

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

TUESDAY

10:00 A.M.

SEPTEMBER 27, 2016

PRESENT:

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

Nancy Parent, County Clerk
Dave Solaro, Acting 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:

16-0826 AGENDA ITEM 3 Public Comment.

Jim Galloway spoke in favor of Thomas Taber to fill the vacant Nevada State Senate District 15 seat. He said Mr. Taber was a level-headed, sensible person with community spirit. He provided information from Mr. Taber's resume which included Mr. Taber's military service. He asked that his remarks and Mr. Taber's resume be included in the record. The documents were placed on file with the Clerk.

Kenneth Johnson spoke about the plight of senior citizens. Regarding money seniors received to live on, he noted seniors had not received a raise in three years. He added many seniors could not afford a decent place to live nor had enough money for food or insurance. He expressed his concerns about the possibility of social security benefit cuts and questioned when seniors would be given more money.

Roger Edwards expressed his concerns about the Governor's request to quickly fill the vacant State Senate and Assembly seats. He added the issue with appointments was it made the appointed individual an incumbent in the next election. Although picking a developer might make sense for the current situation in Las Vegas, he stated it was not the best choice for a State Senate position. He praised Thomas Taber and spoke in favor of appointing a non-developer to the State Senate.

Elise Weatherly spoke about the death penalty and she displayed various documents related to the death penalty and the Bible. She mentioned Polly Klaas' murder

and how the State of California refused to put Richard Allen Davis to death. The documents were placed on file with the Clerk.

Sam Gettle stated he owned property west of Veterans Elementary School. He thanked the Board for resolving an issue he previously brought forward regarding UPS. He alerted the Board to an issue involving garbage cans being left out in the street by a property owner on Vassar Street. He explained the dangers this posed to children's safety as people had to drive around the garbage cans.

Cathy Brandhorst spoke about matters of concern to herself.

Rick Snow expressed his ongoing frustration regarding the property located at 275 Magnolia Way. He presented a piece of burnt wood to the Board. He noted the individual paying the property taxes for the subject property had ignored the County's compliance letters. He requested the Board to place the issue on an agenda so it could be resolved. He added the issue had been going on for more than two and a half years since the property burned down.

Vicky Maltman said she was against providing a rubber stamp to the Legislature to place a football team in Las Vegas. She remarked the football team might be good for Las Vegas but it would not provide any benefits to the rest of the State. She added Las Vegas had the ability to fund the football team on its own if it truly wanted it. She asked the Board to consider Thomas Taber, regarding Agenda Item 17, since he was good at listening to all of the facts.

Tim Stoffel supported Ms. Maltman's comments about the football team and Thomas Taber. He asserted the elimination of the Animal Control Board was highly political and it supported the continuing takeover of Animal Services by animal rights groups. He mentioned the rescheduling of a hearing in which Animal Services presented its case against an individual who was attempting to obtain an exotic animal permit for his 30 pound lynx. The permit was denied. He believed the hearing was purposely rescheduled in order to affect the vote by ensuring that Richard Simmonds, Chair of the Animal Control Board and Exotic Animal Specialist, could not attend. He noted it was time for the Board to reverse its decision to eliminate the Animal Control Board.

Katherine Snedigar voiced her displeasure with the individuals who wanted to bring the Oakland Raiders football team to Nevada. She noted the Oakland Raiders organization had defaulted at their last two locations. She asked whether there were any assurances the Oakland Raiders would not default in Nevada. She mentioned the missteps governmental entities in Nevada made regarding the tax breaks given to companies like Cabela's and Tesla. She said the Board owed a fiduciary responsibility to act in the best interest of the people within the County.

Karel Rice concurred with Ms. Snedigar's comments. She stated the tax payers were no longer being represented. She held up a campaign sign which read, "Elect Republican Eugene Hoover for State Senate 15". She asked why Mr. Hoover was not

given any consideration since he was running for the seat. She spoke about various taxes and voiced her displeasure with them. She mentioned welfare recipients were receiving more assistance than those who paid into social security. She said Governor Brian Sandoval had been a dismal failure for Nevada.

16-0827 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Herman addressed Mr. Snow's concern regarding the subject property on Magnolia Way by stating she had looked into getting volunteers. She said the cost for hauling away material from the property would cost between \$10,000 and \$20,000, and she noted the money would be difficult to raise. She suggested the Health Department figure out a way to commence removal of material from the property due to health issues.

Commissioner Hartung added the Sheriff's Office informed him utilizing a work crew was not an option since it was private property. He asked staff to bring forward options to resolve the issue with the subject property on Magnolia Way. He reported he and his wife saw the cheetahs running while in attendance at the Paws and Claws event.

Commissioner Berkbigler requested a staff report regarding the rules for vacation rentals versus bed and breakfast establishments. She noted there was obviously a difference in the way they were treated but she was not clear on the specifics.

Chair Jung announced Agenda Items 16, 17 and 18 would be held at 11:00 a.m. She explained the process. The applicants would be given five minutes to speak and then the appointments would be made through a roll call vote for each agenda item.

CONSENT AGENDA ITEMS 5A THROUGH 5E, 6A THROUGH 6D, 7A THROUGH 7B, AND 8A THROUGH 8D

16-0828 **5A** Approve the temporary job reclassification for Reno Justice Court of the "Assistant Court Administrator" position (#70000380), to "Assistant Court Administrator & Technology", from the hourly range of \$29.16 to \$39.41 to the hourly range of \$35.25 to \$50.42, and the reclassification of Justice Court Technology Manager (Position # 70000377), pay grade J187 to Court Tech. Business Systems Analyst II, pay grade K450, effective September 19, 2016. [\$0 net impact]. Reno Justice Court. (All Commission Districts.)

16-0829 **5B** Accept Registrar of Voters' report of early voting locations and schedule for the 2016 General Election per NRS 293.3561 (2b). Voters. (All Commission Districts.)

16-0830 **5C** Recommendation to approve amending the Washoe County 457(b) Deferred Compensation Plan Document and MassMutual Administrative

Services Agreement, effective October 1, 2016, to allow an employee who does not make an affirmative election to defer or not to defer a portion of his or her Compensation under the Plan to be automatically enrolled in the County's 457(b) deferred compensation plan if the employee is covered by a collective bargaining agreement that authorizes automatic enrollment in the County's 457(b) deferred compensation plan ; and if approved, authorize Director of Human Resources/Labor Relations to execute same. [No fiscal impact.] Human Resources. (All Commission Districts.)

- 16-0831** **5D** Approve the submission of a grant for the Non-emergency Medical Transportation in Unincorporated Washoe County from Access to Health Care Network,[in the amount of \$74,607] to the State of Nevada Community Development Block Grant (CDBG) program for funding consideration in Round 2 of the FY17 funding cycle; and if approved, authorize the Chair to execute the documents concerning same. Manager. (All Commission District.)
- 16-0832** **5E** Approve to accept a Child Abuse and Neglect (CANS) Sub-Grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$15,000; no County Match required], retroactive to July 1, 2016 through June 30, 2017 to conduct a safety assessment for the purpose of developing and establishing improved operating systems as it relates to the assessment and investigation of child abuse and neglect, and authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. Senior Services. (All Commission Districts.)
- 16-0833** **6A** Approve the Termination of Agreement on Management of Water Rights Appurtenant to Street Rights-of-Way between Reno, Sparks and Washoe County. Community Services. (All Commission Districts.)
- 16-0834** **6B** Approve the Contract for Storage of Non-Project Water among the United States and Washoe County Water Conservation District, the City of Reno, the City of Sparks and the County of Washoe. Community Services. (All Commission Districts.)
- 16-0835** **6C** Approve the Water Sale Agreement between Randall J. Warner, dba Washoe Valley Veterinary Hospital and Washoe County. Community Services. (Commission District 2.)
- 16-0836** **6D** Approve the following Lease Agreements for two non-profit entities to lease the Washoe County Plumas Street Building: (1) a lease agreement between Washoe County and Keep Truckee Meadows Beautiful from October 1, 2016, through June 30, 2021, with two three-year extensions, and (2) a lease agreement between Washoe County and the Nevada Land

Trust from October 1, 2016, through June 30, 2021, with two three-year extensions. Community Services. (Commission District 1.)

- 16-0837** **7A** Approve the direct grant award from the State of Nevada, Office of Criminal Justice Assistance FFY 2016/2017 Justice Assistance Grant (JAG), Project No. 16-JAG-28 for [\$21,000, no County match required] to purchase a Narcotics Screening Instrument to be used in the Forensic Science Division for the grant period of 10/1/16 through 9/30/17 and if approved, direct Comptroller's Office to make necessary budget amendments. Sheriff. (All Commission Districts.)
- 16-0838** **7B** Approve the direct grant award from the State of Nevada, Office of Criminal Justice Assistance FFY 2016/2017 Justice Assistance Grant (JAG), Project No. 16-JAG-27 for [\$30,000, no County match required] to support the All Threats All Crimes (ATAC) task force for the grant period of October 1, 2016 through September 30, 2017 and if approved, direct Comptroller's Office to make necessary budget amendments. Sheriff. (All Commission Districts.)
- 16-0839** **8A** Approve to accept a Subgrant Amendment #1 award from the State of Nevada Department of Health and Human Services Division of Public & Behavioral Health [\$112,500; no County match required] for the period of October 1, 2016 through June 30, 2017 to support the position and activities of a Behavioral Health Program Coordinator; authorize the Department to execute the Sub-Grant Award and direct the Comptroller's Office to make the necessary budget amendments. Social Services. (All Commission Districts.)
- 16-0840** **8B** Approve to accept the Children's Justice Act (CJA) sub-grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$8,710; no County Match required], retroactive from August 1, 2016 through September 30, 2016 to support and strengthen staff competency related to child fatality, abuse and neglect cases accomplished through specialized forensic and fatality training and purchase of necessary supplies to document injuries; and authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)
- 16-0841** **8C** Approve to accept a Children's Justice Act (CJA) sub-grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$30,000; no County Match required], retroactive to July 1, 2016 through June 30, 2017 to conduct a safety assessment for the purpose of developing and establishing improved operating systems as it relates to the assessment and investigation of child abuse and neglect, authorize the Department to execute the sub-grant award and direct the

Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

- 16-0842** **8D** Approve to accept the Children's Justice Act (CJA) sub-grant award from the State of Nevada – Division of Child and Family Services (DCFS) in the amount of [\$10,000; no County Match required] retroactively from July 1, 2016 through June 30, 2017 to provide Children's Advocacy Center workers with the technology to map to remote locations, to document with photography the salient aspects of injury and abuse of children; and authorize the Department to execute the sub-grant award and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

On the call for public comment, Elise Weatherly spoke on Consent Agenda Item 5A. She asked the Board to assess each employee on an individual basis and reward those who worked hard rather than rewarding everyone equally regardless of the amount of work they did.

Cathy Brandhorst spoke about matters of concern to herself regarding Consent Agenda Items 5E and 6B.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5E, 6A through 6D, 7A through 7B, and 8A through 8D be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5E, 6A through 6D, 7A through 7B, and 8A through 8D are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – AGENDA ITEMS 10, 11, 12, 13 AND 14

- 16-0843** **AGENDA ITEM 10** Recommendation to approve the Collective Bargaining Agreement with the Washoe County Sheriff's Deputies Association (WCSDA) bargaining unit for a one (1) year period beginning July 1, 2016 through June 30, 2017, and ratify same: including a cost of living adjustment in base wage of 3% retroactive to July 1, 2016 [FY 16/17 estimated fiscal impact \$1,181,329]; and updated agreement language regarding health plans, safety equipment, deferred compensation, and salaries. Human Resources. (All Commission Districts.)

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

Chair Jung commended all of the negotiating teams.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 10 be approved and ratified.

16-0844 **AGENDA ITEM 11** Recommendation to accept the 2015 Continuum of Care renewal Grant for Shelter Plus Care from the United States Department of Housing and Urban Development (HUD) in the amount of [\$110,208; \$26,335 County match required], retroactive to August 1, 2016 through July 31, 2017; authorize the Department to execute the sub-grant award; authorize a subgrant agreement for Continuum of Care services between Washoe County and Volunteers of America Northern California and Northern Nevada, Inc., in an amount not to exceed \$136,543, approve resolution necessary for same; and direct the Comptroller's Office to make the appropriate budget amendments. Social Services. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 11 be accepted, authorized, approved and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

16-0845 **AGENDA ITEM 12** Recommendation to accept a Sub-grant Award from the State of Nevada Division of Child and Family Services (DCFS) in the amount of [\$206,835; no County match required], for the period of October 1, 2016 through September 30, 2017, to assist the Department of Social Services with the Adoption Incentive program; and authorize the Department to execute the Sub-Grant Award and direct the Comptroller's Office to make the necessary budget amendments. Social 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 Berkgigler, which motion duly carried, it was ordered that Agenda Item 12 be accepted, authorized and directed.

16-0846 **AGENDA ITEM 13** Discussion and possible direction to the County Manager to utilize two or more hours of staff time to research access to RS 2477 roads within the context of the Washoe County Economic Development and Conservation Act. (Strategic Objective: Stewardship of our Community). (Requested by Commissioner Jeanne Herman.)

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

16-0847 **AGENDA ITEM 14** Recommendation to adopt the One Truckee River Management Plan. Manager. (All Commission Districts.)

On the call for public comment, Angela Fuss, on behalf of the entire One Truckee River team, acknowledged and thanked everyone who supported their project. She noted over 120 groups came together in a collaborative effort; however, the Nevada Land Trust and Keep Truckee Meadows Beautiful organizations were the heart and soul of the project. She placed 420 signed affidavits in support of the One Truckee River Management Plan on file with the Clerk.

Chair Jung thanked Ms. Fuss.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 14 be adopted.

16-0848 **AGENDA ITEM 9** Appearance: Renown Health [10 minutes]
Dr. Anthony Slonim, President & CEO Renown Health, Presentation and update on Renown Health Services.

Dr. Anthony Slonim, President and CEO of Renown Health, gave a PowerPoint presentation on what was new at Renown. The heading for the slides were as follows: 1) Population Health Example, Child Health Institute. 2) Expanding Access to Care. 3) Expanding Access to Care – Recruiting. 4) Expanding Access to Care – Training. 5) Partnerships. 6) Focus on Improving the Health of Our Community. 7) Investing in Our Community Partners. 8) Formal Partnerships in the Community. 9) Update on the 89502 Project. 10) Formal Partnerships. 11) Future Partnerships? 12) Institute of Health Innovation.

He highlighted the following information: 1) Zip code 89502 was one of the most impoverished areas in the community. 2) Stanford physicians would be rotating through Reno. 3) Renown partnered with the Desert Research Institute (DRI) and their scientists would help identify where the gaps were in caring for people within the community. 4) Renown invited 23 and Me, a national genetics company, into their partnership with DRI to engage in the largest community based research endeavor in the Country. 5) Renown, through its partnerships, enrolled 10,000 people in Northern Nevada for free personal genetic testing within 48 hours.

Commissioner Berkgigler stated she was thrilled with all of the interactions between Renown, the University of Nevada, and various entities. She hoped a partnership would be formed between the Coroner's Office, the University of Nevada and Renown for more training. She thanked Dr. Slonim.

Commissioner Lucey thanked Dr. Slonim for his presentation and he acknowledged all Renown had done for the community. He mentioned Renown had made strides within the community and was more than just a hospital. He noted Renown's pro-active approach to healthcare.

Commissioner Hartung said Dr. Slonim's leadership was phenomenal and he was thrilled to have him here. He mentioned he and his wife were part of the 10,000 individuals who signed up for the 23 and Me project. He thanked Dr. Slonim for all he had done.

Commissioner Herman commended Dr. Slonim for his work.

Chair Jung echoed all of the compliments given by the other Commissioners. She remarked Commissioner Lucey provided the initial funding to start the 89502 Project through his discretionary funds, and she thanked him for helping her constituents. She stated she appreciated Dr. Slonim for being here and she hoped he was here to stay.

Dr. Slonim thanked the Board for its support.

There was no public comment or action taken on this item.

16-0849 **AGENDA ITEM 16** Consideration and possible appointment from a list of County Commissioner nominated and qualified persons including Julia Ratti, to fill the vacancy of the Nevada State Senate District 13 seat pursuant to NRS 218A.260, and as requested by Nevada Governor Brian Sandoval in a letter to Chair Jung dated September 16, 2016. (All Districts)

Al Rogers, Management Services Director, explained the process in which the nominees were selected. He noted at the previous regular Board meeting the Chair requested all Commissioners to submit their choices. He added the Manager's Office reached out to the community to request additional names of qualified citizens for consideration and nomination by a Commissioner. The Commissioners provided the nominees in accordance with the Open Meeting Law to the County Manager. In regards to Agenda Item 16, he noted there were three qualified applicants and given the nominations put forth by the Commissioners, there was one nominee.

The following candidate came forward to present her qualifications and experience.

1. Julia Ratti, City of Sparks Councilwoman

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

Gary Schmidt requested his handout regarding Article 4 Section 12 of The Constitution of the State of Nevada be attached to the minutes for Agenda Items 16, 17 and 18. He claimed the Board's attempt to appoint individuals to the Legislature was illegal and he stated he would be filing an Open Meeting Law complaint. He read from

his handout which was placed on file with the Clerk and attached to the minutes as Exhibit A.

Katherine Snedigar contended there was no community outreach in regards to the Legislative appointments. She asserted the Board seemed to think the rules and regulations did not apply to them. She spoke about the Board's fiduciary responsibility to its citizens.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Julia Ratti be appointed to fill the vacant Nevada State Senate District 13 seat effective immediately.

16-0850 **AGENDA ITEM 17** Consideration and possible appointment from a list of County Commissioner nominated and qualified persons including Jesse Haw or Thomas Taber to fill the vacancy of the Nevada State Senate District 15 seat pursuant to NRS 218A.260, and as requested by Nevada Governor Brian Sandoval in a letter to Chair Jung dated September 16, 2016. (All Districts)

Al Rogers, Management Services Director, informed the Board there were 12 eligible candidates for Senate District 15. From those eligible candidates, he said the Commissioners nominated two.

The candidates came forward in the following order to present their qualifications and experience.

1. Jesse Haw
2. Thomas Taber

On the call for public comment, Ray Lake provided a handout which was placed on file with the Clerk. The handout included a survey and Mr. Taber's resume. As Chairman of the Washoe County Republic Information Technology Committee, he said commissioned the survey after he became aware of the need to fill the vacant seat. He noted he received 160 replies and Mr. Taber received 67.5 percent of the votes. He added he believed Mr. Haw's loyalties would lie with the construction and financing businesses. He believed Mr. Taber would be loyal to the citizens of the community. He asked the Board to appoint Mr. Taber to fill the vacant seat.

Alex Christopher spoke in favor of Mr. Taber. He spoke about Mr. Taber's experience and ability to get people to work together. He said Mr. Taber would be a wonderful asset in the position.

Ken Koepp endorsed Mr. Taber. He said Mr. Taber had done a lot of good things in the community. He mentioned Mr. Taber was a Vietnam veteran who served honorably and proudly.

Gary Schmidt requested the handout he provided for Agenda Item 16 be attached to Agenda Item 17. He also requested his comments be included in the minutes in detail and not in summation. He reiterated his previous comments under Agenda Item 16. He informed the Board he was filing an Open Meeting Law complaint. He expressed his concerns about the appointment process, the nominations, the deadlines, the vetting, the outreach, and the advertising. He noted all had to be determined by a motion and a vote by the Board in a properly noticed public meeting, which he contended had not been done. He said proper notification had always been done in the past. He believed the Chair violated the Open Meeting Law by discussing the process, including the application, deadlines, and vetting of individuals, in private with two or more other Commissioners. He said if he did not agree with the Attorney General's opinion regarding the Open Meeting Law violation charges, the issue could be brought before the District Court. He also said if he did not agree with the ruling by the District Court, the issue could be brought before the State Supreme Court. He stated the process could put the entire special session in jeopardy for months. He said the Governor should postpone the issue until after the elections, so whoever was elected would be entitled the opportunity to convince other Legislators how to vote. He asserted the process was flawed, a total farce, and a waste of taxpayers' dollars. His handout was placed on file with the Clerk and attached to the minutes as Exhibit A.

Katherine Snedigar endorsed Mr. Taber. She said the County needed someone with even temperament who was not connected to developers, the banks or the State Contractors Board. She noted the County suffered from the bad decisions made by those people.

John Mishler spoke on behalf of Mr. Taber's nomination. He said Mr. Taber was an inclusive person who sought different points of view before making a decision.

Paul Lipparelli, Legal Counsel, stated a violation of the Open Meeting Law was a serious matter. He said he conferred with the Attorney General's Office in the days leading up to the scheduling of the meeting. He confirmed the Attorney General's Office's view of the Open Meeting Law requirement was that the names of the people who were going to be considered had to be published in an agenda item. He added that requirement was met, which was the only requirement that existed for the Board to be able to take action on the Governor's request to fill the vacancies. If time was available, he noted the Board could have any process it wished and it could have taken several meetings to do such. He remarked in the past the Board held several meetings to figure out the way in which it wanted to make an appointment; however, in order to honor the request that was made and to act in the specified time frame, the approach was determined not to be a violation the Open Meeting Law.

Commissioner Hartung said he had not conversed with anyone else on the Board regarding the matter. He added he had conversations with both the County Manager and Legal Counsel, and neither one divulged any information as to what the other Commissioners were thinking.

Commissioner Berkbigler said she had not spoken to any other Commissioners about their choices. She noted the nominees lived in her District, and she happened to know both of them. She stated no one, including the parties involved with the football stadium, had encouraged her to vote for one or the other.

Commissioner Herman stated her preference by recommending Thomas Taber.

Commissioner Hartung stated his preference by recommending Jesse Haw.

Commissioner Berkbigler stated her preference by recommending Jesse Haw.

Commissioner Lucey stated his preference by recommending Jesse Haw.

Chair Jung stated her preference by recommending Jesse Haw.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman voting “no”, it was ordered that Jesse Haw be appointed to fill the vacant Nevada State Senate District 15 seat effective immediately.

16-0851 **AGENDA ITEM 18** Consideration and possible appointment from a list of County Commissioner nominated and qualified persons including Jim Nadeau, Dominic Brunetti, or Todd Vinger to fill the vacancy of the Nevada State Assembly District 25 seat pursuant to NRS 218A.260, and as requested by Nevada Governor Brian Sandoval in a letter to Chair Jung dated September 16, 2016. (All Districts)

Al Rogers, Management Services Director, noted there were five individuals who sought to fill either the Senate District 15 or the Assembly District 25 vacancy. For Assembly District 25, he said there were eight qualified applicants with only three nominees.

The candidates came forward in the following order to present their qualifications and experience.

1. Jim Nadeau
2. Dominic Brunetti
3. Todd Vinger

On the call for public comment, Gary Schmidt requested the handout he submitted for Agenda Items 16 and 17 to be attached to Agenda Item 18. He also requested his previous comments be included in the minutes for this item. He stated the

Board, at its last meeting, was about to violate the Open Meeting Law because it did not have a list of names for consideration to fill the vacant seats. He questioned the process in which the Board created the list of names, how it reduced the list of names from over 30 individuals to around four to five people, and how it vetted the individuals listed. He said that process had to be conducted in an open public meeting, which was properly agendized and noticed. He also noted the process included deadlines which he accused the Board of changing several times. He added it was also a violation of the Open Meeting Law if a Commissioner spoke about the creation of the list of names with Legal Counsel or the County Manager, and if Legal Counsel or the County Manager spoke to another Commissioner about it. He read an excerpt of the Open Meeting Law regarding knowingly violating any provisions of its chapter, which would be a misdemeanor. He said if an individual was found guilty of violating the Open Meeting Law, they would be removed from office. His handout was placed on file with the Clerk and attached to the minutes as Exhibit A.

Commissioner Berkbigler stated her preference by recommending Jim Nadeau.

Commissioner Lucey stated his preference by recommending Dominic Brunetti.

Commissioner Hartung stated his preference by recommending Dominic Brunetti.

Commissioner Herman stated her preference by recommending Todd Vinger.

Chair Jung stated her preference by recommending Dominic Brunetti.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman voting “no”, it was ordered that Dominic Brunetti be appointed to fill the vacant Nevada State Assembly District 25 seat effective immediately.

12:10 p.m. The Board recessed.

12:26 p.m. The Board reconvened with all members present.

PUBLIC HEARINGS

16-0852 **AGENDA ITEM 19** Master Plan Amendment Case No. MPA16-002 and Regulatory Zone Amendment Case No. RZA16-003 – Hearing, discussion, and possible action to approve (1) an amendment to the High Desert Area Plan to change the Master Plan Category on the subject parcel of land (APN: 071-240-13) totaling approximately 19.4 acres from Rural (R) to Suburban Residential (SR); and (2) an amendment to the High

Desert Regulatory Zone Maps to change the Regulatory Zone on the same parcel of land totaling approximately 19.4 acres from General Rural (GR - 1 dwelling unit per 40 acres) to Medium Density Suburban (MDS - 3 dwelling units per acre) subject to the adoption of Master Plan Amendment Case No. MPA16-002. If approved, the change would result in an increase in residential potential from 1 dwelling unit to 58 dwelling units for a total increase of 57 dwelling units. To reflect changes requested within the application and to maintain currency of general area plan data, administrative changes to the High Desert Area Plan are proposed. These administrative changes include a revised map series with updated parcel base and updated applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments. The applicant is the Gerlach General Improvement District and the property is located on the north edge of Gerlach adjacent to existing development on Diablo Drive. The parcel is located generally in the northeast corner formed by the intersection of Diablo Drive and Main Street. The property is located outside the Truckee Meadows Service Area and is served by the Gerlach General Improvement District. And if approved, authorize the Chair to sign the resolutions to adopt the amendments to the High Desert Area Plan and the High Desert Regulatory Zone Map after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. Community Services. (Commission District 5.)

Commissioner Hartung stated he had never seen a General Improvement District (GID) ask for a land use change as requested.

Eric Young, Senior Planner, said he had never seen it either; however, it was not unheard of for a GID to sell some of its property. He provided a brief history stating Gerlach used to be a railroad town and all the property was owned by the railroad. Prior to 1976, the railroad gave all of the property to the Gerlach Improvement Association. When the Gerlach GID was formed in 1976, the Gerlach Improvement Association disbanded and all of the property was transferred to the GID. He noted when the railroad first gave the land to the community there was a caveat which required the proceeds of land sales to be used to further develop the town.

Commissioner Hartung brought up an example in which a park was no longer being utilized as a public facility. Due to the deed restrictions, the land would be given back to the original grantor.

Mr. Young explained the Gerlach GID had a special fund called a Local Government Improvement Pool, which was held by the State. In order to withdraw money from the fund, the Gerlach GID had to show they were using the funds to further improve the town.

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

16-0853 **AGENDA ITEM 20** Hearing and possible action to conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 302, Allowed Uses, at Section 110.302.05.3, Table of Uses (Commercial Use Types) to allow a new use type titled “Winery” in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (Use Classification System) at Section 110.304.25 (gg) to create a new use titled “Winery” that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (Parking and Loading) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types, and to make other changes necessarily connected therewith and pertaining thereto. (Bill No. 1770) Community Services. (All Commission Districts.)

The Chair opened the public hearing.

Nancy Parent, County Clerk, read the title for Ordinance No. 1586, Bill No. 1770.

Commissioner Herman asked why someone would want to place a winery in a residential area.

Chad Giesinger, Senior Planner, replied in 2015 the Legislature passed Assembly Bill (AB) 4 which authorized wineries in Washoe and Clark Counties. After AB4 passed, he said staff looked at the Code to see if the Code actually authorized winery use. The only use that authorized the production of wine was a use called Liquor Manufacturing. That use was only allowed in the urban, industrial and tourist commercial zones which were not a good fit for a winery. He added staff’s intent was to allow such uses within residential areas. He also added it would allow commercial use to take place in a residential zoning district.

Commissioner Herman inquired about the size of the lots.

Mr. Giesinger displayed a PowerPoint slide with the following heading: Proposed Amendments – Article 302, Allowed Uses would be amended as follows. He said a consensus was reached after staff worked with a group of industry experts and

wine enthusiasts for about six months. He noted there would be two use types: 1) A winery by itself. 2) A winery with special events. He explained how the use table on the slide worked and noted wineries in Low Density Rural, Medium Density Rural and High Density Rural areas would be on two and a half acre, five acre and ten acre lots respectively. Wineries in General Rural and General Rural Agriculture regulatory zones would be on 40 acre lots.

On the call for public comment, Ms. Parent indicated Jason Schultz submitted written comments which were part of a packet provided to the Board, along with comments from another constituent.

Jason Schultz stated it was a privilege to work with staff to create the amendment. He said the ability to locate wineries in both commercial and residential areas would be beneficial to the industry. The amendment would help diversify the industry while promoting economic and social advantages for the County. The regulations within the amendment would help launch a new industry and create new and successful businesses in the area. He spoke about the winery experience; as well as, the different types of licenses for different sized businesses.

Commissioner Hartung said this was the first step to opening up a number of areas, including D'Andrea. He thought grapes were perfectly suited for the area due to their tolerance to draught. He applauded the group that came forward to amend the Code.

Commissioner Herman remarked the County's latitudinal coordinates were the same as the wine growing areas in France and Spain, therefore, this area was well-suited for grape growing.

Commissioner Lucey commended the Board and staff for their work on the initiative. He noted it would be a welcomed addition to the Truckee Meadows and Washoe Valley. He added the initiative would bring more businesses and opportunities to the area.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, Chair Jung ordered that Ordinance No.1586, Bill No. 1770, be adopted, approved and published in accordance with NRS 244.100.

16-0854 **AGENDA ITEM 15** Update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

Bill Whitney, Planning and Development Division Director, stated the process was moving ahead with positive momentum. He mentioned the County held two successful open houses. At the workshops, he said he heard from geologists, ranchers, recreationalists, and people who had land next to federal lands that were within the disposal boundary. He noted there were questions about the land transfer map on the County's website which showed the areas the different entities were asking to acquire

from the Federal Government. He mentioned a large 400 acre plus parcel in the mountains adjacent to Diamond Peak that Diamond Peak wanted transferred to them for future expansion. The University of Nevada, Reno was also interested in the parcel which it wanted to add to their Whittell Forest and Wildlife Area. There were also questions about the very large parcels the Truckee Meadows Water Authority (TMWA) was asking for. He said TMWA had provided the County with data that showed exactly what they needed on those large parcels. He added the next steps would include another round of public meetings, an appearance before the Reno City Council to address any of their concerns, and the creation of a large map of the entire county which could be utilized at workshops and meetings.

Commissioner Lucey thanked Mr. Whitney and his staff for the time they committed to the entire process. He mentioned there were some continuous issues in regards to open grazing and public land utilization of various easements. He asked if the County was working on those processes; as well as, on the Revised Statute (R.S.) 2477 road issue.

Mr. Whitney replied the Bureau of Land Management was working on providing him with information on the grazing allotments. He believed there were seven or eight allotments within the disposal boundary. He noted there would have to be language in the Bill regarding how to deal with grazing allotments because they were an entitlement of sorts. In regards to the questions about access issues and roads in the proposed wilderness areas, he noted the wilderness proponents were working on that. He stated there would be a point when the Board would be able to weigh in on the wilderness side of the Bill. He said the current focus was on the economic development side and the land transfers. In regards to the R.S. 2477 road issue, he noted under the Block Vote the Board had given staff permission to spend some time on the issue.

Commissioner Lucey inquired about the mineral rights issues and initiatives; as well as, whether a claim process was being established.

Mr. Whitney replied there were existing concerns all the way through the process. He remarked the small miners and exploration geologists he spoke to were working to provide more information to him regarding the location of mineral deposits and other useful information which could be utilized. In regards to the claim process, he stated it was being worked on. He said his department reached out to other counties to see what they could learn from those who had already dealt with these types of mining claim issues.

Commissioner Hartung noted there appeared to be a public fear that if the Bill was approved, all of the land would go on the auction block.

Mr. Whitney stated he also heard those concerns. He said if the Bill passed, the land would not automatically go on the auction block. The County would be in charge of directing the process by which areas would be put up for auction. Before any areas were sold at auction, local entities would have an opportunity to request access,

roadway, and utility easements. He believed the Board would hear about public and recreational access issues because of the concerns. He concluded that the wilderness part of the Bill would set aside large amounts of acreage in Northern Washoe County; however, the reality was the majority of people in the area tended to recreate on the lands in the disposal boundary.

Commissioner Hartung remarked every single parcel was once public land. He saw this as an orderly process and not a land grab.

There was no public comment or action taken on this item.

16-0855 **AGENDA ITEM 21** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

16-0856 **AGENDA ITEM 22** Public Comment.

Jane Taber thanked the Board, especially Commissioner Herman, on behalf of herself and her husband, Thomas Taber. She added her husband would have liked to thank the Board himself; however, he had a meeting to attend. She also thanked all of the citizens who wrote, called and attended the meeting to offer their support for her husband to fill the vacant seat for Senate District 15. She said she and her husband wished Commissioner Herman every success in her future endeavors in politics and her personal life. She noted Commissioner Herman's support for her husband; as well as, the stewardship and responsibility she had shown to her constituents.

16-0857 **AGENDA ITEM 23** Announcements/Reports.

Commissioner Lucey asked for an update from staff regarding the Asante Project.

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12:59 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:
Michael Siva, Deputy County Clerk