

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

TUESDAY

10:00 A.M.

MAY 22, 2018

PRESENT:

Marsha Berkbigler, Chair

Kitty Jung, Vice Chair

Bob Lucey, Commissioner

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

John Slaughter, County Manager

David Watts-Vial, Deputy District Attorney

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

18-0393 AGENDA ITEM 3 Public Comment.

Ms. Elise Weatherly stated she did research on several Catholic charities and expressed concern about the amount of money which was used to pay for salaries. She asked who from the County was responsible for performing audits on those charities. She raised concerns about how the Children's Cabinet distributed its donations. She provided documents which were placed on file with the Clerk.

Ms. Tammy Holt-Still indicated in June 2017 Lemmon Valley residents voted for her to represent them. She expressed frustration that the County had not taken a vote on elevating homes and had not put a plan in place to control effluent waters. She expressed frustration at some comments that had allegedly been made about residents and reminded the Board they worked for the people. She announced the Board of County Commissioners had been served for a judicial review regarding the Lemmon Valley Heights development. Copies of her documents were placed on file with the Clerk.

Mr. Garth Elliott provided photographs, copies of which were placed on file with the Clerk. He mentioned he worked on the Sun Valley area plan eight years prior and it took five years to complete. He conceded there were unintended consequences which needed to be addressed but he did not want to see the plan go back to how it was before. He stated he wanted Sun Valley Boulevard to be populated by commercial properties, not residential properties. He claimed the plan was altered by the Community Services Department to disallow residents to upgrade their homes. He requested the Board deny the appeal.

Ms. Vicky Maltman stated new housing would increase traffic problems which were already made worse by Spanish Springs residents cutting through Sun Valley. She mentioned some properties that had been cleaned up were now littered with vehicles and motor homes. She agreed people should be able to upgrade their homes if need dictated but cautioned against changing what Sun Valley residents had decided many years before.

Mr. Roger Edwards remarked he was on the Planning Commission when the Sun Valley legislation was created and he indicated hundreds of residents wanted to see the commercial district cleaned up. He said modifying the plan would undermine the efforts of hundreds of people to appease 10 to 15 affected property owners. He asked the Board to look into whether the recharge aquifers in Golden Valley impacted the Lemmon Valley flooding. He stated a project was approved to dredge Swan Lake and finish a berm, and he requested the County look into what happened to the money for that.

Mr. Sam Dehne spoke about local elections and law enforcement, and he told a story about body cameras proving his grandson's innocence.

18-0394 AGENDA ITEM 4 Announcements/Reports.

Before Agenda Item 3 was heard, Agenda Item 4 was briefly opened. Commissioner Hartung apologized to Chair Berkbigler for disrupting the May 15, 2018 Board of County Commissioner meeting, as well as for inadvertently offending any members of the public. The item was then closed and reopened at the correct time.

Commissioner Hartung commented there was an accident at a County facility on May 21 and he thanked the Reno Fire Department and other departments for their quick response. Regarding comments made during public comment, he requested staff bring back the topic of code enforcement laws for discussion. Prompted by Chair Berkbigler, he asked for a two-hour rule consideration for this.

Commissioner Hartung mentioned he attended a Regional Transportation Commission meeting where Commissioner Lucey and Reno City Councilwoman Neoma Jardon donated \$11,000 to the Adopt a Vet Dental Program. At the meeting, the Board discussed urging the Nevada Department of Transportation (NDOT) to begin projects that would make the "Spaghetti Bowl" safer. Other topics included reducing bus fares, performing an Eagle Canyon Study, and implementing Calle De La Plata signalization.

Commissioner Jung said she attended the Waffles and Wishes Fundraiser, proceeds from which went to the Make-A-Wish Foundation. She mentioned she would meet with the Nevada Youth Empowerment Project and faith and community leaders to discuss affordable housing and homelessness. She announced she would attend the Salute for Women of Achievement event which would celebrate Washoe County Communications Director Nancy Leuenhagen, and she would also attend an upcoming Board of Health meeting. She reminded everyone early voting would begin Saturday

May 23. She stated she would be a speaker at the Mountain View Cemetery's Memorial Day celebration.

Commissioner Jung requested staff research best practices across the country about addressing hoarding behavior. She pointed out when areas were cleaned of excess trash, hoarding behavior resulted in those areas once again becoming afflicted. She felt in addition to cleaning up properties the County needed to provide access to mental help for the owners. She remarked code enforcement was complaint-driven and not proactive, limiting code enforcement officers from addressing similar problems in the surrounding area.

Commissioner Lucey mentioned he received many concerns from citizens regarding Mt. Rose Highway. Since the highway was between unincorporated County areas, he felt the County needed the ability to push NDOT to install signalized interchanges for safety reasons. He specified the Edmonton Drive and Callahan Road intersections were two areas of concern. He said Reno hosted the National High School Mock Trial Championships, which saw participation from 48 teams across the world. He thanked the District Courts, judges, and the District Attorney's office for their involvement. He praised the students who participated in the trials and noted Nevada Supreme Court Justices Lidia Sitglic, James Hardesty, and Ron Parraguirre judged the final rounds.

Commissioner Lucey said he and Commissioner Jung participated in the first Community Homeless Advisory Board meeting and he felt it was important for the County to lead the charge on the issue of homelessness. He stated federal funding for certain projects in the region was no longer provided by Transportation Investment Generating Economic Recovery grants, but modifications to the Better Utilizing Investments to Leverage Development (BUILD) grants made it more accessible for local entities to procure federal funding for major projects. Two such projects in the area funded by BUILD grants were the Virginia Street Corridor project from downtown Reno to Plumb Lane, and the 4th Street/Prater Way improvements.

Chair Berkgigler announced the new Community Center opened in Incline Village, including a senior center which would provide services for Incline Village's senior population for the first time. She added seniors comprised 40 percent of Incline Village's population. She requested information about who audited Catholic charities and how often those audits were performed. Regarding a remark made during public comment, she requested information about the Planning Commission's approval of a plan to dredge Swan Lake and build a berm.

CONSENT AGENDA ITEMS – 5A THROUGH 5X

- 18-0395** **5A** Approval of minutes for the Board of County Commissioner’s regular meetings of April 17, 2018 and April 24, 2018. Clerk. (All Commission Districts.)
- 18-0396** **5B** Approve Interlocal Agreement between the County of Washoe and the City of Reno for election services provided by Washoe County for the 2018 primary and general elections (approximate reimbursement received by the County will vary according to number of candidate races and questions placed on the ballot by City of Reno). Voters. (All Commission Districts)
- 18-0397** **5C1** Approve Amendment #1 to Sub-grant DEPS 14-022 from the Nevada Division of Environmental Protection, extending the grant’s expiration date from June 30, 2018 to December 31, 2019 to allow Washoe County additional time to satisfy the grant’s requirement that the County expend funds matching the grant amount. Community Services. (Commission District 1.)
- 18-0398** **5C2** Approve a change order to the Agreement for Professional Consulting Services with HDR, Engineering, Inc. [in the amount of \$40,196.00] for an additional Emergency Action Plan for the Sidehill Detention Basin Dam, [bringing the total contract amount to \$204,643.00]. Community Services. (Commission District 3.)
- 18-0399** **5C3** Approve the Cancellation Agreement and associated Water Rights Deed to terminate the Water Sale Agreement between Washoe County and Granite Hills Baptist Church, and re-convey 0.69 acre-feet of water rights from Washoe County to Granite Hills Baptist Church. Community Services. (Commission District 5.)
- 18-0400** **5C4** Approve, on the recommendation of the Chair, the reappointment of Kristina Hill to the Washoe County Board of Adjustment to represent Commission District 1 to fill a term beginning on July 1, 2018, and ending on June 30, 2022, or until such time as Ms. Hill no longer serves on the Board of Adjustment or a successor is appointed, whichever occurs first. Community Services. (Commission District 1.)
- 18-0401** **5C5** Approve, on the recommendation of the Chair, the reappointments of, Larry Chesney (At-Large, North of the River) and Philip Horan (District 1) to the Washoe County Planning Commission each for a term beginning July 1, 2018, and ending June 30, 2022, or until such time as a successor is appointed, whichever occurs first. Community Services. (Commission Districts 1, 3, 4, 5.)

18-0402 **5C6** Approve the removal of uncollectible accounts [\$1,762.97] from the records of the Utilities Fund of the County's Community Services Department as determined by the Comptroller's Office pursuant to NRS 354.257. Community Services. (All Commission Districts.)

On the call for public comment, Mr. Sam Dehne, speaking about Consent Agenda Item 5B, expressed concern about elections in northern Nevada. He suggested early voting tallies should not be made known until Election Day.

Ms. Elise Weatherly spoke about Consent Agenda Item 5B and said she witnessed Ms. Tammy Holt-Still telling a reporter the flooding response was about elections. She said the County should not bear any responsibility if the flooding was an act of god. She told a story about someone selling her late brother's guitars.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5C6 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5C6 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 8 THROUGH 10

18-0403 **AGENDA ITEM 8** Recommendation to approve the following agreements to support continuing characterization of tetrachloroethene (PCE) contamination in three separate potential source areas: 1) Agreement for Professional Consulting Services for the Central Truckee Meadows Remediation District Program with Broadbent & Associates, Inc. for the Mill/Kietzke Potential Source Area Investigation Project [\$434,080.40]; 2) Agreement for Professional Consulting Services for the Central Truckee Meadows Remediation District Program with Broadbent & Associates, Inc. for the Vassar/E. Plumb Potential Source Area Investigation Project [\$386,338.64]; and, 3) Agreement for Professional Consulting Services for the Central Truckee Meadows Remediation District Program with Broadbent & Associates, Inc. for the West Fourth Street Potential Source Area Investigation Project [\$376,840.67] in support of the Central Truckee Meadows Remediation District program. Community Services. (All Commission Districts.)

Commissioner Herman requested a summary of this item from staff since a significant amount of money would be spent. Chris Benedict, Central Truckee Meadows Remediation District Program Manager, explained the remediation district program was created in 1995 when widespread groundwater contamination was discovered in the Reno/Sparks area. He stated there were eight groundwater plumes that resulted in the program treating 1.5 billion gallons of groundwater each year to provide safe drinking water. He noted the District worked with the Cities of Reno and Sparks to ensure any tetrachloroethene (PCE) currently used was disposed of properly.

Mr. Benedict pointed out PCEs had been used for almost a hundred years while regulations were only in place since 1991. The Remediation District was addressing the problem with the resources available while other communities dealt with it by creating a Superfund site. He indicated the project specifically identified three near-surface sources that could be feeding the plumes; completing projects like these could reduce the duration of the problem in the community. Responding to Commissioner Hartung's query, Mr. Benedict stated PCEs were commonly used by dry cleaners. Commissioner Hartung added older automotive shops also used them.

There was no response to the call for public comment.

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

18-0404 **AGENDA ITEM 9** Recommendation to approve a contract amendment, Amendment No. 1, that expands the services Wood Rodgers, Inc. will perform and correspondingly increases Wood Rodgers, Inc. compensation [in the amount of \$84,940, from \$99,910 to \$184,820] under the agreement between Washoe County and Wood Rodgers, Inc. to prepare the Washoe County Regional Parks Master Plan. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

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

18-0405 **AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 2018/2019 Slurry Seal & Roadway Repairs for Washoe County, PWP-WA-2018-130 project [staff recommends Sierra Nevada Construction in the amount of \$2,660,007.00] Community Services. (All Commission Districts.)

There was no response to the call for public comment.

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

18-0406 **AGENDA ITEM 6** Discussion and possible adoption of resolution R18-031 as the “2018 Truckee River Flood Control Financing Election Resolution”, and thereby approve submittal of a question to the registered voters of Washoe County at the General Election on Tuesday November 6, 2018 concerning the imposition and effective date of certain taxes for river flood control financing as recommended by the Truckee River Flood Control Project Needs Committee. Manager. (All Commission Districts.)

Government Affairs Management Analyst Jamie Rodriguez provided a handout, a copy of which was placed on file with the Clerk.

Ms. Rodriguez made note of two corrections related to the item. First, the summary indicated the question was advisory but she corrected it would be a binding question. Second, she said the handout she presented included a red-lined version and copies of both were available at the meeting for any interested members of the public. She reviewed the corrections, which fixed minor spelling errors, removed a section of the third paragraph which was not in accordance with the advisory committee’s recommendation, and clarified a section of the fourth paragraph about property taxes.

Ms. Rodriguez explained Assembly Bill (AB) 375 allowed the Flood Management Authority (FMA) to create a committee to review funding for flood programs under their jurisdiction. She reminded the Board of County Commissioners (BCC) they appointed Scott Smith as the BCC’s representative to the committee. The committee had until April 2, 2018 to submit to the FMA its recommendation for taxes, fee changes, or levies. She noted they recommended an increase of property tax in the amount of .0248 dollars per hundred dollars of assessed value. If approved, the question would appear on the ballot on November 16. She said the question outlined how that money could be used. She added according to AB 375 the BCC would be required to approve the question to go onto the ballot if the advisory board submitted it. Additionally, the resulting fees would need to be collected if the question were passed during the general election.

Chair Berkgigler asked whether the Bill would impact the streams and ditches or if it related only to the Truckee River. Ms. Rodriguez confirmed it related only to the river.

Commissioner Hartung asked whether the designation of the question as binding rather than advisory hindered the County. Deputy District Attorney David Watts-Vial replied it was a typo in the staff report and did not affect the language.

On the call for public comment, Ms. Tammy Holt-Still stated the Truckee Meadows Flood Authority only worked for the Truckee Meadows area and she expressed frustration about other flood issues that were not addressed. She indicated only people in the downtown area would want this bill unless the wording was changed to be more inclusive. She said the entire community had concerns that needed to be addressed.

Chair Berkbigler asked whether the BCC had the authority to make changes to the Resolution to include streams. Mr. Watts-Vial replied there was a specific process required in AB 375 and in regards to this particular Resolution he felt there was nothing the BCC could do about it. Chair Berkbigler stated personally she agreed with Ms. Holt-Still but conceded the Board had to vote for it. She opined the main flooding problem in the area was not around the river.

Spurred by Commissioner Hartung's question, Mr. Watts-Vial confirmed the BCC did not have a choice once the committee made its recommendation other than to pass the item.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 6 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

11:05 a.m. The Board recessed.

11:10 a.m. The Board reconvened with all Commissioners present.

18-0407 **AGENDA ITEM 7** Recommendation to appoint up to 3 individuals to serve on the committees to prepare arguments advocating (persons having stated interest include Dave Aiazzi, George Robinson and Sonny Newman) or opposing (persons having stated interest include Jeffrey Church and Art O'Connor) approval of the ballot question submitted to the Board of County Commissioners, as outlined in Assembly Bill 375, by the Truckee River Flood control Project Needs Committee, pursuant to NRS 295.121. Registrar of Voters. (All Commission Districts)

Registrar of Voters Deanna Spikula noted pursuant to Nevada Revised Statute (NRS) 295.121, it was recommended the Board appoint up to three people on each argument's committee, with one side opposing and one side supporting approval of the ballot question. She reviewed the people interested in the positions and said the Secretary of State's office recommended an odd number be appointed to facilitate majority rule. She confirmed Chair Berkbigler's assertion only five people applied, three supporting the question and two against.

When asked about any potential requirements in terms of the number of appointees, Mr. Watts-Vial responded NRS 295.121 dictated there were supposed to be three in each committee but there was no requirement that one committee could not proceed if the other was not full. They could only proceed with as many people as applied. He added there was no statutory obligation or prohibition to fill the boards, though the board had a time limit to supply its recommendation. Commissioner Hartung asked what would happen if a third member applied. Mr. Watts-Vial replied the application would go to Ms. Spikula then be brought to the Board of County Commissioners for approval. He said there was no statutory time limit but there was a practical one.

Ms. Spikula confirmed the question would not be on the primary ballot, only on the general ballot. She mentioned the deadlines for submittal of arguments to her office were in mid-July.

On the call for public comment, Ms. Elise Weatherly asked whether she could speak about flooding issues on this topic, to which Chair Berkbigler responded she would have to stick to the topic. Ms. Weatherly indicated she would email the Board with her concerns.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Dave Aiazzi, George Robinson, Sonny Newman, Jeffrey Church, and Art O'Connor be appointed to serve on the committees to write pros and cons for this ballot initiative.

18-0408 **AGENDA ITEM 11** Public hearing to approve an Outdoor Festival business license application (pursuant to Washoe County Code Chapter 25 and related provisions) and associated license conditions submitted by Bryce Leon on behalf of the Reno-Tahoe Open Foundation for the Barracuda Championship 2018 golf tournament, scheduled to be held from July 30 through August 5, 2018 at the Montreux Golf and Country Club. If approved, authorize set-up for the tournament to commence on June 25, 2018 and further authorize the Director of the Planning & Building Division, Community Services Department to issue the license when all pre-event conditions have been met.

Application Information:
Name and Address of Applicants: Reno-Tahoe Open Foundation, One East First Street, Suite 1600, Reno, NV 89501
Description of Event Locations: The event is proposed to be held at the Montreux Golf and Country Club, Reno (APNs 148-010-25, 55, 56, and 59; 148-061-65; 148-100-02; 148-140-11; and, 148-222-22). Tournament parking within the Montreux Golf and Country Club is at the Montreux Golf and Country Club clubhouse, 18077 Bordeaux Drive (APN 148-010-59), and on Lausanne Drive (APNs 148-050-02; 148-082-16, 17, and 18; and, 148-092-12). Off-site public parking will be located at Galena High School, 3600 Butch Cassidy Drive (APN 144-010-01); and, at South Reno United Methodist Church, 200 DeSpain Lane (APN 049-440-18). Off-site tournament volunteer parking will be located at the UNR Redfield Campus, 18600 Wedge Parkway (APN 144-070-21).
Dates of event: July 30 through August 5, 2018
Estimated attendance: Event organizers estimate that between 45,000 and 50,000 participants and spectators will take part in the event for the week. The approximate maximum attendance on any one day of the tournament is 10,000 people.
Additional details of the event are included in the application. Community Services (Commission District 2.)

County Manager John Slaughter introduced the public hearing.

Commissioner Lucey stated the event was important to his district and to him with its correlation to the Reno-Sparks Convention and Visitor's Authority. He added it benefitted a number of individuals and had been a great event for some time.

There was no response to the call for public comment.

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

18-0409 **AGENDA ITEM 12** Public hearing to approve or deny an Outdoor Festival business license application (pursuant to Washoe County Code Chapter 25 and related provisions) and associated license conditions submitted by Spencer Humiston on behalf of Happy Fun Events, LLC for The Lantern Fest, scheduled to be held at the Wild West Motorsports Park. The Truckee Meadows Fire District is recommending the Board deny the application based on the 2012 International Fire Code and that the proposed event will be conducted in a manner not meeting the fire safety standards established by Washoe County, specifically the proposed uncontrolled release of flaming material. The Board may deny the application or consider approving the application. The Board will be provided information as to whether all pre-event conditions have been completed by the applicant. If the Board deems that pre-event conditions have been completed sufficiently to warrant approval, authorize the Director of the Planning & Building Division, Community Services Department to issue the license when all required business license fees have been paid.

Application Information:

Name and Address of Applicants: Happy Fun Events, LLC, 2764 W 479N, Provo, UT 84601 Description of Event Locations: The event is proposed to be held entirely within the Wild West Motorsports Park, Sparks (12005 East Interstate 80, APN 084-060-13).

Date of event: May 26, 2018

Estimated attendance: The event organizer estimates 9,000 participants and spectators will take part in the event.

Additional details of the event are included in the application. Community Services. (Commission District 4.)

County Manager John Slaughter introduced the public hearing.

County Clerk Nancy Parent received documents from Planning Manager Bob Webb which were distributed to the Board and placed on file with the Clerk.

Mr. Webb commented this was the first time the event was proposed in Washoe County and it would be held in the Wild West Motor Sports Park on Saturday May 26. The event would begin at 3:00 p.m. with music and family entertainment, and it would end after the lanterns were launched near dark. He said the event organizer anticipated 9,000 attendees. He noted the Truckee Meadows Fire Protection District (TMFPD) did not recommend approval based on the open release of flaming material into the sky. He indicated TMFPD Chief Charles Moore and Deputy Chief Lisa Beaver were present to discuss that recommendation.

The document Ms. Parent distributed was an update of the statuses of the pre-event conditions and Mr. Webb noted the public hearing was so close to the event due partly to miscommunication between staff and the event organizer. He explained the organizer felt he did not need this type of license because he thought a special use permit (SUP) granted to the venue covered this event. Mr. Webb confirmed the SUP applied only to motorized events. He reviewed the document, mentioning less than half the conditions had been completed and verified. He emphasized two during-event conditions would also be a part of the approval and he listed some of the additional documentation included with the staff report.

When asked by Commissioner Hartung whether pile burning was currently allowed, Chief Moore explained open burning was closed as of May 20 due to the concern of dead vegetation. He expressed concern about not knowing where the lanterns would land and that releasing uncontrolled flaming devices was not consistent with fire codes or State statutes.

Commissioner Hartung indicated he would normally not second-guess the Chief's recommendation but relayed a weather report describing several days of rain storms. Chief Moore responded when the TMFPD formulated its recommendation it did not predict future weather but based its recommendation on the normal start of wildland fire season.

Deputy Chief Beaver noted she performed a feasibility study including historical weather research, plume modeling to determine lantern travel distance, and aspect exposures of the area. She admitted there were many benefits to the event but she noted they were often held in wildland areas. She indicated the specific event area was a moderate fire area with a lot of high density fuels which were already dead. She mentioned she reviewed Codes from 2012, 2015, and the 2018 code which was still being amended; all of them prohibited the use of non-tethered sky lanterns. The National Fire Protection Association Fire Code also prohibited them due to their fire risk. She acknowledged the weather report Commissioner Hartung shared but added there was still dead vegetation in the area.

Commissioner Hartung asked who would assume responsibility for any damage if the Board allowed the event and a fire resulted. Ms. Beaver answered the applicant would be responsible depending on the size of the applicant's insurance. Beyond that it would fall on the residents or the County. Mr. Webb stated as per County

Code the applicant would be required to carry a \$1 million insurance policy. Because of the uncertainty around the item's approval, the certificate would be signed after any approval but before the event. He reminded the Board the appellant wished to speak and the staff report included recommendations for language to use for denial or approval of the item.

Commissioner Hartung asked what the extent of the County's liability could be. Mr. Watts-Vial replied the County's indemnification would go to the extent of the appellant's insurance policy. Anything beyond that could result in someone attempting to file a lawsuit, though he added someone could attempt to go after the organizer's assets.

Commissioner Lucey asked whether there were burn scars to the west of the facility, to which Chief Moore replied there were burn scars to the northeast of the site from two prior fires. Commissioner Lucey noted this festival had happened in Fernley for some time and asked how Lyon County was able to approve the festival if it was against International Code 308.1.2. As per Ms. Beaver, North Lyon County Fire Chief Scott Huntley said they did not approve the sky lantern festival, nor did the Bureau of Land Management.

Commissioner Lucey appreciated the TMFPD's recommendation but he agreed with Commissioner Hartung that the weather was conducive to the event. He added he attended Lyon County's event in 2017.

Commissioner Lucey pointed out the organizer had hosted events in Grantsville, Utah, and Post Falls, Idaho as recently as 2015. He asked the organizer about those events given the areas were similar to the one for this event. Spencer Humiston on behalf of Happy Fun Events, LLC responded there was an event in Grantsville attended by 15,000 people the prior week and an event in Post Falls attended by 7,000 people two weeks prior.

Mr. Humiston explained the company usually worked with local fire departments to ensure coverage for each event. He remarked the fire department's man-hours were covered either by way of donation or his company renting the facilities. He noted if approved this event would be limited to 5,000 participants given the licensing issues involved in the process. He said he would work with the fire department to ensure weather conditions were acceptable before launch to make the event safe. He added if the fire department was willing they would have a brush truck or tanker at the event along with fire staff.

Mr. Humiston noted the lantern launch only lasted 20 to 30 minutes and two or three lanterns were launched a few minutes before the larger launch to give a sense where they would wind up. He stated they had launched more than 500,000 lanterns over the prior four years and they had a good sense of where they would travel. The brush truck would be placed in that area and would stay there through clean-up. He said they never had a fire in any of their events, including in places similar to this area.

He indicated a crew of volunteers or paid staff would remain in the area with ABC fire extinguishers as lanterns were being picked up to further ensure safety.

Mr. Humiston advised his company carried a \$3 million per incident/\$6 million per event policy and the larger LLC carried an additional umbrella policy; they had never needed to access that policy. He added the lanterns took three to four hours to clean up. He indicated they had postponed or cancelled previous launches right up until the launch time because of weather. Those events were postponed for anywhere from an hour to a month. He pointed out they planned an additional 25 events after this one.

Commissioner Lucey asked about the numerous pre-event conditions that had not yet been met. Mr. Humiston replied a number of the issues required down payments or other costs and he had trouble justifying these if the event was not approved. He added if he received approval he would take care of the remainder by May 23.

Commissioner Jung mentioned the Commissioners often received complaints that Washoe County lost potential revenue to other Counties and she praised the event. She felt there was enough room to develop a new event given the weather report and the company's history of cancelling events when there was too much risk. She added the owner of the Motor Sports Park owned Q&D Construction and could provide water tenders if necessary. While she stressed caution with the surrounding wildland, she wished The Lantern Fest to become an annual event in the County.

When asked by Commissioner Hartung, Mr. Humiston confirmed there would be no assumption of cost by the County for any water tenders. Chief Moore affirmed there would be a water tender available. Chief Moore referenced a weather report by National Weather Service representative Chris Smallcomb predicting less wind, rain showers, and higher humidity, all of which indicated a low fire risk. Based on that, Chief Moore removed the TMFPD's objection to the event but stressed there was always room to be prudent.

Commissioner Hartung expressed concern about the event becoming an annual event, saying weather conditions should be considered each year. He stated any approval of this event did not guarantee approval in future years.

Commissioner Hartung inquired about when the launch might be held if it were postponed for weather reasons. Mr. Humiston answered they worked out with the venue Sunday May 27 would be the postponement date. He said almost 70 percent of the attendees were coming from Sacramento or the Bay Area so he wanted any postponement date to be close to the original. If they were not able to launch on the 27th, they would work with the fire department to reschedule for a date in the fall. Commissioner Hartung stated any approval the Board made did not extend to a different date.

Mr. Webb noted there was no contemplation in the application or the agenda item for a potential postponement date of the 27th. He invited the Board to review the pre-event conditions regarding the precise weather conditions that would result in a

delay. He suggested if the Board approved the event it should provide guidance to staff about the deadlines by which all conditions should be met.

On the call for public comment, Mr. Norman Dianda mentioned the racetrack was built seven years prior with the cooperation of Washoe County. Regarding the festival, he mentioned there were access roads all over the mountainside and he also owned the property adjacent to the track. He offered to pre-water the area. He stressed the importance of safety and cleanliness to his company and said water trucks and bulldozers would be made available. He said this was an opportunity to create another major event for the community.

Mr. Garth Elliott felt the Board was headed the right direction about the event, given the safety precautions that would be taken, the weather conditions, and the amount of insurance involved.

Commissioner Hartung asked for clarification about the suggested postponement date and the pre-event condition coordination mentioned by Mr. Webb. Mr. Webb repeated the application was strictly for May 26. He said the Board could simply require all conditions to be completed similar to what was done for the Red, White, and Tahoe Blue event. He suggested they could be completed by close of business on the 24th or by noon on the 25th to allow staff time to review certain conditions. Further, any conditions not completed at that time could be left to the discretion of the Planning and Building Division Director for any accommodations needed.

When asked about allowing the 27th to be a postponement date, Mr. Watts-Vial felt it was not necessarily a problem from an Open Meeting Law perspective. He said it could be an issue with any people who were concerned with it continuing to the 27th. He concluded if the Board felt the fire conditions would be monitored sufficiently, it could probably allow the extension, though he added it would be better if it happened as scheduled.

Mr. Watts-Vial received confirmation from Mr. Webb that the event was not applying to be licensed for the 27th. There was a discussion about which parts of the event would happen the following day if it were postponed and Mr. Humiston indicated in past they postponed just the lantern launch and other times they postponed the entire event. He said in an ideal situation the entire event would be postponed to the following day but they could just do the lantern launch.

Mr. Watts-Vial said it would not be appropriate to consider a continuation the appellant had not applied for. He advised it should not be allowed to be continued to the 27th.

Commissioner Hartung moved to approve the festival. Mr. Watts-Vial stated according to County Code 110.912.20 subsection 6, IV, the Board could affirm, reverse, or modify the decision of the deciding body. Mr. Webb argued that section was not pertinent to the governance of outdoor festivals. He said the action that could be taken

by the Commissioners was outlined in the staff report. He requested clarification of a firm timeline when pre-event conditions needed to be completed, again recommending close of business on Thursday May 24.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that the event be approved for May 26, 2018 as recommended by staff, including the timing to meet pre-event conditions.

18-0410 **AGENDA ITEM 13** Public Hearing: Appeal of the Washoe County Planning Commission's denial of Master Plan Amendment Case Number WMPA18-0001 (Sun Valley Area Plan) - Which sought to amend the Washoe County Master Plan, Sun Valley Area Plan, at Policy SUN.1.2 to remove the sentence, "New single family detached residential, including mobile homes, will not be allowed within the DCMA." If approved and subsequently found in conformance with the Truckee Meadows Regional Plan, the Sun Valley Area Plan would no longer prohibit new single family detached residential units in the Sun Valley DCMA. AND Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers) - Which sought to amend Chapter 110 of the Washoe County Code (WCC) at 110.218.35(a) to remove "Neighborhood Commercial / Office" zoning from the areas in which mobile homes and manufactured homes are prohibited to be placed within the Sun Valley area. If approved, placement of mobile homes and manufactured homes within these zones would instead be subject to the general placement rules found in Table 110.302.05.1, which allows them with a Board of Adjustment special use permit.

The Board may affirm, reverse, or modify the decision of the Planning Commission. In doing so, the Board may remand the matter back to the Planning Commission with instructions.

The appellant is Ron Bell. The applicant is the Washoe County Planning and Building Division. The affected area is the Downtown Character Management Area (DCMA) of the Sun Valley Area Plan. (Commission Districts 3&5.)

County Manager John Slaughter introduced the public hearing.

Senior Planner Roger Pelham conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: Overview; DCMA; Background (2 slides); DCMA – Zoning; Proposed Amendments – MPA; Proposed Amendments – DCA; Public Notice; Sun Valley Citizen Advisory Board; Basis of Appeal (Exhibit C to Staff Report); Findings; Recommendation; Possible Motions; and Questions.

Mr. Pelham mentioned the Sun Valley Downtown Character Management Area extended about three parcels on each side of Sun Valley Boulevard. He stated many of the vacant parcels were used for residential purposes in the past but the uses had

become discontinued. Once residential uses were discontinued for over a year, those uses could not be re-established on those parcels. He displayed a map and explained which parcels were affected. He added the item was appropriately noticed for the Planning Commission's (PC) and the Board of County Commissioners' meetings.

There was a brief discussion during which it was determined the original area plan was adopted by the Planning Commission in 2010. Commissioner Hartung asked why staff was pushing for the language change. Mr. Pelham responded while he supported upholding the PC's decision, a number of residents wanted to use their properties for residential purposes as had been done in the past. It happened frequently enough to warrant further consideration of the Development Code.

Commissioner Hartung felt all parcels that could be used for affordable housing should be. He asked why the item was heard by the PC and not the Board of Adjustment. Mr. Pelham responded placement of a single family residential unit would have required the approval of a special use permit (SUP) only if the master plan amendment had been approved by the PC. That would then be consistent with all other neighborhood plans. He clarified the language in the Sun Valley master plan prohibited single family residential dwellings within neighborhood commercial zones (NCZs). Commissioner Hartung stated he could not support the findings of the PC.

After a brief discussion, it was determined the ruling would affect parcels in both Districts 3 and 5. The appellant's specific parcel was located in District 3.

Commissioner Jung stated twenty years prior the residents of Sun Valley envisioned a row of retail shops, but strip malls were no longer in favor. She asked whether there were vacant commercial spaces on Sun Valley Boulevard. Mr. Pelham replied anecdotally he thought there were, but said he would defer to the appellant who prepared statistics.

Commissioner Jung said she hoped to get away from character plans, which tended to read the same across the entire area. She said this character plan was a way to clean up Sun Valley Boulevard, but she said there was commercial property that was not cleaned up. She remarked the type of screening required for people who wanted to put a dwelling on Sun Valley Boulevard was at the purview of the Board. She expressed concerns about being unable to place a dwelling on a property where it was once allowed. She said many people felt mobile homes were a solution to the affordable housing crisis.

Chair Berkbigler inquired whether apartment complexes were considered residential or commercial. Mr. Pelham answered they fell under the multi-family attached use type, though he was unsure if that was allowable at a density of five dwelling units per acre in NCZs. He added the multi-family detached use type was allowed at that density in all NCZs other than the Sun Valley downtown character management area (DCMA).

Chair Berkbigler asked appellant Ron Bell to make his presentation. Mr. Bell provided documents which were distributed to the Board and placed on file with the Clerk.

Mr. Bell conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He indicated he remodeled over 100 homes, at times working with both the Tahoe Regional Planning Agency and the Coastal Commission. He pointed out Sun Valley was a master plan community that was created in 1945. He said it had affordable housing since then and he agreed there currently was a housing shortage. He said in the 1990s it was envisioned retailers would buy out property owners to build strip malls but the area outlined for the DCMA was very broad. He noted one of the developers of the plan said they envisioned a mix of residential and commercial, not taking away residential rights.

Mr. Bell explained the Sun Valley Master Plan was adopted in 2010 but property owners were not properly noticed of the zoning change, creating hardships and a loss of property rights. He said the PC drafted the staff report and notified 1,227 property owners and basically none of them objected to the amendment. He reviewed slides with the following titles: 2018; April 3, 2018; and Background Neighborhood Commercial Homesites. He expressed frustration that he met all the objectives for a Master Plan amendment yet staff indicated he had not. He mentioned the amendment was still subject to a SUP which could be denied by staff or by the Citizen Advisory Board. He showed examples of staff supporting the proposed amendment.

Mr. Bell reviewed the sentence that would be struck from the Master Plan and indicated it would allow for more affordable housing and clean up vacant lots. He provided examples of other areas that converted from commercial to residential and said online retail was hurting commercial areas. He displayed and briefly reviewed a number of pictures and charts to show the need for affordable housing and the cons of allowing only commercial units. He noted his property had utilities installed and a mailbox, and he paid \$650 in property tax, but he could not put a residential unit on it. He mentioned Code allowed him to build a cemetery, a heliport, or a liquor store on his parcel. He indicated his plot was too small for a commercial business and he was not able to build a multi-family unit there either.

He presented photographs of abandoned malls and diagrams of affordable housing and asked which the Board would rather see. He emphasized the need for affordable housing and said there were over 100 affected lots, dozens of which sat vacant.

On the call for public comment, Ms. Parent mentioned one person filled out a comment card supporting lifting the moratorium but chose not to speak. She placed this on file as well as three letters that had been provided to her.

Mr. Garth Elliott stated no one mentioned a desire for strip malls in the DMCA, but they envisioned retail shops with housing on the second floors. He said nobody wanted to prohibit owners from replacing a single-wide unit with a double-wide.

He expressed frustration at changes the County made to the plan after it was drafted, including extending the DMCA further than properties situated directly on Sun Valley Boulevard. He acknowledged the need for affordable housing and remarked 250 homes were recently approved. He admitted there were problems that needed to be addressed with changes to the Character Management Plan but he felt removing the clause was not the way to address it.

Ms. Vicky Maltman said the vacant strip mall shown in the appellant's presentation was filling up and the area was improving. She requested clarification about what was meant by affordable housing and stated a 200 square foot unit at \$600 a month was not an example of affordable housing. She agreed Mr. Bell had the right to place a residential dwelling on his property since he was paying property tax on it, but she opposed removing the sentence because it could lead to too many dwellings on a parcel.

The following people spoke in support of the Master Plan amendment: Mr. John Spinola, Ms. Barbara Faulkner, Ms. Krisztina Dombovari; Ms. Heather Cook; Ms. Pam Pappa; Mr. Jeff Veasley; Mr. Jim Klipp; and Mr. Eric Dietlein.

The arguments made by these individuals included: the need for affordable housing; the lack of commercial viability on 1/3 acre lots or lots not on Sun Valley Boulevard; the reality that someone would have to purchase multiple properties to place a commercial unit; the lack of value to the properties if they could not be used for residential purposes; the inability to sell these properties because of the limitations placed on them; the threat to people's property rights; the lack of parking due to the size of the parcels; the lack of opportunity for first-time buyers; the belief those properties would be cleaned up if they had homeowners on them; the inability to add two mobile homes to an existing park because two of the homes moved away years prior; the need for more residents to ensure commercial success; the burden on neighbors near Sun Valley Boulevard if a business was built adjacent to them; the number of property owners who would be directly or indirectly affected; the striking of the amendment would not preclude people from developing their parcels as commercial properties; the promotion of the beautification of Sun Valley; and the fact that people were paying property tax on parcels with no practical possibilities.

Further, Ms. Pappa asked if either the Health Department or the Fire Department could enforce the cleanup of blight as health or fire hazards. Mr. Klipp echoed the suggestion to improve code enforcement.

Commissioner Jung supported the appeal and the amendment to allow people to place housing in the subject zones. She pointed out traffic congestion would be lessened for people working in Stead if they lived in Sun Valley. She stated the United States was different than other countries by placing a high value on property rights. She agreed code enforcement needed to be reviewed and addressed.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that the denial of Master Plan Amendment

Case Number WMPA18-0001 (Sun Valley Area Plan) and Development Code Amendment Case Number WDCA18-0001 be reversed and both be adopted as listed in the staff report. She added all conditions were met.

* * * * *

1:03 p.m. On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

2:15 p.m. **The Board reconvened with Commissioner Jung absent.**

18-0411 **AGENDA ITEM 14** Public Hearing: Discussion and possible action on the Washoe County Tentative Budget, as well as possible changes to the adoption of the Final Budget for Fiscal Year 2019; approve the changes to position control for Fiscal Year 2019 indicated on Attachment A; and approve the fee updates indicated on Attachment B. This item may be continued to May 29, 2018 at 10:00 AM. Manager. (All Commission Districts.)

County Manager John Slaughter introduced the public hearing. Mr. Slaughter read aloud the conclusion to the Executive Summary of Fiscal Year (FY) 2019 Tentative Budget that was included with the staff report. He praised County departments for the work they did on holding the line on their budget requests.

Budget Manager Lori Cooke conducted a PowerPoint presentation and reviewed slides with the following titles: Final Budget Changes; Summary of Overall Budget; FY 2019 Recommended General Fund Budget; General Fund Balance; Special Revenue Funds; Capital and Debt Funds; Proprietary Funds; Follow-up to April 24 Questions/Requests; and Next Steps.

Ms. Cooke thanked her budget staff, Mr. Slaughter, Assistant County Managers Dave Solaro, Kate Thomas, and Christine Vuletich, Tech Services, Human Resources, Job Evaluation Committee members, and the elected officials and department heads. She praised the department budget representatives, the Capital Improvement Projects Committee, and the Board for showing support despite the fiscal situation.

Ms. Cooke explained from an accounting perspective the Consolidated Tax (C-Tax) refund would be treated similar to property tax, as an expense and not part of the net revenue. The expenses and net revenues were adjusted accordingly between the tentative and final budgets. She admitted they would be dipping into the fund balance on account of the stabilization transfer approved by the Board. She added while they were budgeting \$1.5 million in contingency funds, there was nothing reserved for stabilization. She indicated the hope was to see the decrease in general fund balance flatten out or turn to an increase in the future.

Mr. Slaughter remarked staff would continue to discuss Commissioner Jung's request about released prisoners and consider whether it should be taken up during the next legislative session. He mentioned there had been no communication from the State regarding the County's request to lengthen the C-Tax repayment period; it was currently budgeted to be repaid in full during the upcoming fiscal year. Answering Commissioner Hartung's query, Mr. Slaughter explained AT&T paid sales tax on goods that were destined for other states and should not have paid sales tax in Nevada. He said sales tax refunds were common with the tax commission, though they were normally not this large. He added an AT&T auditor discovered the issue. Commissioner Hartung stated the State should have taken a larger role in auditing since the State gave the County the tax revenue. Mr. Slaughter said there were a number of recipients, including the State, which needed to repay the overpayment by AT&T.

On the call for public comment, Ms. Vicky Maltman stated the Sheriff was no longer using the Regional Aviation Enforcement (RAVEN) helicopter because there was no money in the budget for fuel. She asked whether the Sheriff's Office and law enforcement's budgets were separate from the County's. She felt they should have the ability to go over their budgets given the type of work they performed.

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

Mr. Slaughter stated the Sheriff's Office budget was identified as a separate budget that fell within the public safety function. Ms. Cooke added it was its own department within the general fund and they also received grant funding to help support some of their operations. She emphasized they were statutorily required to stay within their budgets, though she added there was leeway in the case of emergencies.

Commissioner Lucey asked why the Manager's Office fell under the public safety category. There was a brief conversation where it was established that emergency management, the County-wide security initiative, and fire suppression were all different entities. The County-wide security initiative was the part of the Manager's Office that fell under public safety, and fire suppression came under emergency management. Commissioner Lucey asked for confirmation whether the Manager's Office portion of that budget went down from \$629,000 to \$99,000. Ms. Cooke affirmed the majority of that was due to grants.

Chair Berkbigler inquired whether elected officials could spend their allocated budgets however they wanted once the final budget was approved. Ms. Cooke said Code prohibited overspending on travel but, unless there was some restriction on the revenue associated with some expenditure, officials were supposed to stay within the total authority.

Chair Berkbigler asked if the underfunding of the RAVEN helicopter was due to a lack of oversight by the Sheriff. Commissioner Herman responded most of the cost associated with the program was caused by the Sheriff's Office doing work for the City of Reno. She felt those areas should be patrolled by the Reno Police Department.

Chair Berkbigler reminded the public the Sheriff had a standalone budget and any concerns about underfunding the RAVEN program should be addressed to the Sheriff.

Commissioner Hartung acknowledged the County was responsible for funding the Sheriff's budget but the Sheriff had a responsibility to consider methods of cost recovery. He added the Board had a desire to change the structure of forensics and dispatch to address cost recovery. He added the Board needed to consider cost recovery for the detention facility because of the disproportionate numbers that came in from the City of Reno. Chair Berkbigler agreed but said each elected official was responsible for the money given to them to manage their departments. Since they were spending taxpayer dollars it was up to them to provide service to the taxpayers.

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

18-0412 **AGENDA ITEM 15** Discussion and possible action on the County Manager's recommended Capital Improvements Plan for Fiscal Years 2019-2023. This item may be continued to May 29, 2018 at 10:00 AM. Manager. (All Commission Districts.)

Budget Manager Lori Cooke stated Nevada Revised Statute 354.5945 required all local governments to annually approve a five-year capital improvement plan (CIP). The plan had to be submitted to the State of Nevada Department of Taxation, the County Debt Management Commission, and the Legislative Council Bureau by August 1. She added the Board approved the budget and the budget allowed the CIP to come to fruition. The CIP was limited to projects that were at least \$100,000 and had an asset lifespan of more than a year. She explained the CIP Committee was made up of the three Assistant County Managers, the County Chief Information Officer, the Comptroller, and the Budget Manager, who ranked the projects and determined which could be achieved depending on how much funding was available.

Ms. Cooke conducted a PowerPoint presentation and reviewed slides with the following titles: Five-Year Capital Improvement Program; FY 19 Capital Improvement Fund – New Projects (2 slides); FY19 Parks Capital Funds – Highlights; FY19 Utilities Capital Fund – Highlights; Long Term Capital Needs for Major New Facilities/Projects; and Questions.

Ms. Cooke explained only the capital funds projects for Fiscal Year (FY) 2019 were budgeted and funded; any years after that were merely planned since budgets were approved annually. She noted the \$52.6 million projection was for projects only and minimal additional personnel costs, services, and supplies were not included. She stated the major maintenance replacement account was to address issues that came up during the year, and they hoped to build that account up to prepare for any incidents.

County Manager John Slaughter clarified the Washoe County Question 1 designations on the Parks Capital Fund slide referred to an older ballot question, not the recent school district question. Ms. Cooke added the radio system listed as a long-term capital need referred to the backbone of the system; the radios themselves had already been before the Board.

Commissioner Lucey inquired about the restricted funds listed for the District Court on page 2 of 14 of the CIP. Ms. Cooke replied those were the result of the BCC-approved pilot program allowing the District Court to retain half its savings to be used to fund its expansion. She confirmed Commissioner Lucey's assertion the item dealt only with the District Court building and not Family Court.

Commissioner Lucey reviewed some of the projects that could require debt financing and noted the County would have to spend millions of dollars to improve the 75 Court Street building. He recommended the CIP Advisory Committee identify projects that were far behind schedule and make them a top priority. He concluded many of these projects posed significant challenges and the County should focus on spending money wisely rather than doing minor revisions on dilapidated buildings. He asked whether the list was prioritized and Ms. Cooke answered it was not. Chair Berkgigler agreed it was not always prudent to continue to repair rather than replace.

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

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

Mr. Slaughter added the budget would be submitted to the State as required. Commissioner Lucey thanked Ms. Cook and Assistant County Manager Christine Vuletich for their work on the budget.

18-0413 **AGENDA ITEM 16** Discussion and possible action with regard to appointment and/or reappointment of Commissioners to boards and commissioners, alteration of terms of service on boards and commissions where legally permissible, and such other action as the Board of Commissioners may desire to take in regards to those administrative matters. Manager. (All Commission Districts.)

County Manager John Slaughter clarified the item related to appointing alternates to boards and commissions where alternates had not been identified. Government Affairs Management Analyst Jamie Rodriguez confirmed there were two boards that allowed alternates which had not yet been appointed. She added Chair Berkgigler had previously been appointed as an alternate to the Animal Services Advisory Board but that board did not allow alternates; any motion would need to include removing her in that capacity.

Commissioner Lucey stated the Community Assistance Center Transitional Governing Board was now the Community Homeless Advisory Board and he and Commissioner Jung were primary representatives on that board. Mr. Slaughter added they had previously appointed Chair Berkbigler as the alternate to that board.

Chair Berkbigler summarized the changes that had been discussed. She stated Commissioner Lucey was the primary representative for the Downtown Reno Improvement District and Commissioners Lucey and Hartung were the primary representatives on the Nevada Association of Counties (NACO) Board. She suggested Commissioner Herman as the alternate on the NACO Board given her experience there. Commissioner Lucey asked that Commissioner Jung act as the alternate for the Downtown Reno Improvement District since it was in her district.

Commissioner Hartung stated the City of Reno allowed any member of their Council to act as an alternate at any given time in the event the appointed alternate could not fulfill a responsibility. Ms. Rodriguez responded some boards allowed for all members to be alternates but the two boards in question only allowed for one alternate.

Ms. Rodriguez indicated some Commissioners had expressed a desire to change boards. No Commissioners present expressed such a desire so Chair Berkbigler said that topic could be revisited when Commissioner Jung was present.

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

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that the name of the Community Assistance Center Transitional Governing Board be changed to the Community Homeless Advisory Board and Commissioners Lucey and Jung would serve as primary representatives while Chair Berkbigler would be appointed as the alternate; Commissioner Jung be appointed as the alternate for the Downtown Reno Improvement District Board; and Commissioner Herman be appointed as the alternate for the NACO Board.

18-0414 **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.

This item was not mentioned at this time.

18-0415 **AGENDA ITEM 18** Public Comment.

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

Ms. Vicky Maltman expressed concern about a large drainage ditch at the intersection of 4th Avenue and Lupin Drive, saying the standing water was causing a mosquito problem. She alleged the water in that area as well as in other nearby ditches was not evaporating. She spoke about the El Rancho Drive and Dandini Boulevard intersection and stated the road was deteriorating and the old road markings were showing.

18-0416 **AGENDA ITEM 19** Announcements/Reports.

Commissioner Hartung asked staff to look into Ms. Vicky Maltman’s concern about standing water in the drainage ditch near 4th Avenue and Lupin Drive. He said they needed to make sure the proper sloping was achieved.

County Manager John Slaughter announced they were planning to cancel two of the Board of County Commissioner meetings in August and only have one meeting that month. He congratulated Chief Deputy District Attorney Nicole Hicks and Communications Director Nancy Leuenhagen for being honored as women of achievement.

* * * * *

3:17 p.m. There being no further business to discuss, the meeting was adjourned without objection.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Derek Sonderfan, Deputy County Clerk*

**INTERLOCAL AGREEMENT
FOR
CITY OF RENO 2018 PRIMARY AND GENERAL ELECTIONS**

THIS INTERLOCAL AGREEMENT is made and entered into this 22nd day of May, 2018, between the CITY OF RENO, a municipal corporation of the State of Nevada, hereinafter referred to as "City", and the COUNTY OF WASHOE, a political subdivision of the State of Nevada, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, the City is required by Article V of the Reno City Charter ("Charter") to conduct primary, general and special elections; and

WHEREAS, it is not feasible for the City to maintain a full time election department with staff and equipment to conduct and supervise its elections; and

WHEREAS, the County provides and performs certain election related functions pursuant to the provisions of Chapter 293 of the Nevada Revised Statutes and has appointed a Registrar of Voters pursuant to NRS 244.164 to assume all of the powers and duties vested in and imposed upon the County Clerk with respect to elections; and

WHEREAS, the County maintains a Registrar of Voters Office, which is staffed and equipped to conduct and supervise elections and thus has the ability to conduct and supervise the City's elections with the cooperation, assistance and participation of the City in connection with the primary and general election conducted pursuant to NRS Chapter 293; and

WHEREAS, the County is presently required under Chapter 293 of the Nevada Revised Statutes to provide certain election services, and the City, in the interest of economy and efficiency, desires to utilize the services of the County in connection with City elections and the County is willing to provide such services based upon the terms and conditions set forth below; and

WHEREAS, the parties desire to enter into an Interlocal Agreement pursuant to the provisions of NRS 277.180;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth herein and based upon the terms and conditions set forth below, the parties hereto hereby agree as follows:

18-03916

RECITALS

SECTION 1. The County hereby designates its Registrar of Voters and the City designates its City Clerk as their respective agents to administer the terms of this Agreement and to be responsible for the performance of their respective obligations herein set forth.

SECTION 2. The City Clerk shall accept Declarations of Candidacy for City offices pursuant to the provisions of the City Charter.

SECTION 3. The City Clerk shall, immediately after the close of filing of Declarations of Candidacy for City offices, furnish to the County's Registrar of Voters a certified list of the candidates for each City office, together with any and all questions to be placed upon the election ballot. The City shall provide certification of all candidates for Reno City offices and shall provide the wording of issues for the ballot questions and arguments for and against. Any costs resulting from misinformation provided by or errors made by the City will be paid by the City.

SECTION 4. The City Clerk shall distribute forms and receive reports pursuant to the provisions of Chapter 294A of the Nevada Revised Statutes.

SECTION 5. The parties understand and recognize that City elections will be conducted at the same time as and as part of the primary and general elections pursuant to Chapter 293 of the Nevada Revised Statutes. The County Registrar of Voters shall be responsible for the performance of all acts and functions necessary to conduct efficient elections. With respect to the services to be provided by the County Registrar of Voters to the City, these acts and functions shall include, but not be limited to, the following:

- a) Placing publication orders for the City in conjunction with County publication requirements;
- b) Designation of precincts and voting districts;
- c) Designation of polling locations;
- d) Printing of all ballots and ballot supplies, including sample ballots;
- e) Mailing of sample ballots, absentee ballots and notices;
- f) Employing and appointing qualified election personnel;
- g) Furnishing, installing and maintaining all voting equipment and supplies required at the designated polling locations;
- h) Providing adequate security and traffic control at "election central" on election days; and
- i) Providing pick-up, delivery and return of tables, chairs, signs and other election equipment for all designated polling place locations.

SECTION 6: The City agrees that the City Ward Boundaries established as of December 11, 2011 shall not be amended or otherwise changed during the period of this Agreement, with the exception of adjustments required to reflect newly annexed territories.

SECTION 7. All City elections shall be conducted by the parties hereto in accordance with Chapter 293, 293B, and 293C of the Nevada Revised Statutes, and to the extent not in conflict with such statutes, the Reno City Charter.

SECTION 8. The County Registrar of Voters and the City Clerk shall perform the duties and functions specified of them with respect to various election boards as provided by NRS Chapter 293B and 293C. Where by virtue of the parties' agreements hereunder, there arises a question with respect to a particular election board, the Registrar of Voters, after consultation with the City Clerk, will make such appointments to such boards as can be made consistent with law and consistent with the parties' intention under this Agreement.

SECTION 9: The County Registrar of Voters shall, at a reasonable time after the closing of the polls, furnish the City Clerk sufficient copies of vote tabulation reports on all City offices and ballot questions. The City Clerk shall be responsible for preparing the Abstract of Votes on City offices and ballot questions for canvass and certification by the Reno City Council. Upon completion of the canvass and certification, the City Clerk shall issue Certificates of Election to the candidate for each office who has received the largest number of votes for said office. All voted ballots, rejected ballots, spoiled ballots, unused ballots, tally lists, poll books, challenge lists and stubs of the ballots used, enclosed and sealed, must, after the canvass of the votes be deposited in the vaults of the Registrar of Voters and preserved for the retention period established in NRS 293C.390 and NRS 293.391. The City Clerk shall be responsible for certifying the Abstract of Votes on City offices and ballot questions and for preparing and filing the report required by NRS 293C.387 with respect to the City offices and ballot questions.

SECTION 10. In the event of a recount involving a City office or ballot question and pursuant to the provisions of NRS 293.404, the City Clerk shall be Chairman of the Recount Board and the Registrar of Voters shall serve as a member of the Recount Board.

SECTION 11. For the conduct of each election, the City shall pay to the County \$.15 per registered City voter. In addition, the City shall be responsible for payment of actual costs for conduct of the City's portion of the election, incurred by the County in the performance of the Agreement, which would not otherwise have been incurred, by the County. These expenses include, but are not limited to increased costs associated with printing the sample ballots and the increased costs for printing the City's portion of the ballot and legal notices. For those costs that are incurred solely for the City, e.g., a separate legal notice for the City only, the City shall bear the full costs. For those costs which are shared between the County and the City, e.g., a combined ballot, the City shall be responsible for paying the percentage of the costs for printing the ballot that their portion of the ballot represents. By way of illustration, if the City's portion of the ballot represents 25% of the total ballot size, the City shall pay 25% of the costs of printing the entire ballot. Such actual costs do not include indirect costs such as costs of County personnel for time spent working on the City's portion of the election.

SECTION 12. Payments by the City may be made either directly or as reimbursement to the County, whichever the City Clerk and Registrar of Voters agree is most efficient and serves to minimize actual costs. Actual costs and expenses shall be governed by NRS 293.437 through NRS 293.460, inclusive, where appropriate; and by NRS 293C.545.

SECTION 13. In the event that a liability claim is filed against either the City or the County, there shall be a meeting between the risk managers of each agency to discuss how best to address this claim. In the event that a lawsuit is filed against either agency, there shall be a meeting

between the risk managers and the attorneys representing the agencies to discuss how best to defend or settle the lawsuit. Within the limitations of NRS Chapter 41, the agencies agree to hold harmless, indemnify and defend each other, their respective officers, agents, employees, and volunteers from any loss or liability resulting from any claim, suit, or action based on bodily injury or property damage caused by the act either direct or passive, the omission, failure to act or negligence on the part of the respective agency, its employees, agents, and representatives arising out of performance of work under this Agreement.

SECTION 14. This Agreement shall supersede all previous agreements and shall be in force and effect from and after the date first appearing above, and shall continue thereafter until December 31, 2018.

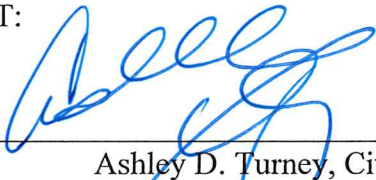
IN WITNESS WHEREOF, the parties hereto have set their hands and seal this month, day and year first above written.

CITY OF RENO



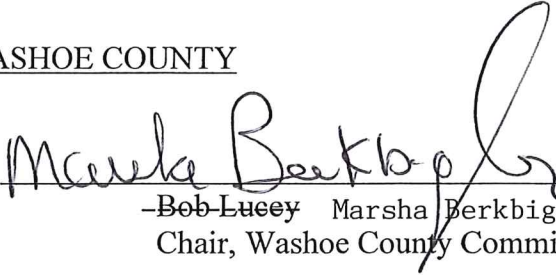
By 
Hillary L. Schieve, Mayor

ATTEST:

By 
Ashley D. Turney, City Clerk

Dated 3-28-18

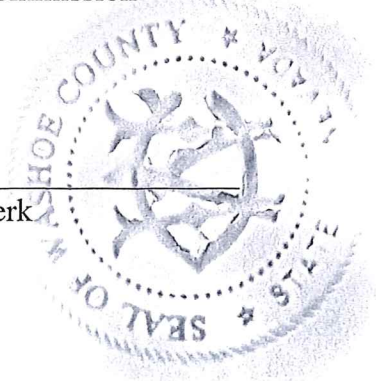
WASHOE COUNTY

By 
~~Bob Lucey~~ Marsha Berkbigler
Chair, Washoe County Commission

ATTEST:

By 
Nancy Parent, County Clerk

Dated May 22, 2018



RESOLUTION

A RESOLUTION DESIGNATED AS THE "2018 TRUCKEE RIVER FLOOD CONTROL FINANCING ELECTION RESOLUTION"; SUBMITTING A QUESTION TO THE REGISTERED VOTERS AT THE GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, CONCERNING THE IMPOSITION OF CERTAIN TAXES FOR TRUCKEE RIVER FLOOD CONTROL PROJECTS AS RECOMMENDED BY THE TRUCKEE RIVER FLOOD CONTROL PROJECT NEEDS COMMITTEE; PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County (the "County"), in the State of Nevada (the "State"), was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.340 and is operating as a county under NRS chapter 244 and the general laws of the State; and

WHEREAS, the Truckee River Flood Control Project Needs Committee (the "Committee") was created pursuant to Assembly Bill 375 of the 2017 Legislative Session ("AB375") to prepare and submit recommendations to the Washoe County Board of County Commissioners (the "Board of County Commissioners") for the imposition of one more taxes in the County to provide funding for capital projects for the Truckee River Flood Management Authority; and

WHEREAS, the Committee has unanimously recommended the imposition of an additional property tax rate on taxable property within Washoe County in the amount of \$0.0248 per \$100 assessed value. The Committee makes this Recommendation with the intent and understanding that any funds will be used only for the purposes set forth in NRS 244A.063 and NRS 268.738 and any interlocal agreement entered into pursuant to chapter 277 of NRS as those statutes exist on the date of the Recommendation and that the Committee intended that the Legislature should rescind any property tax on assessed value by this Recommendation if the funds are ever to be used for other purposes, and has been submitted its Recommendation to the Board of County Commissioners; and

WHEREAS, the Committee on March 29, 2018 adopted its Recommendation and requested that the Board of County Commissioners adopt an ordinance imposing the tax (the "Ordinance") if a majority of the voters of the County voting on a question asking whether the recommended tax should be imposed in the County (the "Question") vote affirmatively on the Question at the election (the "Election") to be held in conjunction with the State general election on Tuesday November 6, 2018, as required by AB375; and

WHEREAS, the Committee caused a copy of the Recommendation to be transmitted to the Board of County Commissioners; and

WHEREAS, pursuant to AB375, the Board of County Commissioners shall submit the Question to the voters of the County at the Election.

Now, therefore, be it RESOLVED by the Washoe County Board of Commissioners as follows:

1. The resolution shall be known and may be cited as the "2018 Truckee River Flood Control Financing Election Resolution" (the "Resolution")

18-0102

2. The Election is hereby designated, ordered, and called to be held in conjunction with the State general election on Tuesday, November 6, 2018, at which time there shall be submitted to the voters of the County the Question hereinafter set forth in Section 3 of this Resolution. The Election shall be conducted in the manner provided by NRS chapter 293 and all laws amendatory thereof (the "General Election Act").
3. The County Clerk shall provide the County Registrar of Voters with a copy of the Question (including an explanation of the Question and a description of anticipated financial effect) substantially in the forms as follows, with such changes are approved by Executive Director of the Truckee River Flood Management Authority, to be submitted to the registered voters of the County:

[Form of Submission Clause and Other Ballot Information]

WASHOE COUNTY QUESTION:

Shall Washoe County be authorized to levy an additional property tax rate for the purpose of paying for the cost of designing, acquiring, constructing, improving and equipping a flood protection project by the Truckee River Flood Management Authority for the Truckee River in the amount of \$0.0248 per \$100 of assess valuation and for the Truckee River Flood Management Authority to issue up to \$89,000,000 of general obligation bonds for those purposes? The bonds are expected to require a property tax levy of 30 years for each series of bonds from the dates of issuance. The tax will terminate when these bonds have been retired in approximately 30 years from the dates they are issued. The cost of the \$0.0248 property tax levy for the owner of a new \$100,000 home is estimated to average \$8.68 per year. If this question is approved by the voters, any property tax as authorized by this question will be outside of the caps on the taxpayer's liability for property (ad valorem) taxes established by the legislature in the 2005 session and exempt from partial abatement from taxation as provided by NRS 361.4722, 361.4723 and 361.4724.

EXPLANATION:

A "yes" vote will increase property taxes in Washoe County by \$0.0248 per \$100 of assessed valuation. This property tax increase will allow the Truckee River Flood Management Authority (TRFMA) to pay for the cost of acquiring, constructing, improving and equipping the Truckee River Flood Protection Project that will protect properties that are prone to flooding along portions of the Truckee River, Steamboat Creek from its confluence with the Truckee River to two miles southwest of Boynton Slough, and the North Truckee Drain from its confluence with the Truckee River to approximately 1,000 feet upstream of Interstate 80. The need for this project is illustrated by the 1997 flood that caused damage in excess of \$1.0 billion which is the equivalent of annual damages estimated to range from \$22 to \$52 million. The tax increase will also help in potentially securing \$182 million in federal funding for the construction of the flood protection project by ensuring that TRFMA will be able to meet required financial commitments to the United States Army Corps of Engineers. It is anticipated that the Truckee River Flood Management Authority will issue up to \$89 million of general obligation bonds on the proceeds of the property tax increase as well as use the proceeds for cash expenditures to build the Truckee River Flood Protection Project. Revenue from the proposed property tax increase will not be used for the operation or the maintenance of the flood control project. The specific anticipated uses of the funds are:

- Final engineering, design, and permitting of the Flood Protection Project

- Construction of levees and floodwalls along the Truckee River
- Widening of the Truckee River Channel at the Vista Narrows
- Terracing and environmental restoration along the Truckee River
- The elevation of homes within the home elevation project boundaries
- Downstream mitigation project planning, design and construction

A "no" vote means the flood protection project in its current configuration would likely not be built, and if any portion is built at all, could only be built over a very long timeframe that would leave the properties along the Truckee River unprotected for decades. In addition, \$182 million in federal funding to assist in the construction of the project would likely be lost.

Argument Advocating the Truckee River Flood Project Question: [To be provided by the committee advocating the Question.]

Argument Opposing the Truckee River Flood Project Question: [To be provided by the committee opposing the Question.]

Rebuttal to Argument Advocating the Truckee River Flood Project Question: [To be provided by the committee opposed to the Question.]

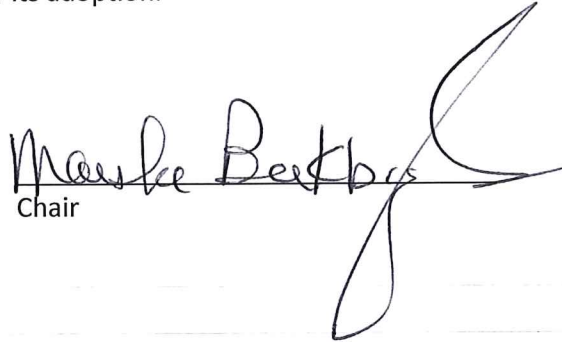
Rebuttal to the Argument Opposing the Truckee River Flood Project Question: [To be provided by the committee advocating the Question.]

Description of Anticipated Financial Effect: The tax will terminate when all bonds issued have been retired in approximately 30 years from the dates they are issued. The Bonds are expected to be issued over 30 years and each bond issued is expected to have a term of 30 years. The cost of the property tax levy for the owner of a new \$100,000 home is estimated to average \$8.68 pre year.

4. The Board of County Commissioners shall follow the procedure set forth in NRS 295.121 with respect to appointment of committees to prepare arguments advocating and opposing approval of the Question.
5. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the qualified registered voters of the County of their choice for any question or proposals other than the Question submitted at the Election.
6. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the County Board.
7. Within five (5) working days of the Election, the County Board shall meet and publicly canvass the returns.
8. If a majority of the voters voting on the Question vote affirmatively on the Question, the County Board shall adopt the Ordinance substantially in the form attached to the Request Resolution.
9. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the County Board and by the officers of the County relating to the Question is ratified, approved and confirmed.
10. The officers of the County are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Resolution.

11. All orders, bylaws and resolutions, or parts thereof, in conflict with the Resolution, are hereby repealed. This repealer shall not construe to revive any bylaw, order or resolution, or part thereof, heretofore repealed.
12. If any section, paragraph, clause of provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.
13. This Resolution shall be in effect from and after its adoption.

ADOPTED this 22nd day of May 2018.


Chair



Washoe County Clerk