

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

TUESDAY

10:00 A.M.

JUNE 23, 2015

PRESENT:

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

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

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

15-0516 AGENDA ITEM 3 Public Comment:

Renee Schebler, Washoe County Employee Association (WCEA) member, said she was speaking on Agenda Item 25. She stated she appreciated the job the Commissioners did and she did not disagree with their increase, but the front-line employees sacrificed many cost of living increases, while accepting the burden of rising health care costs, increased Public Employees' Retirement System (PERS) contributions, and fewer employees to do the work; all to help keep the County afloat. She hoped the Board would approve their own increase only after approving an equal raise for the employees who deserved equal treatment.

Cathy Brandhorst spoke about matters of concern to herself.

Jennifer Crouse, said it was becoming increasingly difficult to remain a Washoe County employee due to the pay cuts and the increased medical insurance premiums. She stated she was her family's only source of income, and she would not be able to remain with the County without an increase in pay or benefits. She said she would be paying \$821 per month for her insurance premium starting in July 2015, but in Idaho she would only pay \$171 per month and would have better medical benefits. She stated she did not want to leave her job or her community, but the employees needed help. She said the Hay study done last year showed the County did not have competitive benefits and pay, and she asked how the County would lure new employees and keep the existing employees.

Romar Tollivor stated many families in area did not have access to the Internet and used the Duncan/Traner Library to do research, put together a resume, and fill out job applications. He asked the Board to leave the Library open for the public to access.

JUNE 23, 2015

PAGE 1

A-7/2/15
#8

Tracey Thomas, Washoe County Employee, requested the Board consider giving fair and equal treatment for the WCEA employees during the collective bargaining process. A copy of Ms. Thomas' comments was placed on file with the Clerk.

Brian Bass said he was a one-year employee with the County. He stated the Board had to decide whether to increase the employees pay or determine the money was not in the budget.

15-0517 **AGENDA ITEM 4** Manager's/Commissioners' Announcements.

Commissioner Jung said regarding Agenda Item 25, the Manager's Office, the Commissioners, and the County's lobbyists had nothing to do with asking for raises for the Elected Officials. She advised a group of Elected Department Heads pursued this at the Legislature. She stated she agreed the Commissioners should be the first to take cuts and the last to receive raises. She said regarding the health insurance increases, the employee's Health Insurance Committee chose the Cadillac of benefits, which was why the cost went up. She felt Agenda Item 25 was not appropriate to be on the agenda, because it created a nasty situation during the middle of the collective bargaining process, and the County was still flat in terms of revenue.

Commissioner Jung requested an update from the Library Board of Trustees, because she felt the Duncan/Traner Library was an important asset for the community. She said libraries today were not just about having books, but were also community meeting centers. She felt a lot of outreach, education, and special events could be done at the Duncan/Traner Library, which could get people back into the habit of using it. She said she also wanted to look for funding to get computers and Internet access at the Duncan/Traner Library, because libraries had turned into job and career training centers.

Commissioner Jung said the Supreme Court issued a ruling regarding whether a person incarcerated could be Tasered or have other forms of aggression used on them, and she wanted to make sure the Sheriff's Office Detention Department's procedures reflected that legal opinion. She stated the Supreme Court also found it was illegal for law enforcement to require hotels/motels to keep registries of people staying in them, because it was considered an invasion of privacy. She said the County's ordinances should be looked at to make sure they followed the Supreme Court decision.

Commissioner Herman requested an update on the Monte Cristo issue and on the RS 2477 roads. She said she was trying to figure out if the Citizen Advisory Board (CAB) meetings would be better as quarterly meetings.

Commissioner Lucey thanked the firefighters of the Truckee Meadows Fire Protection District (TMFPD) for their help in extinguishing the White Fir fire over the weekend and for their service in fighting the Washington fire. He commended Jennifer Budge, Park Operations Superintendent, and her staff for their help in getting the new Washoe Valley Park underway. He said Agenda Item 26, the Barracuda Championship, was a local event that was

hosted by a nonprofit that donated the tournament's proceeds back to the community. He requested staff look into the County providing a sponsorship, which would help them move forward with the tournament.

Chair Berkgigler requested a representative of the Incline Village General Improvement District (IVGID) attend a public hearing in August to discuss concerns regarding IVGID going into the magazine publishing business, their transportation business, what was done with the recreation fees collected post paying off their bonds, and their compliance with the Open Meeting Law. She requested a public hearing regarding the relocation of the boundaries of the congested areas on Peavine. She stated people would still be allowed to shoot on Peavine, but not near the trails.

Commissioner Lucey stated last week he and the Manager visited the Justice of the Peace and the Constable in Incline Village and the Justice of the Peace in Wadsworth to see their operations, and he thanked them for their hospitality.

Chair Berkgigler said local firefighters were also assisting in fighting the fires in Alaska.

CONSENT ITEMS – AGENDA ITEMS 5A THROUGH 5J4

John Slaughter, County Manager, noted Agenda Item 5H3, the re-appointment of Robert Wideman to the Washoe County Board of Adjustment, was pulled.

15-0518 **5A** Approve minutes for the regular Board of County Commission meeting of May 12, 2015, and May 19, 2015 and for the special meeting of the Board of County Commission meeting of May 18, 2015.

15-0519 **5B** Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2011/2012, 2012/2013, 2013/2014, 2014/2015 secured tax roll and authorize Chairman to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$12,045.71]. Assessor. (Parcels are in various Commission Districts.)

15-0520 **5C** Approve the reclassification requests of a Building System Controls Specialist, pay grade M, to a Building Operations Project Manager, pay grade M (Community Services), and a Senior Public Services Librarian, pay grade Q, to an Assistant Library Director, pay grade R (Library) as evaluated by the Job Evaluation Committee. Net annual cost is estimated at \$7,858. Human Resources. (All Commission Districts.)

15-0521 **5D** Acknowledge receipt of annual report of projected proceeds and expenditures in the account used for the acquisition and improvement of technology in the Office of the County Recorder for FY 2015/16. Recorder. (All Commission Districts.)

15-0522 **5E** Approve acceptance of 2015 Department of Health and Human Services, Division of Child and Family Services, Victims of Crime Assistance (VOCA) funding [\$10,510, 20% in-kind match required, \$2,102] to be used to pay overtime, dues, travel, and training costs for the WCSO Victim Advocate, and to provide emergency housing and emergency services for victims of domestic violence, for the grant period of 7/1/15 through 6/30/16, and if approved, direct Comptroller's Office to make the necessary budget adjustments. Sheriff. (All Commission Districts.)

15-0523 **5F** Accept cash donations in the amount of [\$9,114.18] for the period of December 9, 2014, through May 31, 2014 direct the Comptroller to make the appropriate budget adjustments. Senior Services. (All Commission Districts)

On behalf of the Board, Commissioner Jung thanked everyone for their generous donations.

15-0524 **5G** Authorize the Director of Social Services to accept the Fifth Amendment of the Child Welfare Initiative Agreement with Casey Family Programs in the amount of [\$45,000 (no match required)] retroactive to January 1, 2015 through December 31, 2015 for the Family Solutions Team process. Social Services. (All Commission Districts.)

15-0525 **5H1** Accept grant funding [\$25,124.18 with no County match] from the USDA Forest Service, received under the Schools and Roads-Grants to States (SRS Act) which was re-authorized by Congress and signed into law on April 16, 2015 for the benefit of public schools and roads; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)

15-0526 **5H2** Accept a cash donation [\$650] from Vya Soil and Water Conservation District for the Roads Division to purchase herbicide for weed abatement; and direct the Comptroller's Office to make the appropriate budget adjustments. (Commission District 5.)

On behalf of the Board, Commissioner Jung thanked everyone for their generous donations.

15-0527 **5H3** Approve the re-appointment of Robert Wideman to the Washoe County Board of Adjustment, on the recommendation of the Washoe County Commission Chair, to represent Commission District 2 on the Board of Adjustment for a term beginning on July 1, 2015, and ending on June 30, 2019, or until such time as a successor is appointed. (Commission District 2.)

This item was pulled.

- 15-0528** 5H4 Approve a Corrective Easement-Old Mayberry Bridge Over the Truckee River to correct a legal description; and, approve a Non-Exclusive Utility Easement-Washoe County Force Main Sewer Across Old Mayberry Bridge between Washoe County and the State of Nevada for the Old Mayberry Pedestrian/Equestrian Bridge. (Commission District 1.)
- 15-0529** 5I1 Approve amendments totaling an increase in FY15 of [\$3,263] and FY 16 of [\$14,979] in both revenue and expense to the Environmental Protection Agency (EPA) PM 2.5 Grant Program, IO 10021; and if approved direct the Comptroller's office to make the appropriate budget adjustments. (All Commission Districts.)
- 15-0530** 5I2 Approve amendments totaling an [increase of \$10,491] in both revenue and expense to the FY15 ASPR Hospital Preparedness – BP2 Carry-Over Federal Grant Program, IO 11240; and if approved direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)
- 15-0531** 5J1 Reappoint two individuals to the Washoe County Advisory Board to Manage Wildlife, Michelle Spencer and Sean Shea, with terms to expire July 1, 2017. (All Commission Districts.)
- 15-0532** 5J2 Certify charges, levy and direct the Treasurer to collect special assessments for fiscal year 2015/16 as requested by the State Engineer of the State Department of Conservation and Natural Resources, for Hualapai Flat Water District, San Emidio Desert District, Warm Springs Valley Groundwater and Washoe Valley Groundwater Basin and Warm Springs/Winnemucca Creek Basin, Truckee Meadows/Sun Valley Groundwater Basin, based either on special assessment amounts determined by the State Engineer for predominantly agricultural areas or via the tax rate determined by the Department of Taxation for areas in which specific assessments are not calculated by the State Engineer; approve the payment of special assessments from the General Fund for Pleasant Valley Groundwater Basin [\$5,000], Cold Springs Valley Groundwater Basin [\$3,000], Honey Lake Valley Groundwater Basin [\$2,000], Truckee Canyon Segment Groundwater Basin [\$3,000], Lake Tahoe Groundwater Basin [\$200], Spanish Springs Valley Groundwater Basin [\$3,000] and Tracy Segment Groundwater Basin [\$1,000]; approve the payment of assessments from the current available fund balance for Lemmon Valley Water District [\$15,000]; and further direct the Comptroller to pay to the Department of Conservation and Natural Resources the requested funds. (All Commission Districts.)

John Slaughter, County Manager, provided an explanation of the special assessments required by Statute and requested by the State Engineer. Chair Berkbigler said there was no increase year-over-year. Mr. Slaughter replied that was correct.

- 15-0533** 5J3 Approve a General Fund Contingency transfer of [\$2,000] to the Regional Permits System Fund operating budget to provide FY 2014/15 appropriation

authority for investment allocation expense and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)

15-0534 **5J4** Recommendation to accept a 2016 Nevada State Emergency Response Commission grant for [\$28,977, no County match required], and if accepted, authorize Chairman to execute a Resolution to subgrant funds to other governments which make up the Local Emergency Planning Committee as follows: [\$1,528] to the Washoe County Sheriff's Office; [\$8,492] to the Sparks Fire Department; [\$4,486] to REMSA; [\$6,656] to the Reno-Tahoe Airport Authority; [\$3,815] to the North Lake Tahoe Fire Protection District; [\$4,000] to Washoe County Emergency Management, and authorize the County Manager, or his designee, to sign a subgrant contract with the Local Emergency Planning Committee member; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)

Nancy Parent, County Clerk, distributed to the Board and placed on file, the additional items for Consent Agenda Item 5J4.

In response to the call for public comment on the Consent Agenda Items listed above, Cathy Brandhorst spoke about items of concern to herself.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, it was ordered that the Consent Agenda Items 5A through 5J4 be approved with the exception of Agenda Item 5H3, which was pulled. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5J4 are attached hereto and made a part of the minutes thereof.

15-0535 **AGENDA ITEM 25** Direction and possible action on recent legislation increasing the compensation of elected county officers except in certain circumstances as provided for in Senate Bill Number 482, which amends NRS 245.043 to provide 3 percent salary increases to elected county officers for Fiscal Years 2015-2016, 2016-2017, 2017-2018 and 2018-2019. Fiscal impact is estimated to be up to \$40,982.82 for Fiscal Year 2015-2016, \$42,094.05 for Fiscal Year 2016-2017, \$43,364.01 for Fiscal Year 2017-2018 and \$44,633.98 for Fiscal Year 2018-2019. Human Resources. (All Commission Districts)

Chair Berkbigler advised she would not accept a motion regarding this item, but would open it for a public hearing. She advised after further review with Legal Counsel, the increase would happen as a matter of law due to it being passed by the Legislature in such a manner that the Commission had limited authority over it.

Nancy Parent, County Clerk, distributed some e-mails to the Commissioners that were bundled together by the Manager's Office, the bulk of which she believed were from employees. A copy of the e-mails was placed on file with the Clerk. Chair Berkbigler said a number of e-mails were received by the Commissioners directly, and she wanted to put on the record that they heard from the employees and were listening to their concerns.

In response to the call for public comment, Carla Fells, Washoe County Employees Association (WCEA) Executive Director, said she would be happy to talk to the Commissioners offline about the Association's position on this issue. She stated the people who testified before the Legislature were representatives of the County's Elected Officials, even though they did not represent the Commissioners. She stated the Commissioners paid to be members of Nevada Association of Counties (NACo), and this was a NACo sponsored bill. She said the employees were reacting to what they heard at the Legislature, which was why the Commissioners were receiving e-mails from the employees.

Commissioner Hartung said he was sensitive to the employees and he understood the issue with taking pay cuts, because he nearly lost his business during the recession. He stated he would not take the 3 percent increase until all of the employees got the same increase. He reaffirmed the Board did not do this.

Commissioner Herman said her experience mirrored that of Commissioner Hartung. She stated she was in real estate and had seen no sales for two years. She stated she planned on opting out from taking the 3 percent increase.

BLOCK VOTE – AGENDA ITEMS 7 THROUGH 24

In response to the call for public comment for the agenda items in the Block Vote, Cathy Brandhorst discussed issues of concern to herself.

15-0536 **AGENDA ITEM 7** Discussion and possible action to either: (1) Affirm the Board's prior decision of June 14, 2011, that approved Master Plan Amendment (MPA) 10-002 to remove the commercial cap in the Spanish Springs Area Plan, and direct staff to send the amendment to the Truckee Meadows Regional Planning Commission for the required conformance review; or (2) Direct staff to start over and initiate a new amendment to the Washoe County Master Plan to remove the commercial cap in the Spanish Springs Area Plan. Community Services. (All Commission Districts.)

Commissioner Hartung said he had been working on this item prior to being elected, and he suggested removing the cap. Bill Whitney, Planning and Development Division Director, said it was decided in 2011 that the cap in Spanish Springs was not working any longer. He said a choice had to be made to take the cap off and send it to the Regional Planning Commission or to start the Master Plan Amendment process over. He stated staff recommended taking it forward to Regional Planning, so it could be found in conformance. Commissioner Jung said she agreed with staff's recommendation.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 7 be affirmed and directed as stated in Option 1 of the staff report.

15-0537 **AGENDA ITEM 8** Possible action pursuant to NRS 278.0205 and WCC 110.814.40 to approve (1) Cancellation of development agreements pertaining to the former Eagle Canyon IV, Eagle Canyon V and Eagle Canyon VI Subdivisions (DA07-001 as amended by AC09-006, DA08-004 as amended by AC09-003, and DA08-007 as amended by AC09-005); and (2) Release of the obligations applicable to the property described in those agreements created by the ordinances adopted to effect those agreements (Ordinance numbers 1427, 1430, 1365, 1429, all recorded on September 15, 2010, and Ordinance number 1391, recorded on September 22, 2010); and (3) Signature by the Chair of a Notice of Action to Cancel Development Agreements and Release Obligation of Associated Ordinances for recording. Applicant / Property Owner: Spanish Springs Associates attn.: Jesse Haw, 550 W. Plumb Lane, Suite B #505, Reno, NV 89509 Location: Spanish Springs, north of Eagle Canyon Drive and west of Pyramid Highway Assessor's Parcel Nos: 532-020-13; 532-120-01; 532-020-17. Total Parcel Size: ±384 acres. Master Plan Category: Suburban Residential Regulatory Zone: Medium Density Suburban Area Plan: Spanish Springs Citizen Advisory Board: Spanish Springs Development Code: Article 814, Development Agreements Section/Township/Range: Generally within Sections 22, 23, 26 & 27, T 21N, R 20E, MDM. Community Services. (Commission District 4.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 8 be approved.

15-0538 **AGENDA ITEM 9** Recommendation to award a bid and approve the Agreement to the lowest, responsive, responsible bidder for the New Washoe City Park Rehabilitation project [staff recommends Garden Shop Nursery, Landscape Division in the amount of \$220,476]; and direct the Comptroller's Office to make the appropriate budget adjustments. Community Services. (Commission District 2.)

There was no public comment on this item.

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

15-0539 **AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Matterhorn Blvd Improvement Project [staff recommends Granite Construction in the amount of \$1,496,496]. Community Services. (Commission District 5.)

There was no public comment on this item.

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

15-0540 **AGENDA ITEM 11** Recommendation to approve an Agreement between Mercey Springs 152 Partners, LLC and Washoe County for a sixty (60) month term, commencing July 1, 2015 through June 30, 2020, for the continued occupancy of the North Valleys Library Branch located at 1075 North Hills Boulevard, Reno [\$136,322.40 with a 2.5% annual increase]. Community Services. (Commission District 5.)

Chair Berkbigler thanked Commissioner Hartung for his assistance in negotiating the lower price for the County. Commissioner Hartung said the agreement was for five years, because no forward motion could be achieved on another library in less than that time, and he reviewed the negotiated savings over the length of the contract. Commissioner Hartung thanked Dave Solaro, Community Services Director, for his hard work on this agreement.

Commissioner Hartung thanked Chair Berkbigler for recognizing his assistance, but if the savings every Commissioner negotiated was tallied up, the amount would be impressive.

There was no public comment on this item.

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

15-0541 **AGENDA ITEM 12** Recommendation to authorize the Assistant County Manager to renew the excess liability insurance policy with Insurance Company of the State of Pennsylvania for [\$153,456.] and pay a broker fee of [\$15,000] to Wells Fargo Insurance Services effective July 1, 2015, with funding from the Risk Management Fund. Comptroller. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 12 be authorized.

15-0542 **AGENDA ITEM 13** Recommendation to authorize the renewal of the Excess Workers' Compensation Insurance Policy with New York Marine and General Insurance Company for one year at a premium of [\$213,220] and the Property Insurance Policy with the Public Entity Property Insurance Program for one year at a premium of [\$482,346], effective July 1, 2015, funding from the Risk Management Fund source. Comptroller. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 13 be authorized.

15-0543 **AGENDA ITEM 14** Recommendation to approve a 2015 Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management for [\$170,877, requires a match in the amount of \$170,877], retroactively for the period of October 1, 2014 through March 31, 2016; (included in the FY15 budget, \$61,110.45, CC 155110 and \$109,766.55 by applying the salary expense of Washoe County Sheriff Search and Rescue positions); and direct the Comptroller's Office to make the appropriate budget adjustments. Manager. (All Commission Districts)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 14 be approved and directed.

15-0544 **AGENDA ITEM 15** Recommendation to approve Employment Agreement between Ellen G. I. Clark, M. D. and the County of Washoe to serve as Chief Medical Examiner and Coroner effective July 1, 2015 through June 30, 2016, [annual salary \$248,560.] Manager. (All Commission Districts.)

There was no public comment on this item.

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

15-0545 **AGENDA ITEM 16** Recommendation to approve a three-year renewal agreement between the County of Washoe and Washoe Legal Services to provide for the legal representation of children in the Child Protective Services system effective July 1, 2015 through June 30, 2018 [fixed annual amount of \$226,014]. Manager. (All Commissioner Districts.)

There was no public comment on this item.

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

15-0546 **AGENDA ITEM 17** Recommendation to approve the payment from the Enhanced 911 Fund for the purchase of four (4) Harris Daily Wells Symphony Dispatch Radio Consoles in the amount of [\$161,297.40, no County match required] for use by the Washoe County Communications Center and if approved, authorize the Comptroller's Office to make the necessary budget adjustments. Sheriff. (All Commission Districts.)

There was no public comment on this item.

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

15-0547 **AGENDA ITEM 18** Recommendation to approve the Forensic Support Services Agreements between Washoe County on behalf of Washoe County Sheriff's Office and various Local Law Enforcement Agencies: Board of Regents of the Nevada System of Higher Education [\$15,107]; Carlin PD [\$7,365]; Carson SO [\$88,379]; Churchill Co SO [\$23,498]; Douglas Co SO [\$75,753]; Elko PD [\$56,815]; Elko Co SO [\$56,114]; Eureka Co SO [\$3,000]; Lander Co SO [\$7,014]; Lyon Co SO [\$74,350]; Mineral Co SO [\$1,754]; Pershing Co SO [\$5,935]; Walker River Tribal PD [\$3,000]; Washoe County School PD [\$21,043]; West Wendover PD [\$19,424]; Western Shoshone Tribal PD [\$3,237]; Winnemucca PD [\$37,229]; Yerington PD [\$3,000] for Forensic Laboratory Analysis Service fees for the term of July 1, 2015 to June 30, 2016 with an income of [\$502,017]. Sheriff. (All Commission Districts.)

Commissioner Hartung said he did not see the Cities of Reno and Sparks included as a part of this item. Renee Ismari, Forensic Science Division Director, said the City of Reno had a trade for services agreement and the City of Sparks was in the second year of a two-year agreement. She advised four other agreements just came in and would come before the Board soon.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 18 be approved. The Forensic Support Services Agreements for same are attached hereto and made a part of the minutes thereof.

15-0548 **AGENDA ITEM 19** Recommendation to approve a one-year support grant agreement in the amount of [\$636,336] with the nonprofit, Catholic Charities of Northern Nevada, from July 1, 2015 to June 30, 2016 in support of the senior nutrition program, including congregate and Meals on Wheels services, in order to implement national best practices and leverage the capacity of a non-profit nutrition services agency and approve necessary resolution for same. Senior Services. (All Commission Districts)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 19 be approved. The Resolution for same are attached hereto and made a part of the minutes thereof.

15-0549 **AGENDA ITEM 20** Recommendation to approve the sole source purchase of a P25 phase 2 simulcast radio system solution as recommended by the 800 MHz Joint Operating Committee on June 19, 2015 from Harris Corporation to address

the radio system coverage problems in the Red Rock/Rancho Haven area as well as continue the transition to a new digital radio system in an amount not to exceed [\$850,000]. Technology Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 20 be approved.

15-0550 **AGENDA ITEM 21** Recommendation to approve an Intrastate Interlocal Contract between Public Agencies, a contract between the State of Nevada acting by and through its Department of Health and Human Services Division of Public and Behavioral Health Lake's Crossing Center and Washoe County for professional services to conduct mental health evaluations of defendants; effective July 1, 2015 to June 30, 2017, [not to exceed \$508,700 for biennium, \$254,350 annually]. Manager (All Commission Districts)

Paul Lipparelli, Legal Counsel, said the second paragraph on page 2 of the attachment to the contract, Scope of Work, under the State's Responsibilities, the term "as time allows" should be replaced with "in conformance with court ordered deadlines." He stated he reviewed the change with Kevin Schiller, Assistant County Manager, who worked with the State on this contract and was confident the State would accept the change. He said to alleviate problems with timeliness for some of the evaluations, changing the language to comply with the court ordered deadlines would help the parties involved. Commissioner Jung said she accepted that change to her motion, and the seconder agreed.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 21 be approved as amended. The Intrastate Interlocal Contract for same are attached hereto and made a part of the minutes thereof.

15-0551 **AGENDA ITEM 22** Discussion and possible action to appoint one member of the Board of County Commissioners to serve on the Reno Sparks Visitors and Convention Authority Board of Directors, term effective July 1, 2015 as required by changes made as a result of Senate Bill 480 of the 2015 Nevada Legislative Session. Manager. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 22 be approved with the appointment of Commissioner Lucey.

15-0552 **AGENDA ITEM 23** Discussion and possible action to appoint one member of the Board of County Commissioners to serve on the Public Schools

Overcrowding and Repair Needs Committee (term effective upon appointment), as required by Senate Bill 411 of the 2015 Nevada Legislative Session. Manager. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 23 be approved with the appointment of Chair Berkbigler.

15-0553 **AGENDA ITEM 24** Recommendation to approve a 45-day extension of existing Collective Bargaining Agreements beyond the current June 30, 2015 expiration date to August 14, 2015 in response to SB 241 of the 2015 legislative session as it affects NRS 288. Human Resources. (All Commission Districts.)

Nancy Parent, County Clerk, advised comments regarding Agenda Item 24 were distributed to the Board and placed on file with the Clerk.

In response to the call for public comment, Carla Fells, Washoe County Employees Association (WCEA) Executive Director, commended Human Resources for putting Agenda Item 24 on the agenda, and the Board for the not handling the extension of the collective bargaining agreements the way their counterparts in Southern Nevada had been doing. She stated Commissioner Jung brought up the Cadillac insurance plans the employees had voted on. She said several years ago, the employees and the Commissioners asked the County to look at expanding the choice of the broker that did the health insurance plans. She stated Commissioner Larkin requested the insurance broker look for other alternatives, which included looking at a cafeteria plan. She stated the County continued to use the same broker. She advised the employees could only vote on what was brought to the Association from management through that broker. She said the vote to increase the payment for the employees was to alleviate some of the lower-paid employees from going into bankruptcy due to them not being able to afford the high deductible. She said some employees went to the high-deductible plan because they could not afford the monthly payments, but the lower-paid employees could not afford to do that. She advised one catastrophic illness or hospital visit could send them into medical bankruptcy, which happened to four employees since the downturn in the economy. She said they had the Cadillac plan, but did not make enough money to pay for the one time a child had to go into the hospital or for a spouse's major illness. She stated the health plan had not been changed, and the vote had been for the same health plan they always had, but the cost had gone up. She said the broker never brought anything else to choose from, and she implored the County to look at other brokers.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 24 be approved.

15-0554 **AGENDA ITEM 6** Appearance: Kimberly Robinson, Executive Director, Truckee Meadows Regional Planning Agency. William H. Whitney, Division Director, Planning and Development. Presentation on the work program for the

Truckee Meadows Regional Planning Agency; and approve the payment of \$205,162, paid in quarterly installments, as Washoe County's share in annual funding for the Truckee Meadows Regional Planning Agency to cover the fiscal year from July 1, 2015, through June 30, 2016. Community Services. (All Commission Districts.)

Bill Whitney, Planning and Development Division Director, said the County's portion of the funding for the Truckee Meadows Regional Planning Agency's (TMRPA's) budget was put on the Board's agenda every year for approval, and a copy of the TMRPA budget was contained in the Board's packets. He stated additionally, Kim Robinson, TMRPA Executive Director, was invited to provide an overview of the TMRPA.

Ms. Robinson conducted a PowerPoint presentation regarding the TMRPA's budget, which highlighted the creation of Regional Planning, the contents of the Regional Plan, how the Regional Plan was done, harnessing our data, collaboration, the RTC Shared Services Program, accounting of land use within the South Truckee Meadows Treatment Facility Service Area, products of regional benefit, Tentative Maps and planned developments - November 2014, achievements, Fiscal Year 2015-16 Work Program, budget highlights, Residential Housing Study, jurisdictional allocations, and the final budget. A copy of the presentation was placed on file with the Clerk.

Commissioner Lucey said he was a member of the TMRPA's Governing Board, and he advised he had been looking for more substantial information regarding the budget. He stated he made it very clear that he had problems with Regional Planning and the framework it lied within. He felt the makeup of the Regional Planning Governing Board (RPGB) was ineffective, because certain entities had more power than others. He said of the 10 members, four were from the Reno City Council, three were from the Sparks City Council, and three were from the County Commission. He stated all of the citizens of the cities were also citizens of Washoe County, so seven members of the RPGB represented the City of Reno and six represented the City of Sparks, while only three members represented the unincorporated area of the County. He felt there was not a lot of ease for developing plans and projects for economic development within the County, and the County had to horse-trade with the other entities to get projects through, which was ineffective and upsetting to him. He said he wanted to work with staff to hopefully correct a lot of the issues, and he recommended having a discussion about the issues and withholding the County's payment and approval of the budget until the County's issues could be rectified.

Commissioner Jung asked how much each entity paid the TMRPA. Ms. Robinson said the City of Reno's portion was a little over \$273,000 and the City of Sparks and Washoe County paid a little over \$205,000. Commissioner Jung stated she supported what Commissioner Lucey said because she felt there were too many silos in the community collecting tax dollars that had Executive Directors making over six figures, while managing relatively small budgets. She felt the Truckee Meadows Water Authority (TMWA), the Regional Transportation Commission (RTC), and the RPGB should all come under one municipality, because they were all fiefdoms that were good for one and terrible for the many. She stated she supported withholding the payment until some of the equity issues were addressed. She said she was not

pleased the RPGB Director said this Board voted incorrectly regarding the Village of the Peak. She stated staff also got reigned in on that for not carrying what this Board asked them to carry to the RPGB and that a member of this Board, who was the sole no vote, convinced the RPGB to overturn what this Board did, which she had a real problem with.

Commissioner Jung asked if the TMRPA had taken a position on banning the future construction of swimming pools and water features due to the severe drought. Ms. Robinson said the RPGB had not had that conversation. Commissioner Jung felt responsible regional planning would include managing a precious asset such as water. She said she would like to see that happen. Ms. Robinson said they would be happy to put that on an agenda. She advised there was also a Western Regional Water Management Plan managed by the Western Regional Water Commission (WRWC), and it might be appropriate to bring them into that conversation also. Commissioner Jung asked if they approved the developments of a regional significance. Ms. Robinson replied they did not. She said the TMRPA approved the developments having regional significance and currently there was not an item regarding swimming pools and water features.

Commissioner Hartung said he did not convince the rest of the RPGB how to vote. He reminded everyone that the Commissioners were elected by the people and not by a board. He said he had a fiduciary responsibility to the people who elected him.

Commissioner Hartung asked if the Board had the ability to stop the payment, which was set forth in the Nevada Revised Statutes (NRS). Paul Lipparelli, Legal Counsel, stated the regional planning statutes that created the regional planning entity and the corresponding boards, provided that the TMRPA "shall" request assistance from the governing body of the County and the Cities. He said the statute did not indicate what would happen if the County and the Cities refused to provide that assistance, but it was clear the Legislature intended the TMRPA to be supported by the Cities and the County, and the Interlocal Agreement was the vehicle by which the Cities and County provided that support. He stated if the Board wanted to pull out of the Interlocal, it would have to give notice under the Interlocal Agreement to terminate the County's participation in it; however, the statute remained in force that allowed Regional Planning to ask for assistance. He believed pulling out of the Interlocal Agreement would cause Regional Planning to send a request to the County for assistance, which was clearly what the statute contemplated. He said it could be done, but he was not sure in the end it would accomplish anything legally significant. Chair Berkbigler asked what would happen if the Board did not approve the budget. Mr. Lipparelli said he would have to get back to the Board on the statutory basis for the budget approval.

Chair Berkbigler said she appreciated everything Ms. Robinson did, and the TMRPA had done some positive things and was extremely important in its time, but times changed. She stated it was clear in the presentation that collaboration between the governments was important, but that was not happening. She said this Board was routinely asked to support the other entities issues, but when the County's issues came before Regional Planning there were restrictions in place that did not allow the County to grow. She stated her position was the County was not an entity that existed just to serve the Cities and the County had a fiduciary responsibility to grow, because a lot of people preferred to live in the unincorporated portions of

the County. She asked that the Regional Planning structure be looked at and the renewal of the Interlocal Agreement in 2017 be looked at to improve the issues this County was dealing with.

Chair Berkbigler said she agreed with Commissioner Lucey's concerns and was not comfortable enough with the budget presentation to support it.

Commissioner Lucey asked what role the TMRPA played in annexation. Ms. Robinson said annexation could occur by the Regional Planning Commission sitting as the Annexation Commission. Commissioner Lucey said tremendous annexation had been seen in previous years, which created islands and a multitude of things that were never contiguous. He stated that concerned him, because it seemed like the Cities could pick and choose which pieces of properties they wanted to annex and, due to the representation on the Board, the County could not stop that from happening. He stated that was upsetting for the Commissioners and their constituents and was something that should also be addressed.

Commissioner Lucey made a motion to not accept the TMRPA's budget and to withhold the County's payment until there could be further discussion on the issues. Commissioner Jung seconded the motion.

Commissioner Jung asked if the RPGB required, during its review of annexations, that the City reimburse the Fire Protection District or be required to build and staff fire stations. Ms. Robinson advised there were some very strong statutes that identified when annexation could occur, and the Annexation Commission's participation did not speak to specific services. She said she would have to research what historically happened. Commissioner Jung felt this was something the County needed to carry as a bill during the next Legislative Session, and it should be determined if Regional Planning was kept or not and, if it was kept, what did the County need in return, especially regarding annexation and the loss of revenue to the fire district and the loss of service to the area. She believed the taxpayers were getting a raw deal regarding fire and many other services.

Commissioner Herman believed more research should be done on this issue, because some legal advice was needed. She felt Regional Planning was getting the blame for things done by this Commission. Chair Berkbigler said it was a valid point that Regional Planning was the target for some of the Board's frustrations and perhaps they did not belong with Regional Planning.

Chair Berkbigler said one example she had concerns about was the Harris Ranch development. She stated the roads that would be impacted in her District were windy two-lane roads but, even though the development would drastically impact her constituents, they had no say in what happened there and they would be very unhappy about the traffic problem that would be created. She stated the way Regional Planning was structured, it benefited the Cities and not the County. She said just because there would be a traffic problem did not mean the development should not have been approved, but it did mean Regional Planning should look at the traffic issue and require it be addressed, which her research indicated had not happened. She said that was one example of where the City was getting preference over the County and there were several others that could be brought up. She said when the Calle De La Platta development was being

worked on, there were constant questions about the sewer, water, and school problems. She stated she had not seen those types of questions brought up about the City of Reno's project. She felt what the City of Reno did was the right thing to do, but she felt Regional Planning's responsibility was to look at those types of issues for every single project, not just those located in the unincorporated County.

Commissioner Hartung said the way the system was set up, he was not sure Regional Planning was the appropriate party to deal with the roads, which should be handled by the Regional Road Impact Fee (RRIF) that each developer would pay and/or build the proper infrastructure to mitigate their impact. He stated RRIF fees should have been charged to mitigate the impact of the project. Chair Berkbigler said she understood, but it would not help the traffic increase on the rural roads in the surrounding area. She stated traffic and fire would be serious issues. She said the only fire station close to the development would be a Truckee Meadows Fire Protection District (TMFPD) fire station, but the project belonged to the City of Reno. She stated a project needed to be looked at from every perspective to have a truly collaborative regional community, and not just the projects being built in the County. She said smaller developers wanted to build in the County, but they had an inability to get a project through Regional Planning. She stated there was no value for the County to be a member of a governing board if there was not the ability for the County to get a project through it.

Chair Berkbigler asked the maker of the motion to provide direction on what he would like Regional Planning to do so the Board could approve the budget.

Commissioner Lucey amended the motion to clarify that the Board's framework and representation should be addressed going forward into the renegotiation of the agreement up for renewal in 2017. He said he also wanted to look into how Clark County and some of the other entities in the area did it. He stated Clark County had a board that made recommendations, while the local board had the ability to veto an item. He felt having a recommendation type of board would have more responsibility falling on Ms. Robinson's shoulders, who could ensure every entity had a fair share in every project brought to the area, could focus on how economic development was approached in the area, and how Regional Planning affected that development within the County and the Cities. He said until those issues were addressed, he recommended withholding the Board's approval of the budget. Commissioner Jung agreed.

Ms. Robinson clarified in terms of the motion, she heard the term Interlocal, which was previously talked about in terms of the funding piece, and there was discussion about the update in 2017, which was the Regional Plan update.

There was no public comment on this item.

On the call for the question, the amended motion passed 3-2 with Commissioners Hartung and Herman opposed.

Ms. Robinson thanked the Board for the opportunity to have this discussion. She said the TMRPA was committed to collaboration and having more of these types of conversations.

15-0555 **AGENDA ITEM 29** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

11:50 a.m. The Board recessed.

3:00 p.m. The Board reconvened with all members present.

15-0556 **AGENDA ITEM 26** Public hearing and possible approval of an Outdoor Festival business license application (pursuant to Washoe County Code chapter 25 and related provisions) and associated License Conditions for the Barracuda Championship 2015 golf tournament, scheduled to be held from August 3 through August 9, 2015 at the Montreux Golf and Country Club. Event set-up is proposed to begin on June 30, 2015, and event takedown and dismantle is proposed to end on August 21, 2015. Tournament parking is proposed at the clubhouse and on Lausanne Drive, with off-site public parking at Galena High School and off-site volunteer parking at the UNR Redfield Campus. If approved, authorize set-up for the tournament to commence on June 30, 2015 and further authorize the Director of the Planning & Development Division, Community Services Department to issue the license when all pre-event conditions have been met. Community Services. (Commission District 2.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of an Outdoor Festival business license application. There being no response, the hearing was closed.

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

15-0557 **AGENDA ITEM 27** Public Hearing for the second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto. (Bill No. 1744) Community Services. (All Commission Districts.)

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1561, Bill No. 1744.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, Chair Berkbigler ordered that Ordinance No. 1561, Bill No. 1744, be adopted, approved and published in accordance with NRS 244.100.

15-0558 **AGENDA ITEM 28** Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial breeders (through a commercial breeding permit) and adding related definitions; and also amending Washoe County Code Chapter 25 by adding the definitions of “breeder” and “commercial breeder”, making changes to the definitions of “breeding” and “litter”, and specifying that commercial breeders must first obtain a commercial breeding permit from regional animal services before receiving the required business license, and all other matters properly relating thereto; and, to be effective December 9, 2015. (Bill No. 1742) Animal Services. (All Commission Districts.)

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1562, Bill No. 1742.

Commissioner Herman said she was concerned this animal ordinance still seemed to be fairly restrictive.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried, Chair Berkbigler ordered that Ordinance No. 1562, Bill No. 1742, be adopted, approved and published in accordance with NRS 244.100.

15-0559 **AGENDA ITEM 31** Public Comment.

There was no response to the call for public comment.

* * * * *

1:45 p.m. There being no further business to discuss, on motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, the meeting was adjourned.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Jan Frazzetta, Deputy County Clerk

Pending Board Approval

The attached document was submitted to the
Washoe County Board of Commissioners during
the meeting held on July 21, 2015.
by Nancy Parent, Washoe County Clerk
for Agenda Item No. 8
and included here pursuant to NRS 241.020(7) as
amended by AB65 of the 2013 Legislative Session.

- 15-0528** **5H4** Approve a Corrective Easement-Old Mayberry Bridge Over the Truckee River to correct a legal description; and, approve a Non-Exclusive Utility Easement-Washoe County Force Main Sewer Across Old Mayberry Bridge between Washoe County and the State of Nevada for the Old Mayberry Pedestrian/Equestrian Bridge. (Commission District 1.)
- 15-0529** **5I1** Approve amendments totaling an increase in FY15 of [\$3,263] and FY 16 of [\$14,979] in both revenue and expense to the Environmental Protection Agency (EPA) PM 2.5 Grant Program, IO 10021; and if approved direct the Comptroller's office to make the appropriate budget adjustments. (All Commission Districts.)
- 15-0530** **5I2** Approve amendments totaling an [increase of \$10,491] in both revenue and expense to the FY15 ASPR Hospital Preparedness – BP2 Carry-Over Federal Grant Program, IO 11240; and if approved direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)
- 15-0531** **5J1** Reappoint two individuals to the Washoe County Advisory Board to Manage Wildlife, Michelle Spencer and Sean Shea, with terms to expire July 1, 2017. (All Commission Districts.)
- ***NOTE:** During the Commission meeting on July 14, 2015 County Manager Slaughter made an announcement that the expiration date for these terms of appointment was in error as set forth on the June 23, 2015 agenda. He advised that the term of appointment for members of this Advisory Board are set by statute and are for a period of three (3) years. Therefore, the correct terms of office for Michelle Spencer and Sean Shea expire on July 1, 2018.
- 15-0532** **5J2** Certify charges, levy and direct the Treasurer to collect special assessments for fiscal year 2015/16 as requested by the State Engineer of the State Department of Conservation and Natural Resources, for Hualapai Flat Water District, San Emidio Desert District, Warm Springs Valley Groundwater and Washoe Valley Groundwater Basin and Warm Springs/Winnemucca Creek Basin, Truckee Meadows/Sun Valley Groundwater Basin, based either on special assessment amounts determined by the State Engineer for predominantly agricultural areas or via the tax rate determined by the Department of Taxation for areas in which specific assessments are not calculated by the State Engineer; approve the payment of special assessments from the General Fund for Pleasant Valley Groundwater Basin [\$5,000], Cold Springs Valley Groundwater Basin [\$3,000], Honey Lake Valley Groundwater Basin [\$2,000], Truckee Canyon Segment Groundwater Basin [\$3,000], Lake Tahoe Groundwater Basin [\$200], Spanish Springs Valley Groundwater Basin [\$3,000] and Tracy Segment Groundwater Basin [\$1,000]; approve the payment of assessments from the current available fund balance for Lemmon Valley Water District [\$15,000]; and further direct the Comptroller to pay to the Department of Conservation and Natural Resources the requested funds. (All Commission Districts.)