

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

TUESDAY

10:00 A.M.

MARCH 10, 2020

PRESENT:

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

Jan Galassini, Chief Deputy County Clerk
Eric Brown, County Manager
David Watts-Vial, Assistant District Attorney

ABSENT:

Jeanne Herman, Commissioner

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

20-0137 AGENDA ITEM 3 Public Comment.

On the call for public comment, District Health Officer Kevin Dick stated there were currently two presumptive cases of COVID-19 in Washoe County as identified by the State Public Health Lab. He said the Centers for Disease Control and Prevention (CDC) confirmed the first case was a male in his 50s who was isolating and recovering at home. He noted it took four days for the CDC to confirm the presumptive case, but the State data related to presumptive cases had proved to be reliable. He stated case contact investigations had been performed and the Health District was encouraging people in close contact with him to self-isolate. He indicated a few individuals with symptoms tested negative for COVID-19. He said they would continue to work with cases as identified and quarantine people for the 14-day incubation period if they were in close contact with someone who tested positive for COVID-19. He indicated a community phone line was set up for people to call with concerns about symptoms so they could discuss travel history, complete a risk assessment, and schedule for possible testing. He said the State lab currently had capacity and a resupply procedure to ensure sustainability, and they were working to increase the capacity for additional testing soon. Individuals currently needed to meet the risk criteria to justify being tested. He thanked County Manager Eric Brown for being accessible and supportive in working with the Health District and stated the Regional Emergency Operations Center was activated at a Level 1 plus. He said Governor Sisolak was in close communication with the Health District and was providing a great deal of support as well.

Ms. Tammy Holt-Still provided a handout, which was placed on file with the Clerk. In addition, she displayed a photo of water being pumped from Swan Lake to pumps at Idaho Street. She stated she received confirmation this was happening to ensure the pumps did not freeze. She said the water treatment plant breached and discharged class C effluent into Swan Lake. She referred to her handout and opined water from Swan Lake was being put in a residential area, which she believed was a violation. She thought other means existed if water was needed to keep the pumps running. She stated the water in Swan Lake was contaminated. She noted a handout she provided was from a constituent who was part of the Carano Family and she thought the Commissioners should look at it considering it was printed in a Bar Association paper.

Ms. Elise Weatherly said it was easy to make enemies and hard to make friends. She spoke about a City of Sparks commendation event and opined no one wanted to listen to or know who she was. She wondered why people could not get along. She spoke about the 2-week quarantine for the coronavirus and thought this would jeopardize children's future education.

Mr. Charles Stockford said he was representing most people that lived on Quartz Lane. He stated issues there had been happening for longer than the issues at Swan Lake but had still not been addressed. On the corner of Quartz Lane and Sidehill Drive, he indicated, four vehicles were parked on the sidewalk. He mentioned children exiting school buses on that corner used the sidewalks, but the vehicles impeded their walkway and he feared a child would be struck by a vehicle when stepping into the street from behind the parked cars. He stated he talked to at least five Sheriffs about this situation who indicated they would investigate it, but nothing was done; the vehicles had been there for three months. A stripped-down vehicle had been dropped off on the street and the tracks could be followed to the yard it was pulled from. He called the Sheriff but was told they could do nothing about it. He thought there was something wrong with the system if nothing could be done when it was obvious where the vehicle came from. He said code enforcement was aware of the situation in that yard.

Ms. Katie Knepper provided a handout for the Board, a copy of which was placed on file with the Clerk. She read from her handout regarding a parcel at 1995 Ponderosa Drive where Safe Embrace was located. She expressed concern about zoning changes.

Mr. Alferd Knepper provided a handout for the Board, a copy of which was placed on file with the Clerk. He read from his handout about concerns at the Safe Embrace location. He asked the Board to change the use back to a group home.

Ms. Robin Mercer expressed concern about a young golden retriever puppy accompanying a family court judge to work daily. She stated the puppy was cared for by court staff and the judge got the puppy qualified as a special therapy dog after a compliant was made. She indicated a gate was erected that encompassed Judge Bridget Robb's office, her clerk's office, and another judge's office to keep the dog within that area. She indicated a staff member allegedly tripped over this gate and prompted a worker's compensation

claim to be filed against the County. As a County resident and taxpayer, she asked the Board to investigate this irresponsible and unprofessional matter. Since taxpayer money could be involved, she wanted interviews conducted with Judge Robb's clerk and other court staff who had been employed for the past three to four years to determine if there was malfeasance. She stated constituents believed this wrongly cost taxpayers and there was a perception that the court had special rules for judges.

Mr. Cliff Low stated he attended a prior Board of Fire Commissioners (BOFC) meeting wearing a hat that said "make lying wrong again", stressing he made it in response to national circumstances and not regarding Fire Chief Charles Moore or any other local officials. He added there could be strongly different opinions on a topic such as the consolidation of Washoe Valley fire stations, but reasonable people should be able to discuss it without personal attacks. Bringing up a contract the Truckee Meadows Fire Protection District might have entered into regarding the purchase of some land, he believed the BOFC wanted a transparent government. He remarked that, on January 21, Chief Moore stated a study would be performed to determine a suitable site and recommendations would be made to the BOFC. He asked that, when the contract came to the BOFC, they direct the TMFPD to cancel it and give direction not to enter into a new contract until authorized to do so.

Mr. Sam Dehne spoke about the media and said the *Reno Gazette-Journal* ran a full-page article about the Tesla gigafactory, but he thought they should be writing about the outbreak of coronavirus. He said the gigafactory employed 7,000 people and he was concerned no one was investigating the health of its employees. He expressed concern about fighter jets landing and taking off from the Reno-Tahoe International Airport.

20-0138 **AGENDA ITEM 4** Appearance: Chief Joe Ingraham, Washoe County Alternative Sentencing/Sober 24. Presentation and update on the Sober 24 program.

Sergeant Justin Roper conducted a PowerPoint presentation and reviewed slides with the following titles: Mission Statement; Department Overview; Services Provided; Objectives; Meet Our Team; Crossroads; Strategic Plan; 2019 Probation Highlights; Probation Cases; New Probation Cases; Total Cases Closed; Probation Enforcement & Monitoring; Probationers With Felony History; Revenue; Participant to Employee Ratios; 2019 Sober 24 Highlights; Sober 24 Success; Sober 24 Drug Testing; Substances Tested For; Agencies & Courts That Have Utilized S24 Service; and Comments or Questions?

Sergeant Roper stated their mission was to provide probationers with life skills, opportunities, and guidance to try to help them from reoffending in the future. He said they established the Sober 24 program in 2015 for drug testing and hoped it would encompass the entire region. He noted legislative bills were passed in 2019 which brought them closer to a regional status. He explained the cost to house an inmate at the jail was \$120 per day but providing probation services only cost \$4.50 per day. He stated there was a downward impact on probation cases in 2019 due to the drug testing services. He said

they asked the court to select probationers that needed strict supervision in 2019, but they were now ready to take on all cases, which would increase their probation caseload. An automated system was established to randomly select probationers and notify them that a required drug test was scheduled. He explained the automated system could also track whether probationers called in daily and it could send messages to them.

Chair Lucey thanked Sergeant Roper for the presentation. He said it was a difficult job to do daily and he appreciated the hard work.

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Chair Lucey indicated Agenda Item 7 would be heard out of order.

20-0139 **AGENDA ITEM 7** Presentation: Second Judicial District Court Family Division Assessment presented to the Washoe County Board of County Commissioners by Presiding Judge Bridget Robb. (All Commission Districts.)

Judge Bridget Robb conducted a PowerPoint presentation and reviewed slides with the following titles: Assessment Overview; Historical Perspective; Q: How did we get here? (three slides); Why establish a separate Family Court (two slides); Family Division Workload; Family Case Dispositions; Increasing Caseloads (two slides); Filing Trends; New Filing and Reopened Cases; Alternative Dispute Resolution; District Court Family Support Services; Community Partnerships; Family Division Assessment Report; Methodology; Commonly Accepted Goals (ten slides); and Questions.

Judge Robb indicated a Second Judicial District Court Family Division assessment was conducted by the National Council of Juvenile and Family Court Judges (NCJFCJ) in both Washoe and Clark Counties. She provided the history of the beginning of the Nevada Constitution and details related to the County of Roop. She remarked court caseloads were increasing with family and juvenile cases increasing the most. She stated mediation was a key factor in family and juvenile cases. Nearly 500 mediations were conducted over the past year, resulting in a 72 percent success rate for cases that could not settle disputes before a judge. She said the Human Services Agency was a great collaborator on many things they did including a new program called Safe Babies Court. She explained the processes used to gather information for the assessment. She stated she would answer any questions the Commissioners had.

Chair Lucey thanked Judge Robb and said the Family Court was a major court for the County. He said the County had no control over the judges, but it did oversee many of the court staff. The County wanted to ensure the courts were adequately supported to fulfill their caseloads.

Vice Chair Berkbigler thanked Judge Robb for the presentation. She said the report seemed to be highly critical of Washoe and Clark Counties. She was pleased that training on domestic violence was being performed because it had not been done in the

past. She wondered whether mechanisms were in place so Family Court litigants could provide feedback on judicial actions based on their treatment. She thought it was important for constituents to feel they were receiving the attention they needed. Judge Robb stated an unhappy litigant could report to the Court Administrator, who was the Clerk of the Court, and who took all complaints very seriously. She said it was possible for an attorney to contact the presiding judge; it was her job to shield the person who made the complaint and inform the judicial officer that a complaint was made. She stated she would view recordings of the hearings and report any concerns to the judicial officer. Complaints could also be lodged to the Judicial Discipline Commission by completing an online form. She thought a process was needed to make it easier for the public to provide feedback. She noted they were currently reacting to recent legislation regarding child support guidelines and temporary protection orders. She stated the NCJFCJ was a great source of information on how other jurisdictions handled feedback models.

Vice Chair Berkbigler said it took time for the inappropriate behaviors of select judges to be addressed, and she wondered whether there were processes in place to speed up solutions. Judge Robb said the Second Judicial District Court did not control that, the Supreme Court did. She stated judges had the right to know about complaints being made against them and the right to call for a thorough investigation. The Judicial Discipline Commission investigated cases thoroughly. Then there was a right to a hearing, which could take time. She said there were two complaints in the case Vice Chair Berkbigler was referring to; the second was filed after the suspension revealed additional issues.

Vice Chair Berkbigler stated she appreciated the statistics. She thought it was a significant amount of work for any single judge to do, but that was a choice made by any judge going into Family Court. She wanted an annual report submitted to the Commission breaking down the statistics by judge. She thought such a report could determine if a judge needed to be placed in a different court. She opined Family Court had significant attention paid to it and it was going to get busier. Judge Robb thanked Vice Chair Berkbigler for the suggestion. She indicated the Supreme Court compiled an annual report that contained many of the statistics Vice Chair Berkbigler requested, though they were not broken down by judicial office. Judge Robb said some judges were dealing with cases that contained volume over substance. Vice Chair Berkbigler thought it was important for the Board and constituents to know what was going on in the court system.

Commissioner Jung mentioned the assessment overview declared this to be the first unbiased assessment performed since 1992, which she said was not acceptable. She wondered whether there was a plan for a compulsory assessment to be performed within an acceptable timeframe. Judge Robb stated this was not a court assessment, it was performed by the NCJFCJ, an unbiased third party. Commissioner Jung questioned whether the District Court paid them for the assessment and Judge Robb stated the Supreme Court paid for it. Commissioner Jung stated it was the responsibility of the court to perform an assessment every year to three years. She wondered whether this would be self-funded. Judge Robb stated funds for an assessment would need to be requested through the budget process. She said statistics were reported every year to the Administrative Office of the Courts and those statistics were included in the Supreme Court State of the Judiciary

Report. Commissioner Jung reiterated she wanted timely assessments performed and thought the courts should be self-assessing.

Commissioner Jung said Judge Robb had mentioned it was currently difficult for people to navigate their way through all the court services. The Commissioner asked about the status of a consolidation of the courts. She wondered who was responsible for this process so she could follow up with them. She stated there was a concerted effort to research consolidation due to the difficulty citizens had navigating the courts. She stated former Assistant County Manager John Berkich performed a significant amount of work to consolidate courts, which she thought would result in users experiencing less confusion and frustration. Judge Robb stated she was not part of the group to consolidate courts. She explained there was a commission involving the Justice Court and the Municipal Court, but to the best of her knowledge there were no plans to combine those with the District Court. Commissioner Jung said everyone had to go before a Justice of the Peace whether they had a speeding ticket or worse. Commissioner Jung asked who owned the District Court building and Judge Robb replied the County did.

Commissioner Jung stated she did not receive a survey related to the court assessment and wondered whether any Commissioners did. She wanted the Commissioners to be involved in further surveys, expressing disappointment about who performed this one. Judge Robb said she would ensure they were included in the next survey. Responding to Commissioner Jung's query, Judge Robb said the comparables selected by the NCJFCJ were based on population. Commissioner Jung pointed out some of the comparable counties did not use the same tax rates and that skewed the results. Counties should be compared to others similar in size and tax rates. She stated whoever did this study failed to ask key players for feedback and failed to provide fair comparables. She admitted it was not the fault of Judge Robb that the company hired to do the survey used Richmond, Virginia as a comparable county, and she wanted to know the tax rate in that area.

Commissioner Hartung said he was pleased that alternative dispute resolution was brought up and he wanted to see that program expanded. He noticed there was a new online program, but it was unsettling for a family to go in front of a judge. He thought dispute resolution or mediation programs could help people work out issues without having to go to court. He mentioned he did not see a cost comparison between the alternate dispute resolution system and going before a judge.

Judge Robb said the cost of mediation services was based on a sliding scale, so a person could still receive services if they did not have the means to pay. She indicated people had the option to use the online communication platform. She noted programs such as Our Family Wizard, Talking Parents, and Coparenter were provided for families' use. She stated the first two platforms were app-based and all communication went through a portal, but information submitted to the portal could not be altered. She said the platforms provided reliability between parties because the parties knew where information was coming from. She spoke about a unified calendar where family events could be added for more effective communication between family members. She said effective communication went a long way toward resolving disputes and access to that calendar

could make it easier to resolve them. The third platform, she explained, was the Coparenter platform; for a small fee, users had access to mediation services. This mediation could resolve issues such as drop off or pick-up locations. She indicated another online program would be available for people to resolve differences before going to court. This program would be online later in the year and was currently being used in Clark County. She noted Washoe County liked the program.

Commissioner Hartung said therapists were successful because sometimes people had a difficult time communicating and needed a third person to assist. He looked forward to a more robust program and thought it could save the court system money. He wanted to compare the costs of dispute resolution with going through the entire court process. Judge Robb indicated money did not need to be spent on that research if the solution could be found at the front end.

Referring to the suggested goals, Chair Lucey said Judge Robb spoke about careful planning for future court facility expansions. He wondered about the size of Clark County's court footprint. Judge Robb stated Clark County's situation was something she wanted to avoid at all costs. She said the Regional Justice Court (RJC) was located miles from the Family Court campus. Because they had outgrown the footprint in the Family Center, some of the family judges in Clark County were located at the RJC. She stated this was a nightmare for litigants because they did not know what building to go to. The mediation and self-help centers were also located away from other courts. Chair Lucey asked whether the court system was disbanded. Judge Robb stated it was. Chair Lucey mentioned discussions about the footprint and functionality of the Courthouse were needed. He understood Judge Egan Walker was working on Project One, where each judge would handle family and criminal court so the same litigants did not have to go from one courthouse to another. He wondered whether Family Court was participating in that project. Judge Robb explained it would be very difficult for one judge to handle every judicial issue a family had. She said Judge Walker was stepping away from Project One and she would take it over starting in April. She indicated the project was for co-adjudicated juveniles, children in foster care, and delinquent juveniles. Those issues were what caused them to establish Project One, where juveniles could be under the supervision of one judge and not have to attend multiple hearings in one week. She noted this project would continue.

Chair Lucey said the Board of County Commissioners had no oversight of how processes operated within the court, but they did ensure there was enough staff and proper efficiency for the community to participate, which was important to him. Judge Robb said the courts were very cognizant of their obligation to be good stewards with taxpayer dollars. They were looking for ways at every budget meeting to eliminate inefficiencies. Chair Lucey expressed appreciation for the measures Judge Robb was taking.

Chair Lucey asked about some acronyms Judge Robb used in her presentation. Judge Robb stated UISFA was related to federal child support issues and ICC stood for involuntary civil commitment. She explained both types of cases were high

volume but did not involve much actual court time; ICC cases could be moved through very quickly.

On the call for public comment, Ms. Elise Weatherly said she was not a statistic, she was a person involved in family court. She opined she was hated by her family for going to family court and she was passed from judge to judge. She mentioned the court could hire her to perform assessments. She spoke about people not paying child support, contempt of court, and the e-file system. She explained people were not given consequences for their actions but were provided free mediation. She expressed frustration about public trust.

20-0140 **AGENDA ITEM 5** Announcements/Reports.

Commissioner Hartung said he and Assistant County Manager Dave Solaro had previous conversations about 1995 Ponderosa Drive and the request to revert the zoning back to Washoe County standards. He wondered whether staff was still working with them and whether this required an agenda item. Mr. Solaro indicated it did not require one. Commissioner Hartung wanted to get this issue resolved. He said he was contacted about this issue during one of the Citizen Advisory Board meetings and he wanted to ensure staff was attentive to this issue. He noted the Sheriff was not in the room when the issues about Quartz Lane were brought up. He asked for a standing agenda item from the Health District until COVID-19 was no longer deemed a threat by the Centers for Disease Control and Prevention.

Commissioner Hartung stated he and Chair Lucey traveled to the National Association of Counties (NACo) legislative conference in Washington DC and COVID-19 was on all legislators' minds. He said they met with Congressman Mark Amodei, Congresswoman Dina Titus, and Congresswoman Susie Lee's staff, along with Congressman Steven Horsford, and Senators Jacky Rosen and Catherine Cortez-Masto. He explained one of the significant items they asked for was coverage of Medicare and Medicaid for inmates, especially veterans in Nevada detention facilities. He stated the County had to cover the costs for medical care when people were incarcerated and Medicare and Medicaid stopped covering them. He indicated it was an unfunded mandate by the federal government and the County begged them for some assistance. He had the opportunity to attend sessions related to the environment, energy, and land use group. He spoke about the Resilient Counties initiative, which was currently dealing with the COVID-19 outbreak, and expressed concern about people remaining calm during the crisis.

Commissioner Jung stated she was supposed to attend a Global Climate Summit in Las Vegas but it was cancelled. She hoped she could attend the summit in Detroit during the summer. She wanted staff to work on the technology to enable all staff to work remotely if they were able to do so. She asked for a list of essential and non-essential staff. She stated social distancing and other preventative measures for a pandemic should have been in place before the situation arose. She thought the County had the technology and wanted a briefing about being ready for staff to telecommute as she had requested for the past 12 years. She thought meetings could be held online. She admitted

many constituent services required face-to-face communication, but non-essential staff could have a call-in number to see if they needed to work in the office. She hoped elected department heads and other leaders would consider data on productivity and not consider perfect attendance and working late as an individual's only contribution to the organization.

As a follow-up to an email, Mr. Solaro stated the Sierra Nevada Porsche Club of America was able secure the August 2, 2020 date for Rancho San Rafael Park. He noted he received notification that the Dragon Lights Festival would not occur this summer due to travel restrictions for the performers.

Chair Lucey said it was a great opportunity to attend the NACo conference. He stated Commissioners Hartung and Herman, County Manager Eric Brown, and Recorder Kalie Work were in attendance. Commissioner Herman attended public lands meetings, Mr. Brown attended management symposiums with county managers from across the country, and Ms. Work was part of the leadership with the IT Commission dealing with technology. He said it was a tremendous opportunity to have conversations with other elected leaders about issues happening across the country and what other counties were doing. He participated as the Vice Chair of the Transit and Rail Committee where they discussed new policies, surface reauthorization, and how to fund those issues. He stated they were at a standstill to fund the projects.

Chair Lucey admitted it had been a difficult week since they returned. Federal delegates were working on COVID-19 and they discussed presumptive cases in the region on their way home. He thanked the Health District for their tireless work in the community, adding he received compliments about how effectively they were working on the issues. He said the County needed to continue to work as the situation evolved, and the priority was to ensure protocols were in place to address catastrophes and establish open lines of communication. He stated the Health District had a firm handle on the situation and was approaching it with extreme caution. The community was a low-risk market, but it needed to be cautious of people coming to the area. He explained they were not telling people not to travel but to use caution and proper hygiene when they did. He stressed that tourism accounted for 40 percent of the local economy and front-line workers relied on their jobs. He commented the County continually worked to address situations as they evolved, and he thanked Health Officer Kevin Dick and his staff.

Chair Lucey said he saw many vehicles and junk on open land in Sun Valley when he flew back from his conference. He wanted a meeting with the Sheriff's Office and the Bureau of Land Management to discuss a task force. He said it was a disappointing sight.

Commissioner Hartung said he asked Mr. Brown about telecommuting and there was a process being put into place. He stated the discussion included having employees work from home, not because it was essential, but because their productivity could be higher when schools closed. There could be additional school closures and it was important to allow employees to work from home when they were not needed in the office.

Commissioner Jung stated she requested a joint meeting with the Sheriff and the District Attorney to discuss solutions for illegal dumping. She wanted to know what was being done about illegal dumping not only in Sun Valley but in all open spaces. She thought this issue should not come to the Board but to the Sheriff or the arresting authority because the Board had no authority to arrest or prosecute people for this crime. She stated Mr. Solaro had done everything he could to solve this issue for four years, but the County did not have the authority to enforce illegal dumping. She expressed frustration that Sheriff Deputies informed citizens at a Sun Valley Citizen Advisory Board meeting there was nothing that could be done about illegal dumping.

Commissioner Jung opined Washoe 311 was broken. She understood many department heads would not take information from Washoe 311 so she would speak to Mr. Brown about fixing the issues. She said Washoe 311 was put in place as the repository for the constituents, but she had not been informed that it was not working properly or that certain elected department heads had issues with it. She also remarked staff was permitted not to give messages from constituents to the Commissioners. She stated Washoe 311 should be shut down and the money be used elsewhere if it did not work the way it was intended. She wanted the illegal dumping issues taken care of immediately since she was tired of staff getting beat up over something they had no authority to fix.

Vice Chair Berkbigler mentioned some people calling in regarding COVID-19 were being directed to Washoe 311, but she was not sure if 311 staff had all the answers people needed. She wanted to ensure the people answering calls in the Health District had information and could answer questions about COVID-19.

CONSENT AGENDA ITEMS – 6A THROUGH 6E

- 20-0141** **6A** Approval of minutes for the Board of County Commissioners' regular meetings of January 28, 2020, February 11, 2020, and February 18, 2020. Clerk. (All Commission Districts.)
- 20-0142** **6B** Recommendation to approve a cross-fund appropriation transfer for cost increases related to the roof screen structure at the Human Services Family Engagement Center (aka Visitation Center) [\$12,180]; and, if approved, direct the Comptroller's Office to make the necessary appropriation transfers [net impact to County budget is zero]. Community Services. (Commission District 4.)
- 20-0143** **6C** Recommendation to approve purchases in the approximate amount of [\$130,000.00] from Merck Sharp & Dohme Corporation for vaccine in support of clinic operations on behalf of the Community and Clinical Health Services Division of the Washoe County Health District. (All Commission Districts.)
- 20-0144** **6D** Recommendation to approve a FFY18 Supplemental Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management (NDEM) awarding [\$10,031.35

(\$10,031.35 County match required)] including funds to be used for meals for non-County employees; retroactive from October 1, 2017 through May 30, 2020; If approved authorize the County Manager or his designee to sign the grant award documents; and authorize the Comptroller's Office to make the necessary budget amendments. Manager's Office. (All Commission Districts.)

- 20-0145** **6E** Recommendation to acknowledge receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Committee for the Second Quarter for Fiscal Year 19/20. Sheriff. (All Commission Districts.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Vice Chair Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Consent Agenda Items 6A through 6E be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6E are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 9, 10, 12, and 13

- 20-0146** **AGENDA ITEM 9** Recommendation to approve amending the Washoe County 457(b) Deferred Compensation Plan Document retroactive to July 1, 2019, to allow that if a collective bargaining agreement which allows for an automatic enrollment or contribution arrangement contains an automatic contribution increase provision, an Employee covered by that collective bargaining agreement hired on or after the date specified in such collective bargaining agreement shall automatically be deemed to have elected to increase his deferral election each year by such percentage of the employee's compensation designated by his or her collective bargaining agreement, not to exceed the maximum amount of Compensation specified in his or her collective bargaining agreement; and if approved, authorize Director of Human Resources/Labor Relations to execute same. [No fiscal impact.] Human Resources. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 9 be approved and authorized.

20-0147 **AGENDA ITEM 10** Recommendation to approve the use of General Fund Contingency in the amount of [\$353,000] for unbudgeted expenditures for Fiscal Year 2020 and if approved, direct the Comptroller's Office to make the necessary budget appropriation transfers (net impact to County is zero). Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 10 be approved and directed.

20-0148 **AGENDA ITEM 12** Recommendation to accept the 2020 Opioid Narcotics Treatment Program funding [amount not to exceed \$207,005.50, no County match required] as administered through the University Of Nevada, Reno to be used for the creation of an Opioid Treatment Program within the Washoe County Regional Detention Facility, for the retroactive grant period of September 30, 2019 - August 31, 2020, and if approved, authorize Non-County Travel expenses of approximately [\$12,503.50] to provide training with these grant funds for one (1) Discharge Planner and two (2) Behavioral Health Specialists and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly spoke about an opioid sign by the Grand Sierra Resort, her support of eliminating Washoe 311, and the right way to use money.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 12 be accepted, authorized, and directed.

20-0149 **AGENDA ITEM 13** Recommendation to approve a professional services agreement with Farr West Engineering Inc. for the Washoe County Sanitary Sewer and Reclaimed Utilities Infrastructure and Customer Base Alternatives and User Rate/Connection Fee Analysis. [\$166,800.00]. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 13 be approved.

20-0150 **AGENDA ITEM 8** Discussion and approval to authorize the Washoe County District Attorney's Office to assert a counterclaim for Breach of Contract and Breach of the Covenant of Good Faith Dealing in the case of Gaudy Parento v. Washoe County, 3:19-cv-00303-MMD-WGC (All Commission Districts.)

Assistant District Attorney David Watts-Vial stated this item was a request to authorize the District Attorney's Office to file a counterclaim against an individual who filed a variety of Title VII claims against the County as well as an additional claim for wrongful discharge. He said the facts in the case demonstrated that the claimant decided voluntarily to resign. The authority to file a counterclaim was requested because the claimant had breached the agreement to resign from the County.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 8 be approved.

20-0151 **AGENDA ITEM 11** Recommendation to adopt a Resolution of Intent, proposing the issuance of, and authorizing the publication of notices relating to General Obligation (Limited Tax) Nevada Shared Radio System Bonds (additionally secured by pledged revenues) in the maximum principal amount of \$15,000,000 to acquire, construct, improve and equip building projects as defined in NRS 244A.019 within the County; providing the manner, form and contents of the notices thereof; providing other matters properly related thereto; and providing the effective date hereof. Manager's Office. (All Commission Districts.)

Assistant County Manager Christine Vuletich stated the recommendation was for the Board to approve a Resolution of Intent to issue bonds for the Nevada Shared Radio System project. She reviewed the history from the staff report and said the item would come back to the Board as a Resolution in June if it was approved today.

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 11 be adopted.

20-0152 **AGENDA ITEM 14** Introduce and conduct a first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), by adding new language in Section 110.324.50(e), Monopole Antenna, and Section 110.324.50(f), Lattice Towers, to establish placement standards regulating emergency communication facilities which are owned and operated by governmental agencies. These amendments include the removal of a special use permit requirement for government entities for certain monopoles or lattice towers operated for purposes of emergency communication systems; and other matters necessarily connected therewith and pertaining thereto. If supported, set the public hearing for second reading and possible adoption of the Ordinance for March 24, 2020. Community Services. (All Commission Districts.)

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

Chief Deputy County Clerk Jan Galassini read the title for Bill No. 1834.

Bill No. 1834 was introduced by Vice Chair Berkbigler, and legal notice for final action of adoption was directed.

20-0153 **AGENDA ITEM 15** Introduce and conduct a first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), replacing Article 220, Tahoe Area Plan modifiers with two new articles, Article 220 Tahoe Area Plan modifiers and article 220.1 Tahoe Area Design Standards. These amendments are meant to ensure the express conformance of Washoe County's plans with the 2012 Regional Plan adopted by the Tahoe Regional Planning Agency (TRPA) and are generally not intended to increase densities or intensities beyond what is currently permitted by the Regional Plan. The changes include but are not limited to the following: Adopting the TRPA's permissible uses set forth in TRPA Regional Plan Chapter 21, Permissible Uses, in lieu of Washoe County's allowed uses set forth in Article 302 of the Washoe County Development Code; Adopting design standards that are in conformance with the requirements set forth in the TRPA Regional Plan Chapter 13 Area Plans and Chapter 36 Design Standards; Adopting development standards that are consistent with the developments standards set forth in the TRPA Regional Plan; Adopting neighborhood plans utilizing the boundaries and allowed uses of TRPA's plan area statements and community plans in lieu of Washoe County's regulatory zones set forth in Article 106 of the Washoe County Development Code; and including the Washoe County Planning Commission's direction to expand an available density incentive from only memory care only to all residential care and nursing care uses; and other matters necessarily connected therewith and pertaining thereto. If supported, set the public hearing for second reading and possible adoption

of the Ordinance for March 24, 2020. Community Services. (All Commission Districts.)

The Chair opened the public hearing.

Chief Deputy County Clerk Jan Galassini read the title for Bill No. 1835.

On the call for public comment, Mr. Will Adler with Silver State Government Relations said he was asked by residents on Gonowabie Drive to speak regarding this issue. He noted attorney Greg Gatto sent a letter regarding both this and the next agenda item, which were related to development standards in the Tahoe area. He stated some development projects recently happened, but residents did not receive notice in a timely manner. He indicated he was able to inform neighbors of the projects and they attended the appeal board meeting where an appeal was heard. He stated a change to Code removed public noticing requirements and they wanted assurance this was not an unintentional exclusion of the language. He said most projects did not require a full reassessment when an appeal was filed, but this change removed the standard that projects would be reassessed to their current standards. He wondered how people would know about projects and appeals in the Tahoe area if no public notice was required. He said the next agenda item needed to ensure there was public notice.

Chief Deputy County Clerk Jan Galassini stated email correspondences from Mr. Greg Gatto and Ms. Carole Black were placed on the record.

Vice Chair Berkbigler stated two amendments were being proposed by staff and one addressed the issue Mr. Adler brought up. She said the other was a minor change requested by the Tahoe Regional Planning Agency (TRPA) that did not have a great effect on operations in Tahoe.

Senior Planner Eric Young conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk and distributed to the Board, and reviewed the untitled slides related to the Tahoe Area Plan Update. He stated more information would be presented at the March 24 Board of County Commissioners meeting, assuming an introduction of the bill was made.

Mr. Young said the biggest change in the two proposed amendments was adopting the TRPA's planning regime as one that also worked for Washoe County. He explained town centers were a very important part of the TRPA's Regional Plan based on a concept called environmental redevelopment, which incentivized homeowners to redevelop their properties while ensuring environmental standards were up to date for the area. He stated only minimal changes were made with land use. He spoke about greenhouse gas reduction and mentioned other areas were interested in adopting Washoe County's reduction standards when they established their area plans. He referred to a handout included with the presentation that covered the change to Section 110.220.60, which pertained to corner and sloped lots. He stated this was included in the proposed changes and an internal administrative review could take the place of appeal hearings. He explained

notice would be provided to neighbors as it would in an appeal hearing; if an appeal was needed, it would come directly to this Board in a timely manner. He added that, if this item were approved, a second reading would be scheduled for March 24 and the Master Plan packet would be discussed at that time.

Commissioner Hartung said this item referred to Tahoe Area modifiers but the item summary stated it involved all Commission districts. Mr. Young stated all development code amendments contained that language though there were modifiers particular to only certain districts.

Vice Chair Berkbigler thanked staff for the wonderful job with this amendment. She knew not all people would be happy with these changes, but it would make a lot of people very happy. She thought there was a good chance the TRPA would request some changes, largely because they would have to make changes to the Master Plan based on a new California law. She said her team would continually work with the TRPA to ensure the County would make changes whenever the TRPA did.

Bill No. 1835 was introduced by Vice Chair Berkbigler as outlined, including the two amendments presented by Eric Young, and legal notice for final action of adoption was directed. The second reading would be scheduled for March 24, 2020.

20-0154 **AGENDA ITEM 16** Public Hearing: Second reading and adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 406, Building Placement Standards, to add a new section, Commercial and Industrial Building Placement Standards, which will allow for variance or modification of the building placement standards including setbacks, minimum lot size, or minimum lot width for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application; and other matters necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

The Chair opened the public hearing.

Chief Deputy County Clerk Jan Galassini read the title for Ordinance No. 1646, Bill No. 1833.

On the call for public comment, Mr. Will Adler mentioned automatic variance approvals would be the new process. Previously, he said, appeals were required to go before the Appeals Board or have a greater interaction with a public board or body. He noted it was important to have some type of notice and the ability for citizens to provide feedback.

Planner Julee Olander stated part of the description indicated variances for setbacks would go before the Board of Adjustment or Planning Commission through the tentative map process or a special use permit. She indicated these were only for commercial and industrial parcels and the noticing process would still be required. Chair Lucey asked whether residents not supportive of an appeal would still have the ability to use the appeal process. Ms. Olander stated that was correct, and then confirmed it would still need to be heard by the Board of County Commissioners.

On motion by Commissioner Hartung, seconded by Vice Chair Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Ordinance No. 1646, Bill No. 1833, be adopted, approved, and published in accordance with NRS 244.100.

20-0155 **AGENDA ITEM 17** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

Assistant District Attorney David Watts-Vial indicated there was no need for a closed session.

20-0156 **AGENDA ITEM 18** Public Comment.

On the call for public comment, Ms. Elise Weatherly spoke about the City of Sparks, the Polly Klaas case, the person who stole her brother's belongings, and the truth. She opined Washoe County spent taxpayers' money on things it should not be spent on. She spoke about a person who embezzled money.

Ms. Alexandra Profant stated she was a candidate for the District 1 Planning Commissioner position. She acknowledged projects were the life blood of many agencies. She indicated she missed Agenda Item 17 and she invited Commissioners to visit Incline Village to participate with District 1 and the State portion of the community. She said the effluent pipeline was currently the most important project and a project proposed at Spooner Lake was supposed to break ground soon; she offered to share those plans with the Board. She stated the project affected the effluent line and not understanding the designation of the federal, state, local, and regional mechanisms could result in people not understanding how projects were funded. This could result in projects not meeting the criteria of federal mandates and create a liability. She hoped to arrange a presentation by the National Park Service and the State Preservation Office on this topic. She emphasized the Spooner Lake project would use the effluent pipeline to pump water to Sweetwater before going to the Carson River.

20-0157 **AGENDA ITEM 19** Announcements/Reports.

There were no announcements or reports.

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12:45 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

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