

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

TUESDAY

10:00 A.M.

JUNE 26, 2018

PRESENT:

Marsha Berkbigler, Chair

Kitty Jung, Vice Chair

Bob Lucey, Commissioner

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

John Slaughter, County Manager

Paul Lipparelli, Deputy District Attorney

The Washoe County Board of Commissioners convened at 10:01 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

18-0459 **AGENDA ITEM 3** Appearance: Beth Macmillan, Executive Director Reno Artown. Presentation and update on 2018 Artown events.

Beth Macmillan, Executive Director of Artown, noted the festival would begin the following weekend and she hoped people would see how the region had been transformed. She indicated when Artown began in 1996 it was located in downtown Reno, but now there were satellite locations in Carson City, Virginia City, Incline Village, as well as venues in Arrowcreek, Caughlin Ranch, in midtown, and throughout the County.

Ms. Macmillan provided a handout which was distributed to the Board and placed on file with the Clerk. She promoted the Dragon Lights Reno event in partnership with the May Arboretum and the County. She mentioned there would be a series of events at the Bartley Ranch amphitheater, including the Reno Youth Jazz Orchestra, the Reno Pops Orchestra, and AVA Ballet Theatre. She noted every Washoe County Library would be an Artown venue. She announced there would be over 500 events during the 31 day festival in over 100 locations; 75 percent of the events would be free. She said the festival took into account equity, inclusivity, and diversity. She showed a video promoting the event.

She stated Artown received money from the federal government, the National Endowment for the Arts, the State, the County, and the City of Reno, all of which showed the worthiness of the festival within the community. She praised Assistant County Manager Kate Thomas and County Manager John Slaughter for their work.

18-0460 **AGENDA ITEM 4** Public Comment.

Ms. Tammy Holt-Still recognized and praised the pumping of Swan Lake over to the Prado Ranch property, which was lowering the lake level. She pointed out there were abandoned vehicles in the Swan Lake Nature Study Area and asked that they be removed. She requested the results of the testing done by Bird Seismic Services near American Flat Road. She expressed disappointment District 5 was no longer represented on the Truckee Meadows Water Authority board.

Mr. Pete Todoroff read a complaint from the owner of Village Meats, Seafood and Deli about the farmers market in Incline Village, a copy of which was placed on file with the Clerk. He indicated another person complained about the quality of the fruit sold and Mr. Toderoff expressed concern about fraud and misrepresentation of the products sold.

Ms. Elise Weatherly mentioned Congresswoman Maxine Waters and spoke about being invited to play music at Artown because of her religious beliefs. She thought it was worthwhile to give money to the police department to help prevent drug transactions. She requested the County spend money more wisely.

18-0461 **AGENDA ITEM 5** Announcements/Reports.

County Manager John Slaughter announced there was a request by the applicant to withdraw Agenda Item 29, which related to the Lantern Fest. He added since it was a public hearing they would still open and close the item.

Commissioner Jung noted the parking lot at Lazy 5 Regional Park was not marked well and it had potholes. She requested a pavement and condition study for all areas in an effort to beautify the parks citizens used. She suggested staff could use the results of the report to prioritize certain areas for capital improvements when the County had the money. She said she attended the Dog Tales fundraiser for the Canine Rehabilitation Center and Sanctuary, which partnered with Regional Animal Services. She asked what the County was doing to partner with the rehabilitation center to help them achieve their goals. She suggested the County could make a video through SoSu TV to generate interest and encourage people to donate.

Commissioner Hartung asked when the topic of cargo containers would come before the Board and added the issue should have been taken care of long ago. Regarding permits for outdoor events, he said the Board needed to add language addressing events that were postponed for weather conditions. He felt those events should not get charged two fees and suggested a reduced fee if an organizer had to cancel due to unforeseen circumstances. He praised the Lantern Fest for pulling their event due to weather conditions. Commissioner Hartung asked how the County could draw more attention to the Washoe 311 program and recommended putting flyers into sewer and wastewater bills. He added one constituent had problems connecting with Washoe 311.

Commissioner Hartung said he attended a Nevada Association of Counties (NACO) meeting where issues such as fire and public defenders in smaller counties were discussed. He pointed out NACO was allowed five bill draft requests (BDRs) and suggested coordinating with them to address the 911 Voice Over Internet Protocol trunk line imbalance. He felt every phone line should pay the 911 fee regardless of whether or not it was on a trunk line.

Commissioner Jung recommended advertising Washoe 311 on County letterhead, on its tax bills, and on any communication it had with its citizens. She said the County would have a clearer picture as to the concerns of the community and stressed the Washoe 311 service should be promoted heavily.

Commissioner Lucey clarified only three of NACO's five BDRs were being discussed, leaving two available. He mentioned he met Colleen Cardenas, owner of The Souper Wagon food truck, who had applied to be a vendor at the Red White and Tahoe Blue event. She paid the required permits to participate but, when the event was postponed, she was only reimbursed for half her fees because no precedent was set concerning fee reimbursement. Commissioner Lucey felt there should be some flexibility so staff could address unusual circumstances and show good faith on behalf of the County. He requested a discussion about giving people in that situation some recourse.

Mr. Slaughter remarked Washoe 311 had a soft launch and they were doing a more aggressive marketing campaign. He said it was one phone number for any citizen issue, complaint, compliment, or question. He added they were printing inserts for various mailings and they had provided flyers to County libraries. He said decals with Washoe 311 information would be placed on all new vehicles. He pointed out the service was available 24 hours a day with knowledgeable County staff answering the phones during normal business hours. He commented 311 was the best way to get an issue or question resolved. Chair Berkbigler said she received emails from constituents thanking Washoe 311 for getting results quickly.

Commissioner Hartung requested an agenda item that discussed Washoe 311, how calls were directed, and how the County responded to requests. He thought it would be wise to have an open forum to get the program more widely publicized.

There was a brief discussion where it was pointed out the July 17 Board of County Commissioners (BCC) meeting would be cancelled and the Truckee Meadows Fire Protection Board would meet on July 24. Chair Berkbigler expected the agenda for the July 24 BCC meeting would be heavy.

Prompted by Commissioner Hartung, Mr. Slaughter indicated he would speak with the Sheriff's Office to address abandoned vehicles in Lemmon Valley.

Later in the meeting, Agenda Item 5 was reopened and Commissioner Hartung noted former Sparks Fire Chief Andy Flock passed away. Commissioner Hartung expressed sympathy to his family and said he hoped to attend the service.

CONSENT AGENDA ITEMS – 6A THROUGH 6J3

- 18-0462** **6A** Cancel the July 17, 2018, August 14, 2018, and August 21, 2018 Board of County Commissioner meetings. Manager. (All Commission Districts.)
- 18-0463** **6B** Approve waiver of six month "cooling off" period for former employee/independent contractor agreement for Alexis Auckenthaler the Forensic Interviewer at the Washoe County Child Advocacy Center, with estimated Independent Contactor Agreement cost of [\$20,000]. District Attorney. (All Commissioner Districts.)
- 18-0464** **6C** Approve the Master Service Agreement, including Statement of Work ITD-SOW-14026 dated June 6, 2018, between Washoe County and IT-Dynamix for the single-source purchase of consulting, implementation, and cyber security monitoring services not to exceed [\$108,550]. If approved, authorize the Purchasing and Contracts Manager to execute the agreement. Technology Services. (All Commission Districts.)
- 18-0465** **6D** Approve to increase the change funds at local library branches by (\$865.00) for a total of (\$1,910.00) as requested by Library Director Jeff Scott; and if approved, authorize the Chairman to execute Resolution for same. (No Fiscal Impact to the General Fund). Treasurer. (All Commission Districts.)
- 18-0466** **6E1** Approve request for additional funds to purchase professional services in the amount of [\$11,600.00] in relation to The Sidwell Company's Parcel Administrator and Annotation Toolset software to convert additional GIS data to parcel fabric to manage digital cadastral records in a central environment with the latest version of ArcGIS and authorize the Purchasing and Contracts Manager to authorize the expenditure. Assessor. (All Commission Districts.)
- 18-0467** **6E2** Acknowledge receipt of annual report of projected expenditures for the Account for the Acquisition and Improvement of Technology in the Office of the County Assessor for FY 2018/2019. Assessor. (Commission Districts 1, 2, 3, 4, 5)
- 18-0468** **6E3** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2014/2015, 2016/2017 and 2017/2018 secured and unsecured tax rolls and authorize Chair to execute the changes described in Exhibits A and B and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$27,030.85]. Assessor. (Commission Districts 1, 2, 3 & 5)

- 18-0469** **6F1** Approve to reappoint James Barnes to the Truckee Meadows Regional Planning Commission for a term beginning July 1, 2018, and ending June 30, 2021, or until such time as a successor is appointed, whichever occurs first. Community Services (All Commission Districts.)
- 18-0470** **6F2** Accept grant funding [\$22,631.34 with no county match] from the USDA Forest Service, received under the Secure Rural Schools and Community Self-Determination Act of 2000 (SRS Act) for the benefit of public schools and roads within Washoe County; and direct the Comptroller's Office to make the necessary budget amendments. Community Services. (All Commission Districts.)
- 18-0471** **6F3** Approve an Easement Purchase and Sale Agreement and Easement Deed between Washoe County and JC Blackstone LLC for a permanent public utility easement and emergency vehicle access easement totaling 2,107± square feet on APN 534-450-05, commonly known as Sugarloaf Peak Open Space, [at the appraised value of \$1,000]. Community Services. (Commission District 4.)
- 18-0472** **6F4** Approve interfund appropriation transfers to track certain grant and capital funds for unanticipated structural reinforcement and furniture, fixtures, and equipment related to the Human Services Visitation Center Renovation Project [\$64,398.41]; and, if approved, direct the Comptroller's Office to make the appropriate appropriation transfers [net impact to County Budget is zero]. Community Services. (Commission District 4.)
- 18-0473** **6G1** Approval of agreement between NevadaWorks and Washoe County for the period of July 1, 2018 to June 30, 2019 [in the amount of \$5,818.00]. This agreement may be renewed automatically for one year periods with the first renewal period beginning on July 1, 2019 and then each July 1 thereafter with the last renewal period beginning July 1, 2022 and ending on June 30, 2023. Comptroller. (All Commission Districts.)
- 18-0474** **6G2** Authorize the Tax Collector to strike names and amounts identified on delinquency/uncollectible Personal Property Tax list for fiscal years 2015 through 2017, totaling [\$219.10]. Comptroller. (All Commission Districts.)
- 18-0475** **6H1** Approve a retroactive modification to the 2015 Annual Operating Plan for Cooperative Fire Protection between Washoe County and the Bureau of Land Management, Carson City District Office to extend the current agreement expiration date to July 8, 2018. Manager. (All Commission Districts.)

- 18-0476** **6H2** Approve and execute the Resolution levying tax rates for all Washoe County entities for Fiscal Year 2018-2019. Manager. (All Commission Districts.)
- 18-0477** **6H3** Acknowledgment of Publication of Notice of Intent to Augment Budgets and approval of the attached resolution to augment the General Fund in the amount of \$125,870 to appropriate the Medical Examiner's Fee Revenue AND approval to augment Washoe County Other Restricted Special Revenue Fund in the amount of \$15,397 to appropriate Wadsworth Justice Court Court Fees and Fines Revenue generated from previously unbudgeted sources for Fiscal Year 2018; and direct the Comptroller's Office to make the appropriate budget amendments (net impact to General Fund is zero). Manager. (All Commission Districts.)
- 18-0478** **6H4** Approve a 6-month renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period July 1, 2018 through December 31, 2018 [not to exceed \$77,250.00] and if approved, authorize the County Manager to execute the contract. Manager. (All Commission Districts.)
- 18-0479** **6I1** Approve the Interlocal Agreement between Washoe County on behalf of the Washoe County Sheriff's Office and the Truckee Meadows Fire Protection District for the testing and training connected to Self-Contained Breathing Apparatus (SCBA) Equipment at a cost [not to exceed \$63 per hour] for the retroactive period of May 22, 2018 to May 21, 2020. Sheriff. (All Commission Districts.)
- 18-0480** **6I2** Approve Sheriff's Security Agreement between I-10 Race Promotions, INC (aka/DBA Lucas Oil Products) and the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security [costs to be reimbursed by Lucas Oil Products] for the retroactive period of May 5, 2018 to December 31, 2020 for the Lucas Oil Off Road Racing Series events to be held in Washoe County. Sheriff. (Commission District 4.)
- 18-0481** **6I3** Approve the Interlocal Contract Between Public Agencies between the State of Nevada Acting By and Through Its Department of Corrections and Washoe County on behalf of Washoe County Sheriff's Office for Forensic Laboratory Services for the term of July 1, 2018 to June 30, 2019 for a fee of [\$12,977.00]. Sheriff. (All Commission Districts.)
- 18-0482** **6I4** Acknowledge receipt of FY17-18 Third Quarter Status Update for Washoe County Regional Detention Facility to include security of the jail, conditions of confinement, staffing and medical care of inmates housed at the Washoe County Sheriff's Office. Sheriff. (All Commission Districts.)

- 18-0483** **6I5** Approve a Memorandum of Understanding between the Washoe County Sheriff's Office, Reno Police Department and Sparks Police Department to memorialize the conversion from Uniform Crime Reporting (UCR) data to the National Incident-Based Reporting Standard (NIBRS). Sheriff. (All Commission Districts)
- 18-0484** **6I6** Approve funding [\$13,000.00, no match required] from the USDA Forest Service Humboldt-Toiyabe National Forest for reimbursement of overtime costs incurred while involved in the Cooperative Law Enforcement Agreement #16-LE-11041701-008 MOD#03 for the retroactive period of 10/01/2017 - 09/30/2018; and if approved, authorize Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts)
- 18-0485** **6I7** Approve a Production Incentive Contract between the Reno Sparks Convention and Visitors Authority (RSCVA) and the Regional Public Safety Training Center (RPSTC) to provide an incentive payout to the RPSTC based on new consumed room night production, [no fiscal impact to Washoe County General Fund] for the term of July 01, 2018 - June 30, 2020. Sheriff. (All Commission Districts.)
- 18-0486** **6J1** Accept a supplemental grant award from the Nevada Aging and Disability Services Division for Older Americans Act Title III Homemaker Services program [\$20,000 match of \$3,000 from ad valorem tax] retroactive from July 1, 2017 through June 30, 2018; authorizing the Department to execute the grant award documents; and direct the Comptroller's office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 18-0487** **6J2** Acknowledge FY18 appropriation transfers in the Human Services Agency, including Fund 225 - Senior Services by moving [\$835.03] into the travel line item budget (net impact to Senior Services Fund is zero); and Fund 228 - Child Protective Services by moving [\$102,941.96] into the travel line item budget; and Approve appropriation transfer to Human Services Agency Fund 228 - Child Protective Services by moving [\$494.50] into the food purchases line item budget (net impact to Child Protective Services Fund is zero); and direct the Comptroller's Office to make the appropriate budget appropriation transfers. Human Services Agency. (All Commission District.)
- 18-0488** **6J3** Approve the interfund budget appropriation transfers to track certain grant funds [net impact to County budget is zero]; and direct the Comptroller's Office to make the appropriate appropriation transfers. Human Services Agency. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly, speaking about Agenda Item 6B, asked for clarification about the cooling off period. She said unless the cyber security monitoring services referenced in Agenda Item 6C were used wisely, they would be costly. She asked who would oversee the system.

Speaking on Agenda Item 6A, Ms. Pam Roberts asked for the rationale for cancelling meetings in July and August, indicating it was the Board's responsibility to hold meetings.

Commissioner Hartung asked Deputy District Attorney Paul Lipparelli to define the cooling off period. Mr. Lipparelli explained the Commissioners had adopted a policy that required a waiting period from the time an employee retired from the County to when that employee could do consultant work for the County. He said the item on the agenda made use of the exception in the policy which allowed people to be employed sooner than the six-month waiting period if it were necessary for the vitality of the organization.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Consent Agenda Items 6A through 6J3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6J3 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, & 27

Chair Berkgigler explained these items were not put in the Consent Agenda because the dollar amount was higher than could be placed in Consent. Additionally most of these were budget items that were already approved with the County's budget and would not require discussion. She disclosed her sister was a senior executive with Dell but Chair Berkgigler had nothing to do with the contract being proposed in Agenda Item 26.

18-0489 **AGENDA ITEM 7** Recommendation to approve a Joinder Contract for armed and unarmed professional security services via the State of Nevada contract CETS#19049, awarded to Allied Universal Security Services at 4000 S. Eastern Avenue, Suite 210 Las Vegas, NV 89119. Estimated expenditures are anticipated as [\$1,791,063] per annual contract term. If approved, authorize the Purchasing and Contractors Manager to execute agreement. Comptroller. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly asked who was being protected with this service.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 7 be approved and authorized.

18-0490 **AGENDA ITEM 8** Recommend that the Board of County Commissioners acknowledge the grant award from the State of Nevada, Administrative Office of the Courts to the Second Judicial District Court, in the amount of [\$915,430.00] (no match required), to support the Specialty Court programs, effective July 1, 2018 through June 30, 2019. District Court. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly asked who this would affect and objected to the item.

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

18-0491 **AGENDA ITEM 9** Recommendation to approve the reclassification of Human Services Case Manager I/II, pay grades K/L, to Human Services Case Worker I/II/III, pay grades K/L/N, retroactive to June 11, 2018, and an increase in pay grade for Victim Witness Advocate from I to J, effective July 1, 2018 (Human Services), as evaluated by the Job Evaluation Committee and the Hay Group, and authorize Human Resources to make the necessary changes. [Net fiscal impact to salaries and benefits is estimated at \$8,782 in FY 17/18 and \$277,020 in FY 18/19] Human Resources. (All Commission Districts.)

There was no response to the call for public comment.

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

18-0492 **AGENDA ITEM 10** Recommendation to accept a grant award from the Walter S. Johnson Foundation in the amount of [\$220,000; no county match] to adapt and expand an educational program for transition aged youth statewide from July 1, 2018 through September 30, 2020; and direct the Comptroller's Office to make the necessary budget amendments and authorize the Department to execute the grant award documents. Human Services Agency. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly expressed frustration the County was paying a lot of money to let counselors into certain institutions but she was not allowed to volunteer at them. She felt providing meals for seniors and school children was a waste of money.

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

18-0493 **AGENDA ITEM 11** Recommendation to approve a fourth supplemental award for the FY18 Nutrition Services Incentive Program (NSIP) grant from the State Aging and Disability Services Division (ADSD) in the amount of [\$155,201; no county match] to support food costs for senior congregate and home delivered meals retroactive from October 1, 2017 through September 30, 2018; authorize the Department to execute the award; and direct the Comptroller's Office to make the appropriate budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

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

18-0494 **AGENDA ITEM 12** Recommendation to approve Certification Page and Agreement between the County of Washoe (Juvenile Services) and the Nevada Department of Agriculture, Child Nutrition Programs designating Christine Eckles, Division Director and Frank Cervantes, Director, as the authorized signers for the National School Lunch and School Breakfast Program; and if approved, authorize the submission of application for Fiscal Year 2018/19 and accept reimbursements from the National School Lunch and School Breakfast Program for Fiscal Year 2018/19 for youth detained at Wittenberg Hall Detention Facility. Juvenile Services. (All Commission Districts.)

There was no response to the call for public comment.

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

18-0495 **AGENDA ITEM 13** Recommendation to approve acceptance of Community Corrections Partnership Block Grant from the Department of Health and Human Services - Juvenile Justice Programs Office in the amount of [\$318,663.29] to provide treatment and programming to youth referred to the Washoe County Department of Juvenile Services. The grant award period is 7/1/18-6/30/19. No match required. If approved, direct the Comptroller's Office to make the necessary budget amendments. Juvenile Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 13 be approved and directed.

18-0496 **AGENDA ITEM 14** Recommendation to approve a nomination of Tim Callicrate to serve as the Lay Member on the Tahoe Regional Planning Agency's Advisory Planning Commission for a two year term ending on June 26, 2020. Manager. (Commission District 1.)

There was no response to the call for public comment.

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

18-0497 **AGENDA ITEM 16** Recommendation to approve the Forensic Support Services Agreements between Washoe County on behalf of Washoe County Sheriff's Office and various Local Law Enforcement Agencies: Churchill Co SO \$40,623; Douglas Co SO \$128,076; Elko PD \$89,146; Elko Co SO \$64,233; Eureka Co SO \$3,472; Humboldt Co SO \$36,457; Lander Co SO \$5,208; Pershing Co SO \$6,771; Storey Co SO \$25,390; Washoe County School PD \$31,032; Washoe Tribal PD \$3,000; Winnemucca PD \$42,533; Yerington PD \$6,944 for Forensic Laboratory Analysis Service fees for the term of July 1, 2018 to June 30, 2019 with a total income of [\$482,885.00]. Sheriff. (All Commission Districts.)

Commissioner Hartung noted the Cities of Sparks and Reno were not included on the list for forensic support services. He stressed the need for contracts with those agencies. He suggested Forensics should become its own agency as a way to solve the problem. Chair Berkbigler agreed this should be a topic for further discussion.

County Manager John Slaughter reminded the Board the County had an existing Interlocal Agreement with the City of Reno related to forensic services and they would continue that discussion. He indicated the City of Sparks had budgeted an increase for their portion and they could continue discussions with them as well. Commissioner Hartung added they were entering a new fiscal year with the situation still unresolved and he wanted progress.

On the call for public comment, Ms. Elise Weatherly emphasized the importance of forensic services and told a story about her ex-husband's autopsy.

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

18-0498 **AGENDA ITEM 17** Recommendation to award a bid and approve the Agreement to the lowest, responsive, responsible bidder for the South Valleys Playground Rehabilitation project [staff recommends Garden Shop Nursery in the amount of \$165,822.65. Community Services. (Commission District 2.)

On the call for public comment, Ms. Elise Weatherly asked who was responsible for determining the lowest, responsive, and responsible bidder.

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

18-0499 **AGENDA ITEM 18** Recommendation to approve an Amendment to the agreement for Full Service Operation and Maintenance of Washoe County Sewer Facilities between Washoe County and SPB Utility Services, Inc., through December 31, 2019 to increase the major and minor maintenance fund associated with the Agreement [from \$240,000 to \$500,000] on a calendar year basis. Community Services. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly wondered why there was such a large increase.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 18 be approved.

18-0500 **AGENDA ITEM 19** Recommendation to approve the fiscal year 2018-2019 payment of \$255,625, paid in quarterly installments beginning July 1, 2018, as Washoe County's share in annual funding for the Truckee Meadows Regional Planning Agency pursuant to NRS 278.0264(7) and an adopted interlocal agreement. Community Services (All Commission Districts.)

There was no response to the call for public comment.

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

18-0501 **AGENDA ITEM 20** Recommendation to award Bid No. 3060-18 for new fleet heavy equipment to the lowest responsive responsible bidder, [staff recommends Papè Machinery in the amount of \$2,484,177.51], for the purchase of six new John Deere 644K Wheel Loaders, three new John Deere 744K Wheel Loaders, and three new John Deere 410K Backhoe Loaders. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

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

18-0502 **AGENDA ITEM 22** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Leadville Canyon CMP Repairs for Washoe County, PWP-WA-2018-183 project [staff recommends A & K Earth Movers in the amount of \$314,000]. Community Services. (Commission District 5.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 22 be awarded and approved.

18-0503 **AGENDA ITEM 23** Recommendation to: (1) approve the purchase of two new Vactor Model 2110 catch basin cleaners from Owen Equipment Company, 1085 Horizon Drive, Fairfield, CA 94533 [\$305,307.84 each] utilizing Washington State Department of Enterprise Services' master contract #1912; (2) approve the purchase of two new 66,000 GVWR Truck Cab/Chassis from Velocity Truck Centers (formerly Sierra Freightliner Sterling Western Star Inc.), 1550 E. Greg St., Sparks, NV 89431 [\$121,277.00 each] utilizing Washoe County Bid #3007-17; and (3) authorize the Purchasing and Contract Manager to execute the Washington State master contract usage agreement. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 23 be approved and authorized.

18-0504 **AGENDA ITEM 24** Recommendation to approve the asset reassignment of multiple vehicles from various Washoe County departments to Equipment Services Fund 669; and direct the Comptroller's Office to make the appropriate asset adjustments [net \$343,289.94]. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

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

18-0505 **AGENDA ITEM 25** Recommendation to approve FY 2018-2019 sole source purchases of Microsoft and Adobe licensing through joinder with CDW-G and the National Association of State Procurement Officers (NASPO) Master Price Agreement for Software Value Added Reseller, SHI International; and further approve expenditures that will aggregate to exceed [\$100,000] but will remain within available FY 2018-2019 adopted budget, not to exceed [\$650,000]. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 25 be approved.

18-0506 **AGENDA ITEM 26** Recommendation to approve FY 2018-2019 sole source purchases of computer network equipment, servers, data storage, personal computers, and printers through joinder with National Association of State Procurement Officers (NASPO) Master Price Agreements for State of Nevada with Dell Inc.; and further approve expenditures that will aggregate to exceed [\$100,000] but will remain within FY 2018-2019 adopted budget, not to exceed [\$1,000,000]. Technology Services. (All Commission Districts.)

Commissioner Hartung suggested saving money by using the company Switch for data storage. He recalled an issue with the District Attorney's data room and stated money could be saved because they would not have to purchase equipment if the data was being stored elsewhere.

County Manager John Slaughter said the County had initiated a conversation with Switch and they were considering other vendors as well. He expected to bring the topic to the Board in the future.

There was no response to the call for public comment.

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

18-0507 **AGENDA ITEM 27** Recommendation to approve FY 2018-2019 sole source purchases of computer network equipment and accessories through joinder with National Association of State Procurement Officers (NASPO) Price Agreements for State of Nevada with ConvergeOne; and further approve expenditures that will aggregate to exceed [\$100,000] but will remain within FY 2018-2019 adopted budget, not to exceed [\$1,500,000]. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 27 be approved.

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Agenda Item 5 was briefly reopened; see that item for further details.

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Chair Berkgigler announced they needed to take a brief recess for a closed legal session regarding the next two items. At Deputy District Attorney Paul Lipparelli's recommendation, Chair Berkgigler clarified those items would not be heard before 11:45 a.m.

10:58 a.m. The Board recessed.

11:53 a.m. The Board reconvened with all Commissioners present.

18-0508

AGENDA ITEM 21 Recommendation to consider possible courses of action and direction to legal counsel and county staff to pursue one or more of those courses of action regarding the Warm Springs Specific Plan refunds lawsuit, Newell (plaintiff) et. al. vs. Washoe County CV15-01104. The lawsuit was filed in 2015 seeking, among other things, refunds of money paid by a number of property owners in the Warm Springs Specific Plan in Washoe County at the time they recorded their final maps for development in that area. The money was intended to build infrastructure in the area, including community water and sewer facilities, certain roads, drainage, and other improvements. At this point, the Court has dismissed all of the plaintiffs and all of the claims in the case, except for the claims based on a single 5 acre parcel still owned by the Newell's. Additionally, one developer (Brian Murphy) has sought "reimbursement" of approximately \$319,252 for work done on roads in or near the plan area. Possible direction at this point could include any of the following individual courses or a combination of them:

- 1) Refunds.
 - a) Pay partial or full refunds to all current property owners in the Warm Springs Specific Plan area in the total amount of approximately \$800,000 (\$781,882.37 approximate fund balance as of 4/6/18) based on the Court's ruling that the amounts are NRS 278B "impact fees" refundable if improvements are not built within 10 years; or,
 - b) Pay no refunds and maintain the county's position in the lawsuit that the fees are not "impact fees" and that the plaintiffs waived any refunds;
- 2) Reimbursement. Allow, partially allow, or disallow Capurro Investments, LLC's/Brian Murphy's claim for "reimbursement" of approximately \$319,252 - for work done on certain roads, some of which were identified in the Warm Springs Specific Plan area agreement, see Exhibit A;
- 3) Master Plan Amendment. Direct planning staff to initiate master plan amendments to the Warm Springs Specific Plan removing the financing provisions of the plan that require current or future developers to continue paying development fees at the time of recording their final maps; this option could include direction to staff to cease taking payments under the financing plan on development maps within the area plan while the amendment process is underway;
- 4) Interpleader. File a lawsuit against all persons or entities with competing claims for the money in the fund, "interplead" the money into the Court, and allow the claimants to make their case for a share of the money with the Court ultimately deciding. Community Services. (Commission District 5.)

Planning Manager Bob Webb reviewed the four courses of action available to the Board as laid out in the agenda description. He noted various staff members were in attendance to answer questions from the Board, including Planning

Manager Trevor Lloyd, Director of Engineering and Capital Projects Dwayne Smith, and Deputy District Attorney Nathan Edwards.

On the call for public comment, Mr. Stephen Moss spoke representing the plaintiffs in the lawsuit referenced in the agenda item. He asked for a commitment from the Board to refund all the moneys to the individuals who initially paid the development fees. He claimed the Warm Springs Specific Plan, which anticipated an equestrian center and a golf course, was not viable. According to the order issued by the court, there were seven individual plaintiffs with claims for refunds and he asked the Board to instruct staff to prepare refunds for them. He acknowledged what to do with the remaining funds was problematic but he suggested money could be given to the current property owners if the original developers could not be found. He did not think any of the Capital Improvement Projects (CIPs) would be started. He stated the reimbursement request by Capurro Investments, LLC was not well-founded since the roads they improved had nothing to do with Warm Springs.

Deputy District Attorney Paul Lipparelli pointed out Mr. Moss represented a group of individuals and it was at the discretion of the Board to allow him additional time. Chair Berkbigler gave him the opportunity to continue.

Mr. Moss stated one developer was told by the building department his fees would be returned because of amendments that would be made to the Warm Springs Area Plan. He drew the Board's attention to a proposal in the staff report that the Warm Springs development handbook should be amended and the funding portion be removed. He felt the handbook needed to be changed completely because it was no longer appropriate. He stressed there needed to be a mechanism to refund fees to those who paid them since those moneys were being held for CIPs that would likely never be constructed. He repeated his request of the Board.

Ms. Pam Roberts mentioned she lived on a road for which Capurro Investments, LLC was seeking reimbursement for allegedly improving. She agreed the road was not built to County standards. She said when the financial provisions were put in place in 1995, people expressed concern about infrastructure given that smaller lot sizes were being considered. She said the financing plan did not work and wondered whether the County would accept responsibility for building and maintaining infrastructure in the Specific Plan Area (SPA) if those provisions were removed. She remarked the Rolling Hills subdivision in south Reno built roads and drainage systems before building homes but expressed that was not the case in Warm Springs.

Ms. Susan Ambrose, representing the Warm Springs Property Owners Alliance Task Force (WSTF), said the club was formed when the Citizens Advisory Board (CAB) cancelled its January and May meetings. She remarked new citizens had moved to the SPA and they expressed the following concerns: not knowing what the SPA was, not realizing they lived inside the SPA boundaries, and not understanding why they were being treated differently. To respond to the concerns the WSTF conducted a survey,

the results of which would be conveyed by another speaker. The WSTF felt the County needed to revise the SPA beyond just the financing plan.

Ms. Sharon Korn provided documents, copies of which were distributed to the Board and placed on file with the Clerk. Ms. Korn mentioned she was a member of the WSTF and said the original plan for the area had not been updated in 20 years. A survey was conducted on June 16 and 51 citizens responded. She reviewed the answers to the survey questions, noting many citizens were confused why anyone would want to develop this far from town. She summarized a majority of those who took the survey wanted to live in a rural area away from overdevelopment and many were concerned about the future of the valley.

Mr. Marshall Todd, a member of the WSTF, stated he purchased his home to be alone. He said he was aware of the SPA plan but was not aware the area was zoned to include lots smaller than one acre. He expressed concern about having to pay for improvements that would only benefit developers. He wanted the SPA plan to be reexamined before additional projects were approved and for developers to pay for all improvements through impact fees. He suggested any homeowner on the periphery of the SPA on a lot larger than in 40 acres should be exempt from any development costs.

Mr. Larry Johnson, President of the Palomino Valley General Improvement District (PVGID), asked for additional time since the GID represented 500 residents. Chair Berkbigler obliged and gave him five minutes.

Mr. Johnson explained both the financing plan and the development agreement required certain roads be developed along with community water and sewer systems. Unfortunately no parks, fire stations, or water treatment plants were built. He noted small developers signed development agreements that referenced the special plan and financing plan requirements but the developments proceeded without following those agreements. They had the option of building the improvements or the County could give funds to the PVGID to design and construct the roadways. He noted the development that occurred happened along a narrow strip along Broken Spur Road and Whiskey Springs Road, but added the roads were not built to County standards nor did the County provide the PVGID money for outside consultants. He indicated the development agreement required the formation of homeowners associations (HOAs) and the HOA fees would pay for refurbishment of that roadway. This also never happened.

Mr. Johnson noted homeowners came to PVGID meetings asking why the roads were not being improved. He pointed out a number of parcels had been sold multiple times. He recommended a revision of the Warm Springs Master Plan and the SPA, and asked that the SPA be removed from the PVGID's jurisdiction. He felt all roads within the SPA needed to be constructed to County standards and then dedicated to and maintained by the County. He acknowledged Capurro Investments, LLC should be reimbursed for surfacing costs but stated only a small amount of what was done was within the SPA; he felt Capurro Investment's reimbursement request was excessive.

Mr. Greg Dennis, member of the PVGID, noted he was on the CAB when the SPA item was heard and he was the only one to vote 'no'. He appreciated the Board's desire to fix the SPA. He agreed nothing in the area was built to Washoe County standards and there was no money to address it. The only funding available would be through development funding by turning it over to the County or a combination of HOA fees and general taxes. He felt the interpleader was a great idea but felt the Board should not give in to the developers. He suggested reviewing the Master Plan through the Planning Commission (PC) and getting public input.

Mr. Louis Test said he was the PVGID's attorney for twenty years and he indicated the major concern when the plan was proposed was maintaining roads with additional traffic. Because the developer did not intend to use a spine road, the area would be challenged with higher density and no funds to take care of its roads. He emphasized the impact of heavy construction equipment on gravel roads. He said if the County allowed this type of density it should require the developer to comply with the County's rules and regulations. The expectation was the County would take care of the paved spine roads but there was no money to pay for that. He requested that future development had to meet the same standards so the County would maintain the roads. He said the GID only received \$343 per unit, which was not sufficient to maintain the current roads.

Commissioner Herman said it seemed like the SPA could work when it began but things had not gone as planned. She acknowledged changes might need to be made but she was unsure where to start. She agreed with the developers who felt they could request their money back. She stated there were people in the valley who thought additional development would cause them grief and concerns about water. She invited further discussion and stressed the importance of having CAB meetings on a regular basis to work out solutions. She did not agree with any of the options laid out in the staff report and said any suggestions would need feedback from the citizens.

Commissioner Hartung asked who he should address legal questions to. Mr. Lipparelli replied Mr. Edwards should be asked lawsuit-related questions and Mr. Lipparelli could be asked anything else.

Commissioner Hartung remarked the original property owners paid the fees but when they sold the properties they likely added the cost of the fees into the purchase price. He wondered whether they should be refunded that money. He provided an example of making improvements to a house then adding the cost of those improvements to the sale price. He pointed out the fees in this case never improved the properties. He concluded the current property owners paid the price of those fees. Mr. Edwards responded the Statute said if they were impact fees and if improvements were not built within 10 years, the refunds should go to the current property owners. He added the judge ruled they were Nevada Revised Statute Chapter 278b impact fees.

Commissioner Hartung asked for a realistic timeframe to complete a master plan amendment if it was initiated immediately. Mr. Webb answered the bare

minimum for a simple amendment would be seven to eight months, but this would not be simple. He estimated it would take 12 to 18 months assuming consensus with the public could be reached. Mr. Webb admitted determining who would assume responsibility if provisions were removed was what made this case difficult.

Commissioner Hartung asked whether the County owned Broken Spur Road. Mr. Smith replied it did not. Prompted by other queries from Commissioner Hartung, Mr. Smith stated his familiarity with the agreements did not address earlier comments made about the County paying the PVGID money to build Broken Spur Road. Mr. Smith explained since the roads in the area were not dedicated to the County per County standards, it did not maintain them. He explained in order for the County to assume responsibility for a road, the road would have to be built, dedicated, and accepted by the Board of County Commissioners (BCC); dirt roads would not qualify.

Commissioner Hartung told a story about roads in Spanish Springs and said if the County took over the road system in Warm Springs, a Special Assessment District (SAD) would have to be created. Mr. Smith acknowledged the Spanish Springs example was one where the County accepted and maintained roadway infrastructure that was built to its standards. He explained roadway construction through a SAD program would require agreement by a minimum number of community members.

Commissioner Hartung said he would have required a supermajority and not a simple majority in the Spanish Springs example. He felt any steps taken by the Board should include a master plan amendment but there was no clear answer. He stated the first step would be to remove the requirement to collect fees because, as long as the plan was in effect, they would have to continue to do so.

Mr. Edwards confirmed Chair Berkbigler's assertion that the court dismissed all parties and claims except for the Newells' claim on their five-acre parcel. Chair Berkbigler asked why the BCC would agree to pay someone who had been dismissed by the court. Mr. Edwards explained some of the claims were dismissed because they were filed before the ten-year deadline expired; those applicants could refile.

Chair Berkbigler asked whether the PVGID covered Warm Springs. Mr. Johnson responded the boundaries of the GID were set in Statute and encompassed the entirety of Warm Springs plus areas further south along Pyramid Highway. When asked about the purpose of the PVGID, Mr. Johnson explained they maintained the existing roads inherited from the Rocketdyne rocket testing facility, few of which were paved by the company. He explained the PVGID received consolidated tax (C-tax) based on the entire population in the GID and its policy was to accept new roads that met certain standards. He indicated they also received fees assessed to all properties in the GID.

Mr. Johnson clarified right of ways were typically dedicated to the County and City but the PVGID did not own any right of ways. Chair Berkbigler confirmed the PVGID was given funds to repair and maintain the roads. When she asked whether they

were tasked by law to repair and maintain to the same standards as the County, Mr. Johnson replied they were not and could not do that.

Commissioner Hartung asked for information about Mr. Murphy's \$319,252 reimbursement request. Mr. Smith responded they received a reimbursement request for improvements done on certain right of ways in the SPA as well as work done that was not identified in the original plan. He noted the work performed did not meet the SPA requirements, which decreed they be built to County standards. He said staff verified what type of construction methodology was used and, since only a segment of those roads were identified in the SPA, he could not recommend reimbursing those funds. Mr. Smith indicated he did not know who engaged Mr. Murphy but the plan review part of the process did not happen. Commissioner Hartung felt Mr. Murphy was due some money but he did not know how to approach that.

Commissioner Herman said a developer would make the property look as favorable as possible to sell lots and that was part of his cost. She asked whether Mr. George Newell could speak. Mr. Lipparelli noted the public comment period was over but stated the Chair could allow someone to speak if a Commissioner had questions. Commissioner Herman remarked Mr. Newell was a veteran of World War II.

Mr. Newell stated the County violated the contract by failing to put the money in an interest-bearing account. Additionally they did not provide annual updates like they were supposed to. He said the County employee who determined where the money was resigned shortly afterwards. Mr. Newell alleged the money was supposed to be used for creating a spine road through the valley and, if it were not done for five or ten years, the money was supposed to be refunded to 10 individuals. He asked the Board to help.

Chair Berkbigler thanked Mr. Newell for his service to the country. She expressed concern that a GID received funding but was not required to build roads to County standards, especially if Mr. Murphy did not receive a reimbursement because his work was not up to County standards. She felt this topic needed further discussion and it possibly needed to go before the Legislature. She said she did not know how they could reimburse Mr. Murphy since they would not consider doing so in any other portion of the County if the work performed was not done to County specifications. She pointed out no one knew who issued the original contract.

Mr. Smith responded the requirements of the SPA identified what should be done and offered the pathway for reimbursement. Staff determined this was not done in this case, hence the recommendation not to approve the reimbursement. He added there were other rules around the construction and dedication of roadways since this was within a GID. He offered to discuss and consider additional potential options.

Chair Berkbigler summarized she did not support Mr. Murphy's reimbursement and work should begin immediately on a master plan amendment. She

commented the County had not been able to start that process sooner because of the lawsuit against it.

Commissioner Hartung asked for the length of the spine road, to which Mr. Smith replied it was approximately five miles. Commissioner Hartung pointed out \$800,000 would not be sufficient to build five miles of road. Regarding the assertion that the County violated the contract, he asked whether the spine road was part of the original agreement. Mr. Edwards said it was part of the SPA and the development agreements, but the five and ten-year provisions were a result of the judge's ruling that the fees were impact fees, not because of the area plan or the contracts. He said the original proposal included five and ten-year refund provisions but they were removed after an objection from the PVGID, which felt that was not enough time to complete the improvements. He indicated there would be no ten-year refund timeline without the judge's ruling. Under the court order, if improvements were not built within ten years the money should be refunded to the current property owners.

Commissioner Hartung recommended conflating options 3 and 1a in the staff report, but he was unsure how they could accommodate the options prior to a master plan amendment. He suggested continuing to collect fees as required and, once the amendment was done, refunding any fees that were collected.

Chair Berkbigler asked for the County's legal opinion as to whether the judge could change her mind. Mr. Lipparelli answered the plaintiffs' assertion that they were impact fees was what got the judge thinking along those lines. Mr. Lipparelli opined they were not impact fees because, if they were, the government would have an obligation to build something with the money in the fund; he provided an example of the Regional Transportation Commission using impact fees to build roads. He said when the agreement was approved the Commissioners decided the County would not build the roads; that would fall on the developers who would use the money the County was acting as a trustee for. He said the legal team had a difficult time agreeing that they were impact fees. If they were, the County would have failed to formulate a CIP along with other statutory obligations. He admitted the court described them as impact fees. He added if the master plan could be amended to remove the non-working finance plan, a settlement could be reached to determine what to do with fees that were already collected.

Chair Berkbigler suggested following Commissioner Hartung's suggestion to pay refunds to the current property owners in the SPA up to \$800,000 and direct staff to initiate master plan amendment activities immediately. She asked whether they should pay back the money now or hold it until a master plan amendment was finished. She also questioned whether to hold additional monies from developers until the plan was amended.

Commissioner Hartung asked whether the master plan needed revision beyond the financial portion. Mr. Webb noted the plan had not been reconsidered in a significant amount of time and it would be difficult to consider the finance component

without reviewing the other parts of the plan. Chair Berkgigler said it would be fair to get feedback from the many new residents in the community.

Mr. Lipparelli said the agenda contemplated directing planning staff to initiate master plan amendments to remove the financing portion of the plan. They could give direction on additional provisions at another meeting or forum.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a vote of 4 to 1 with Commissioner Herman voting “no”, it was ordered that the master plan be amended to remove the finance portion, staff be directed to include an agenda item at the next meeting to consider changes to the entire master plan, partial refunds be repaid to current property owners, and any funds collected in the interim be refunded as soon possible with the master plan amendment.

18-0509 **AGENDA ITEM 30** Public Hearing: Appeal by Red, White and Tahoe Blue of the administrative denial of licensure for the 2018 Red, White and Tahoe Blue Outdoor Festival Business License - fireworks display and directly related events on July 4, 2018 (pursuant to Washoe County Code Chapter 25 and related provisions). The Board may affirm, reverse or modify the administrative decision.

Applicant Information

Name and Address of Applicants: Red, White and Tahoe Blue, P.O. Box 3789, Incline Village, Nevada

Description of Event Location: Incline Village and Incline Beach (APN:127-280-01). Dates of the event: on July 4, 2018

Manager. (All Commission Districts.)

County Manager John Slaughter introduced the public hearing. He indicated Management Analyst Sarah Tone would present on behalf of Assistant County Manager David Solaro.

Ms. Tone conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: Red, White, Tahoe Blue 2018 Event; Washoe County Event Application Process; Red, White, Tahoe Blue 2018 Application Timeline; BCC Approval; Staff Recommendation; Considerations; and Applicant Appeal.

Ms. Tone indicated the item focused on an appeal of an administrative decision by staff to deny a business license for the Red, White, and Tahoe Blue (RWTB) 2018 festival in its entirety. She said considering its location in the Tahoe basin and the complexity of the fireworks show, the event needed to consider bi-state partnerships, regional planning, Federal Aviation Administration considerations, Coast Guard considerations, and considerations from local government to provide safety.

Ms. Tone reviewed the typical event application and approval process and noted staff provided additional efforts to move this application along to ensure the safety

of event attendees. She indicated the prepayment condition was put in place based on prior RWTB payment history. The prepayments would be used to help with County costs if they had to intervene because the conditions had not been met. She said the appellants would need to prove the ability to implement each condition, to show they had the appropriate contracts in place, and to demonstrate the ability to monitor and clean up the event. She mentioned the prepayment of services had not occurred by June 1.

Ms. Tone emphasized the event was so important to the community that staff's work on it did not stop when the appeal was denied on June 11; they worked out the traffic plan for the fireworks show. She acknowledged the applicant might have already completed the three outstanding items needed for approval. She remarked getting the Coast Guard permit and Fire permit required approval from San Francisco and Washington D.C.; the County played no role in that process other than facilitator.

Ms. Kirsten Corman, Co-Chair of RWTB, thanked the Board for hearing the appeal, as well as other employees and the Commissioners. She displayed numerous documents which were placed on file with the Clerk. Regarding questions about funding, she announced General Manager of the Hyatt Regency Resort Michael Murphy offered to cover the costs of the event. She explained many larger donors were unwilling to make donations until approval was given. RWTB provided the Hyatt with a breakdown of costs, some of which had been prepaid. She noted there was a provision that RWTB would pay the Hyatt back and she was confident that would happen.

Ms. Corman noted the Incline Village General Improvement District (IVGID) handled and paid for the Silver State Barricade & Sign contract, adding RWTB would reimburse all or half of that amount if they could. She stated implementation of that contract was approved by County staff. She reviewed an email correspondence with Lieutenant Michelle Bello explaining that contract would be revised after the \$4,000 prepayment was received.

Ms. Corman explained the Nevada Highway Patrol (NHP) required RWTB to include liability insurance on all NHP patrol cars present for the egress of the fireworks. She said they had great difficulty getting an underwriter to sign off, though they finally found one. She indicated Sergeant Mike Edgell was signing the contract and Ms. Corman should be able to provide it by the end of the day.

Ms. Corman did not realize the event chair had not worked on contracting a crane company. She worked with Bragg Crane Service on adjusting their needs. The contract had been signed and RWTB provided the \$4,000 deposit. She added they would have to pay the remainder of the funds before the day of the event.

Ms. Corman assured the Board there would be excellent communication between RWTB, the fire department, IVGID, the Washoe County Sheriff's Office, the Communication Emergency Response Team, and Pyro Spectacular. She confirmed the radio rentals were paid for and an agreement with Alpine Towing was signed to handle

parking issues. Lastly, she provided a list of ten volunteers to act as good stewards of the environment.

Regarding Coast Guard and fire permits, Ms. Corman noted there were inconsistencies between Pyro Spectacular's application and what was actually happening. She thought it was worked out and she thought the permit would be approved. She added a good indicator it would be approved was the San Francisco Coast Guard was sending two personnel to Incline Village. She mentioned North Lake Tahoe Fire District Marshal Mark Regan was waiting for Coast Guard approval.

Chair Berkbigler praised the work County staff put in. She indicated the County permitted many events and the RWTB event took more staff time than the Air Races or the Balloon Races. She admitted it was an important event but she emphasized it could not happen this way the following year. She felt Commissioner approval would be based on the time County staff put in. She acknowledged the Cormans came into the process very late and they did a lot of work but reiterated preparations for 2019 needed to start right away. She estimated staff spent more than 160 hours on the event.

Commissioner Lucey praised the work the Cormans did but stressed the importance of meeting the guidelines. He stated it was a legacy event that people attended regardless of marketing, many of whom were not Nevada residents. He remarked it was a security concern for Incline Village residents, especially if there was only one deputy on shift, without the County's subsidization. He said the Board needed to protect residents, businesses, and assets in Incline Village, all while making the RWTB staff feel comfortable pulling off an event.

Commissioner Lucey supported having the fireworks show but acknowledged the traffic concerns if there was no mitigation in place. He noted the Hyatt Resort was selling tickets but was happy they were willing to pay the \$106,000 bill. He mentioned he would take the item to the Reno Sparks Convention and Visitors Authority board to seek additional funding because it was a legacy event that was known regionally. He stressed the concern was less about the event and more about protecting citizens. Chair Berkbigler said she spoke to the owner of the Hyatt Resort and was delighted he was helping out.

Commissioner Hartung asked what would happen if the BCC approved the event but the Coast Guard did not. Ms. Tone replied staff recommended the Board's approval should depend on the County Manager's final signature, which would be given only if the event received Coast Guard approval. Chair Berkbigler pointed out the Coast Guard owned the waters so the event could not happen without their approval anyway. Ms. Tone said staff understood the risk in approving the event without Coast Guard approval, which was why staff made their recommendation. She added the fire permit could not be obtained without the Coast Guard permit.

Commissioner Hartung expressed frustration the event got this far without so many approvals and agreed planning for 2019's event needed to start immediately. Co-

Chair of RWTB Jeffrey Corman confirmed that was the plan and reiterated RWTB would work in conjunction with the Hyatt Resort. Commissioner Hartung expressed concern at the process for approving this year's event.

On the call for public comment, Mr. Andy Chapman, President of the Incline Village/Crystal Bay Visitor Bureau, thanked the Board and County staff for their time, as well as the Cormans. He stated the fireworks were the economic engine for tourism-based communities the Bureau represented. He acknowledged the safety concerns being addressed and encouraged the Board to approve the fireworks permit only. He noted there should be more discussions in the community regarding the fireworks event, possibly even separating it from the larger RWTB event to get approvals in a timely matter.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that the administrative denial of Red, White and Tahoe Blue's licensure for the 2018 Red, White and Tahoe Blue Outdoor Festival Business License be modified as listed in the staff report, and only with the approval of the Coast Guard and final approval of the County Manager acknowledging permits being submitted and associated contracts.

18-0510 **AGENDA ITEM 29** Public hearing to approve with conditions, or deny, an Outdoor Festival business license application for The Lantern Fest. The Lantern Fest is described generally by the applicant as a family-oriented outdoor entertainment event and concert that culminates with the release of several thousand sky lanterns (paper lanterns lifted aloft by a small open flame source). If approved, authorize the Director of the Planning & Building Division, Community Services Department, to issue the license when all pre-event conditions have been completed and all required business license fees have been paid.

- Applicant: Spencer Humiston on behalf of Happy Fun Events, LLC
- Event Location: Wild West Motorsports Park; 12005 East Interstate 80 (Exit 23, Mustang, off Interstate 80)
- Date of Event: June 30, 2018 (with a delay date of July 1, 2018)
- Estimated attendance: The event organizer estimates between 5,000 and 9,000 persons will take part in the event

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

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of Agenda Item 29. There being no response, the hearing was closed.

County Manager John Slaughter noted the applicant requested the item be withdrawn. Chair Berkgigler said it would be pulled for fire concerns until October.

18-0511 **AGENDA ITEM 15** Recommendation to award Request for Proposal No. 3042-17 for Inmate Medical Services to the most responsive and responsible bidder, NaphCare, Inc., in the proposed amount of [\$7,051,900.44] for period July 1, 2018 to June 30, 2019, and in the proposed amount of [\$7,051,900.44] for period July 1, 2019 to June 30, 2020. If approved, authorize Purchasing and Contractors Manager to execute agreement. Sheriff. (All Commission Districts.)

County Manager John Slaughter stated his office was committed to working with the Sheriff's Office (SO) in a robust Request for Proposal (RFP) process. The recommendation to proceed with the agreement with NaphCare Inc. was made both by his office and the SO. He indicated there had been a number of changes over the prior year related to inmate medical services that would improve services, communication, and outcomes experienced at the jail.

Commissioner Jung invited Senior Vice President for NaphCare John Donahue to the podium to answer questions.

Commissioner Hartung mentioned he and Mr. Slaughter toured a facility in Las Vegas and noted some changes NaphCare intended to make would mirror what was happening in Las Vegas. Mr. Donahue stated mental health and detoxification issues were important in the industry and NaphCare had made strides in those areas. The plan was to roll out protocols in the Washoe County detention facility as well as increased responsibility for the mental health of the inmate population.

Commissioner Hartung asked why the County should give NaphCare the contract. Mr. Donahue replied NaphCare was a leader in the industry in medical services, as well as mental health, dialysis, dentistry, and nursing services. He lauded the company's transparency and open communication, and said they proved themselves in a number of audits. He described the company as proactive and progressive.

Commissioner Hartung said he liked the idea of having a dialysis unit available. Mr. Donahue said he was unsure of the contract but a machine could be made available in the community. Commissioner Hartung noted the Las Vegas had a sanitary room for their dialysis machine. He stressed there were a large number of mental health patients in the detention facility and said there needed to be a different solution. Commissioner Hartung added mental health issues were exacerbated by the use of drugs and alcohol.

Commissioner Hartung said he was impressed with the Las Vegas facility and remarked he felt it was not contrived for their benefit. Mr. Donahue assured him the tour represented the daily operation of the Clark County Detention Center.

Commissioner Hartung addressed assertions that had been made that the Commission was complicit in the organizational operation of the SO. He conceded the Board oversaw the budget but not the day-to-day operations; the latter was the job of the

Sheriff. He asked how the facility handled inmates who were brought to the facility in an unapproved restraint. Deputy Chief Tom Green responded it was the facility's policy not to accept any prisoner in an unapproved restraint. The arresting agent would have the option to remove the unapproved restraint, at which time medical staff would evaluate the person and determine whether the facility would accept them.

Commissioner Lucey pointed out that a lack of communication between NaphCare and the Board of County Commissioners (BCC) was a major complaint. He asked for commitment for an upgraded level of communication with both the SO and the BCC. Mr. Donahue gave that commitment and recommended having quarterly meetings. Commissioner Lucey suggested setting up status meetings between the County Manager, the Chair, and the Vice-Chair.

Commissioner Lucey mentioned there were concerns about maintaining staffing levels at the jail and asked how that would be addressed. Mr. Donahue answered open communication resulted in the SO getting background checks for nurses and ensured they could begin work at the jail. He indicated NaphCare had provided staffing according to the contract for the prior year and they had an active recruiter in Las Vegas working exclusively on the West Coast. The goal was to recruit qualified staff members with salaries comparable to those in the community.

Commissioner Jung expressed concern about a treatment center that closed because it lost its staff to a new behavioral health clinic which paid more. He asked what NaphCare would do to ensure that situation would not happen, adding their response in past was they could not find qualified employees. Mr. Donahue agreed that was not an acceptable response. He said they considered all aspects of the nation, including how to recruit people from California. He explained there was a shortage of nurses across the country but they would work daily to meet contract obligations.

Commissioner Jung said she toured the County jail and a competitor's facility in St. Louis, Missouri. She felt the County did its due diligence and this was the best bid on the market.

Chief Deputy Green added that language was included during the RFP process requiring any interested company to provide pay commensurate with local hospitals, which had not been done in the past. They also included a provision where the County Manager would receive the same reporting as the SO to ensure good collaboration.

There was no response to the call for public comment.

Mr. Slaughter recognized Purchasing Contracts Manager Pamela Mann, Assistant County Manager Kate Thomas, and Captain Jeffrey Clark, adding many of the changes that had been made were a direct result of Captain Clark's work. He thanked staff for their efforts.

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

18-0512 **AGENDA ITEM 28** Public hearing: For possible action to (1) consider a report of each property delinquent on its utility charges and the amount of each property's delinquency, along with any objections to the report; and (2) After considering the report and any objections to it, determine whether to adopt the report and correspondingly adopt a Resolution to collect delinquent utility charges on the tax roll. Community Services. (All Commission Districts.)

County Manager John Slaughter introduced the public hearing.

Commissioner Hartung asked whether the County would foreclose on the subject properties and put them up for sale. Division Director of Finance and Administration Ben Hutchins explained they would put a lien on the property and add it to the tax roll. The owners would be responsible to pay for it through the tax roll process.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 28 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

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Mr. Slaughter indicated the Board would take a recess to hold a closed session and suggested the Board hear public comment first. Deputy District Attorney Paul Lipprelli recommended opening the closed session item and the final public comment would happen after all action items were completed.

18-0513 **AGENDA ITEM 31** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

2:01 p.m. On motion by Commissioner Hartung, seconded by Commissioner Lucey, 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 to be held after Agenda Item 33.

Deputy District Attorney Paul Lipparelli clarified after Board of County Commissioner (BCC) meeting recessed the Board would hold a closed session; the BCC meeting would adjourn after closed session in the Caucus Room. The mover and seconder agreed.

18-0514 **AGENDA ITEM 33** Announcements/Reports.

Commissioner Lucey recommended the Warm Springs Specific Area Plan be brought back at a later meeting for further review beyond just the finance portion. He added he wished to speak with County Manager John Slaughter about ideas for the South Valley Regional Park area.

2:03 p.m. **The Board recessed for a closed session.**

18-0515 **AGENDA ITEM 32** Public Comment.

There was no response to the call for public comment.

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2:37 p.m. There being no further business to discuss, the meeting was adjourned without objection.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

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

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