

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

TUESDAY

10:00 A.M.

SEPTEMBER 15, 2015

PRESENT:

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

Nancy Parent, County Clerk
John Slaughter, County Manager
David Watts-Vial, 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:

Chair Berkgigler stated it was the Principal for a Day event and introduced Tammy Hart, Principal of Spanish Springs High School; Larry Kuper, Principal of Alice Maxwell Elementary School; and David Keller, Principal of Glenn Duncan Elementary School. She indicated Commissioner Hartung was paired with Ms. Hart and Commissioner Herman was paired with Mr. Kuper for the day.

15-0792 AGENDA ITEM 3 Public Comment.

The following individuals spoke in opposition to the placement of a medical marijuana establishment (MME) on Mount Rose Highway: Steve Pelzer, Adam Michelin, Joe Trimarchi, Elizabeth Liddiard, Michael Liddiard, Ken Lutz, Bob Ackerman, Doug Melson, Ed Lapelusa, Meghan DiRocco, Bari Caine, Keith Finkelstein, Tracy Pickett, and David Jones.

The above individuals' concerns included: the specific location of the MME, enforcement of the medical marijuana regulations, the ease of access to marijuana, the negative impact on property values, the increased traffic level on Mount Rose Highway, traffic safety, an increase in crime, an increase in fire danger, an increase in impaired driving, impacts to community safety, the public not being consulted on the MME sites, the lack of impact studies and outreach, the need for proper assessment of MME locations, MMEs located in neighborhoods and near children, the MME's negative effects on tourism, and the potential for medical marijuana to result in recreational use.

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The above individuals' requests included: A thorough traffic study, for the MME to be relocated, and for medical marijuana and MME impact studies.

10:44 a.m. Commissioner Hartung left.

Kristopher Dahir spoke about the Nevada Veterans Memorial Plaza fundraising dinner on September 25, 2015. He stated it would be educational and he invited the Commissioners to attend.

15-0793 **AGENDA ITEM 7** Commissioners'/Manager's announcements

Commissioner Herman apologized to the citizens in opposition to the medical marijuana establishment (MME) on Mount Rose Highway. She stated the Board should have taken action to regulate MME locations.

Commissioner Lucey thanked the citizens in opposition to the MME on Mount Rose Highway for voicing their opinions. He stated he read the emails sent to him regarding the MME location. He denied any personal or financial involvement with the MME. He said he would work with staff to initiate a public forum to discuss the citizens' concerns.

Chair Berkbigler stated the Board listened to the citizens' MME concerns and was working diligently to address them. She mentioned the next Board meeting would include an MME agenda item.

Commissioner Jung apologized to the citizens in opposition to the MME on Mount Rose Highway. She stated she had concerns about the MME and would try to encourage the developer to relocate. She felt staff did not provide enough information to the public regarding the MME. She believed the County's frequently asked questions (FAQs), on the website, related to MMEs needed to include pictures to help explain what a MME was. She thought there should be a countywide policy to provide the facts about potentially controversial issues.

Later in the meeting, Chair Berkbigler revisited the Principal for a Day topic and stated Commissioner Lucey would be paired with Matt Burak, Principal of the Marvin Picollo School. She added John Slaughter, County Manager, already visited Glenn Duncan Elementary School.

Commissioner Jung noted her Principal for a Day experience at Echo Loder Elementary School was postponed.

Chair Berkbigler mentioned staff created a more comprehensive fact sheet on medical marijuana that was available on the County's website.

Commissioner Lucey spoke about his Washington, DC business trip with the Regional Transportation Commission's executive director and public relations manager. He stated they met with Senator Dean Heller, Congressman Mark Amodei, Congressman Dina Titus, Congressman Joe Heck, Congressman Crescent Hardy, and the transportation lobbyist to discuss the funding needs for federal roadways in Northern Nevada.

15-0794 **AGENDA ITEM 4** Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses. Human Resources

John Slaughter, County Manager, recognized the following employees for successful completion of the Excellence in Public Service Certificate Programs administered by the Human Resources Department:

Promote Yourself!

Bonnie Ingram, Community Service
Jeremiah McCauley, Sheriff's Office

PROCLAMATIONS

15-0795 **5A** Proclamation -- September 2015 as Hunger Action Month.

Commissioner Jung read and presented the Proclamation to Laura Helen and Melissa Davis of the Food Bank of Northern Nevada (FBNN).

Ms. Helen thanked the Board. She stated 30,000 children woke up each morning not knowing if they would have something to eat. She invited the Commissioners to a FBNN event on September 25, 2015.

Ms. Davis also thanked the Board for its continued partnership to raise awareness for hunger insecurity in the community.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 5A be adopted.

15-0796 **5B** Proclamation -- October 2015 as Community Planning Month.

Commissioner Lucey read and presented the Proclamation to Bill Whitney, Director of the Planning and Development Division, and Dave Solaro, Director of the Community Services Department.

Mr. Whitney thanked the Board for recognizing the service of the Planning Commission's and Board of Adjustment's members. He noted the Planning and Development Division was an interesting place to work. He mentioned his staff handled a diverse workload, which included code enforcement and the analyzation of the environmental impact to sage grouse.

Mr. Solaro echoed Mr. Whitney's comments and said his department was getting busier. He also thanked the Board.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 5B be adopted.

DONATIONS

15-0797 **6A** Accept a donation [\$1,203.25] from the Northern Nevada DUI Task Force (NNDUITF) to the Washoe County Sheriff's Office for the Sheriff's Office Operations Bureau for the purchase of Portable Breath Testers (PBTs) for the Victim Impact Panel and, if approved, authorize Comptroller's Office to make appropriate budget adjustments. Sheriff. (All Commission Districts.)

15-0798 **6B** Approve donation of miscellaneous lab equipment and supplies [approximate value \$300] to the University of Nevada, Reno from the Washoe County Sheriff's Office Forensic Science Division. Sheriff. (All Commission Districts.)

There was no public comment on the donations listed above.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Items 6A to 6B be accepted and approved.

15-0799 **AGENDA ITEM 8** 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.

15-0800 **AGENDA ITEM 10** Public Comment.

Steve Pelzer submitted aerial images of the proposed medical marijuana establishment location on Mount Rose Highway, which was placed on file with the Clerk. He asked the Commissioners to spend time in the area to observe the traffic. He wanted

to know if legal counsel had commented on the issue of the County's liability related to the medical marijuana establishment (MME).

Bob Ackerman stated he did not receive any information from the County about the MME on Mount Rose Highway until a recent Citizen Advisory Board (CAB) meeting. Prior to the CAB meeting, the information he received was only by word-of-mouth.

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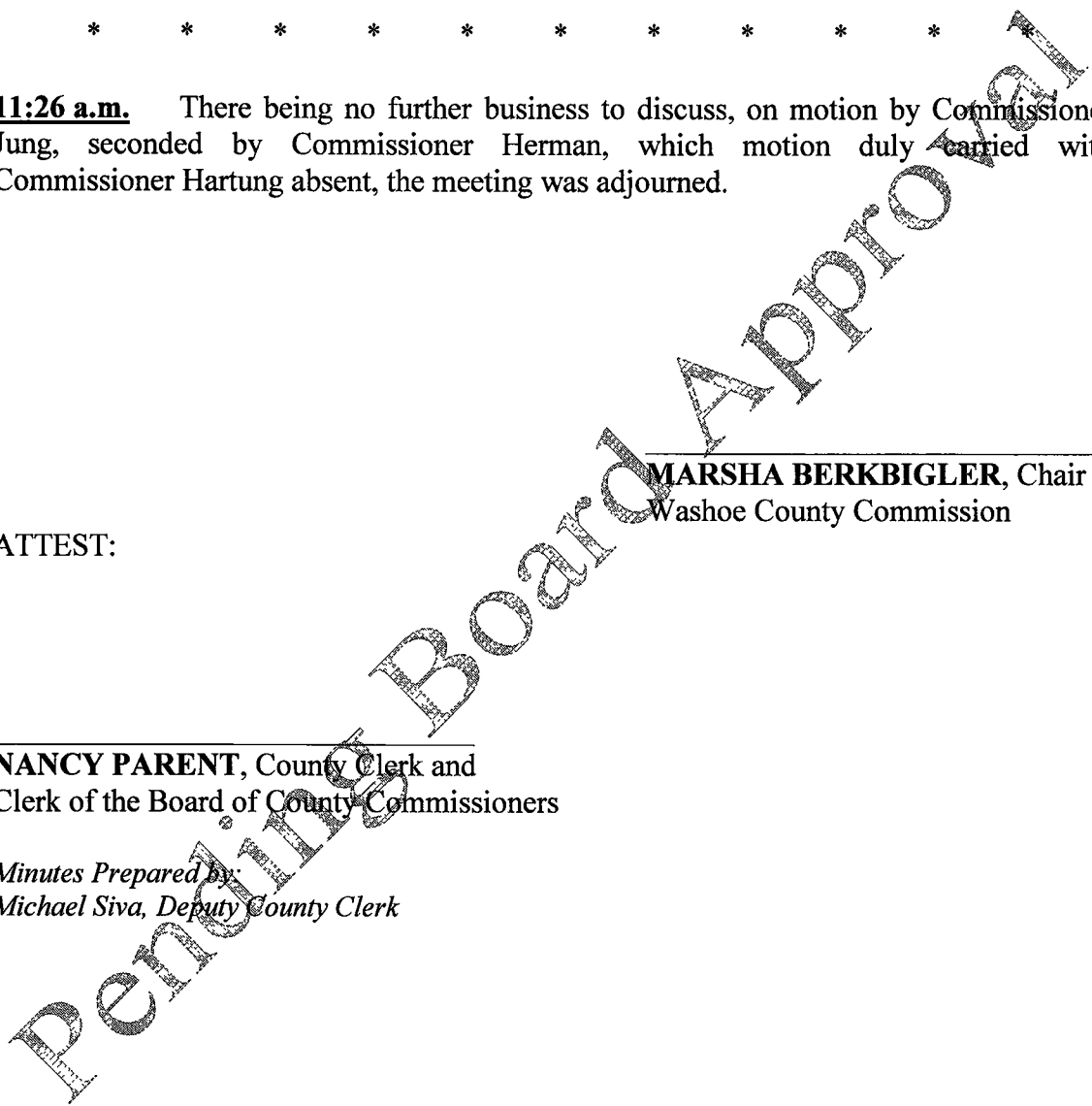
11:26 a.m. There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Herman, which motion duly carried with Commissioner Hartung absent, the meeting was adjourned.

MARSHA BERKBIGLER, 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*



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

MONDAY

8:30 A.M.

SEPTEMBER 21, 2015

CONCURRENT MEETING

PRESENT:

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

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

The Washoe County Board of Commissioners convened at 8:45 a.m. with the Truckee Meadows Fire Protection District/Sierra Fire Protection District (TMFPD/SFPD) Board of Fire Commissioners, North Lake Tahoe Fire Protection District, the Reno City Council, and the Sparks City Council in concurrent 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:

15-0804 **AGENDA ITEM 4** Public Comment.

Joseph Benedict addressed his concerns about the harmful effects of pesticides the City of Reno used to kill weeds along the river. He asked the City of Reno to stop spraying pesticides which he believed was poisoning the water.

Ross Tisarich spoke of his concerns regarding the use of pesticides and its effects on drinking water.

8:53 a.m. The Board recessed due to a disturbance in the Chambers.

12:09 p.m. The Board reconvened with all members present.

15-0805 **AGENDA ITEM 5** Approval of the Agenda.

There was no response to the call for public comment.

The City of Sparks and the City of Reno voted to approve Agenda Item 5.

For the Truckee Meadows Fire Protection District/Sierra Fire Protection District Board of Fire Commissioners and the Board of County Commissioners, on motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5 be approved.

15-0806 **AGENDA ITEM 6** Update on Automatic Aid Agreements with Truckee Meadows Fire Protection District, Sierra Fire Protection District, City of Sparks Fire Department and North Lake Tahoe Fire Protection District in regards to SB185 compliance.

Charles Moore, Truckee Meadows Fire Protection District (TMFPD) Fire Chief, stated the TMFPD's process in determining compliance with the Automatic Aid Agreement with the North Lake Tahoe Fire Protection District (NLTFPD) and the Sparks Fire Department (SFD) involved the use of a Geographical Information Systems (GIS) analysis. He provided a copy of Senate Bill (SB) 185, which was placed on file with the Clerk. The GIS analysis measured the response time in increments of 30 seconds and at distances of approximately every 500 feet along the roadways that would be utilized. The TMFPD was able to determine which entity would arrive to specific locations the quickest and polygons were drawn around those areas. The addresses within each polygon were geographically coded and the codes were written into the Computer Aided Dispatch (CAD) programming. This allowed dispatchers to know which agency to call upon. He said the process was tested with the SFD and it was determined that the SFD would be able to respond quicker to only one area, the University Farms. He said the TMFPD verified that the existing automatic aid areas between them and the City of Sparks were accurate and required little change. He testified the relationship between the TMFPD and the City of Sparks; as well as, the relationship between the TMFPD and the NLTFPD complied with SB185.

Tom Garrison, Sparks Fire Chief, said the Automatic Aid Agreement between the City of Sparks and the TMFPD had been in place a little over three years. He noted the agencies evenly shared thousands of emergency calls. He stated the Automatic Aid Agreement worked well and he concurred with Chief Moore that only one area need to be adjusted. He encouraged the Boards and Councils to accept the presentation. He concluded by stating the City of Sparks was in full compliance with SB185.

Michael Brown, North Lake Tahoe Fire Protection District Fire Chief, stated the NLTFPD was in compliance with SB185. He added the NLTFPD also assisted other agencies in the suppression of fires.

Jenny Brekhus, Reno City Councilmember, asked Chief Moore if the TMFPD looked at potential developmental changes when it composed its maps. Chief Moore replied no and he stated the TMFPD looked at existing conditions to create the current maps. He said the Automatic Aid Agreement called for yearly adjustments as conditions changed.

Don Schmitt, Sparks City Councilmember, asked if the purpose of the meeting was to extend an existing agreement with the addition of the specific area discussed by Chief Moore and Chief Brown. Chief Moore stated yes.

There was no response to the call for public comment.

The City of Sparks and the City of Reno voted to accept Agenda Item 6.

For the Truckee Meadows Fire Protection District/Sierra Fire Protection District Board of Fire Commissioners and the Board of County Commissioners, on motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 6 be accepted.

15-0807 **AGENDA ITEM 7** Presentation, discussion and possible approval of an Automatic Aid Agreement between Truckee Meadows Fire Protection District and the City of Reno Fire Department.

Charles Moore, Truckee Meadows Fire Protection District (TMFPD) Fire Chief, stated the TMFPD utilized the Geographical Information Systems (GIS) analysis to study how automatic aid would be implemented. He provided copies of two maps, which were placed on file with the Clerk. He said the GIS data, which included response time analysis, gathered by the County was submitted to the City of Reno and the City of Sparks. It was the responsibility of each firefighting agency to study the data to determine which agency would arrive to specific locations the quickest. He noted the TMFPD agreed the Reno Fire Department (RFD) would assist the County in the following areas: Lemmon Valley, Geiger Grade, and Caughlin Ranch.

Chief Moore mentioned there was an area of seven square miles in South Reno that the TMFPD and the RFD could not agree upon. He said the GIS data indicated the TMFPD Fire Engine 14 would respond faster within the specified area. The RFD proposed reducing the seven square mile area to an area of less than two square miles. He stated it was not the TMFPD's intention to insert itself into RFD's jurisdiction; however, he wanted to ensure the TMFPD maintained fidelity to Senate Bill (SB) 185 which required the entity with the firefighting vehicle closest to an incident to respond. He believed the GIS data and analysis were pretty accurate. He said he did not have any issues with the reduction of the automatic aid area to less than two square miles as long as TMFPD was in compliance with SB185.

Commissioner Hartung described the incident, which occurred earlier in the day, when multiple agencies responded to a disturbance in the County Chambers. He made the point that it did not make a difference as to which governmental agency responded as long as there was a response.

Chief Moore stated the response times between fire agencies were not long. He noted that automatic aid did not mean an agency would respond in lieu of another agency. There would be a tandem response. He said if the TMFPD responded to

an incident ahead of the RFD, the RFD would still respond. He explained firefighting did not begin until a fire engine reached a hydrant. The firefighters would size up the hydrant, secure utilities, and deploy lines. By the time that was completed, the agency which called for assistance would have arrived. There would be two fire crews, a total of seven firefighters, on site at no additional costs to any agency unless the operational period for the fire extended beyond a period of 12 hours. In that particular case, cost reimbursement would be built into the agreement. He felt service level improved under the Automatic Aid Agreement.

Naomi Duerr, Reno City Councilmember, mentioned the Ward she represented covered the South Meadows area. She confirmed with Chief Moore that the map being discussed focused on the South Meadows area. She asked Chief Moore to clarify how the TMFPD determined their response times.

Chief Moore stated the TMFPD tested the assumption that the fire station with the closest geographic proximity to an incident would have the fastest response time. They found in some cases the closest fire station did not have the fastest response time. Due to the finding, the three Fire Chiefs decided to use the actual travel time as their criteria. He provided examples of areas he believed the TMFPD would respond to quicker than the RFD. He mentioned he asked the RFD what objective criteria were utilized to determine the RFD's proposed automatic aid area. He suggested the two agencies conduct response time drills in the questionable areas. The GIS analysis the TMFPD relied on for travel times calculated the travel time, speed limits, controlled intersections and the terrain.

Hillary Schieve, Reno City Mayor, said the Automatic Aid Agreement was the perfect opportunity to showcase how all entities could work together. She noted the duplication of services made a case for consolidation.

Commissioner Lucey shared Mayor Schieve's sentiments. He asked Chief Moore if the TMFPD received an opinion from the Legislative Counsel Bureau (LCB) in regards to the exact meaning of SB185. He also asked if the maps were based on the assumption that the firefighting vehicles were located in the fire stations. He stated firefighting staff were as likely to be outside a station as they were in a station. His interpretation of the Statute was that the emergency firefighting vehicle located closest to the structure fire or brush fire would be required to respond. He thought rather than creating boundaries, the use of the Automatic Vehicle Locator (AVL) combined with the Computer Aided Dispatch (CAD) system would simplify the determination of the responding agency.

Chief Moore said the TMFPD had not received an LCB opinion. He noted he read the Statute many times and he concluded the Statute suggested the closest agency should respond regardless of jurisdiction. He added the TMFPD could not respond to an area outside their jurisdiction unless they were called upon. He stated the GIS analysis did assume all firefighting vehicles were parked in quarters. He agreed with Commissioner Lucey regarding the AVL. He noted not every agency had the AVL. He

explained having the AVL would allow a dispatcher to see the locations of each fire engine on a computerized map and then the dispatcher would be able to dispatch the closest fire engine regardless of jurisdiction. He stated the fire agencies in Southern Nevada utilize the AVL technology.

Commissioner Lucey noted the agreement the Fire Chiefs had in place was positive. He stated the Automatic Aid Agreement would have to be re-evaluated year-after-year due to the ever-changing landscape of the community.

David Bobzien, Reno City Councilmember, noted the Automatic Aid Agreement was a step forward and the GIS was a good, but limited tool. He advocated for the RFD and the TMFPD to dedicate staff to complete the AVL project. He believed asking for an LCB opinion was a good idea.

Neoma Jardon, Reno City Councilmember, concurred with Councilman Bobzien regarding the AVL and she said the AVL was the most critical part of automatic aid. She stated she valued the LCB's opinion but felt it may take a while to receive it.

Paul McKenzie, Reno City Councilmember, agreed with Commissioner Lucey on the AVL. He stated he hoped a timeline would be placed on when the use of the AVL would commence. He said he was concerned about the maps as they only reflected the current situation. He cautioned the Councils and Boards to work together to determine the placement of fire stations and to ensure services were not duplicated.

Jenny Brekhus, Reno City Councilmember, stated she was unsure the Automatic Aid Agreement was a step forward towards a more efficient governance of the region. She said she saw the need for more management analysts to evaluate how to administer the agreement and for more attorneys to review it. She spoke of the citizens' request for regional or consolidated fire service. She stated she was an advocate of combining the City of Reno and the County into one merged governmental entity for efficiency purposes. She expressed her concerns which included: 1) Which entity would be responsible for the administrative work required in areas covered by mutual aid? 2) Would the responding firefighters have familiarity with the automatic aid area they were responding to? 3) Would firefighters be stretched too thin and leave areas unprotected while responding to calls outside their jurisdiction? 4) The burden placed upon Reno citizens, who paid a higher property tax, to help fund emergency responses to the unincorporated areas of the County.

Dave Cochran, Reno Fire Chief, noted each jurisdiction would retain responsibility for their administrative duties, such as testing fire hydrants. He said the RFD was familiar with the County's areas due to having serviced the areas when the fire entities were consolidated. He added the Fire Chiefs discussed implementing a program to address joint training and operations to ensure the fire entities were operating on the same page as effectively and efficiently as possible.

Paul Lipparelli, Legal Counsel, spoke in regards to the call for an LCB opinion. He stated it was uncommon for local governments to seek legal opinions from the LCB. He noted the legal counsels for each of the entities involved in the Automatic Aid Agreement would be able to provide a legal opinion. He felt the interpretation of laws that affected a local governmental entity should be left to that local governmental entity. Chair Berkbigler agreed with Mr. Lipparelli.

Commissioner Hartung asked Chief Moore if the TMFPD's and Sparks Fire Department's (SFD's) fire engines were equipped with the AVL. He also asked if the Automatic Aid Agreement included Emergency Medical Services (EMS), how many fire engines the TMFPD had south of the McCarran Loop, and if the TMFPD had any intentions to cross train. He noted the fire entities would have to rely on the GIS maps until the AVL was installed on every firefighting vehicle.

Chief Moore stated the County's fire engines were equipped with the AVL. He said the agreement between the TMFPD and the RFD was only for fire; however, the agreement between the TMFPD and SFD included both fire service and EMS. He stated the TMFPD had five fire engines south of the McCarran Loop. He noted all of the firefighting agencies in the area trained at the same national standards. The biggest difference was that the TMFPD had advanced life support training in respect to EMS.

Tom Garrison, Sparks Fire Chief, said all of their fire engines had the capability to utilize the AVL but their dispatch system did not. He mentioned the need for all fire entities to purchase a special module in order to incorporate the Tiburon software. Once Tiburon was installed, the SFD would be able to move forward with the AVL.

Naomi Duerr, Reno City Councilmember, requested clarification on Item 7H, related to cost reimbursement, in the Cooperative Agreement. She wanted to know who would be reimbursing the fire entities when the State and the Federal government were involved. She also requested clarification on Item 8, related to Assistance by Hire and a repayment schedule. She was confused as to why a fire agency would be paid for a voluntary response to a fire emergency.

Chief Moore said in a scenario where a wildland fire threatened multiple residential structures, the TMFPD could ask for the designation of a Federal Management Assistance Grant. Upon approval, the TMFPD would receive federal funds to cover the firefighting costs. He believed the City of Reno would not have to wait to be reimbursed for any incurred costs as the TMFPD had emergency fire funds it would be able to utilize. The TMFPD would eventually receive the Federal funds. The assisting fire agency would not be the one requesting reimbursement of incurred costs from the State or the Federal government.

Chief Cochran explained Assistance by Hire fell outside the scope of mutual or automatic aid. He said in that circumstance there would be a request for assistance. He provided an example where if the RFD required the assistance of a