

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

TUESDAY

10:00 A.M.

MARCH 08, 2016

PRESENT:

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

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

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

16-0174 AGENDA ITEM 3 Public Comment.

Charles Moore, Truckee Meadows Fire Protection District (TMFPD) Chief, announced that after a windy and wet weekend, open burn had been reestablished for vegetation and pile burning. He indicated burn permits were available at the TMFPD office by calling 775-326-6000 extension 3 or by visiting the TMFPD website. He stated more wind was forecasted, so he encouraged residents to call before burning to ensure there were no restrictions. He encouraged people to create defensible space and to remove excess vegetation.

Daniel Gray spoke regarding Agenda Item 11, Bill No. 1760. He stated he was the owner of Sierra Aquatics, President of Nevada Animal Owners Alliance, and involved in various other organizations throughout the community. He spoke about the hurtful attack on the animal enterprise. He stated he had a legal business and was trying to continue operations. He spoke about the number of licenses he needed to carry for his business and said he thought people were trying to regulate animal businesses out of existence. He indicated his business had provided hundreds of thousands of dollars in tax revenue for the County and the State. He also stated he adopted parks, participated in the Truckee River Cleanups, contributed to many different organizations including the Discovery Museum, and ran educational programs in schools and various other organizations. He urged the Board to allow legal businesses to continue to operate in the community without the overburdening regulations.

Cathy Brandhorst spoke about matters of concern to herself.

Ardena Perry spoke regarding animal related court cases and noted she found there were deliberate attempts to circumvent existing laws in Missouri. She stated this was the seventh time that this topic had been brought to the Board and she thought it was a waste of time and taxpayers money. She questioned why Nevada Revised Statute (NRS) 574 was sufficient for veterinarians but not for businesses. She noted NRS 574 covered rescue organizations but did not cover transportation. She provided documents, which were placed on file with the Clerk.

Chris Vaught spoke regarding Agenda Item 11. She said she spent months researching the Commerce Clause and it had nothing to do with animal welfare. She said it was up to communities and States to establish guidelines that would regulate the transportation of animals. She stated rescue facilities had no oversight and if the Ordinance was about animal welfare, rescue facilities needed to be covered.

Tim Stoffel spoke regarding Agenda Item 11. He thought Animal Services should not be allowed to regulate the number of dogs a kennel business could keep. He said the regulations should be fair.

Sam Dehne spoke regarding Colonel Kazmierski, raising money for school systems, building new schools and establishing a County Border Tax for Storey County and Reno.

Katherine Snedigar provided a copy of the Animal Welfare Code of Practice for Animals in Pet Shops, which was placed on file with the Clerk. She noted the language in Section 5.1, regarding accommodations standards, was in the new Bill. She stated she did not agree with animal welfare permitting.

16-0175 AGENDA ITEM 4 Announcements/Reports.

John Slaughter, County Manager, stated 94-year-old World War II Veteran Homer Goddard had been invited to participate the Honor Flight to Washington, D.C. at the beginning of April. He indicated there was a request to have a reception for all of the veterans coming back from the trip. He said there would be more information presented to the Board and the public as it was available.

Commissioner Berkbigler stated it was International Women's Day, so it was appropriate to recognize that there were women in business all around the world who were celebrating this day.

Commissioner Lucey stated he, Commissioner Herman and Mr. Slaughter recently attended the Nevada Association of Counties (NACO) Legislative National Conference in Washington, D.C. He said they were able to meet with their delegation and address issues that existed in the County such as infrastructure needs, transportation, land use, and a number of other issues. He stated some great conversations took place and he hoped to gain some forward traction in the coming months.

Commissioner Herman stated that Barry Bouchard from Nevada Trends passed away recently. She said he was a wonderful man, a great journalist and he would be dearly missed. She was excited that Gerlach was getting their Community Advisory Board (CAB) back. She requested that the Verdi and Rancho Haven/Red Rock CABs be established. She also requested that each of the new CABs be treated equally and fairly by having the same number of meetings. She stated there needed to be regular classes for CAB members. She indicated she had received many calls from constituents in the North Valleys regarding road problems. She thought there needed to be a meeting to determine responsibility for the road maintenance.

Commissioner Hartung said he was sad to hear of the passing of Mr. Bouchard. He noted that Mr. Bouchard was very involved in the community and he would be missed. He stated he had conversations with developers in regards to frustration about permits. He hoped there would be a resolution to the issue soon as a delay with the permits would cost builders money.

Chair Jung requested that Animal Services provide a status update to the Board about the Animal Advisory Board and the Permit Board. She mentioned she was invited to a Washoe County School District luncheon to unveil the success they had with a social and emotional learning component throughout eight schools in the County. She noted the component was going district wide. She stated she met actress Goldie Hawn who funded research to teach children how to self-regulate, identify what their values were, and to determine if they were working in accordance with their values. She said she also met Timothy Shriver, John F. Kennedy's nephew. She noted he was on the Board of Directors for the Collaborative for Academic, Social and Emotional Learning (CASEL) in Chicago. She said the CASEL had selected the Washoe County School District as one of the eight urban school districts that would implement the Social and Emotional Learning component.

16-0176 **AGENDA ITEM 5** Approve minutes for the Board of County Commissioner's regular meeting of January 26, 2016.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 5 be approved.

CONSENT ITEMS 6A THROUGH 6H

16-0177 **6A** Acknowledge a Trial Court Improvement (TCI) grant award from the Administrative Office of the Courts, to upgrade courtroom audio and video recording equipment, [\$25,200 / \$52,247 total match], retroactive from February 12, 2016 to June 30, 2016; and direct the Comptroller to make the appropriate budget adjustments. Reno Justice Court. (All Commission Districts.)

16-0178 **6B** Approve a grant award [\$16,916.37, no match required] from the US Marshal's Office for reimbursement of overtime costs incurred while

participating in the US Marshal's Regional Fugitive Investigative Strike Teams (FIST) during the retroactive period of 10/1/14-12/31/15; and if approved, authorize Comptroller's Office to make necessary budget amendment. Sheriff. (All Commission Districts.)

16-0179 **6C** Approve Interlocal Agreement between the County of Washoe and the City of Sparks for election services provided by Washoe County (approximate reimbursement received by the County will vary according to number of candidate races and questions placed on the ballot by City of Sparks). Voters. (All Commission Districts)

16-0180 **6D** Approve the removal of uncollectible accounts receivable [totaling \$2,346,920.94.] Comptroller. (All Commission Districts.)

16-0181 **6E** Approve and execute the Resolution Authorizing the Washoe County Clerk to Sell or Transfer Certain Special Assessment Certificate listed in Exhibit A, Pursuant to NRS 271.575. Treasurer. (Commission District 5.)

16-0182 **6F** Appoint Mark Mathers to fill the vacancy created by the expiration of Trustee John Sherman's term, per Article VI, 6.1(a) of the Trust Agreement for the Washoe County, Nevada OPEB Trust Fund, adopted by the Board of County Commissioners on May 11, 2010 and restated on February 8, 2011. Manager. (All Commission Districts)

16-0183 **6G** Approve a [\$148,000] change order from the Regional License and Permit Program vendor, Accela, to extend the program's contract until the project is ready to go live on August 22, 2016. Approving the change order includes the following:

- Approving Washoe County's [\$67,636]-share of the change order amount, after the County is reimbursed by the Cities of Reno and Sparks;
- Authorizing the Comptroller's Office to bill the Cities of Reno and Sparks for their portion of the change order amount, based on the percentage splits stated in Addendum A to the Interlocal Cooperative Agreement Establishing the Regional Business License and Permits Program
- Authorizing Washoe County to use [\$33,300] from the approved change order funds to reimburse the project's contingency fund for project payments made in January and February 2016 to allow the contract to continue until the Board could consider and approve the change order;
- Directing the project management staff from the Technology Services Department to execute the change order only after the City Councils of Reno and Sparks approve funding their

respective shares of the change order. Technology Services.
(All Commission Districts.)

16-0184 **6H** Approve a Change Order for Truepoint Consulting to provide Consulting Services for Scripting and Report Development to the Building and Safety Division, Community Services Department, for the Accela Regional License and Permit Program; [in the amount of \$54,000] to meet the project go-live date of August 22, 2016 as directed by the Management Oversight Group. Recommendation includes approval contingent on the Board's approval of the Project Change Order to the Regional License and Permit Program Vendor; Accela; in the amount of \$148,000. Community Services. (All Commission Districts.)

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

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Consent Agenda Items 6A through 6H be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6H are attached hereto and made a part of the minutes thereof.

BLOCK VOTE (9 and 10).

16-0185 **AGENDA ITEM 9** Recommendation to approve the following replacement vehicle and equipment purchases for Equipment Services Fund: Three (3) 66,000 GVWR Truck Cab/Chassis from Sierra Freightliner Sterling Western Star Inc., in the [approximate amount of \$360,000] utilizing Washoe County Bid No. 2936-15, three (3) Williamsen-Godwin dump truck bodies equipped with hydraulics and tarping systems, three (3) Henke HXC-2000 V-Box spreaders and three (3) Henke reversible snow plows from Enoven Truck Body & Equipment, in the [approximate amount of \$330,000] utilizing State of Nevada Bid No. 8351 pursuant to the joinder provision of NRS 332.195, for the Community Services Department Operations Division; and additional vehicle purchases utilizing State of Nevada's fleet vehicle and police vehicle contracts in the [amount of \$260,000]; [totaling \$950,000]; and if approved, adopt a Resolution to augment the budget of the Washoe County Equipment Services Fund in the [amount of \$950,000]; and direct the Comptroller's Office to make the appropriate adjustments. Community Services. (All Commission Districts.)

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

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 9 be approved, adopted and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

16-0186 **AGENDA ITEM 10** Acknowledgement of Publication of Notice of Intent to Augment Budgets and approval of the attached resolution to augment the General Fund [in the amount of \$1,752,651] and approve the use of General Fund Carryover to cover previously approved unbudgeted expenditures for the fiscal year 2015-16; and, direct the Comptroller to make the appropriate budget adjustments (net impact to County Budget is zero). Manager. (All Commission Districts)

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 10 be acknowledged, approved and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

16-0187 **AGENDA ITEM 7** Department Presentation – Office of the County Manager highlighting services and operations.

John Slaughter, County Manager, conducted a PowerPoint presentation. He reviewed the slides on page 2 and page 3, which included the Manager's Office Mission and the Organizational Chart. Next, he shared a video about the Manager's Office.

Kevin Schiller, Assistant County Manager, continued the PowerPoint presentation. He highlighted additional areas of specialty that were encompassed within the County Manager's Office, such as Internal Audit, Government Affairs and Franchise Agreements.

Joey Orduna Hastings, Assistant County Manager, continued the PowerPoint presentation. She reviewed the slides on pages 8 through 10, which included Commission Meeting Support, the County Grants Program, and the Administrative Hearing Office. She mentioned the Granicus Legistar program had made agenda creation a much easier process.

Mr. Slaughter reviewed the last slides of the PowerPoint presentation, which included Plans for 2016-17 and he introduced the Manager's Office staff.

Commissioner Hartung said the County Manager's Office was more user friendly than it had ever been. He thought the department did a great job and the feedback he received indicated that it was much easier to get through processes.

Commissioner Herman praised Fidel Salas for his work.

Chair Jung thanked the Manager's Office staff and stated Mr. Slaughter had exceeded her expectations.

Commissioner Lucey commended the entire Manager's Office staff. He said not only did they prove to be effective but they were also a conduit for the citizens. He stated Mr. Slaughter had been a tremendous help.

Commissioner Berkbigler agreed with the other Commissioners and added that the office was a happy and comfortable place to work. She noted the staff was willing to help and always had smiles on their faces.

There was no public comment or action on this item.

16-0188 **AGENDA ITEM 8** Discussion and possible action to give policy direction to staff as to whether Washoe County Code Chapter 100 (Washoe County Building Code) and Washoe County Code Chapter 110 (Washoe County Development Code) should be amended to waive or remove existing requirements specific to cargo containers used for storage on residential properties and agricultural hoop houses meeting the requirements of the Natural Resource Conservation Service Grant Program, including the following: clarifying the definition of a cargo container, adding a specific definition of an agricultural hoop house structure, possibly allowing cargo containers without a permit for installation or use, and possibly exempting agricultural hoop house structures from the requirements of the building code. Community Services. (All Commission Districts.)

Dave Solaro, Community Services Department Director, conducted a PowerPoint presentation about cargo containers and hoop houses. He stated this agenda item was not to establish actual changes, but to gather direction from the Board. He said his department found many inconsistencies in Chapters 100 and 110 of the County Code. He indicated that at one time the two Chapters existed in different departments. He stated the definitions needed to be clarified before any action could be taken. He referred to the presentation, which provided some definitions of cargo containers and hoop houses as well as explanations of the current regulations. He indicated the definition of non-permanent and permanent needed to be clarified. He stated there were Chapters in the Code about cargo containers and hoop houses because there had been complaints by neighbors. He said currently a permit was required for cargo containers to ensure appropriate placement and color. A permit was required for hoop houses to ensure that they were structurally sound. He stated currently the permitting process was a barrier against people who wanted to erect hoop houses. He reviewed page 4 of the presentation regarding the requirements for cargo containers and hoop houses. He stated staff's recommendation would be to provide a fact sheet to inform the public of the requirements for cargo containers and hoop houses and to issue over the counter permits. He said an additional recommendation was to exempt cargo containers and hoop houses from the life safety requirements of the Building Code. The last slide of the presentation provided the

contact information for the Community Services Department. He asked the Board for direction.

Chair Jung said good progress had been made. She stated the use of cargo containers for storage and hoop houses for prolonging the growing season were positive. She thought what Mr. Solaro presented was a good compromise.

Commissioner Herman thanked Mr. Solaro for his common sense approach to resolve this issue.

Commissioner Hartung thought it should be required to obtain administrative permits for cargo containers on smaller parcels, but larger parcels should be exempt. He noted as long as cargo containers were not permanent structures and were not inhabitable, residents with larger parcels should be allowed to utilize them.

Commissioner Lucey concurred with Commissioner Hartung. He said cargo containers were an efficient way to store belongings. He considered the idea of allowing certain size parcels to be exempt from the permit requirement. He said zoning also needed to be addressed and cargo containers should not be allowed in high-density residential zoned areas. He stated the County did not want to be a Home Owners Association (HOA) but they needed to be good stewards for the community.

Commissioner Berkgigler concurred with Commissioners Hartung and Lucey. She was concerned the County and the Health District would both be issuing permits. She thought the Health District did not need to be involved since the containers were used for the storage of equipment and tools. She also thought government should be less intrusive and should move away from telling residents what they could place on their properties. She did not agree with so many regulations for storage and gardening.

Commissioner Lucey stated some people were utilizing old cargo containers to build homes. He said if someone was going to put a cargo container on a foundation with the intention of living in it, then it would be subject to the same permit process that a house would. He noted if a container was going to be maintained as a storage facility, additional approvals should not be required.

Commissioner Hartung concurred with Commissioner Lucey. He stated “uninhabitable” was a key term. Once a container was placed on a foundation the term would change.

Chair Jung stated she had asked staff to be proactive concerning items that had continually been denied on applications. She thought there should be some innovation and staff should anticipate potential changes to accommodate citizens. She said she liked the idea of removing the Health District from the permitting process regarding cargo containers. She restated the Board’s direction regarding cargo container permits. She said they were not considered to be permanent structures; the permits would affect only the unincorporated area of Washoe County; there would be different

requirements based on parcel size; large parcels in dense areas would have different considerations based on esthetics; and the permits would be exempt from Health District approval. She wanted staff to start preparing for cargo containers being utilized as homes and to gather information on how this was being done in other areas.

Mr. Solaro stated there would be something coming to the Board in the future regarding tiny homes.

Nancy Parent, County Clerk, stated that Mr. Solaro submitted a constituent's email, which was placed on file.

On the call for public comment, Donna Murphy-Sharp stated she and her husband were Nevada Department of Agriculture producers. She said she received a grant to construct a hoop house, but during construction they received a stop order and were informed it was against the regulations. She said they were trying to produce healthy, locally grown foods. She urged the Board to approve the exemption of building code requirements for hoop houses. She submitted a petition, which was placed on file with the Clerk.

Wendy Baroli thanked the Board for their support. She spoke regarding high tunnels, which were similar to hoop houses. She stated she was a recipient of a Natural Resources Conservation Service grant and the tunnels were not permanent, as the outside plastic would only last for five years. She thought this was already covered in Chapter 110 of the County Code. She submitted documents, which were placed on file with the Clerk.

Rebekah May Stetson, Farm Manager at Urban Roots, stated Urban Roots had multiple hoop houses and offered food education. She indicated they taught about bringing food from farm-to-table in County schools. She said Urban Roots was also a community health advocate for Nevada. She thought hoop houses should not be regulated as they were a great resource for the community.

Robert Vaught stated he had 5 acres in Washoe Valley. He said he grew fruits and vegetables and considered himself an expert on growing in northern Nevada. He stated that in a typical year he grew hundreds of pounds of tomatoes and other foods. He thanked Mr. Solaro for meeting with him and listening to his concerns, many of which had been resolved. His suggestion was to exempt all hoop houses, not just the ones approved by the National Resource Conservation Service.

Katherine Snedigar appreciated that the Board represented the residents with cargo container and hoop house issues. Her concern was that it took so long to agree upon the regulations. She said she still did not understand the change in the designation from the general rural residential zone to the general rural agricultural zone with the same regulations as a residential neighborhood.

Cathy Brandhorst spoke about matters of concern to herself.

Paul Lipparelli, Assistant District Attorney, noted staff added this item to the agenda with a request for the Board to have this discussion. He said the process for creating an ordinance involved three steps. First, there would be an agenda item to request an amendment to the Code that would contain an outline of the terms. Then there would be a first and second reading. He said it was clear to him that the Board wanted to deregulate hoop houses and cargo containers. He stated there might be some applicable circumstances where hoop houses or cargo containers could violate another code. He said a cargo container or hoop house could become a nuisance or it could violate health, fire, or building codes. He indicated the Board was not throwing away all the ability they had to ensure people were safe, but was saying the intent was not to regulate the use of the items through the permitting process. He stated that action left other important tools in place, which might be needed later if someone was doing something dangerous with one of the items.

Chair Jung said she received an email from a resident in Sun Valley who stated they did not have a garage or storage shed and were in violation of the Code for having a storage unit in the front yard.

Mr. Solaro stated he received sufficient direction from the Board.

There was no action taken on this item.

PUBLIC HEARINGS

16-0189 **AGENDA ITEM 11** Second reading and possible adoption of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of “County” and all other matters properly relating thereto. (Bill No. 1760). Regional Animal Services. (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1576, Bill No. 1760.

Commissioner Lucey recused himself from this item.

Commissioner Berkbigler said she had a conversation with staff regarding clarification of the proposal to regulate businesses but not animal services such as the Nevada Humane Society or the Society for the Prevention of Cruelty to Animals (SPCA).

Bobby Smith, Animal Services Manager, said the question was how rescue organizations were regulated. He said the word “rescue” was not defined in the Nevada Revised Statute (NRS) or in the County Code. He said there was a definition for a releasing agency. He indicated under NRS and the County Code a releasing agency was a society incorporated to prevent cruelty to animals; an animal shelter designated by local Government for receipting and holding animals; a non-profit entity that provided temporary shelter for the care and placement of pets; or an organization which took custody of pets that were abandoned, abused or neglected to place them with new owners. He said a releasing agency within the County had to be authorized to work with Animal Services. There was an application process, an inspection process, a renewal process, and non-profit status was checked yearly. He stated Animal Services was regulated within the NRS and the County Code, and had to follow all the same laws. He indicated the proposed Ordinance was specifically meant for commercial establishments, such as pet stores, kennels, and boarding facilities.

Commissioner Berkbigler thanked Mr. Smith for explaining the regulations. She indicated she had read the Code and she found no language in the proposed Ordinance that would harm a retail business.

On the call for public comment, Ardena Perry spoke regarding the releasing agencies and market shares. She thought the Equal Protection Clause was about the marketing of animals, whether it was for profit or not for profit. She did not understand why an injured animal would be placed in isolation with an ill animal. She wanted to know what the difference was between an isolation room and an isolation area.

Tim Stoffel stated his colleagues addressed many issues concerning shelters verses animal businesses. He said he could not find a concrete reason for this law and did not think there was a problem in the animal industry. He wondered why other issues such as permitting were not being fixed rather than placing emphasis on animal stores and their owners.

John Potash hoped the Board had an opportunity to review and consider the email he sent regarding the Animal Ordinance. He stated equal treatment for all businesses and citizens was his biggest concern. He did not agree with the requirements for the releasing agencies and thought they were receiving unwarranted exemptions. He questioned why the heaviest regulated entities were going to be even more heavily regulated and the least regulated were getting a free pass. He asked the Board to consider this subject carefully before enacting new ordinances.

Bill Maggiora stated his biggest concern was this Ordinance could be misinterpreted in other ways that had not been discussed. He was concerned that the isolation requirements would harm business owners.

Daniel Gray stated the animal enterprise was struggling. He said businesses would face losses of revenue due to the new Ordinance. He thought businesses were closing because of the continued burden of regulations.

Michael Schneider, owner of Puppies Plus, was concerned about the proposed Ordinance. He thought Animal Services should not be given the right to enter his business unannounced to go through his records and to inspect his facility. He stated there was an incident a few months ago where multiple government entities showed up together at his place of business in the morning without notice. He felt as if there was a hidden agenda against animal businesses. He thought the revocation process was unfair. He stated if the Ordinance was about animal welfare it should be the same for all entities who dealt with animals.

Katherine Snedigar did not agree with surprise inspections. She thought the license revocation process was unfair. She stated the Board used common sense on the last item and she would like them to do the same for this subject.

Chris Vaught stated NRS Chapter 574 was about cruelty to animals, prevention and penalties. She said “releasing agency” was defined in the Statute but it only pertained to the sterilization of pets. She noted the regulation for releasing agencies was they could not release an animal over four months of age without sterilizing it. She said there were no care standards written for releasing agencies. She thought rescue facilities should fall under the dealer category because they received compensation for animals. She said retail establishments should be regulated fairly.

Commissioner Hartung asked Mr. Smith to explain the revocation process.

Mr. Smith stated in order for a license to be revoked there had to be violations and criminal convictions. He said if a business continued to operate out of compliance a revocation notice would be issued. If a business disagreed with the revocation notice, it would have the right to apply for a hearing in front of the Administrative Office. He noted a business had 14 days after the issuance of a revocation notice to apply for a hearing. He stated during a hearing the business and Animal Services would present their evidence. If the Hearing Officer voted against Animal Services then the appeal would be complete and the business’ welfare permit would not be revoked; if the Hearing Officer agreed with Animal Services then there would be a judicial review. He noted that if a welfare permit was revoked, it did not mean the business would be required to close. He stated Animal Services did not regulate the business licensing of Washoe County, Reno or Sparks. He explained the information from the revocation notice and the hearing outcome would be submitted to the Business License Office, and the decision of whether or not to proceed further would be left to their discretion.

Commissioner Herman was concerned that the Ordinance was not clear and concise. She asked whether it provided for equal protection and wondered if the Ordinance was constitutional in its intent.

Paul Lipparelli, Assistant District Attorney, stated equal protection was a legal device to be utilized if proof existed that people in the same classification were

being treated differently. He said businesses who were engaged in for-profit activities that included the selling of animals and related services were not the same as shelters that were not for profit. He noted a shelter provided care and homes for animals, but the fees were collected to cover the costs for services, which was not a profit-oriented arrangement. He said he did not perceive an equal protection problem with treating shelters differently than pet stores, boarding facilities, grooming facilities, and other businesses that handled animals. He indicated the Board's authority to regulate in this area came from NRS 244.359, which gave the County the authority to create ordinances prohibiting cruelty to animals. He stated this was concurrent with the authority outlined in NRS Chapter 574. He said Animal Services would seek compliance by notifying agencies of a deficiency in a specific area and then coaching them on the process to become compliant. For businesses that failed to comply, Animal Services would start the process to issue the business a notice of non-compliance. He said if a business continued to operate out of compliance, the result would be the revocation of a business permit. He thought this was a constitutional process. He said a challenge to this Ordinance would require a clear demonstration of what was unconstitutional.

Commissioner Herman stated the last paragraph of the proposed Ordinance read that the findings did not impose a direct and significant economic burden upon a business, nor did it directly restrict the formation, operation or expansion of a business. She wanted concrete evidence and a study of the financial and physical impacts.

Mr. Smith stated a business impact statement was sent to all the businesses in the County that dealt with animals. He said the letter from June of 2014 addressed the proposed Code; explained the proposed permit fee would not exceed \$100 per year; and invited the business owners to attend the first public meeting for the Ordinance review on Chapter 55, which was held on July 15, 2014, at 5:30 p.m. He stated the video recording of the meeting was on the County website.

Mr. Lipparelli discussed NRS Chapter 237, the Business Impact Statement Law. He stated local governments who considered the adoption of a rule that would have a significant impact on the creation or operation of a business would be required to undertake a process to review the potential burden. He said that if a person objected to the Board's adoption of the Business Impact Statement, they could challenge the Board. The Board was required to review the objection and determine if it had merit. If the Board determined it had no merit, the appellant would be authorized to challenge the Ordinance in court.

Commissioner Herman said she understood the Ordinance was complaint driven.

Mr. Smith stated all Ordinances were complaint driven. He said if this Ordinance passed Animal Services would meet with business owners to assist them through the permit process.

Commissioner Herman moved to table the Ordinance. There was no seconder; therefore, the motion did not pass.

Commissioner Hartung said there were questions about agencies inspecting a business's records without notification. He stated he opened his business in 1984 and the Environmental Protection Agency (EPA) could come into his business without notification. He said this practice was not unusual and should be expected.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a vote of 3 to 1 with Commissioner Herman voting "no" and Commissioner Lucey abstaining, Chair Berkbigler ordered that Ordinance No. 1576, Bill No. 1760, be adopted, approved and published in accordance with NRS 244.100.

12:33 p.m. The Board recessed.

12:40 p.m. The Board reconvened with all members present.

16-0190 **AGENDA ITEM 12** Second reading and possible adoption of an ordinance providing for the full consideration of protests of the consolidation of the Truckee Meadows Fire Protection District and Sierra Fire Protection District into one fire protection district to be known as the Truckee Meadows Fire Protection District; finalizing the consolidation; providing for the dissolution of the Sierra Fire Protection District and its Board of Fire Commissioners, and providing for other matters properly relating thereto. Truckee Meadows Fire Protection District. (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1577, Bill No. 1761.

On the call for public comment, Robert Parker stated he was one of the people who helped put the Sierra Fire Protection District (SFPD) together. He said he was sad to see the name go away but he thought it made perfect sense. He noted that Chief Moore was doing a wonderful job. He added the District would save money that could be used for more equipment. He urged the Board to approve this change.

Thomas Daly stated on behalf of himself and his neighbors, he was strongly in favor of the consolidation. He stated the effort promoted efficiency in government.

Katherine Snedigar stated she was concerned about the consolidation. She said the fire protection was sparse in Palomino Valley. She thought Palomino Valley was not getting the service it deserved.

Paul Lipparelli, Assistant District Attorney, stated there was a slight correction on page 4 of the Bill, listed under Township 23. He said there was a typographical error and Section number 35 had been omitted from the first reading.

On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried, Chair Berkbigler ordered that Ordinance No. 1577, Bill No. 1761, be adopted, approved and published in accordance with NRS 244.100.

16-0191 AGENDA ITEM 14 Public Comment.

Ardena Perry voiced her concerns about the perception that was created by a Commissioner who was chatting with other Board members after recusing himself from a discussion.

16-0192 AGENDA ITEM 15 Commissioners'/Manager's announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)

Commissioner Herman stated she was fortunate to have been able to attend the Nevada Association of Counties (NACO) convention in Washington, D.C. She said while she was there she sat in the United States House of Representatives Chambers and on the wall over the speaker it said "In God We Trust". She thought it would be nice to have that depicted on the wall of the County's Chambers.

Chair Jung stated public safety and first responders should have access to the buildings that the County owned or acquired for practice scenarios. She noted they rarely had the chance for that type of opportunity.

Commissioner Lucey requested Community Services Department staff to follow up on issues in the Building Department to ensure that items were solidly outlined and to find an avenue to properly address issues. He stated Congressman Lou Barletta from Pennsylvania was in the County recently to look at the Emergency Response System because of the County's reputation. Al Rogers, Management Services Director, and his staff met with the Congressman and addressed the fact that the issues on the West Coast were very different from those on the East Coast. He stated there was federal legislation that pertained to mandates on counties and local governments, which were mostly east coast driven. He noted Senator Reid had been a great help to Nevada and had

been in leadership for many years. He said there was a need to continue to reach out to the new leadership to ensure they understood the issues in the State of Nevada, and specifically in Washoe County.

16-0193 **AGENDA ITEM 13** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

12:55 p.m. On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, 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.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

16-0194 Letter from County Manager, John Slaughter, notifying the Clerk of the reappointment of Vice Chair Bob Lucey as a primary board member to the Washoe County Debt Management Commission, dated January 25, 2016.

16-0195 Letter from Deputy District Attorney, Herbert B. Kaplan, notifying the Clerk of the summary of all claims made against the Nevada Tahoe Conservation District for tortious conduct for the calendar year 2015.

16-0196 Letter from Deputy District Attorney, Herbert B. Kaplan, notifying the Clerk of the summary of all claims made against the Truckee Meadows Fire Protection District, Sierra Fire Protection District, or the Washoe County Fire Suppression District for tortious conduct for the calendar year 2015.

16-0197 Letter from Deputy District Attorney, Herbert B. Kaplan, notifying the Clerk of the summary of all claims made against Washoe County for tortious conduct for the calendar year 2015.

MONTHLY FINANCIAL STATEMENTS

16-0198 Monthly statement of the Washoe County Treasurer for month ending January 31, 2016.

QUARTERLY FINANCIAL STATEMENTS

16-0199 Washoe County School District's financial report for the second quarter of Fiscal Year 2015-16, ending December 31, 2015.

ANNUAL REPORTS

16-0200 Truckee Meadows Water Authority's Comprehensive Annual Financial Report (CAFR) for fiscal year 2015.

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1:23 p.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

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

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