homes, the other was for four homes. He indicated the application for nine homes included homes

involved in a pending lawsuit with the City of Reno. He said FEMA would make the decision about which of the two applications for home purchase would move forward.

Mr. Solaro went over the current activities which were underway for Swan Lake, Silver Lake, and White Lake. The activities included maintenance of the Hesco barriers, the use of sandbags and berms, and pumping. He indicated staff had been addressing needs using a 'just in time' approach. They did not want to spend money on preventative measures which might not be necessary, so they were waiting until the expenditures made fiscal sense. He said the County had budgeted \$1.2 million for continuing flood mitigation work. He noted the additional costs for pumping to reopen Lemmon Drive were paid out of the budgeted \$1.2 million. He stated the work had been coordinated with the City of Reno, which had been a partner through the process for both Swan Lake and Silver Lake.

Mr. Solaro reviewed the overview map of Swan Lake slide and indicated the red and yellow items were protections put in place to contain the water outside of existing neighborhoods. He noted the protections being put in place along Pompe Way were not shown on the map because the updated map had not been available when the presentation was made. He displayed a graph of historic lake levels showing Landsat data from 1984 to 2017 provided by the Desert Research Institute (DRI). The data demonstrated the volume of water in the lake based on information that was currently known. The graph showed the time it took to evaporate water out of the basin to a dry playa after wet and dry periods. He noted it took 2.5 years to evaporate in 1986, 5.5 years to evaporate in 1996-1997 after several years of wet conditions, and 1.5 years to evaporate in 2006. The graph for 2017 showed water going up to the flooding level, which had resulted in the barrier system being put in place.

Mr. Solaro displayed a chart of Swan Lake water elevations from 2017 to 2019. He said staff had recorded water elevation weekly since the 2017 flooding event. He noted the peak water level was experienced in April 2017 at 4,923.3 feet. There was a period of evaporation followed by water gain during the 2017-2018 winter and then additional evaporation during the 2018 summer. The water elevation had followed the predictions based on the information provided by the DRI. He stated the 2018-2019 winter was significantly wet and two years of evaporation were lost. It was a pattern seen during the 1996 to 2001 timeframe when the water evaporated and returned several times. He said staff was confident the protections in place were sufficient for 2019 and had started to consider the upcoming year. He noted the weather could not be predicted but staff was working with agencies such as the National Weather Service to define how much water might be expected. He indicated the Swan Lake data showed the water levels rose and lowered but it appeared it would take more than the six to seven years initially estimated for the water to evaporate to a dry playa.

Mr. Solaro indicated he had previously received Board direction to do four things. He returned because he had been asked to do something else and needed to understand a policy about what the next steps ought to be. He said he did not have all of the variables necessary to define a long-term solution. The information provided in

Appendix A included ideas received from engineers, citizens, and County staff throughout the process. These were projects that could be done in Swan Lake but he could not propose a project based only on the information he had.

As an example, Mr. Solaro discussed a suggestion to truck the water out of the lake. According to staff analysis, it would take 7.9 years to truck one foot of water out of the lake using trucks with an average capacity of 1,200 gallons, delivering water to a location within a 20 minute drive, and employees working 8-hour shifts. Staff modified the calculation using 10-hour shifts and found it would take 2.5 years to remove one foot of water. By comparison he noted the storm experienced in February 2019 increased the water level of the lake by 1.5 feet in a 24-hour period. He emphasized staff needed direction from the Board about what to pursue. He said staff was working through direction the Board had previously given and updating the HMP so they could pursue funding. He indicated staff had been very successful at keeping water out of homes with the barrier system. They understood it was inconvenient and unsightly. The Board's direction had been to focus on keeping water out of homes but not necessarily off of properties.

Mr. Solaro requested the Board review the matrix of options so he could put together portions of different projects, creating a global project which the County could pursue. A defined global project would allow staff to create a funding strategy and a schedule of completion, as well as identify associated partners for funding purposes. He provided three types of options for the Board to consider.

Chair Hartung stated he had a full-size matrix but it was not included in his meeting packet. Mr. Solaro said it was sent to Chambers and could be pulled up on the screens. County Manager John Slaughter said 11 by 17 inch copies would be printed and delivered to Chambers. The document was accessible online in full-size format but it had printed incorrectly in the Commissioners' meeting packets.

Chair Hartung asked the Clerk to distribute full-size matrices and indicated there were copies available in the back of the room for anyone who wanted one.

Mr. Solaro pointed out the issues at Swan Lake would not be solved by any one of the solutions listed in the matrix. He said there might be a combination of items but the solution had not been identified. Staff needed direction from the Board on whether to contain the water in a permanent fashion or whether to continue with current efforts, which had been successful. He indicated he needed ground rules to work with engineers, consultants, and regional partners to define a project.

Chair Hartung believed the solution would take pieces. He apologized to the Commissioners because the matrix was not in their meeting packets and suggested the Board take a five minute recess to review the matrix before discussing.

12:25 p.m. The Board recessed.

12:30 p.m. The Board reconvened with Commissioner Berkbigler absent.

Commissioner Herman wanted to review the list because she thought the issue was being approached in the wrong order. She noted the three suggested options had not been accomplished. She had done a significant amount of background research about some of the information provided. She stated the first option on the matrix was natural evaporation, which would take a long time. The second option was mechanical evaporation which she said worked best during summer. The third option was to truck the water out of the basin, which she said was ridiculous since there was no place to put polluted water.

12:31 p.m. Commissioner Berkbigler returned to the meeting.

Commissioner Herman noted the next option was drilling/infiltrating. She said the aquifer was already full and this option could possibly result in contamination of the aquifer. The next option was excavating/dredging, which she said was very costly with that much water and mud. There would be no place to put the material and it would be very expensive. She remarked the levee/elevation of Lemmon Drive option would partially fix the issue but would need to be continued around the interior of the lake. Further it might be difficult to maintain. She mentioned a lawsuit was filed in Lyon County when a ditch line flooded an entire subdivision. She noted the option of pumping was a possible solution but not for the long term. She stated buying out homes had been a popular option with all the Commissioners but her because engineers had told her there were approximately 230 homes that would need to be taken care of. The amount required to buy out all of the homes would be \$69,300,000. She said elevating homes, septic systems, and roadways would cost approximately \$16,100,000. She thought the option of diverting upstream flows would require inter-basin transfers and the state water engineer would probably not approve it. In reference to the suggestion of the Reno Sparks Indian Colony using the water, she noted everything she had found on the subject indicated the quality of the water would be a problem.

Regarding a reservoir on the west side, Commissioner Herman said she received an estimate from an engineer that the cost would be quite high. She estimated the cost of putting a reservoir on the east side would be between \$10 and \$15 million. She said water could be pumped into both reservoirs in emergency situations to save homes without the need for elevation or for buyouts. She noted the final option on the list was not recommended by anyone. She expressed confusion about the three options listed in the PowerPoint presentation in relation to the possibilities listed in the matrix. She agreed that Swan Lake needed to be contained but asked how it would be accomplished. The second option was to manage the lake to keep water off private property. She said the Board would need to figure out which of the matrix items could be used to do that. She stated the Board could not allow the lake to rise and fall with no interference because that would not work.

Commissioner Berkbigler pointed out it was currently raining and hailing and evaporation would take too long. She asked about the cost of mechanical

evaporation, which she recalled would be in the \$20 million range to lease the equipment. Mr. Solaro said staff took the information provided by a resident and ran calculations. He stated 10 acre feet could be evaporated in one year using one of the larger units. Staff then calculated 120 units would be required to evaporate one foot and it would cost over \$10 million for equipment rental, not including providing power, maintenance, or upkeep. He emphasized staff ran calculations for evaporating one foot without knowing if the goal was to evaporate one foot or five feet. He indicated he needed Board direction about whether the lake needed to be contained within a certain location or whether they needed to eliminate all of the water. He explained staff would be able to provide more information with more specific direction.

Commissioner Berkbigler stated she had a number of questions about costs, timeframes, and the logic of some of the solutions. She believed the lake needed to be contained within a boundary that protected the school and residences. She referred to a discussion she had with Director of Engineering and Capital Projects Dwayne Smith and Mr. Slaughter about moving the water, which would involve placing a barrier, pumping water, moving the barrier, and repeating until the water was where it needed to be. She felt the lake needed to be contained because it would not go away soon. She thought building the two reservoirs or perhaps one reservoir would be a good long-term solution although she did not know where they would be built. She queried where the water could be contained in a reservoir and not run back down into the basin.

Commissioner Berkbigler expressed concern about the existing water and what could be expected in the year to follow. She clarified the water would not evaporate enough and another wet period would result in a much more serious issue. She believed the most appropriate short-term solution was to protect residents using berms. She mentioned there was an area in the northwest which was Bureau of Land Management (BLM) property with no residences where the water was starting to flow. She requested information about the costs associated with that solution.

Commissioner Jung said she was not ready to have a conversation on this issue because there were no fiscal notes on the matrix showing how much anything would cost or where the money would come from. She said she had some broad questions but it was very difficult to know what could be done without figures. She noted emergency funds had been drained and the budget outlook was not great. She asked whether the County was legally able to dredge that type of water area or whether it was an Army Corps of Engineers issue. She asked whether staff had investigated that. Mr. Solaro responded many of the things staff had considered were very high level. He said work done in 2007 gave the County the option to do some of those types of things. He confirmed there would be permitting associated with the underlying landowner which might be the BLM. He noted there would be environmental impacts and other considerations but the County was not yet at that point.

Commissioner Jung stated she wanted to see who the County offered to buy out, who took the offer, and how much they were offered. She asked whether there were available and similarly-situated parcels. She had spoken with Mr. Slaughter about

whether the County should use eminent domain to move residents to other parcels in the same valley. She stated those were the types of things she needed on the matrix and reiterated she could not give direction without knowing the costs.

Commissioner Jung asked whether staff had been in contact with FEMA and the Truckee River Flood Management Authority (TRFMA), who were the subject matter experts, regarding options for moving the water out of the basin. She inquired how the water was moved out of Houston and New Orleans and felt the federal government had to have used something bigger, better, and cheaper. She hoped those subject matter experts could be brought in. She asked whether there was a place to pump and dump the water, where the water would be dumped, and what the cost of pumping would be. She inquired whether anyone would want the water, such as construction companies who needed to spray down dirt and sand. She asked whether there was a way to commoditize the water or a place to put it.

Commissioner Jung requested a history of Swan Lake and how it had been created. She knew former Commissioner Bonnie Weber had been instrumental in making it a wildlife refuge, especially for the swans. She inquired whether there was a requirement for the water quality. She knew the water smelled bad but it was not clear whether it was safe or not. She asked whether there was a way to make the lake into an amenity for the community by improving the water quality to a level safe for swimming, fishing, and recreation. She noted she did not know the prices for any of the suggestions. She suggested moving some residents via eminent domain onto similarly-situated parcels owned by the County. She noted land was currently very expensive. She indicated the Regional Transportation Commission (RTC) had plenty of experience with eminent domain. She inquired whether there was a way to make the lake into an amenity for the residents who had lived through a nightmare for two years. She said she was not aware of how much staff time the County wanted to put toward maintaining the lake and she suggested a special assessment district could be created for the lake.

Commissioner Jung reiterated she was unable to make any decisions without knowing how much the State and the County had expended and what the offers were. She indicated it was difficult to determine what was fiscally responsible and fair for residents who were living in a 100-year storm plain for almost three years. She acknowledged there was no way to predict the weather or determine if recent weather was an aberration but people were struggling. She noted staff had spent an inordinate amount of time and hoped the cost for that was being tracked. She asked to see figures for money spent by the State, the County, and staff time. She thought all County taxpayers needed to take part in the discussion of what the next best step would be. She recognized she was requesting a lot of information and noted Mr. Solaro might need to provide approximate figures.

Mr. Solaro said staff had been receiving general directions but needed more precise guidelines. He noted the direction had been to keep the barrier in place to keep water out of homes, which staff was doing. He understood, based on feedback, that what they were doing was not good enough and they needed to figure out the next step.

He wanted to present options to the Board for additional direction. If the direction was to contain the lake, he could pick items from the list, price them, and present the costs to the Board.

Commissioner Jung said she needed a fiscal note for everything. Mr. Solaro replied each item would include a fiscal note. Commissioner Jung asked who would pay for the levee if a levee system was used, noting California made the Army Corps of Engineers pay for them. Mr. Solaro acknowledged those details were needed and they were not part of the matrix because he needed more instructions.

Commissioner Jung stated staff and the Board had expected the water to evaporate on its own but it had not turned out that way and people were understandably frustrated. She believed staff received more direction than to just contain the water. She recalled requesting a report of how much each parcel received so she could share the information with the public. Mr. Solaro replied he would verify that. Commissioner Jung stated she had heard conflicting information about who spent what and wanted the information clarified.

Commissioner Lucey concurred with Commissioner Jung regarding the financial obligation information. He wanted to know whether the financial obligations would be State, federal, or local. He noted the matrix indicated whether an item would require a permit. He requested clarification about which type of permit would be required as noted on the matrix. He knew staff had worked on the FEMA buyout grant program, which was the same FEMA used after Hurricane Katrina. He remarked the Board had never said they did not want to address the needs or the flooding. He stated Commissioner Jung was correct that the Board had hoped the water would evaporate naturally but it had not. The County was forced to find greater ways to address the issue.

Commissioner Lucey said the County needed to do more than just protect property. He indicated his direction to Mr. Solaro was to find a process for taking down the level of the lake, whether with levees or something else. The next step was to identify which solutions listed in the matrix would draw water down and contain or move the water. He stated the matrix identified which federal agency might be involved but the majority of the property surrounding the lake was federal property. He said there were a handful of federal agencies involved including the BLM, the Department of the Interior, and the Bureau of Indian Affairs. He noted the County could not simply utilize federal property. It took an act of Congress, such as a lands bill, to identify how the property would be used or whether the property would be transferred to another entity. He said it would require another conversation to identify which agencies would be involved, to what capacity, and what processes would need to be followed. The agencies and processes involved would have a significant bearing on the time needed to complete a project and how the solutions could be utilized. He indicated staff needed to identify larger processes which would affect the possible solutions for the public's information. Staff needed to provide all of the information so there would be a real understanding.

Commissioner Lucey summarized his direction to Mr. Solaro would be to move forward with some process which would draw down the water level of the lake. He requested a report of the financial obligation of the County, whether there were grant opportunities, whether FEMA would participate, what permits would be required, and if any processes involving federal agencies would be required.

Chair Hartung thanked Mr. Solaro, Mr. Smith, and staff for putting together the matrix information. He stated the matrix needed to indicate whether the project would provide a global solution. As an example, he noted elevating homes would not provide a global solution. An elevated home could be difficult for the resident to enter and exit and animals could not reside on the property, thus making it an untenable solution. Each solution on the matrix needed to be evaluated for viability to start narrowing down the possible projects.

Chair Hartung said he had received a question about dredging, to which he replied it was expensive and very difficult. He calculated it would take 968 days to move that much soil so it was an untenable option. He felt there were two items on the matrix which would work. He referred to Consent Agenda Item 5C8 where the Board approved an Interlocal Agreement with RTC which identified Lemmon Drive as a project at a cost of \$15.3 million from RTC's budget. He noted the RTC project was limited to the portion of Lemmon Drive between Fleetwood Drive and Chickadee Drive. He said elevating Lemmon Drive was an initial way to solve the issue but wondered what the appropriate height for the road would be. He suggested the County could approach FEMA for Pre-Disaster Mitigation Grant Program (PDM) funds to elevate the north and south ends of Lemmon Drive not covered by RTC's project. He stated he had spoken with Congressman Mark Amodei who had assured him he would assist in trying to solve the issue once the County had a direction.

Chair Hartung said the other solution was the reservoir on the east side of the lake which Commissioner Herman had brought to the Board's attention. He said it was parcel 080-740-02, a 1,360 acre parcel owned by the federal government, though the County would not need the entire parcel. He stated an environmental impact statement would be needed and the Department of Wildlife would need to be involved because the federal government would ask whether it was sage grouse habitat. He expressed concern about the existing subdivision that including Utah Street and Arkansas Street. If the reservoir or dam breached, the water would go into those homes, meaning the County would have created an unintended consequence. There would need to be a spillway. He recognized there were a number of components to the solutions. He had not seen where the reservoir on the east side was being considered and he had not given up on the Reno Sparks Indian Colony using the water. He clarified the Reno Sparks Indian Colony wanted effluent from the Reno/Sparks plant, not just the water in Swan Lake. He said that option was still a possibility which the Board could consider.

Commissioner Lucey requested future outlook information once a plan was in place and infrastructure was decided. He wanted information about what the County would do with the permanent infrastructure after the lake was pumped and during

droughts when it dried up. He noted there would be possible costs associated with maintenance if pump stations were turned off and left sitting for a period of time. He asked who would pay for the installation of a reservoir and dam and whether the State would take it over. He requested staff provide information about ongoing maintenance costs for any permanent infrastructure as they moved through the recommendations.

Commissioner Jung asked whether there was a way to prioritize most affected to least affected residents and have meetings with those groups of people. She suggested asking residents who could not get into their homes what they wanted to see. She suggested staff present several options to residents, working in concentric circles of impact. She said staff could take options to the people once the source of money was identified, asking them what they wanted and how much they were willing to pay for it.

In reference to levees, Commissioner Jung said she understood they would be on BLM land, which would take an act of Congress to get done. She expressed concern about what congressional delegates were doing for the County in terms of getting the FEMA disaster reimbursement. She said California had been getting a lot of attention because of the wildfires. She queried whether staff had asked delegates to push for the County to get the reimbursement. She inquired what funds the County would be willing to contribute, to what extent residents were willing to contribute, and whether an investment was required.

Commissioner Jung was adamant the first step should be having discussions with residents and then asking other taxpayers the extent to which County should pay. Everyone needed to see the amounts the County had paid, how the funds had been disbursed, what had happened to the budgets, and what other County areas would not be getting projects. She believed the story had not been told well and she wanted to see just facts and data. She requested information about how much more the County, the insurance company, and other organizations or municipalities would be expected to pay. She noted nobody had extra money. The County's projections for the next five years were not great. She stated the County was not near bankruptcy like other municipalities but it was not doing great. She said there were many partners but she thought staff needed to start by finding out what the people wanted to do.

Commissioner Berkbigler said it appeared to her all of the solutions on the matrix were long-term except trucking water out of the valley. She noted the effectiveness of that option was questionable and it would add truck traffic in and out of the valley. She said it was apparent the water would never be completely removed from people's properties since the clay subsurface retained water. She agreed with Commissioner Jung's comments in some respects because a moratorium on growth appeared to be the only solution brought forward by citizens to date. She said she neither supported nor opposed the moratorium but she believed it would not resolve the current issue for residents who lived around the lake. The current issue was related to the snow and rain experienced during the previous three years.

Commissioner Berkbigler requested suggestions from staff, engineers, City of Reno engineers, and FEMA about what could be done to fix the immediate issue. She said the County could then consider what needed to be done long-term. She suggested raising Lemmon Drive and building a berm around the lake to make it an actual lake. She stated the only other alternative which made sense was to leave the lake alone but that was not possible because people lived in the area. She asked which short and long-term options would make a difference by the following year.

Commissioner Herman said she wanted to hear from the people as soon as possible. She commented the reservoir on east side was suggested because it would take a short time to build and it could be done by leasing the land from the BLM. She stated it could be a relatively quick solution for an emergency situation, though it would probably not solve all of the problems for the current year. She said it seemed to be the most practical and financially-sound option. She reiterated she wanted to hear from residents.

Chair Hartung remarked a regional storm water utility for the north valleys was an option for long-term management not listed on the matrix. He thought it was one of the solutions the County needed to consider to control the flows by either retaining or detaining them. He expressed concern about the management of the reservoir. He asked whether people would be allowed to use it as a body of water. In response to Commissioner Herman's comment about leasing land from the BLM, he reported he had spoken with them recently and was told they did not often lease land; they would prefer to turn it over to the County. It was part of the lands bill, though he indicated the information would need to be confirmed.

Commissioner Jung requested the fiscal note include the time necessary to see a difference based on each of the chosen solutions.

On the call for public comment, Ms. Tammy Holt-Still spoke about the amount and quality of the effluent discharged into the playa by the two sewer treatment plants, the hazard addressed in 2007 from development, the buyout offers for some of the residents affected by flooding, the development in 1997 which increased effluent, and about not needing a special assessment district for storm water runoff. She asserted the two sewer plants were causing the situation and needed to be addressed. She said the issue had to do with development. She expressed frustration that development and the sewer plants were not on the matrix.

Ms. Leona Galau noted the media made it sound as though residents had built in the middle of a flood plain but permits had been granted and the flood plain had moved multiple times since she moved there. She said it was too late to address needs in a 'just in time' manner. She noted the storms in 1997 did not cause flooding because there was no effluent and no development. She spoke about the issues with raising Lemmon Drive, the evaporation ponds at the sewer plant, the cost of protecting the sewer plant, the contamination from failing septic systems, the culvert built in front of Lemmon Valley, and home values.

Ms. Linda Shelton was called but was not present to speak.

Mr. Dan McCamant mentioned the retention pond at the Prado Ranch development was under water and said it was time to redesign the pond. He questioned the County's concern about storm water when outside water was being pumped in. He said more development would require a bigger sewer plant and it would mean more effluent would be pumped into the lake. He spoke about the water level rising, new homes being approved which would then be flooded by their own sewer water, warehouses and homes being built below the lake, and flooding in the land approved for additional development. He noted berms were being raised but they could only be raised so far. He said the Prado Ranch North and South developments needed to be revisited because their retention ponds did not work.

Ms. Denise Ross said the County needed to accept responsibility before anything could be fixed. She noted the Commissioners were all aware of both sewer plants flooding the lake and stated everyone was pointing fingers at everyone else. She said the Board kept approving more development, which added to the existing issues. She spoke building on a floodplain which was already under water, the need to reconsider the development which had been previously approved, and mosquito abatement on the lake.

Ms. Lori Beach said the spillway going into Lemmon Valley used to be a dirt road and naturally took some water directly into the lake. She acknowledged the lake took five years to evaporate in the past but it might not do so again due to the additional houses and warehouses. She suggested students from the University of Nevada, Reno School of Engineering might be able to find a solution as part of their learning structure. She understood the need for housing but thought building needed to stop until something was done with the effluent. She spoke about the issues created by additional building, the need for a moratorium, and treating the water to grade A+ quality.

Mr. Danny Cleous said the options listed on the matrix would take years and asserted any permanent plan would require a moratorium on building. He spoke about clay materials being used by developers to elevate property, the issues caused by elevating property, the lack of flooding in previous years when there were fewer homes, and eminent domain of vacant property. He stated warehouses and high-density homes were causing the issue. He said residents with septic systems and wells were not contributing to the flooding but were being punished. He stated the barriers should have been moved closer to the lake last fall.

Mr. Tim Fadda hoped the Commissioners had read his email from March 28, 2019 in response to his meeting with the City of Reno, where he presented a copy of a master's thesis on the geology of Lemmon Valley. He said the thesis addressed the playas, the history of the hydrology, and what should and should not be done. He referred to a 1973 study from the United States Geological Survey which stated construction should be restricted on playas because of possible flooding. He stated raising the lake up would require levees to be 130 feet high, which was the elevation difference between Lemmon Valley and Silver Lake. He displayed an overview image, a copy of which was

placed on file with the Clerk, and said the Petco warehouse was built on the 100-year flood plain. He stated all of the warehouses in the Silver Lake area through Stead were built on flood plains and the water had gone to Swan Lake. He asked the Board to stop approving building in the flood plain.

Ms. Katherine Snedigar asked where the \$81 million dollars the County received for flood prevention in Lemmon Valley had gone. She stated the money was from FEMA and there was a report in *The Reno Gazette-Journal* about it online. She asked whether the money had gone to pay salaries and benefits because it was clear to her that it had not been used in Lemmon Valley. She expressed frustration about the Board's approval of growth and development.

Ms. Elise Weatherly said Commissioner Jung was correct in saying the bottom line was about money. She stated the community needed to define who would pay for what and when. She suggested the County ask John Ascuaga's Nugget to make a donation to help with the flooding issue. She said County salaries were too high and asked whether the County Manager could be replaced with someone who would require a lower salary. She spoke about lawyers writing laws to skirt responsibility, accountability with home ownership and insurance, and making changes to the County budget.

Ms. Carli Fripp said the lake would never be dry because of the amount of effluent which was pumped into it, so having a fix for the flooding would not be a waste of money. She suggested the first step would be to treat the effluent to a class A+ quality, which would provide more uses for the water. She acknowledged it was not fair that so many of the County's funds were used on the issue but said it was not fair that residents had dealt with flooding for so long. She thanked Commissioner Jung for being vocal in trying to get information on questions the residents had.

Ms. Paula Povilaitis said she was not affected by water on her property but was affected by the stress in her neighborhood and the uncertainty of whether she could cross Lemmon Drive or not. She had witnessed drivers trying to decide what to do when there was one foot of water on the road and no place to turn around. She noted there were elderly residents in her neighborhood that needed to be protected. She wondered whether efforts could be focused on developing an alternate road to provide reliable access to residents and emergency services. She inquired whether it would be better to completely close Lemmon Drive rather than constantly trying to pump water. She spoke about the need for the school to be fixed, the unavailability of the park system during the summer, and mosquitos. She said the things staff had tried were good but were not helping residents.

Ms. Kathy Hefti said she thought a moratorium on building was the best option. She noted people drove too fast when Deodar Way was used as a detour so using it would not be a good idea except for emergency vehicles. She spoke about the condition of Lemmon Valley Elementary School, the effect of current rain and hail on Lemmon Drive, the Hesco barriers, and getting a report of the \$81 million in expenditures.

Commissioner Jung thought Mr. Solaro had taken notes of the Commissioners' requests. She suggested he draft a memo for the Board summarizing what was requested and perhaps meet with each of the Commissioners. She requested an addition to the matrix indicating the ratio of effluent to the entire lake for both the County's and Reno's sewer plants. She asked Mr. Solaro to investigate the public comment regarding \$81 million for Lemmon Valley because she had not heard about or seen that money. She said Ms. Paula Povilaitis' suggestion to close down Lemmon Drive should be included in the matrix and considered as a solution. She suggested closing down Lemmon Drive could be part of the moratorium because it was unsafe, unreliable, and created a lot of work for staff. She asked Mr. Solaro to consider it and provide the cost information, the pros and cons, and the opinion of residents of the entire valley.

Chair Hartung asked Mr. Solaro whether he had enough information or if he wanted more direction. Mr. Solaro stated he was comfortable returning to the Board with additional information based on the notes he took. He understood the desire of the Board was to contain Swan Lake within a boundary and there were a variety of options for accomplishing that goal. Staff would generate a plan which would be the best use of funds, make the most sense, and be based on the information received from the experts. He said the process would involve collaborating with the engineers working on the HMP to vet some of the options as discussed by the Commissioners. He indicated the plan would be based on the goal of containing Swan Lake within a boundary. He assured the Board the information he would provide would be based on known facts and experts' opinions, especially given the significant amount of hearsay at meetings. He said the updated matrix would contain adequate schedules, funding strategies, possible responsible parties, and much more information, enabling the Board to make informed decisions about a project or series of projects.

Commissioner Berkbigler requested that the updated matrix provide information about updating Deodar Way if the ultimate decision was to close Lemmon Drive. She thought Deodar Way was a gravel road which would probably need to be upgraded and repaired. She wanted to see the costs associated with the project and whether it could be done. She understood the roads were private and was unsure of what authority the County would have to do the work. She thought those were factors that needed to be considered.

Chair Hartung indicated he had sent Mr. Solaro information about a polymer which could be put down quickly if the weather conditions were right. He noted they had to speak with someone because the road was on private property.

Commissioner Jung asked when the Board and the public could expect to have the new matrix. She understood Mr. Solaro might need to think that over but she asked for a hard date to be communicated to the Board and the public, who she thought would appreciate knowing when the draft could be expected. She also wanted to have an expected date so the County could begin executing the agreed-upon plans.

Commissioner Lucey said he was also interested in a timeline for the updated matrix. He stated Swan Lake was owned by the federal government so he wondered what type of permitting would be required for any actions on the lake itself. He requested that type of information be included in the updated matrix. He inquired whether FEMA had indicated when they would address the Board or participate in meetings to discuss federal funding. He requested some form of presentation from FEMA about Lemmon Valley or an understanding of their participation.

Chair Hartung thanked Commissioner Lucey for filling in that blank. He noted they had a phone conference with FEMA while in Washington D.C. He said FEMA had agreed to speak with the Board and hoped they had ideas. He indicated there were two things he wanted FEMA to help with: the possibility of using the east side reservoir and the possibility of building levees on the north and south ends of Pompe Way. He noted building levees would be of no value unless Lemmon Drive was elevated. He requested that the timeframe for elevating and widening Lemmon Drive be included in the update from staff. He noted the road design would include how to manage the water on both sides of Lemmon Drive.

Chair Hartung asked Mr. Solaro if he had enough information from the Board. Mr. Solaro replied that he did.

Commissioner Herman thanked Mr. Solaro for taking on the job, noting it would be difficult.

Chair Hartung noted it was 2:00 p.m. and Commissioners had not taken a break. He asked Deputy District Attorney David Watts-Vial whether the Board had need for a closed session. Mr. Watts-Vial said yes. Mr. Slaughter said he was told the closed session might take approximately 20 minutes. By adding in time for the Commissioners to go upstairs, he estimated it might be 30 to 45 minutes. It was decided the meeting would reconvene at 2:45 p.m.

19-0268 **AGENDA ITEM 12** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

There was no response to the call for public comment.

2:04 p.m. On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 5-0 vote, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

2:45 p.m. The Board reconvened with all Commissioners present.

19-0269 **AGENDA ITEM 7** Recommendation to authorize Assistant County Manager, Dave Solaro, to enter into all necessary emergency agreements and construction contracts for the continued development and implementation of the 2019 mitigation and response measures associated with the Lemmon Valley Wastewater Treatment Plant for access road and berm improvements [not to exceed \$500,000], and for seepage, bypass, and backup pumping systems associated with the treatment plant and collection system [not to exceed \$150,000], pursuant to NRS 332.112 and 338.011. Community Services. (Commission District 5.)

Director of Engineering and Capital Projects Dwayne Smith said Agenda Item 7 reflected the need to perform emergency work to raise the access road and berms around the Lemmon Valley Wastewater Treatment Plant. The work began several weeks prior and had just been completed. He stated staff was obligated under Nevada Revised Statute (NRS) 332 to receive Board authorization for the expenditures when emergency actions were taken as part of an anticipated response to public health, safety, and welfare. This item went a step further as staff sought approval for Assistant County Manager Dave Solaro to enter into those emergency contracts.

Mr. Smith explained the lake level rose at a rapid pace due to the significant precipitation events in January and February. He stated he visited the treatment plant with another engineer to examine the facility and the water level; something needed to be done immediately because the water level was increasing. Raising the access road to the plant would allow staff, operators, and chemical deliveries to have safe access to the facility. The emergency measures included building up and armoring the berms around portions of the facility and two of the existing basins. The work was completed by the same contractor who originally did the work to protect the facility in 2017.

Mr. Smith said the work extended to a bypass operation. He stated higher levels of water in the lake caused additional pressure on the joints and manholes of the sewer collection system, resulting in a significant amount of infiltration. He said they bypassed a section of the collection line underneath the lake, allowing a significant reduction of the volume of water going into the treatment plant. The volume was under the permit level of 300,000 gallons per day as a result of the bypass and the other work they had done. He indicated part of the work included installation of additional pumps. He noted the pumps would remove water should a breach occur and would also assist with the constant precipitation and seepage issues which would need to be managed. He said additional pumps and power sources were installed which could be used to operate the facility in the event of a power failure.

Mr. Smith mentioned representatives from the Nevada Division of Environmental Protection (NDEP) toured the plant. The Administrator and the Director of the Water Quality Division toured the facility and looked at the improvements. He stated the NDEP representatives were happy with the proactive measures. They also discussed what had been happening with Swan Lake so the NDEP representatives could

better understand the situation and provide some perspective on the future management of the lake with respect to the wastewater treatment plant.

Chair Hartung stated he wanted to ensure any money spent on the treatment plant was not included in mitigation of Swan Lake totals; those two issues needed to be kept separate. Mr. Smith replied all funds spent on emergency operations at the Lemmon Valley plant came from the Washoe County Sewer Utility rate payers, not from the general fund.

Commissioner Jung noted the previous action cited in the staff report was a declaration of a state of emergency by the County Manager on February 23, 2017. She asked when the declaration would end, if it had been re-declared, or whether it would stay open in perpetuity. Mr. Smith said the action listed in this item was taken under NRS 332.112, which stated action could be taken if it was deemed that an emergency existed outside of the federally-declared flood emergency of 2017.

Commissioner Jung asked who had declared the emergency. Mr. Smith responded action was taken based on his recommendation to Mr. Solaro. Through the chain of command they determined action needed to be taken to provide safe access to the plant, safe berms, and pumping. He said the plant was currently in good standing with a good access road.

Commissioner Jung asked when Mr. Smith noticed the issue. Mr. Smith replied he believed it was on March 20. Commissioner Jung questioned why the issue was not brought before the Board, either as an emergency item or during an emergency meeting, so the Board could approve the outlay of money for the sewer plant. Mr. Smith replied the NRS required staff to report to the Board.

Commissioner Jung asked why the item was not this put on the prior agenda. Mr. Smith replied the action was still taking place. The work was initiated and took approximately 1.5 to 2 weeks and the current meeting was the first one available. Commissioner Jung disagreed, saying the issue should have been brought to the Board or the Chair should have called an emergency meeting.

Commissioner Jung inquired about the expected life of and the plans for the sewer plant. Mr. Smith replied the plant was built in 1971 and maintenance was required on an annual basis. Commissioner Jung questioned what the Capital Improvement Plan (CIP) said. Mr. Smith said some of the items on the CIP for the facility had just been completed, such as aeration improvements done in 2018. He said the facility could operate in perpetuity as long as the regular maintenance was performed, processes were not changed, and no additional flows were added. He emphasized it would require both regular capital improvement and preventative maintenance projects. He said they would replace the facilities as needed to provide for additional capacity.

Commissioner Jung requested more background on the plant. She inquired whether 50 years was normal for the life cycle of a sewer treatment plant and whether a

different location for the plant had been researched. She requested a line-by-line report of how much money had been expended for the plant since January 1, 2016 with notation of when the Board approved the expenditures. Mr. Smith asked for clarification of whether she required every cost including operation, maintenance, capital improvements, and flood response. Commissioner Jung said that was correct.

Chair Hartung asked Mr. Smith whether generating the report would require more than two hours. Commissioner Jung said it should have been in the staff report. Chair Hartung said it would not have gone back so far. Commissioner Jung retorted staff reports always included background but the history for this item only went to 2017. Mr. Smith replied he would be happy to provide that information; he had some of it already.

Commissioner Jung requested an explanation of why the item was not brought to the Board as an agenda item before outlaying the money. Mr. Smith reported staff had initiated work with a local wastewater planning firm to review the options for the Lemmon Valley Wastewater Treatment Plant. He said it was done in the larger context of facility planning efforts with all wastewater treatment facilities in conjunction with the City of Reno. When two treatment plants were located within one closed basin, there could be opportunities for a low-cost approach for new facilities to help drive cost lower for customers. The review of the Lemmon Valley plant was part of that plan. He noted staff had a draft copy and was working through some of the details; he anticipated reporting back to the Board in a larger context.

Commissioner Lucey asked Mr. Smith who utilized the sewer directed to the Lemmon Valley treatment plant. Mr. Smith responded the treatment plant treated flows from unincorporated Washoe County and City of Reno residents. Commissioner Lucey inquired whether the City of Reno also had a treatment facility in Lemmon Valley. Mr. Smith confirmed the Stead Treatment Plant was approximately three miles west and it was owned and operated by the City of Reno.

Commissioner Lucey surmised both facilities covered unincorporated Washoe County and City of Reno residents in their capacities. He asked whether there was a percentage or number of homes utilizing each facility or whether it was geographical by nature. He inquired how the sewage was disseminated between the plants. Mr. Smith responded the flow to a treatment plant was typically based on gravity. He said there were several lift stations in the Lemmon Valley area that directed the flows from Washoe County areas to the Stead treatment plant. He stated there was a mixture of both City of Reno and Washoe County in each plant. He indicated staff knew the percentages, whose customers were whose, and who paid connection fees. That was part of what staff did regarding responsibility for the treatment and management of effluent.

Commissioner Lucey asked about the capacity of the Lemmon Valley plant in terms of sewage customers. He noted the storm water capture fluctuated but the sewage customers would likely be a fixed percentage of usage. He asked what the equivalent residential units (ERUs) were. Mr. Smith responded the facility had been

operating at 210,000 to 220,000 gallons a day prior to January 2019, which accounted for approximately 1,200 ERUs. He said the facility had flows above 300,000 gallons per day when the storm events started to raise the lake levels again; the emergency work served to divert some of those flows and reduce infiltration. Under normal circumstances, the plant operated at 73 percent capacity with approximately 1,200 ERUs. He indicated he could send the Commissioners an email with the specifics, including a map showing the areas flowing to the Lemmon Valley plant and the areas flowing to the Stead plant.

Commissioner Lucey noted the agenda item would allow for up to \$500,000 for improvements for the facility to continue normal operation. He inquired about the financial needs to improve the facility in the future. He noted residents had expressed concern about whether the County would be able to continue pumping effluent into a closed basin with the increased flows from the additional development. He questioned whether the County needed to start identifying projects to pump water out of valley like they did in the Swan Lake matrix. He wondered what the costs of those projects would be. He suggested pumping water to the Truckee Meadows Water Reclamation Facility (TMWRF), noting the facility had no available capacity and their existing agreements and particulate needs had to be considered.

Commissioner Lucey said the County was in a unique situation and needed to consider future capital improvement projects to improve the plant and move the water out of a closed basin to a basin with natural drainage. He wanted to know what kinds of improvements would be needed in future. It was a prudent discussion because they were considering spending half a million dollars on improvements for a treatment facility. He said the Board needed to begin discussions about the future needs of the facility and when they would need to spend more money. He suggested the Board consider a long-term global approach to address the needs in Lemmon Valley. He said a moratorium on building in Lemmon Valley would not stop future Boards from allowing additional development, so the CIP needed to address the possibility of future growth. He asserted growth would occur at some point and asked for the Board to consider what future Lemmon Valley residents would need from the treatment facility.

Chair Hartung said he had discussed with Mr. Smith a very state of the art treatment plant which would utilize water in a different way. He stated treating water to an A+ classification would result in only drinking water coming out of the plant. He thought a state of the art plant made long-term sense instead of having the existing plants. He mentioned they had discussed consolidating plants which was what had happened with TMWRF. He wanted to see how the County would deal with the changes. He asked whether a connection from the back part of Spanish Springs would be possible and whether a single plant might be used to address the needs of several different areas.

Commissioner Lucey mentioned there had been a number of benefits in in Damonte Ranch, Double Diamond, and Curti Ranch from the use of effluent water from the South Truckee Meadows Wastewater Reclamation Facility. Using effluent water at its current treatment capacity was a solution but discussions continued about how technology could benefit water. He stated Chair Hartung had advocated for technology

regarding water and he questioned why the Board was not engaging in a larger discussion about it. He requested future plans be included in discussions of mitigation, like the issue addressed in Agenda Item 6.

Chair Hartung noted the agenda item did not involve improvements, only safety measures. Mr. Smith confirmed the agenda item did not involve improvements or capital projects for the facility. They expenditures were not for normal operation or maintenance costs, they were specific emergency measures in response to the rapidly rising lake levels.

Commissioner Lucey said he understood that and expressed concern about the difficulty of identifying the cause of the issue. He said he wanted to discuss finding a better solution rather than simply continuing to perform emergency management. Mr. Smith agreed those questions were important and said he had information to share with the Board. He stated staff could return to have a more comprehensive discussion with the Board based on requests from the Commissioners.

Mr. Smith noted he had previously presented to the Board and discussed sewer capacities, although he had not discussed the Lemmon Valley facility in detail. He explained both the County and the City of Reno had wastewater treatment plants discharging treated effluent into the Swan Lake area whether there was water in the lake or not. He stated the County and City were collaboratively considering options for using the treated effluent for better purposes.

Mr. Smith referred to a test program which was underway in the American Flats area to study the recharge capabilities of the aquifer. He said the study started by using potable water and would transition to using class A+ water, or water treated to drinking water standards. He indicated the study would provide information about opportunities for preserving treated water from one or both treatment plants for future use. He stated the search was expanding as far as Bedell Flats to identify other areas where the same thing could be done. He said treated effluent was a valuable resource that needed to be preserved. He recognized the challenges associated with the Lemmon Valley area, specifically Swan Lake. He said it was clear that the volume discharged by the treatment plants into Swan Lake was de minimis compared to the total volume of the water in the lake. Staff would not want to add any additional water to the lake under certain circumstances but there was no alternative. He indicated the County had a permit which they were following while trying to develop alternatives. He said he would return to the Board with a comprehensive report.

Commissioner Lucey said a more detailed conversation was absolutely necessary. He stated it was a very global issue involving water rights, water needs, and the various challenges involved. He noted the County currently had a plethora of water while some areas to the east were experiencing significant drought. He wanted to consider ways to move water and utilize it in better ways. He noted Chair Hartung had done an amazing job of looking at innovative technology for water treatment. He stated he would rather discuss spending money on technology which would take the County to a

different standard than spending it on emergency management, although he knew it was necessary.

Chair Hartung remarked stressed the importance of turning effluent from a liability to an asset. He noted there were many users of effluent during irrigation season.

On the call for public comment Ms. Tammy Holt-Still said the County spent millions of dollars to elevate and protect a sewer plant built in a 100-year flood plain. She spoke about Reno businesses that were connected to the Lemmon Valley plant, pointing out more than just residents were connected to the plant. She stated a City of Reno representative had reported the treatment plant was operating at 85% capacity. She noted the County needed to control the water and take care of current residents before they worried about future residents. She spoke about the treatment plant's permit and expressed concern about putting more effluent into a closed basin.

Ms. Denise Ross was called but declined to speak.

Ms. Leona Galau spoke about the timing of the emergency measures for the treatment plant and pictures of flooding taken by residents. She described a County plan from 2005 which included injecting effluent into the ground and improvements to be made as growth occurred. She stated the growth had occurred but the changes and improvements had not taken place. She asserted the Lemmon Valley plant was outdated as of 2005. She asked for building to stop and for the Commissioners to review the capacity. She believed the flooding was a result of the unreasonable and unplanned development and residents were paying the price.

Mr. Danny Cleous referred to a graph of the water level presented during Agenda Item 6. He stated the road to the treatment plant had been raised multiple times. He discussed the permit for the treatment plant and noted there were supposed to be nine evaporation ponds at the facility but there were only two. He said staff took preventative measures for the facility but not for residents. He noted the issues continued to occur, the County continued to spend money, and he wanted the misinformation cleared up. He noted it was suggested to move the plant to Stead 14 years earlier but that had not happened.

Chair Hartung asked Mr. Smith to briefly discuss the pumping operations that had occurred. Mr. Smith replied he believed people were concerned about pumps located on top of berms around the settling ponds. He said one of the settling ponds was dry and one was being used. The pumps would allow staff to manage any issues with the ponds with the pump in the dry settling pond taking care of seepage. He reported there was a pump with a suction hose in the bermed area where the treatment plant sat. He indicated the pumps were only used to take care of seepage but could be utilized to help manage other emergency issues. He noted the NDEP reviewed the operations and he made sure they understood and were in full agreement with what had been done.

Commissioner Jung said she would support the item because it was important emergency protocol but asked to revisit the topics of emergency items put on agendas and when emergency meetings were held. She stated she did not want not post facto items when the County Manager could only approve up to \$100,000. She noted she was not abdicating her responsibility anymore but this needed to be done.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be approved and authorized.

19-0270 **AGENDA ITEM 10** Introduction and first reading of an ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207, approving Amendment of Conditions Case Number WAC19-0001, amending Development Agreement DA09-002, originally approved in 2009 and previously amended in 2013 (Amendment of Conditions AC13-006), to extend the deadline for filing the next final map for Sun Mesa Tentative Map TM04-001 (approved for 207 lots) to April 28, 2020, with all subsequent final maps submitted for filing after April 28, 2020 being subject to the deadlines set forth in NRS 278.360. The applicant and property owner is Landstar Sun Mesa, LLC. The parcel (APN 504-460-02) is located at the eastern terminus of Sun Mesa Drive in the Sun Valley planning area and is approximately 37-acres in size. It has a master plan category of Suburban Residential and regulatory zones of Medium Density Suburban and Open Space. The property is within the boundaries of the Sun Valley Citizen Advisory Board. This request is regulated under Washoe County Development Code Article 814. And if approved, schedule a public hearing date and second reading for April 23, 2019. Community Services. (Commission District 5.)

Nancy Parent, County Clerk, read the title for Bill No. 1821.

There was no public comment on this item.

Bill No. 1821 was introduced by Commissioner Berkbigler, and legal notice for final action of adoption was directed.

19-0271

AGENDA ITEM 11 Public hearing: Affirm or reverse the Planning Commission's denial of Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18-0006 for Marshall Ranch. Should the Board decide to reverse the denial, possible action to adopt the Master Plan and Regulatory Zone Amendments and, if adopted, authorize the Chair to sign the resolutions to that effect. WMPA18-0006 seeks to adopt an amendment to the Washoe County Master Plan, Warm Springs Area Plan to change a Master Plan Category on three parcels totaling $\pm 1,088.88$ -acres to Rural Residential; to establish a character management area (CMA) with a character statement and specific policies governing these properties; and to amend Policy 4.6 to allow Medium Density Rural within the CMA. The subject parcels were recently removed from the City of Reno's Sphere of Influence, where they had a Reno Master Plan Category of Special Planning Area and which currently have a Washoe County Master Plan designation of Rural per Policy 1.2.16 and the translation table contained in Appendix 7 of the 2012 Truckee Meadows Regional Plan. Subject to final approval of the associated Master Plan change and a finding of conformance with the 2012 Truckee Meadows Regional Plan, WRZA18-0006 seeks adoption of an amendment to the Warm Springs Regulatory Zone Map, changing the Regulatory Zone from General Rural (maximum density one dwelling unit per 40 acres) to Medium Density Rural (maximum density one dwelling unit per five acres) and Open Space (no allowable density). If approved, these changes would potentially allow for up to 187 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone. The applicant and appellant is Krater Consulting Group and the property owner is Winnemucca Holdings, LLC. The subject site is comprised of three parcels in the Warm Springs planning area, located at 9055 Winnemucca Ranch Road (APNs: 079-220-23 [± 244 -ac.]; 079-220-26 [± 41.5 -ac.]; 079-220-37 [± 803.2 -ac.]). The existing master plan category is Rural, and the proposed category is Rural Residential. The existing regulatory zone is General Rural, and the proposed regulatory zones are Medium Density Rural (± 935 -ac.) and Open Space (± 153 -ac.). The site falls within the boundaries of the Warm Springs/Rural Citizen Advisory Board. Community Services. (Commission District 5.).

Nancy Parent, County Clerk, noted she received email correspondence from Mr. Tom Prentice and Ms. Nancy Brown, both in favor of the project. The emails were placed on file with the Clerk.

Chair Hartung opened the public hearing and asked if Commissioners had questions for staff.

Kelly Mullin, Senior Planner, indicated the Planning and Building Division had received a request from the appellant Ken Krater to continue the appeal.

hearing to the May 14 or May 28, 2019 Board of County Commissioners meeting. She said Mr. Krater was present to officially make the request.

County Manager John Slaughter stated the May 14, 2019 meeting would be cancelled because there would not be a quorum. The request would need to be for the meeting on May 28, 2019.

Chair Hartung asked about the reason for the request. Ms. Mullin deferred to the applicant to describe the reason.

Ken Krater of Krater Consulting Group said it had been stated earlier in the meeting by a neighbor that he had a conflict of interest due to his role in the Capital Improvements Advisory Committee. He stated he was confident there was no conflict but he wanted to consult with his attorney before he presented the case to the Board to avoid any possible negative impacts on his partners. He referred to a public comment regarding a roadway issue and he wanted time to resolve it. He indicated the primary reason for the continuance request was the possible conflict of interest.

Chair Hartung asked the Commissioners whether they wanted to go forward with the hearing or whether they would like to issue a continuance.

Commissioner Berkbigler responded she recommended the Board issue a continuance based on Mr. Krater's concerns and the public comments. She said the hearing should be continued to next available meeting.

Mr. Slaughter said the item was noticed as a public hearing so, regardless of the action taken by the Board, they would need to open the public hearing in case anyone wanted to speak on the item. Chair Hartung opened the public hearing.

Chair Hartung asked Commissioner Berkbigler whether her comment was in the form of a motion for continuance. Commissioner Berkbigler replied it was. Commissioner Jung seconded the motion.

On the call for public comment, Ms. Pam Roberts said she prepared a letter which was provided to the Planning Commission and planning staff in advance of their decision to deny application on February 5, 2019. A copy of the letter was placed on file with the Clerk. She pointed out the Warm Springs Master Plan stated the County sought to preserve the scenic resources and views of the Warm Springs Planning Area as seen from Pyramid Lake Highway. She noted the planned development would be visible from the highway and would negatively impact the views. She mentioned the Plan stated the County would cooperate with federal and State agencies to protect the Carson wandering skipper so it could be removed from the endangered species list, but the development would impact one of only three remaining habitats. She said the burden was on the appellant. She was in support of the Planning Commission's decision. She spoke about the staff report, the Citizens Advisory Board, and a survey that showed 53 of 55 Warm Springs residents opposed the project. She noted the developer designated 812

acres as a conservation easement to convince some of the residents. She urged the Board to affirm the Planning Commission's denial of the project.

Ms. Susan Ambrose was called but opted not to speak.

Ms. Sharon Korn was called but she wished to delay her comment.

Mr. Wes Cameron noted he lived off Winnemucca Road and said the area had a lot of garbage from motorcyclists. He said the County would lose the valley if they allowed any more subdivisions. He did not want Palomino Valley to become Lemmon Valley. He said some people were looking at the development for personal benefit but he wanted to maintain the beauty and peacefulness of Palomino Valley. He spoke about the issues resulting from the zoning change including sewer, water, and traffic issues. He urged the Board to delay development to keep the valley pristine and he asked for existing issues to be fixed first.

Ms. Katherine Snedigar spoke about developers who had not built in Palomino Valley because of the high cost of infrastructure. She said developers could not sell homes for a higher price than they were worth simply because they needed to pave roads. She stated residents were told the Specific Plan Area (SPA) was the only area which would be developed. She spoke about Mr. Bob Marshall developing his property and stated County staff did not monitor developers or hold them to the rules. She believed it would not take long for another developer to decide to build apartments in the valley. She stated Palomino Valley parcels needed to remain a minimum of 40 acres.

Deputy District Attorney David Watts-Vial said there was a 60-day requirement under Nevada Revised Statute (NRS) 110.820.25 d and e. He said the Board could continue the hearing but needed to take final action within 60 days of the appeal being filed with the Clerk. He noted continuing the item to May 28 might be close to the 60 days.

Commissioner Berkbigler state she had met with Mr. Krater and with the ladies from Warm Springs, so she had met with people on both sides of the issue. She noted she made the motion based on testimony from two residents who felt some issues had not been addressed. Her motion had nothing to do with whether she supported the project or not. Normally the Board would allow someone the opportunity to fix an issue before returning to appeal.

Chair Hartung expressed concern about having to supply services and infrastructure. He noted the County would become responsible for mitigating flooding, road maintenance, fire and police services, and issues with wells if the Board allowed the project to proceed. He said he was not concerned with the conflict but he was concerned with developing those types of properties because there was an issue supplying services to those parcels. He indicated he would not support the continuance.

Commissioner Berkbigler expressed concern about transportation and water service, stating those concerns had not been resolved. She said she had not meant to give the impression she supported the project. The issue of transportation and the associated costs continued to be a concern. She mentioned the Regional Governing Board had been considering ensuring a municipality would be able to provide services to any development they approved. She said the ability to provide services for the project had not been demonstrated to her, but it had nothing to do with why she made the motion.

Chair Hartung remarked the original SPA had a General Improvement District and still had road maintenance issues; it would not always solve the issues.

Commissioner Berkbigler thought the Board first had to decide what to do because they could not just delay the hearing. She asked Mr. Watts-Vial for direction. Chair Hartung said the Board was deciding on whether to approve a continuance. Mr. Watts-Vial indicated the Code required the Board to take final action within 60 days of the filing of the appeal with the County Clerk, not 60 days from this meeting.

Chair Hartung asked when the appeal was filed. Ms. Mullin replied the appeal was filed with Washoe County on February 12, 2019 and the staff report was prepared on March 8, 2019.

Chair Hartung asked Mr. Watts-Vial whether the count would start February 12 or March 8. Mr. Watts-Vial said the Code indicated it would be the date filed with the Clerk.

Ms. Mullin pointed out a section of the Code allowed for an extension of the appeal hearing date by agreement with the appellant and the Board of County Commissioners. Mr. Watts-Vial noted he had read subsection e but subsection d said a copy of an appeal which was deemed complete by the director would be delivered to the County Clerk, who would schedule a public hearing at the next available regular meeting of the Board. This needed to be done not later than 60 days from the day the appeal was received by the Clerk. He noted the Code referenced the County Clerk again.

Chair Hartung stated April 13, 2019 would be 60 days from filing. Commissioner Berkbigler noted it was already April 9. Commissioner Jung asked whether the extension could be agreed on. Mr. Watts-Vial said subsection e referenced NRS 2678.3195(2), which required the hearing to be within 60 days of the filing of the appeal with the County Clerk.

Commissioner Berkbigler said she needed to withdraw her motion based on the Code. Commissioner Jung said the same.

Commissioner Lucey said he thought the Board needed to move forward with item. He expressed concerns regarding infrastructure needs with the project as drafted. He indicated he would uphold the Planning Commission's denial of the project.

Commissioner Lucey moved to uphold the Planning Commission's decision. Commissioner Jung seconded the motion.

Mr. Watts-Vail stated the Board had taken a motion to deny the continuance but still had an obligation to conduct a public hearing. Commissioner Jung stated the Commissioners had conducted the hearing. Mr. Watts-Vial responded the Board needed to allow Mr. Krater to speak.

Chair Hartung asked Ms. Mullin to speak followed by Mr. Krater. Ms. Mullin said Mr. Krater had indicated he wanted to withdraw the application.

Chair Hartung asked Mr. Watts-Vial what would happen if Mr. Krater withdrew his application, adding he believed the applicant had one year to resubmit the appeal. Mr. Watts-Vial responded the applicant had the ability to withdraw the appeal at any time. It was his understanding the applicant had a year to re-file but he would defer to Ms. Mullin.

Trevor Lloyd, Planning Manager, stated it was staff's understanding the applicant could not submit the same application within one year. If the application changed and it was a different request, the applicant could re-file at any time. Chair Hartung asked whether Mr. Krater could submit the same application in 366 days. Mr. Lloyd said that was correct.

Chair Hartung summarized there would be no motion with on a withdrawn request. He asked whether Mr. Krater would like to speak. Mr. Slaughter suggested it would be proper to have Mr. Krater present on the record. Chair Hartung agreed.

Mr. Krater said he wanted to officially withdraw his application and search for a different type of entitlement process that would work with neighborhood and the County.

19-0272 **AGENDA ITEM 13** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.).

County Manager John Slaughter said staff working in Carson City requested direction from the Board regarding Senate Bill (SB) 25, which was related to the E911 surcharge. He noted the Board had requested two amendments to the bill, one of which had been approved. He recommended the Board change their position for SB 25 from 'opposed' to 'neutral' and continue to work on the bill.

Mr. Slaughter said the amendment that was accepted involved a liability issue. The amendment which was not accepted related to paying for training costs. He indicated staff would continue to work with the sponsor and others to amend the bill. Staff recommendation was to move from 'opposed' to 'neutral' with the hope of becoming supportive.

Commissioner Lucey inquired whether the liability issues pertained to ensuring entities would not be liable for the costs of managing those employees' files. Mr. Slaughter responded that was correct, staff had been concerned because the County would collect 911 fees and distribute them. There was a question of whether telecommunications companies would respond by saying it was not a proper use of the money. He stated the County collecting and distributing the funds could possibly result in liability.

Commissioner Berkbigler said she understood the County would be liable because it collected the fees. She asked whether the County would need to monitor the other entities to ensure they did not use the funds improperly. Mr. Slaughter replied it was a possibility. Commissioner Berkbigler said that would be a predicament and Mr. Slaughter agreed it would be a burden.

Assistant County Manager Kate Thomas stated the amendment would shift the liability to the entity providing personnel. She said the training component remained a concern and staff was working to resolve it.

Chair Hartung asked Mr. Slaughter whether he wanted the Board to vote on the legislative report as a whole or whether they needed to vote on each individual item.

Commissioner Lucey noted he and Commissioner Jung were the legislative liaisons for the session. His recommendation was to vote on the legislative packet as a whole unless there was an individual bill the Board wanted to remove from the list or change positions. Chair Hartung accepted the recommendation.

Commissioner Berkbigler asked Mr. Slaughter whether he would like to speak about Assembly Bill (AB) 397 and how it would change State requirements. Mr. Slaughter replied AB 397 was primarily sponsored by the Majority Leader Teresa Francisca Benitez-Thompson and it related to misconduct by certain public officials. He said the Legislature and the Governor had rules regarding that behavior and whether or not individuals could be impeached from their office. He noted those rules did not exist at the county, city, or municipal district level. He said AB 397 was an attempt to extend protections to those entity levels. It would shift the review of allegations to the Nevada Equal Rights Commission, where allegations were substantiated. He stated the bill would allow the Legislature to conduct impeachment hearings for those officials.

Commissioner Berkbigler commented it was explained to her Washoe County was the only county in the State that had those types of regulations in place but

did not have the ability to impeach County elected officials. She said the bill would move the County into conformance with other agencies and elected statutory officers. She thought it was an excellent piece of legislation and any elected official in the State needed to be in a position to be forthright with their behavior or be impeachable.

Mr. Slaughter indicated the bills highlighted in blue were new to the watch list. He indicated Friday, April 12 was the deadline for bills to pass the First House Committee, a major deadline. After April 12, any bills that had not gotten through would be off the list. He noted the next report might still include some of the bills which had not made it through because the deadline overlapped with the generation of the report; staff would try to denote those bills on the report.

Commissioner Berkbigler pointed out some of the bills highlighted in blue were related to the issue of “missing middle” housing. She surmised the region had a shortage of all housing but there was a definite shortage of workforce housing or low-income housing. She thought it would behoove the Commissioners to consider those bills carefully as they made decisions for the \$20 million spent annually on homelessness, low-income housing, and related issues including the new housing trust fund. She suggested Commissioners review the bills to see which of them were troublesome and which gave them hope of receiving funds for County issues.

Chair Hartung asked Commissioner Berkbigler where she wanted to start. Commissioner Berkbigler listed AB 46, SB 92, SB 104, and SB 256. She thought those bills potentially had value and were worth reviewing to discuss whether or not they were a good idea. The Board could then give Mr. Slaughter and staff some direction. She acknowledged everyone was working on homelessness and low-income housing issues so they were important to all Commissioners.

Commissioner Lucey said Commissioner Berkbigler’s comments regarding the housing issues were important. He noted some rules had been waived during the current legislative session and, although those bills needed to be out of committee by April 12, he surmised the deadline might be waived to provide a continuation for hearing some of the bigger bills. He indicated some of the bigger bills concerning major issues had not yet made it out of committee. He said a large number of small, related bills were being consolidated into a larger bill. He conjectured there would be some bill consolidation prior to April 12 or the deadline could be extended.

Commissioner Berkbigler noted there was a piece of legislation which would allow municipalities to place rent control restrictions. She believed it would impact all broad-based municipalities, including cities and counties. She wanted to ensure it was something allowed but not mandated on the County. She understood the language she had reviewed did not mandate anything and she would not want it to be mandated.

Chair Hartung said he did not like having the tool because it went against all tenets of free markets. He asked Commissioner Berkbigler whether she would like to discuss AB 46, SB 92, SB 104, and SB 256. Commissioner Berkbigler responded she did

not want to discuss each bill; she only wanted to point them out to the other Commissioners because they had the potential to be essential for the County.

Mr. Slaughter noted Government Affairs Liaison Jamie Rodriguez had outlined bills by issue as requested by the Board. There was an additional requested topic from Commissioner Jung concerning consumer protection. He said Ms. Rodriguez wanted to speak with Commissioner Jung about narrowing down the topic because it was a very broad issue.

Mr. Slaughter referred to an earlier comment made by Commissioner Jung regarding courthouses and the Legislature. Commissioner Jung replied she had already brought it up. She wanted to know what the County was doing.

Commissioner Jung inquired whether bill sponsors were proposing bills at the request of the local entities, who would have to carry them out, or whether they were suggesting their own solutions and telling local governments what to do. She felt a senator or assemblyperson should consult local governments about what solutions to propose. She said the sponsors worked for local government, not the reverse. She wanted to know who the bill sponsors were, whether the bills originated with the County, and why they were developing solutions for things local governments had not requested. She expressed frustration with the process, saying it had nothing to do with partisanship; it was a matter of what was effective.

Commissioner Jung noted they might develop solutions for the affordable housing issue which local governments did not request, but the local government might not have the money to follow through. She said there was a push to have legislative session year-round but they needed to be more effective and informed by the end users, not the reverse. She pointed out the amount of staff time involved in meetings was costly. She indicated she wanted to begin discussions for the next legislative session so the County could request bills which would provide solutions to local issues. She said it was time to make the change given that there was a new administration and a new Governor who had been in local government.

Chair Hartung said he understood and asked how many bill drafts were available to the County. Mr. Slaughter replied the County had two. Chair Hartung agreed with Commissioner Jung that the County could still have sponsors carry their bills but suggested the Board could ask for a change in the number of bill drafts as well.

Commissioner Berkbigler commented that, as a former lobbyist, she thought it was not just Nevada; it was the same in California and throughout the country. She agreed with Commissioner Jung and thought the Board needed to meet with Washoe County elected officials and regional partners from other counties and cities to decide what to do during the next legislative session to benefit northern Nevada. She agreed with Commissioner Jung that they had to get sponsors to carry legislation which solved problems instead of creating more.

Chair Hartung noted staff would be change the status of one bill from 'opposed' to the watch list. Mr. Slaughter clarified it was SB 25 related to the 911 surcharge. Chair Hartung summarized the bill recommendation would be amended to neutral.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that the Board's position on Senate Bill 25 be changed from 'amend' to 'neutral'.

19-0273 **AGENDA ITEM 14** Public Comment.

Ms. Denise Ross displayed a photo of a flooded pond taken the previous month. She said approximately 34 hours after the photo was taken the pond was empty and she asked how it happened. She spoke about a breach which occurred in 2017 and conjectured about possible contamination of the lake and ground water as a result.

Ms. Tammy Holt-Still said staff did not provide the Board with all the information Commissioners needed and would answer direct questions with inaccurate information. She asserted the Commissioners needed to ensure staff provided all necessary information so they could make informed decisions. She said she educated herself about the issues and stated the Commissioners should do the same. She said the flooding issue would not resolve itself. She stated treating the water to A+ designation was the only way to change the situation.

Ms. Marjorie Gwyn was called but was not present to speak.

Mr. Rich Gwyn was called but was not present to speak.

Mr. Tim Fadda asserted there needed to be a moratorium on building in the flood plains, in the playa, and in 100-year zones. He noted staff did not review the downstream effects of runoff water or the other consequences when they reported on a development. The Board was only informed about the property slated for development. He stated Prado Ranch did not fit in the flood plain in Lemmon Valley. He advocated for the suggested storm system and for stopping the effluent from the City of Reno. He said a city Nevada had moved water 28 miles and the County could do the same.

Ms. Elise Weatherly was called but was not present to speak.

Ms. Leona Galau referred to Commissioner Jung's suggestion to close Lemmon Drive and open Deodar Way. She implored the Board not to use Deodar Way, which was a muddy access road not designed to accommodate the traffic. She noted her elderly father had nearly been hit by three vehicles on her property when the detour was in effect. She asked the Board to consider different alternatives and asserted Lemmon Drive needed to remain open for the community because residents on all detour routes

would suffer. She expressed gratitude that resident complaints were being heard but wished the issue had been resolved sooner.

Ms. Katherine Snedigar said she saw see the footings for homes being built in Palomino Valley in the specific plan area. She described the wood component of the footing, which had holes to allow floodwaters to flow under the house, and noted water would remain under the homes. She recounted flooding in the Palomino Valley flood plain in 1987 produced four feet of water. She noted the developer was not including retention ponds or ditches in the new development. She said staff had not followed the regulations for the developer but they were very strict when an individual wanted to build their own home.

Mr. Danny Cleous said it was well known that Truckee Meadows and surrounding areas were in flood plains and wondered how many were in closed basins. He said the runoff going into the Lemmon Valley closed basin went beyond Washoe County storm runoff. He spoke about the Prado Ranch development project and its development company, which he asserted had a history of making bad deals.

19-0274 AGENDA ITEM 15 Announcements/Reports.

There were no announcements.

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4:29 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Carolina Stickle, Deputy County Clerk*