



MAYOR
Ed Lawson

CITY COUNCIL
Donald Abbott, Ward 1
Dian VanderWell, Ward 2
Paul Anderson, Ward 3
Charlene Bybee, Ward 4
Kristopher Dahir, Ward 5

CITY ATTORNEY
Chet Adams

Concurrent meeting with City of Sparks, City of Reno, and Washoe County
1:00 PM, Wednesday, January 20, 2021
Virtual Meeting -- ZOOM

This meeting will be held virtually pursuant to NRS 241.023 and
State of Nevada Declaration of Emergency Directive 006

In-person attendance is not available during this time.

Public Meeting Notice — In compliance with social distancing requirements and State of Nevada Declaration of
Emergency Directive 006, the City of Sparks will be hosting virtual public meetings until further notice.

Please note that pursuant to this agenda, three public bodies are meeting, and each may take action separately on each
item.

Public meeting attendance options: (In-person public attendance is not available during this time)

1. To listen to this meeting live – Dial 1-669-900-6833 and enter the meeting ID #930 2422 5321. Use *9 from your phone to raise your hand and request to speak during public comment. Public Comment may also be emailed to cityclerk@cityofsparks.us by 12:30 p.m. on January 20th, 2021.
2. This meeting will be streamed on Facebook Live. Visit <https://www.facebook.com/cityofsparks/> to watch the live video. Public comment will not be permitted by posting on the Facebook Live stream during the meeting.
3. To attend this meeting on Zoom, visit: <https://zoom.us/j/93024225321>

Posting — In accordance with State of Nevada Declaration of Emergency Directive 006, this agenda has been distributed for posting at the following locations three (3) working days before the meeting:

www.cityofsparks.us

www.nv.notice.gov Social Media Outlets

[City of Sparks Newsletter](#)



Supporting Documentation — Supporting document for agenda items is available on the city's website at www.cityofsparks.us – City Services – Council Agenda and Minutes, and will be available for review at the Council meeting. For further information you may contact the City Clerk at (775) 353-2350.

Order of Agenda — Items on the agenda may be taken out of order; the City Council may combine two or more agenda items for consideration; may remove an item from the agenda or may delay discussion relating to an item on the agenda at any time per NRS 241.020 (2)(d)(6).

Public Comment — If you are attending the virtual meeting by dialing in, use *9 from your phone to raise your hand and request to speak for public comment during items 4 and 10.

You can also provide public comment for this meeting by sending us an email at cityclerk@cityofsparks.us, before 12:30 p.m. on January 20th, 2021. Be sure to type PUBLIC COMMENT in the subject line. All emails will be included in the official public record.

Restrictions on Public Comments — All public comment remarks shall be addressed to the Council as a whole and not to any member thereof. No person, other than members of the City Council and the person having the floor shall be permitted to enter into any discussion. No questions shall be asked of the City Council except through the presiding officer. No topics may be discussed unless they are on the agenda. Public comment is restricted to three (3) minutes.

Disruptive Conduct — Any person who disrupts a meeting to the extent that its orderly conduct is made impractical may be removed from the meeting by order of the presiding officer.

If you have questions, you may find additional information at www.cityofsparks.us or call the City Clerk's office at (775) 353-2350.

Concurrent meeting with City of Sparks, City of Reno, and Washoe County
1/20/2021 1:00:00 PM
Meeting Dial-in #: 669-900-6833 Meeting ID: 930 2422 5321

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Public Comment

5. Approval of the Agenda

5.1 [Approval of the Agenda \(FOR POSSIBLE ACTION\)](#)

6. Minutes

None

7. Presentations

7.1 [Presentation and discussion regarding the establishment, structure, and membership of Washoe County Health District and District Board of Health](#)

8. General Business

8.1 [Consideration, discussion, and possible direction to staff to negotiate a proposed amendment of the interlocal agreement concerning the Washoe County Health District \(FOR POSSIBLE ACTION\)](#)

9. Comments from Council/Commission Members or City/County Managers

10. Public Comment

11. Adjournment

[Concurrent meeting with City of Sparks, City of Reno, and Washoe County 1/20/2021 1:00:00 PM](#)

Meeting Link: <https://zoom.us/j/93024225321>
Meeting Dial-in #: 669-900-6833 Meeting ID: 930 2422 5321

Item Number: 1

Title: Approval of the Agenda
Petitioner/Presenter: Neil C. Krutz, ICMA-CM, City Manager/Lisa Hunderman, City Clerk
Recommendation: Approve the agenda
Financial Impact: N/A
Business Impact (Per NRS 237): A Business Impact Statement is not required because this is not a rule.
Agenda Item Brief: Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

Background:

Agendas are approved at each meeting.

Analysis:

Alternatives:

Recommended Motion:

I move to approve the agenda as submitted.

Concurrent meeting with City of Sparks, City of Reno, and Washoe County 1/20/2021

Announcements, Presentations, Recognition Items and Items of Special Interest: 7.1

Title: Presentation and discussion regarding the establishment, structure, and membership of Washoe County Health District and District Board of Health

Item Brief:

At the November 18, 2020 concurrent meeting of the Reno City Council, Sparks City Council, and Washoe County Board of County Commissioners, elected officials expressed interest in examining the structure and processes of Washoe County Health District (WCHD) and its governing body, the District Board of Health (Board). Specifically, elected officials were interested in increasing their influence on the Board. To aid in the governing bodies' discussion of potential changes to WCHD and the Board in the next agenda item, this presentation describes the establishment, structure, and membership of WCHD and the Board.

WCHD is governed by NRS 439.369 through NRS 439.410. As permitted by NRS 439.370(3), WCHD was created in 1972 by an interlocal agreement between the City of Sparks, City of Reno, and Washoe County. The interlocal agreement has been amended several times. Relevant here, in 1986, all three entities approved a wholesale amendment to the agreement. Most recently, in 1993, the entities amended Sections 2(D) and (E) regarding membership on the Board.

Pursuant to NRS 439.390(1), the Board "must consist of two members from each county, city or town . . . to be appointed by the governing body of the county, city or town in which they reside, together with one additional member to be chosen by the members so appointed." This additional member "must be a physician licensed to practice medicine in" Nevada. NRS 439.390(2). Under State law, whether Board members are elected or not is left to the discretion of each governing body; Board members need only "reside" in the jurisdictions that appoint them. However, the current version of the agreement provides that "[t]wo members of the Board shall be appointed by [each governing body,] only one of whom shall be an elected member of the governing body." Section 2(B)-(D). As a result, under the current interlocal agreement, only three of the members of the Board may be elected officials.

Although a defined term of office on the Board is not required by Nevada law, the interlocal agreement also provides that "members of the Board shall serve four year [sic] terms." Section 2(F). The current nonelected members of the Board are as follows. Tom Young is Washoe County's nonelected Board member. Mr. Young's term of office expired on December 31, 2020. In addition to providing four-year terms, Section 2(F) of the interlocal agreement states, "Upon the expiration of this term of office, a member shall continue to serve until his successor is appointed and qualifies." In other words, Mr. Young may continue to serve on the Board until either he is reappointed, or a successor is appointed.

Michael Brown is Reno's nonelected Board member, and John Novak, DMD, is Sparks's nonelected Board member. Their current terms both expire on December 31, 2022. Dr. Reka Danko is the physician Board member appointed by the other members of the Board. Her current term of office also expires on December 31, 2022.

Presenter: Alyson L. McCormick, Sparks Assistant City Manager



DISTRICT HEALTH DEPARTMENT

June 28, 1993

TO: John MacIntyre, Manager
FROM: Dave Rice
SUBJECT: Interlocal Agreement



At the regular scheduled meeting of the Washoe County District Board of Health (DBOH), June 23, 1993, the DBOH approved an amendment to the Interlocal Agreement Concerning the Washoe County District Health Department. This amendment brings our interlocal agreement into compliance with changes made to the Nevada Revised Statutes during the last legislative session, which ended in June, 1991. A copy of the amendment has been included for your consideration.

To summarize the changes to NRS 439.390 District board of health: Composition; qualifications of members, the requirement for the physician appointment was moved from the Board of County Commission appointed member to the DBOH appointed member. Currently, the DBOH appointed member is a non physician whose term will expire in December 1994. Upon completion of this term, the DBOH appointed position will be required to be a physician licensed to practice medicine in the state of Nevada.

Please place this needed change to the Interlocal Agreement Concerning the Washoe County District Health Department on your next available agenda for consideration by the Board of County Commissioners. We will be able to attend your meeting and will be prepared to present this item.

Thank you for your time and assistance.

David E. Rice, MPH
District Health Officer

DER/ct

A-7/20/93
11A--Pg. 1

93-731

INTERLOCAL AGREEMENT
CONCERNING THE WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

MATERIAL CONTAINED IN BRACKETS IS TO BE DELETED, WHILE UNDERLINED LANGUAGE IS NEW.

SECTION 2.D.

Two members of the Board shall be appointed by the Board of County Commissioners [. One of those members shall be a physician licensed to practice medicine in this State and the other] only one of whom shall be an elected member of the governing body.

SECTION 2.E.

The remaining member of the Board shall be appointed by the other members of the Board at their organizational meeting. This member must be a physician licensed to practice medicine in this state. If the members of the Board appointed by Reno, Sparks and the County fail to choose the additional member within 30 days after January 1, 1979 or within 30 days after the term of the additional member becomes vacant or expires, that member shall be appointed by the State Health Officer.

93-731

A RESOLUTION IN SUPPORT OF AMENDING
THE INTERLOCAL AGREEMENT CONCERNING
THE WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

WHEREAS the Washoe County District Health Department has been established in accordance with Chapter 439 of the Nevada Revised Statutes; and

WHEREAS the City of Reno, the City of Sparks and Washoe County entered into an Interlocal Agreement adopted on November 27, 1972, outlining the composition of the representatives appointed by the respective governing bodies; and

WHEREAS the District Board of Health has exercised all the powers, duties and authority of a District Board of Health pursuant to Chapter 439 of the Nevada Revised Statutes; and

WHEREAS the 1991 Nevada Legislature amended Nevada Revised Statute 439.390(2) requiring that the additional member of the Board of Health be a physician licensed to practice medicine in the state; and

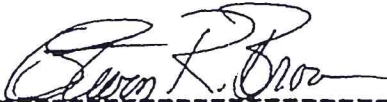
WHEREAS the District Board of Health at their meeting of June 23, 1993 approved amendments to the Interlocal Agreement and directed the District Health Officer to forward the amendments to the City of Reno, the City of Sparks and Washoe County to be placed on the next available agenda for ratification;

NOW THEREFORE, BE IT RESOLVED, that the Interlocal Agreement Concerning the Washoe County District Health Department be amended to read as follows:

Section 2.D. Two members of the Board shall be appointed by the Board of County Commissioners [. One of those members shall be a physician licensed to practice medicine in the this State and the other] only one of whom shall be an elected member of the governing body.

Section 2.E. The remaining member of the Board shall be appointed by the other members of the Board at their organizational meeting. This member must be a physician licensed to practice medicine the this state. If the members of the Board appointed by the Reno, Sparks and Washoe County fail to choose the additional member within 30 days after January 1, 1979 or within 30 days after the term of the additional member becomes vacant or expires, that member shall be appointed by the State Health Officer.

ADOPTED AND APPROVED this 23RD day of JUNE, 1993.

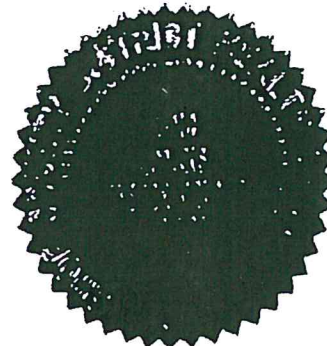


Chairman

ATTEST:



Secretary of the Board



93-731

AMENDMENT TO THE
INTERLOCAL AGREEMENT CONCERNING THE
WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

WHEREAS, the Washoe County Health District has been established with a District Health Department including a District Health Officer and a District Board of Health, composed of representatives appointed by the governing bodies of the cities of Reno and Sparks and Washoe County, together with one member appointed by the members of the Board of Health, all in accordance with Chapter 439 of the Nevada Revised Statutes, and pursuant to an Interlocal Agreement adopted as of November 27, 1972, by those governing bodies and amended from time to time; and

WHEREAS, the District Board of Health of the Washoe County Health District has exercised, since its creation, all the powers, duties and authority of a District Board of Health pursuant to Chapter 439 of the Nevada Revised Statutes; and

WHEREAS, it is the desire of the District Board of Health and of the governing bodies of the cities of Reno and Sparks and Washoe County that certain revisions be made to the Interlocal Agreement by which the Board and the Department were created in order to comply with legislative amendments to Chapter 439 of the Nevada Revised Statutes;

NOW THEREFORE, Sections 2.D. and E. of the Interlocal Agreement Concerning the Washoe County Health District are hereby amended to read as follows:

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93-731

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and in the year appearing by the signatures below.

WASHOE COUNTY, by and through its Board of County Commissioners

By *James Cornwall*
Chairman

Date *July 20, 1993*



CITY OF RENO, by and through its City Council

By _____
Mayor

Date _____

ATTEST:

City Clerk

CITY OF SPARKS, by and through its City Council

By _____
Mayor

Date _____

ATTEST:

City Clerk

93-731

AMENDMENT OF INTERLOCAL AGREEMENT
CONCERNING THE WASHOE COUNTY HEALTH DISTRICT

WHEREAS, the Washoe County Health District has heretofore been established with a District Health Department including a District Health Officer and a District Board of Health, composed of representatives appointed by the governing bodies of the cities of Reno and Sparks and Washoe County, together with one member appointed by the members of the Board of Health, all in accordance with Chapter 439 of Nevada Revised Statutes and an Interlocal Agreement adopted as of November 27, 1972, by those governing bodies; and

WHEREAS, the District Board of Health of the Washoe County Health District has exercised, since its creation, all the powers, duties and authority of a District Board of Health pursuant to Chapter 439 of the Nevada Revised Statutes; and

WHEREAS, it is the desire of the District Board of Health that certain revisions be made to the Interlocal Agreement by which the Board and the Department were created;

NOW, THEREFORE, the Interlocal Agreement Concerning the Washoe County Health District is hereby amended to read as follows:

INTERLOCAL AGREEMENT CONCERNING THE
WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

SECTION 1. Definitions.

A. As used in this agreement, unless the context otherwise requires:

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H2409P0436

1. "Board" means the Washoe County District Board of Health.
2. "Chairman" means the chairman of the Board.
3. "County" means Washoe County, a political subdivision of the State of Nevada.
4. "Department" means the Washoe County District Health Department.
5. "Health Officer" means the health officer of the Washoe County Health District.
6. "Reno" means the City of Reno, Nevada.
7. "Sparks" means the City of Sparks, Nevada.

B. Except as otherwise expressly provided in this agreement or required by the context:

1. The masculine gender includes the feminine and neuter genders.
2. The singular number includes the plural number, and the plural includes the singular.
3. The present tense includes the future tense.

The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty. The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

SECTION 2. District Board of Health; Creation; composition.

A. The Washoe County District Board of Health, consisting of seven members appointed by Reno, Sparks and the County is hereby created.

B. Two members of the Board shall be appointed by the Reno Council only one of whom shall be an elected member of the governing body.

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C. Two members of the Board shall be appointed by the Sparks Council only one of whom shall be an elected member of the governing body.

D. Two members of the Board shall be appointed by the Board of County Commissioners. One of those members shall be a physician licensed to practice medicine in this State and the other shall be an elected member of the governing body.

E. The remaining member of the Board shall be appointed by the other members of the Board at their organizational meeting. If the members of the Board appointed by Reno, Sparks and the County fail to choose the additional member within 30 days after January 1, 1979 or within 30 days after the term of the additional member becomes vacant or expires, that member shall be appointed by the State Health Officer.

F. Except as provided in subsection J, below, members of the Board shall serve four year terms commencing January 1, 1979. Each member may be reappointed in the same manner as their original appointment to serve not more than two additional terms. Upon the expiration of this term of office, a member shall continue to serve until his successor is appointed and qualifies.

G. Not later than January 31, 1979, the Board shall meet and conduct an organizational meeting. At that meeting, the Board shall select a chairman and vice-chairman from among its members and may appoint such officers from among its members as it deems necessary to assist it in carrying out its prescribed duties. The chairman and vice-chairman shall serve two years and until their successors are appointed by the Board and qualify.

H. Except as otherwise provided in this Agreement or by law, a majority of the Board constitutes a quorum for the conduct of business and a majority vote of the quorum is necessary to act on any matter.

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I. If a vacancy occurs on the Board, the entity which appointed the member whose position is vacated shall appoint a person to fill the remainder of that member's unexpired term. At the end of that term, the appointee may be reappointed to serve not more than two additional terms.

J. When a person appointed to the Board as a member of the governing body of Reno, Sparks or the County no longer qualifies to serve as a member of that governing body, his term of office on the Board expires and a vacancy automatically occurs. That vacancy shall be filled in the same manner specified in subsection I, above.

K. If the boundaries of the Health District are enlarged to include any additional political subdivision of the State of Nevada, or if any additional political subdivision is created within the District's boundaries, the political subdivision, upon request, may become a party to this agreement. In that event, the number of members on the Board shall be increased by appointment of two persons by the political subdivision, only one of whom shall be an elected member of the governing body of that political subdivision, and this agreement shall apply in all particulars to the new party thereto.

L. The Board may adopt procedural rules for the organization of its meetings and may adopt any other operational or procedural rules and guidelines to carry out their assigned functions and duties in an efficient and orderly manner. Such operational or procedural rules and guidelines must be consistent with the other terms of this agreement.

SECTION 3. Board of Health; Jurisdiction; powers; duties.

A. The Board, through the Department, has jurisdiction over all public health matters in the Health District. As used

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in this subsection, "Health District" means the Washoe County Health District with boundaries conterminous with the boundaries of the County and as those boundaries may be amended from time to time.

B. The Board may exercise all powers conferred on such boards by the Nevada Revised Statutes, regulations and other laws.

C. The Board shall perform, or cause to be performed through the Department, all duties prescribed by Nevada Revised Statutes, regulations and other laws.

D. The Board of Health may exercise the power granted to the cities of Reno and Sparks regarding ambulance services specifically set forth in NRS 268.081 and NRS 268.083 and may exercise the power granted to Washoe County regarding ambulance services specifically set forth in NRS 244.187 and NRS 244.188. In that regard, the District Board of Health may displace or limit competition in the grant of any franchise for ambulance service.

E. The Board of County Commissioners shall assist the Board by providing the administrative procedures by which the Board, through the Department, shall exercise the powers and perform the duties specified in Subsections B, C and D of this section. However, the Councils of Reno and Sparks and the Board of County Commissioners recognize and agree that ultimate responsibility for establishing policies and procedures relating to public health programs rests solely with the Board.

SECTION 4. Preparation of annual budget; accounting for funds of District Health Department; supervision of District Health Department.

A. A proposed annual budget for the Department including estimates of revenues to be derived from service

charges, permits, donations, contracts, grants and any other sources other than local tax resources for the budget period as well as planned operating expenditures shall be prepared by the Health Officer or his designee prior to the start of the fiscal year for which that budget is prepared and in accordance with the budget preparation time frame established by the County. Copies of the proposed budget shall be transmitted to the City Managers of Reno and Sparks and to the County Manager for their review or a review by their designated representatives.

B. Prior to the adoption of a final budget by the Board of County Commissioners, the Board shall review the proposed annual budget for the Department. Comments received from the City Managers of Reno and Sparks and the County Manager shall be presented to the Board for consideration as part of that budget review. The Board will approve a tentative budget for the Department and transmit that budget, in a format designated by the County, to the County for action by the Board of County Commissioners and inclusion within the County budget documents, being separately designated a special revenue fund known as the Health Fund in accordance with the Local Government Budget Act.

C. The Board of County Commissioners shall allocate the local tax resources and approve a final budget for the Department using the same policies and procedures that are used to allocate and approve budgets for County Departments. However, the allocation shall not be determined on the basis of the public health policies, procedures or programs established by the Board pursuant to Subsection E of Section 3 of this Agreement. The Board of County Commissioners shall notify the Board of the total amount of the allocation for each fiscal year. The Board shall be responsible for carrying out the public health goals, objectives and priorities established for the Department within the limits of that final budget as approved by the Board of County Commissioners.

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B2409P0441

D. Once the budget for the Department has been included within the final approved budget for the County and filed with the State in accordance with applicable law, it cannot be reduced, increased or otherwise altered by the County without the approval of the Councils of Reno and Sparks except under the circumstances hereinafter described. 1) Should it become necessary to increase the budget as a result of salary and/or benefit increases negotiated with recognized employee associations of the County in effect now and in the future, the budget for the Department will be increased by that necessary amount through appropriation of local tax resources by the County in the same manner as County Department budgets are increased as a result of those negotiations and in accordance with the provisions of the Local Government Budget Act. 2) Any nonlocal funds made available to the Department from such sources as the State or Federal government, foundations or through donations may be added to the final approved budget upon approval by the Board and through action of the Board of County Commissioners in accordance with the provisions of the Local Government Budget Act and consistent with County policy or ordinance on budget amendments. Any proposed decrease by the County in the unappropriated fund balance of the Health Fund will be brought to the notice of the Board who may make comment to the County regarding the proposed action.

E. The Health Officer or his designee shall keep a proper accounting for all expenses incurred and revenues received in the operation of the Department.

F. No obligation may be incurred or payment made in the operation of the Department except by the approval of the Health Officer or his designee. Approved claims shall be submitted to the Office of the County Comptroller who shall execute payment of such approved claims.

G. The County Treasurer's Office is hereby designated as the office to and from which funds of the Department shall be deposited or disbursed.

H. The County Purchasing Department is hereby designated as the office through which the Board shall exercise its authority under the Local Government Purchasing Act.

I. The Board shall establish a policy for supervision of all public health programs of the Department.

J. The Board may authorize new public health programs upon the recommendation of the Health Officer or his designee provided sufficient funds are available to carry out such programs at the time they are authorized.

K. In the event that grant, donation, contract or foundation funds for a specific program are terminated, that program will also be terminated, including its personnel, unless it is determined by the Board that continuation of the program is necessary and sufficient local tax resources are appropriated by the Board of County Commissioners for the program.

L. If insufficient funds are available to maintain a program and it becomes necessary to restrict or eliminate the program, the Board shall notify the City Managers of Reno and Sparks and the County Manager of the proposed restriction or elimination.

M. If an external fiscal audit of a grant or contract funded program requires a fiscal adjustment in the benefit of the contractor or grantor, such fiscal adjustment will be made within the existing appropriations of the Department.

SECTION 5. Health Officer; position created; appointment; qualifications; powers; duties and authority.

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B2409P0443

A. There is hereby created the position of Health Officer of the Washoe County Health District.

B. The Health Officer shall be appointed and may only be removed, by a majority vote of the total membership of the Board. The Health Officer shall hold his position and serve at the pleasure of the Board. He shall reside within the boundaries of the Washoe County Health District.

C. The Board may only appoint as Health Officer a person who possesses the qualifications set forth by law for that position.

D. The salary of the Health Officer shall be established and approved in the manner specified in Chapter 439 of the Nevada Revised Statutes.

E. The Health Officer is empowered to appoint such deputies and delegate such authority as he deems necessary to carry out the authorized health programs of the Washoe County Health District and those deputies shall receive such compensation for the classification designated as provided in the approved salary schedule of the County and as adopted by the Board of County Commissioners; provided sufficient funds are available in the approved annual budget of the Department. In addition, the Health Officer shall comply with the provisions of Section 6 below in making any such appointment to the staff of the Department.

F. The Health Officer shall be responsible to the Board for the proper administration of the Department in areas not directly subject to the supervision and control of the Board as set forth above.

G. The Health Officer and his deputies shall maintain complete records concerning public health programs provided by the Department.

H. The Health Officer, upon request, shall provide to the City Managers of Reno and Sparks, the County Manager and to any member of the Board a copy of any report or record of any activity of the Department.

I. The Health Officer shall cooperate with the State Board of Health, State Health Division and Federal agencies in all matters affecting public health. He shall make such reports and provide such information as the State Board, State Health Division and Federal agencies require.

J. The Health Officer shall designate a person to act in his stead during his temporary absence from the District or during his temporary disability. The Health Officer shall make such designation by letter to the Chairman of the Board, to the staff of the Department, to the City Managers of Reno and Sparks and the County Manager. The person so designated shall occupy the position of "Acting Health Officer" during the Health Officer's absence or disability. If necessary, the Health Officer shall also designate a physician licensed to practice medicine in this state to act as a consultant on all medical matters with which the Department is involved. If the Health Officer fails to make the designation or designations required by this subsection, the Board may do so by resolution.

K. If the position of Health Officer becomes vacant, an Acting Health Officer shall be appointed by the Board to fill the position until the Board appoints a new Health Officer.

L. No member of the Board may be appointed as Health Officer or Acting Health Officer.

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SECTION 6. District Health Department of Washoe County Health District.

There is hereby established a District Health Department of the Washoe County Health District, subject to the following provisions:

A. The Department shall be organized in the same manner as divisions, departments, agencies, offices, etc. of the County are organized for the purpose of providing a structure for the day-to-day execution of the public affairs of the Department.

B. The Department has jurisdiction over all public health matters arising within the Washoe County Health District and shall carry out all public health programs approved by the Board.

C. All personnel matters in the Department shall be regulated by those ordinances applicable to County employees, except as otherwise provided herein.

D. The Health Officer or his designee shall employ qualified persons under the County's Merit Personnel Ordinance. Those persons shall receive the compensation specified for the classification designated in the approved salary schedule adopted by the Board of County Commissioners provided sufficient funds are available in the approved budget of the Department. The Health Officer or his designee may only select persons to fill authorized vacancies within the Department.

E. The Health Officer or his designee may take disciplinary action against any employee, including suspension or termination of any employee of the Department in accordance with any applicable provisions of County ordinances in effect now and in the future and any negotiated contracts with recognized employee associations in effect now and in the future.

B2409P0445

B2409P0446

F. The Department shall cooperate with the State Health Division and State Board of Health in carrying out all public health programs within the Washoe County Health District as permitted or required by the Nevada Revised Statutes and other laws.

SECTION 7. Term of agreement.

A. Except as provided in subsection D, this agreement shall be in effect for a period of one year from January 1, 1979.

B. After the initial one-year term has expired, this agreement shall automatically be renewed for a one-year period on each anniversary date after December 31, 1979, unless either Reno, Sparks, or the County serves by certified mail on the other parties to this agreement a written notice of termination 15 days prior to the date of expiration (which shall coincide with each anniversary date of this agreement), in which event this agreement shall terminate on the day of expiration. As used herein, "the expiration date" or "day of expiration" means the last day of this agreement or the last day of any extended one-year period under the terms of this agreement. If no written notice of termination has been received by any party to this agreement from any other party to this agreement at the end of its initial term or at the end of any one-year renewal period after the initial term of this agreement has expired, it shall automatically be renewed for another one-year period and will continue in full force and effect during such renewal.

C. This agreement shall be reviewed annually by the Board, and recommendations for possible amendments may be made to Reno, Sparks and the County.

D. This agreement may be amended by mutual consent of the parties hereto not later than 90 days before its annual renewal date.

E. Reno, Sparks or the County may terminate this agreement for cause, including the breach of any provision thereof, upon written notice to the other parties to this agreement. In that event, the agreement shall terminate 60 days after the parties have received the written notice of termination for cause.

SECTION 8. Property acquired by District Health Department.

A. All property acquired by the Department during the term of this agreement shall be subject to the jurisdiction and control of the Board through the Health Officer and the Department.

B. Upon termination of this agreement, all property acquired by or held in the name of the Department shall become the property of the County, except that any property purchased with Federal funds must be disposed of in accordance with Federal Grants Administration policies.

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IN WITNESS WHEREOF, the parties hereto have executed this amended agreement on the day and in the year appearing by the signatures below.

WASHOE COUNTY, by and through its Board of County Commissioners

By [Signature]
Chairman

Date August 26, 1986



ATTEST

[Signature]
County Clerk

B2409P0448

CITY OF RENO, by and through its City Council

By [Signature]
Mayor

Date 8/25/86



ATTEST

[Signature]
City Clerk

CITY OF SPARKS, by and through its City Council

By [Signature]
Mayor

Date 8/25/86

1101865



ATTEST

[Signature]
City Clerk

WASHOE COUNTY DA
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[Concurrent meeting with City of Sparks, City of Reno, and Washoe County 1/20/2021 1:00:00 PM](#)

Meeting Link: <https://zoom.us/j/93024225321>
Meeting Dial-in #: 669-900-6833 Meeting ID: 930 2422 5321

Item Number: 1

Title: Consideration, discussion, and possible direction to staff to negotiate a proposed amendment of the interlocal agreement concerning the Washoe County Health District
Petitioner/Presenter: Neil Krutz, Sparks City Manager; Doug Thornley, Reno City Manager; Eric Brown, Washoe County Manager/Alyson McCormick, Sparks Assistant City Manager
Recommendation: In the event the governing bodies would like to pursue changes to the Washoe County Health District, staff recommends the governing bodies (1) direct their respective staffs to negotiate an amendment to the interlocal agreement concerning the Washoe County Health District, and/or (2) request that the District Board of Health consider and recommend an amendment to the interlocal agreement.
Financial Impact: N/A
Business Impact (Per NRS 237): A Business Impact Statement is not required because this is not a rule.
Agenda Item Brief: This agenda item describes the potential ways the governing bodies could change the Washoe County Health District and the District Board of Health and recommends processes for pursuing any desired changes.

Background:

At the November 18, 2020 concurrent meeting of the Reno City Council, Sparks City Council, and Washoe County Board of County Commissioners, elected officials expressed interest in examining the structure and processes of Washoe County Health District (WCHD) and its governing body, the District Board of Health (Board). Specifically, elected officials were interested in increasing their influence on the Board.

Analysis:

Staff identified four potential ways to increase elected officials' influence on the Board: (1) packing the Board by adding elected Board members; (2) creating a general appellate body within WCHD; (3) terminating the agreement and, as a result, WCHD; or (4) amending the agreement. If the governing bodies choose to pursue changes to WCHD or the Board, only the fourth option, amending the agreement, is a viable path to making such changes.

Packing the Board

One proposal for increasing elected officials' control of the Board is to add more elected members to the Board, or to pack the Board. NRS 439.390(1) is unambiguous as to the number of Board members: two members from each jurisdiction, plus a physician member. Adding more elected members to the Board would violate Nevada law and is not an option.

Creating an Appellate Body

Another proposal is to establish a general appellate body within WCHD to enable persons to

appeal from decisions of the District Health Officer. That alternative is probably not viable. In the statutes and regulations regarding public health, appeals are contemplated in several instances, none of which include the Board creating a general appellate body or hearing general appeals itself.

For example, NRS 439.885(3) allows a health facility to appeal to the State Board of Health when sanctions are imposed against them. NRS 439.588(4) and NAC 439.582 allow a health information exchange to appeal from a decision of the Director of the Nevada Department of Health and Human Services (DHHS) with respect to legally required certifications. NAC 439.300 through NAC 439.395 describe procedures for appeals from disciplinary decisions of the Nevada Division of Public and Behavioral Health. NAC 439.788 and NAC 439.858 govern appeals filed by persons denied certain subsidies by DHHS. The only provision of NRS Chapter 439 or NAC Chapter 439 regarding appeals that mentions a local health district is NAC 439.270, which allows a person to appeal to the State Board of Health if a district board of health denies the person's request for a variance from State regulations. In short, NRS Chapter 439 and NAC Chapter 439 contain many examples of appeals, but none of them involve an appellate body within a local health district.

While the Board may exercise appellate powers or establish appellate bodies in specific subject matter areas, those powers are created by specific Nevada statutes or regulations. See, e.g., S.B. 4 (Nev. Leg. 32nd Special Sess. 2020) (authorizing health authority to take certain actions with respect to public accommodations facilities and the COVID-19 pandemic); NRS 444.190 (authorizing health authority and local boards of health to enforce provisions of NRS Chapter 444); NRS 446.940 (authorizing local boards of health to adopt regulations regarding food establishments); NRS 445B.275 (authorizing local board of health to appoint an air pollution control hearing board). Therefore, the Board likely does not have authority to hear generalized appeals or create a general appellate body.

One could argue that because no Nevada statute or regulation prohibits a local health district from establishing a general appellate body, the Board or the parties to the interlocal agreement could do so. However, the stronger argument is that because certain types of appeals are expressly allowed, other types of appeals are not permitted. "The maxim 'expressio Unius Est Exclusio Alterius,' the expression of one thing is the exclusion of another, has been repeatedly confirmed in this State." *Galloway v. Truesdell*, 83 Nev. 13, 26, 422 P.2d 237, 246 (1967). NRS Chapter 439 and NAC Chapter 439 expressly allow certain entities to hear certain types of appeals. The omission of other types of appeals from Nevada law likely means those other types of appeals are not permitted.

Further, the powers of the Board are described in NRS 439.410 and NRS 439.360, neither of which describe appellate powers of any kind. Just like the types of appeals, because the Board's powers are listed and do not include hearing appeals or establishing an appellate body, "the expression of one thing is the exclusion of another" doctrine means the Board likely does not have such powers. *Galloway*, 83 Nev. at 26, 422 P.2d at 246. As a result, the Board likely cannot establish a general appellate body.

Terminating the Interlocal Agreement and Establishing a New Health District

Another option, though not a good one, is to terminate the interlocal agreement, which would also terminate WCHD. The parties could then develop a new agreement and a new health district. This option is not advised, particularly during the global COVID-19 pandemic, because only a health district is authorized to perform certain functions. See NRS 439.360; NRS 439.410. Sparks, Reno, and Washoe County lack the infrastructure and staff to perform such functions without WCHD. Further, the State Board of Health must approve the creation of a new health district, meaning it would likely be several months before the parties could establish a new health district. NRS 439.370.

If the governing bodies wanted to pursue termination regardless of these issues, the interlocal agreement allows termination in two circumstances. The agreement may be terminated for any reason upon "written notice of termination 15 days prior to the date of

expiration . . . , in which event this agreement shall terminate on the day of expiration." Section 7(B). The date of expiration is December 31 of any year, meaning that the fifteen-day notice is due on or before December 16. Thus, this termination option could not be exercised until the end of 2021.

Alternatively, any of the parties may terminate the "agreement for cause, including the breach of any provision thereof, upon written notice to the other parties." Section 7(E). Termination for cause becomes effective sixty (60) days after the parties receive written notice. *Id.* Because none of the parties is alleged to have breached the agreement, this section does not apply. In short, terminating the agreement and creating a new health district is not a viable option.

Amending the Interlocal Agreement

The only feasible method for restructuring WCHD and the Board is to amend the interlocal agreement. The agreement itself describes how it may be amended: "This agreement may be amended by mutual consent of the parties hereto not later than 90 days before its annual renewal date." Section 7(D). The renewal date is December 31 of each year, so the agreement may be amended before October 2 of each year. See Section 7(B). The governing bodies could directing their respective staffs to negotiate a proposed amendment to address any concerns the governing bodies may have. The governing bodies could then approve the proposed amended agreement.

The governing bodies may also choose to request that the Board participate in any potential amendment process. Section 7(C) of the interlocal agreement states: "This agreement shall be reviewed annually by the Board, and recommendations for possible amendments may be made to Reno, Sparks and the County." The Board's participation could take one of two forms. First, instead of directing their staffs to negotiate an amended agreement, the governing bodies could request that the Board consider and recommend changes to the interlocal agreement. Second, the governing bodies could direct their staffs to negotiate a proposed amendment and present the proposal to the Board for a recommendation to the governing bodies.

In addition to changing provisions regarding Board membership to increase elected officials' influence on the Board, the governing bodies may choose to make other changes to the interlocal agreement. For example, a potential amendment could change the name of WCHD to more clearly communicate to the public that WCHD is an entity separate from Washoe County. In addition, because the current agreement was originally approved in 1986 and last amended in 1993, a general update to language and terms may be advised.

Regardless of the process chosen to pursue any changes, amending the interlocal agreement is likely to be a months-long process consisting of discussions between the parties' staffs and WCHD. In the event the governing bodies choose to pursue amending the interlocal agreement, such an amendment must be approved, if at all, by October 2 of any given year.

Alternatives:

1. The governing bodies may choose not to pursue amending the interlocal agreement at this time.
2. The governing bodies may request that the Washoe County District Board of Health recommend changes to the interlocal agreement.
3. The governing bodies may direct their respective staffs to negotiate a proposed amendment to the interlocal agreement and present it to the Washoe County District Board of Health for consideration and a recommendation to the governing bodies.
4. The governing bodies may direct their respective staffs to negotiate a proposed amendment for consideration by the governing bodies.

Recommended Motion:

For Alternative 1: No motion is required if the governing bodies choose not to pursue amending the interlocal agreement.

For Alternative 2: I move to request that the Washoe County District Board of Health recommend changes to the interlocal agreement to address Board membership and other matters deemed appropriate by the Board.

For Alternative 3: I move to direct the [Reno City Manager/Sparks City Manager/Washoe County Manager] to negotiate a proposed amendment to the interlocal agreement concerning the Washoe County Health District and present the amendment to the Washoe County District Board of Health for consideration and a recommendation to the governing bodies.

For Alternative 4: I move to direct the [Reno City Manager/Sparks City Manager/Washoe County Manager] to negotiate a proposed amendment to the interlocal agreement concerning the Washoe County Health District.