

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

TUESDAY

10:00 A.M.

AUGUST 9, 2016

PRESENT:

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

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

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

16-0677 AGENDA ITEM 3 Public Comment.

The following individuals spoke regarding their opposition to the possible relocation of a medical marijuana establishment (MME) in Washoe Valley: Thomas Tizzano, Maureen O. Collins, Jay Collins, Illona Mager, Gerard H. Mager, Marijke Bekken, Douglas R. Studwell Junior, Linda Harrison, Sala Sherwood, Hershel Rosenbaum, Debbi Lehr and Jesse French. Maureen O. Collins, Marijke Bekken and Linda Harrison provided handouts, which were placed on file with the Clerk.

The above individuals' concerns included: The lack of neighborhood notification, the location in proximity to residential areas and a school; the size of the proposed location which would allow for a larger facility; the possible size of the facility; the possible increased crime rate; the negative impact to property values; increased traffic; the amount of water necessary to sustain marijuana growing facilities; the possibility of wells drying up; various security issues; the possible negative effects if recreational marijuana was legalized; and that an MME was not a suitable business for the area.

Elise Weatherly spoke regarding power grids and how the community as a whole needed electricity. She said her brother was in the hospital when there were electrical issues and if the hospital had not acted quickly, he might not have survived.

Marsy Kupfersmith thanked the Commissioners for her appointment to the Washoe County Senior Services Board and for their support.

Levi Hooper stated he was the voice of the downtrodden. He did not understand why people were coming to speak in opposition to MMEs because they really helped people. He stated there were more driving under the influence (DUI) accidents than accidents involving marijuana. He thought prescription medications were worse than medical marijuana.

Sam Dehne stated he agreed with Levi Hooper. He spoke about how marijuana could stay in someone's system for weeks but alcohol left the system quickly. He spoke regarding Tesla, Storey County and taxes.

Whitney Kissenberger stated she was a medical marijuana cardholder. She indicated there were other options besides marijuana that could help pain including aromatherapy. She said regardless whether marijuana could harm people, there were many medicinal benefits. She noted a growing facility using hydroponics would use less water than an alfalfa field. She thought prescription medications were worse than medical marijuana.

Cathy Brandhorst spoke about matters of concern to herself.

16-0678 **AGENDA ITEM 4** Announcements/Reports.

County Manager John Slaughter said there was a request for Agenda Item 18 to be heard after the 4:00 p.m. time certain hearing and for Agenda Item 19 to be heard as early as possible. He indicated there was a need for a closed session. He stated the Board could take a break every 90 minutes and they would break for lunch as close to 12:30 p.m. as possible.

Commissioner Herman mentioned a generator was stolen from a vehicle in the parking lot at the North Valley Community Advisory Board (CAB) meeting. She was concerned about safety in area parks.

Commissioner Hartung said the Nevada Veterans Memorial would be holding a press conference at 2:00 p.m. on August 10th at their site located on Greg Street and Sparks Boulevard.

Commissioner Lucey noted there had been a number of fires within the North Valleys and fire safety was needed to protect residents and structures within the area. He said even though the past winter was hearty, fire safety and fire dangers were always significant concerns. He stated the Crossroads Program was recognized at the National Association of Counties (NACO) Conference and County Manager John Slaughter was there to accept the award. He announced the Safari Club International Convention would be coming back to the Reno-Sparks Convention and Visitors Authority (RSCVA) starting in 2019. He stated the convention brought a significant amount of tourism dollars to the County and he commended the RSCVA for their hard work.

Commissioner Berkbigler stated she had a meeting with senior citizens in Incline Village. She noted that 40 percent of the year-round residents were senior citizens and the area lacked resources for them. She wanted staff to research what senior services were being provided in Incline Village. She noted there was interest in having a senior center, as well as transportation to and from the center, but the seniors were not interested in a meal program. She stated she would bring up the topic of transportation in Incline Village to the Regional Transportation Commission (RTC) as she was on that Board. She wanted an update on a joint Human Equality Committee, which was discussed during a prior meeting.

16-0679 **AGENDA ITEM 19** Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from Washoe Dispensary, LLC to move a medical marijuana dispensary location issued a State of Nevada provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to 275 S. U.S. Highway 395 (APN 046-080-04). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. Manager. (Commission District 2.)

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

Legal Counsel Paul Lipparelli stated he had been corresponding with attorney Elizabeth High, who represented some of the property owners in the area. He asked whether Ms. High or her law partners were present. He was informed by an audience member that neither she nor her partners were present.

Assistant County Manager Kevin Schiller stated the specific action for this Agenda Item was to approve or to deny the relocation of a licensed and certified medical marijuana dispensary. He said the action before the Board was not to determine whether there should be a medical marijuana dispensary in Washoe Valley; only whether it should be allowed to relocate. He indicated there had been a significant amount of discussion that did not pertain to the action required by the Board. He stated the County provided the required notification for the hearing, plus they provided a second notification, and Commissioner Lucey held a neighborhood meeting specific to the proposed location change. One of the things he highlighted was a legal and technical analysis in the area plan that included a typographical error between the introductory paragraph and the existing table. He said if there was going to be a challenge; it would be based on the existing dispensing certificate or on the potential move after action by the Board. He discussed what a dispensary was like in reference to its use type. He said if a pharmacy was used as an example, according to the use table, its use would be compared to facilities such as convenience stores, retail stores, restaurants and bars. The difference was that a dispensary was not considered a public facility because it had limited participation based on who was allowed to purchase from them. He clarified the concern

that there were going to be five dispensaries within Washoe Valley by stating there was only one certificate issued for that area. He noted there had been some confusion over the different types of facilities including cultivation facilities, production facilities, and medical marijuana dispensaries. He stated the security and safety of the proposed move was supported by the Sheriff's Office due to the centralized location of the facilities. He reiterated that the authority of the Board was to determine whether the move was supported or not supported. He noted any litigation or legal issues related to challenging the regulation or code changes would occur whether or not the location of the MME was moved.

Commissioner Hartung questioned whether the Board could move forward with an approval or denial since there was a typographical error in the Code.

Mr. Lipparelli stated if there was a problem with the master plan designation, table of uses or lettering, the problem would exist with the current location of the MME. He said if there was a problem with the table of uses and the County did not go back and adjust the table of uses within the master plans of all the sub-plan areas in the County when medical marijuana was legalized, then the problem would exist all over the County. He said the question before the Board was whether to approve or deny a move from the current location to the proposed location. He indicated if the Board went forward with a decision on the relocation and there was a legal challenge, it would have to be defended in court. He thought the Board should not use that condition as a reason not to take action because it could call into question all the Board's decisions on medical marijuana since it was passed into law.

Commissioner Hartung thought continuing without addressing the issue of the error could be opening the Board to a challenge.

Commissioner Lucey thought the issue had been delayed long enough and regardless of the outcome there would be disappointed individuals on both sides. He suggested the Board move forward with the action and resolve the typographical error at a later time.

Commissioner Berkbigler asked Mr. Schiller to explain why it was safer for the dispensary to move across the street.

Mr. Schiller explained if the relocation was approved, the security plan would have to be submitted and go through the approval processes which would require County and State approval. He said with the facilities being combined, it would increase and strengthen security.

Commissioner Hartung asked about the Code requirement for notifications to be sent to the owners of properties that were within 750 feet of a proposed MME facility. He wondered what the setbacks were for an MME facility and Mr. Schiller stated he did not know the answer to that question.

Commissioner Hartung thought the notification requirements should be more than 750 feet. Mr. Schiller indicated the notification process that was used for this meeting was the Special Use Permit (SUP) notification, which reached more residents.

Planning Manager Bob Webb said State law required a public hearing, but normally a public hearing only required a notice of the meeting to be placed in a newspaper and posted in three locations. He said staff had gone above and beyond the minimum notification requirements by including notification to residents within 750 feet of the location, including anyone who attended or signed up at any of the public meetings. He thought notifying as many people as possible was more important than setbacks.

Mr. Lipparelli explained the zoning maps for the County were updated to include MMEs in 2013 when they were passed into law. The County did not go back in to all of the Master Plans to edit the table of uses or the language of the sub-plans for anything having to do with medical marijuana. He said the issue of the tables being incorrect existed because the effort was not made to go back into each plan and decide how marijuana would be treated. He stated marijuana was treated like a business following the Legislature's concept that they were like pharmacies and they were licensed accordingly.

On the call for public comment, Jay Collins stated he was against the proposed move of the medical marijuana dispensary in Washoe Valley. He thought the dispensary should not be in that community because it was mostly a residential area. He was concerned about MMEs being grandfathered in for recreational marijuana and he was concerned about security.

Maurine O. Collins spoke regarding her concern regarding the lack of notification about the proposed move of a medical marijuana dispensary. She stated the commercial industry had left the area and the dispensary should not be allowed to exist in a mostly residential area. She stated she was against the proposed move.

Thomas Tizzano was opposed to the relocation of the medical marijuana dispensary. He stated Washoe Valley was a rural community and was all residential. He thought Washoe Valley was being targeted for many medical marijuana facilities.

Elise Weatherly said she had empathy for what was going on in Washoe Valley. She thought the problem had to do with a lack of communication. She said the medical marijuana facilities needed to be considered on an individual basis.

Sala Sherwood said she was surprised to hear there were going to be five medical marijuana facilities in Washoe Valley. She stated she was against moving the dispensary across the street. She said she would prefer the dispensary to be a standalone facility if there had to be one at all.

Marijke Bekken thought 750 feet notice to residents was inadequate because all the Washoe Valley residents used the highway where the dispensary was located and it would affect everyone in the Valley. She thought the potential for neighboring businesses such as paycheck cashing businesses, title loan businesses and porn shops would be undesirable to residents. She stated she owned commercial property on the local highway and it was not far from the proposed location. Since the information about the marijuana dispensary became publicly known, many proposed tenants backed out because of the dispensary. She noted the dispensary was affecting her business, even though she did not live within 750 feet of the proposed location.

Douglas R. Studwell Jr. said many of the homes in Washoe Valley were very expensive. He said he just rebuilt his home after a devastating fire in 2012, but had he known this was going to happen, he probably would not have rebuilt in Washoe Valley. He mentioned the table of uses did allow medical marijuana dispensaries in a neighborhood commercial area, but it did not allow for a cultivation, edible marijuana or testing facility. He thought the proposed move across the street would allow the business to develop a growing, manufacturing and dispensary facility under one roof. He said there needed to be significant law enforcement presence in the area.

William Naylor stated he was against the move of a medical marijuana dispensary in Old Washoe City. He thought the State law stated MMEs were not allowed in Washoe City. He stated he submitted some information to Commissioner Lucey in an effort to resolve the issue and he received a response from the Assistant County Manager stating the State law changed in 2013 to enable MMEs in Washoe City, which led to Development Code changes in 2014. He thought the County made a terrible mistake allowing MMEs in the Old Washoe City area and said they should take strong action to correct the error.

Jon Lutz said he appreciated that staff considered the residents in Washoe Valley when they extended the notification of the proposed move of the MME. He thought the rules should be changed to encompass a larger notification area to increase communication with the residents. He stated there was only one way in and one way out of the Valley so that meant all the residents would have to pass within 750 feet of the MME. He said the community cared about the area and he thought there was going to be a lot of action and resentment towards the Board by people who thought they were not notified.

Garth Elliott stated that in his community of Sun Valley, two dispensaries were allowed to relocate there from other areas. He said the concerns that residents had about the security, traffic and other issues near the dispensaries had not materialized. He said there had not been a steep decline in business, there were not people lying in the streets on drugs, animals had not been affected, and the area had not burned down. He said there had not been any negative effects to the area. He stated the community benefited from what the MMEs brought to the community. He said he did not foresee there being any ill effects in Washoe Valley.

Donald Baker stated he was a medical marijuana patient and was against the medical marijuana dispensary being in Washoe Valley. He said the laws were making it extremely difficult and expensive for patients to obtain medical marijuana. He indicated there were several growers in Washoe Valley that fulfilled the needs of a multitude of patients but once the dispensary opened, the growers could not grow within a 25-mile radius of a dispensary. He wondered where the patients were going to get their marijuana at a price they could afford.

Gerard H. Mager stated there were some very serious legal issues regarding the implementation of every medical marijuana dispensary in the County. He wanted the Board to correct the mistake prior to making any further decisions regarding medical marijuana. He thought the Board was in a position to fix the problem permanently by opting out of medical marijuana. He challenged the Board to opt out to protect the residents of the County.

Sondra Baker stated the 750-foot notification requirement was inadequate for Washoe Valley considering the size of the parcels the residents lived on. She thought that distance could work in a city such as Reno where parcels were smaller. She stated she was in favor of medical marijuana and knew many people who benefited by it, but she was against having a medical marijuana dispensary in the small community of Washoe Valley. She was concerned about crime, the danger the dispensary would put the residents in, and she thought the dispensary would bring nothing but problems to the community.

Linda Harrison asked the Board to vote on this issue and not to postpone it again. She stated the parcel the dispensary was currently on was very small and the proposed parcel was very large. She was concerned about the other types of businesses that could be put in next to the proposed dispensary location.

Chair Jung closed public comment.

Neil Duxbury from Washoe Dispensary, LLC, stated they were requesting to move across the street to another parcel. He said the parcel in total was approximately 3.5 acres and it was further away from the neighborhood. He noted Lieutenant Spratley stated multiple times that the Sheriff's Office would rather have the businesses under one roof for security reasons.

Commissioner Lucey asked Mr. Duxbury besides moving to a larger facility, why they wanted to relocate.

Mr. Duxbury replied they were building a new cultivation facility and it made sense to attach the dispensary to the facility. He said the dispensary design would be between 1,500 and 1,700 square feet and economically it would be better to have it all under one roof. He stated there would be state of the art security throughout the facility.

Commissioner Lucey was concerned about water and water usage. He wondered how they would address the use of water and the disposal of any water that might come into contact with marijuana products.

Mr. Duxbury replied they would be in full compliance. He said the irrigation would be in the form of a drip system, so water usage would be at a minimum and residual water would be recaptured.

Commissioner Hartung asked if they had options on other parcels.

Mr. Duxbury stated they had spoken about possible options but they were not purchasing at this time. He said they were not planning to develop a big pot mall, nor would there be pawn shops, payday or cash loan stores.

Mr. Lipparelli restated the question before the Board. He stated when the MME law was originally enacted it did not contemplate the ability to move a location from the one that was initially provisionally licensed by the State based on local zoning. He said the need was identified to be able to move the locations under certain conditions, so the Legislature passed a new law stating a requested move of an MME would require a public hearing. He indicated the Legislature did not describe the decision criteria, it only stated a public hearing was required. He thought the same criteria as that which was considered for the original location should apply to determine if a new location was suitable. He stated the Board's decision was whether to approve the application of the business owner for the right to have a business license in the new location. He said in regards to the question about the master plan, the opponents believed the master plan tables of uses and other provisions did not allow for medical marijuana in the South Valleys Area Plan, and that was established as part of the record. If the Board approved this change and they felt it was an unlawful decision, they would decide what to do about it. He noted the staff report described what the circumstances were and the Board now had a chance to hear testimony and ask questions. He suggested it was time to make a decision.

Commissioner Hartung asked Director of Planning and Development Bill Whitney about commercial properties on septic systems.

Mr. Bill Whitney replied there was not a community sewer system in this area and each individual case would have to be inspected by engineers and the Health Department to determine whether a septic system could be utilized. He indicated Washoe Valley did not have community water or sewer systems and the residents wanted it to stay that way.

On motion by Commissioner Berkbigler, seconded by Chair Jung, which motion duly carried with a vote of 3 to 2, it was ordered that Agenda Item 19 be approved and directed.

16-0680 **AGENDA ITEM 22** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District per NRS 288.220.

12:07 p.m. On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

1:30 p.m. The Board reconvened with all members present.

CONSENT ITEMS 5A through 5I5

County Manager John Slaughter stated he was asked to clarify Agenda Item 5E which involved the Incline Community Hospital Foundation. He stated the funds would go towards indigent services in the Incline Village area. He mentioned Agenda Item 5I4 was for the ratification of a possible acceptance of a State of Emergency request that was made recently. The request was for the Board to ratify the declaration, which was intended to stay in place due to the high temperatures and possible red flag warnings. He said this would allow the County to react faster to urgent situations dealing with fires. He indicated Agenda Item 5I5 was an agreement with the University of Nevada Reno (UNR) for the sheltering of livestock during emergency events.

16-0681 **5A** Approval of minutes for the Board of County Commissioner's regular meeting of June 28, 2016.

16-0682 **5B** Approve the settlement of the claim Marvis Walton against Washoe County et al, for a total sum of \$140,000 for all claims against all defendants. Comptroller. (All Commission Districts.)

16-0683 **5C** Approve additional pays for non-represented confidential employees in the classification of Assistant Alternative Sentencing Officer (class code 15926) and Assistant Alternative Sentencing Officer Supervisor (class code 17550) at the Alternative Sentencing Department to include standby pay and callback pay and to allow for the Chief Alternative Sentencing Officer or designee to schedule and assign said additional pays to the full-time staff in this classification, as needed. FY 16/17 fiscal impact is estimated at \$24,000. Alternative Sentencing. (All Commission Districts.)

16-0684 **5D** Approve the Forensic Support Services Agreement between Washoe County on behalf of Washoe County Sheriff's Office and Washoe Tribe Police Department for the retroactive term of July 1, 2016 to June 30, 2017 with a total income of [\$3,000.00]. Sheriff. (All Commission Districts.)

- 16-0685** **5E** Recommendation to approve (retroactive to July 1, 2016) Grant Program Contracts FY 2016-2017 for grants in the following amounts: Access to Healthcare Network [\$31,500]; Incline Village Community Hospital Foundation [\$27,000], authorize the County Manager or his designee to sign the contracts, and approve Resolutions necessary for same. Social Services. (All Commission Districts.)
- 16-0686** **5F** Approve the Receipt of the Report of Sale- July 14, 2016 Delinquent Special Assessment Sale [Sale Proceeds \$0.00]. Treasurer. (Commission Districts 2 and 5.)
- 16-0687** **5G1** Approve a grant award to support the Domestic Violence Compliance Court program, from the Nevada Office of the Attorney General to the Reno Justice Court [\$35,000.00/25% in-kind match required], retroactive from July 1, 2016 to June, 30 2017; and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0688** **5G2** Approve joinder on the Clark County, Nevada contract with Valley Collection Service, LLC to provide third party collection services to all Washoe County Justice Courts and, if approved, authorize County Purchasing to execute Agreement for the same. (All Commission Districts.)
- 16-0689** **5H1** Approve, retroactively, Amendment #1 to the one-year support grant agreement in the amount of [\$84,725] with the nonprofit, Nevada Legal Services, retroactive from July 1, 2016 to June 30, 2017 in support of pro-bono and low-cost consumer related legal services for the elderly and approve necessary resolution for same. (All Commission Districts.)
- 16-0690** **5H2** Approve the transfer of the food service body [valued at \$23,170] for the nutrition delivery vehicle purchased under the Community Development Block Grant from the Nevada Governor's Office of Economic Development for Rural Senior Ambassador Program to the Equipment Services Division. (All Commission Districts.)
- 16-0691** **5I1** Approve and adopt resolutions dissolving the West Truckee Meadows and the Verdi Township Citizen Advisory Boards, and a Resolution creating the West Truckee Meadows/Verdi Township Citizen Advisory Board that will provide feedback to the Washoe County Board of Commissioners on planning, public safety and community issues and through attrition consist of 5 At-Large Members, and 2 At-Large Alternates positions, appointed by the County Commissioner for District 1 and District 5 that together represent a broad area within the district; approve Resolutions necessary for same. (Commission Districts 1 and 5.)

- 16-0692** **5I2** Approve and accept a 2017 Nevada State Emergency Response Commission [grant for \$28,961.00], no County match required, including \$4,000.00 to Washoe County Emergency Management, and if accepted, authorize Chairman to execute a Resolution to subgrant funds to other governments which make up the Local Emergency Planning Committee as follows: \$19,900.00 to the Reno Fire Department and \$5,061.00 to the Reno Police Department, and authorize the County Manager, or his designee, to sign subgrant contracts with the Local Emergency Planning Committee members; and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)
- 16-0693** **5I3** Recommendation to accept a 2017 Nevada State Emergency Response Commission, United We Stand (UWS)[grant for \$24,887.00], no County match required, and if accepted, authorize Chairman to execute a Resolution to subgrant funds to other governments which make up the Local Emergency Planning Committee as follows: \$13,057.00 to the Reno Police Department; [\$7,885.00] to REMSA; and [\$3,945.00] to the Reno-Tahoe Airport Authority, and authorize the County Manager, or his designee, to sign subgrant contracts with the Local Emergency Planning Committee members; and direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)
- 16-0694** **5I4** Recommendation to receive and accept the Declaration of a State of Emergency by the Washoe County Manager, ratify the Declaration, and direct staff to publicize the Declaration as required by WCC 65.320. (All Commission Districts.)
- 16-0695** **5I5** Ratification of a license agreement with UNR for Livestock Sheltering entered into on July 30, 2016 by the Washoe County Emergency Manager. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke regarding Agenda Item 5B and matters of concern to herself.

Elise Weatherly spoke regarding Agenda Item 5C. She talked about integrity in the workplace, government employees and treating people with respect.

On motion by Commissioner Lucey seconded by Commissioner Hartung, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5I5 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5I5 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE (7, 8, 9, 10, 11, 12, 13 and 14)

16-0696 **AGENDA ITEM 7** Recommendation for discussion and possible action to retitle the “Washoe County Fire Hazard Risk Map” to “Washoe County Fire Hazard Map for New Construction” and to amend the fire hazard rating for the Estates at Mount Rose from high to moderate. Truckee Meadows Fire District. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about Agenda Items 7, 8, 10, 12, 14 and matters of concern to herself.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 7 be approved.

16-0697 **AGENDA ITEM 8** Recommendation to acknowledge and approve a retroactive sole source purchase of public safety radios offered by Harris Public Safety Professional Communications through their distributor, Dailey and Wells, in joinder with the National Association of State Purchasing Officers (NASPO) Master Price Agreements for State of Nevada that exceeds [\$100,000] but remains within available adopted FY15/16 Budget Authority in the amount of [\$340,000]. Sheriff. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 8 be acknowledged and approved.

16-0698 **AGENDA ITEM 9** Recommendation and possible removal of Victoria Edmondson [District 5] from the Washoe County Senior Services Advisory Board; and the recommendation and appointment of Marsy Kupfersmith [District 2] for the remainder of the term ending September 30, 2017; Sandra Dexter and Barbara Karosa [District 3], Garth Elliott and Ken Romeo [District 5] and Stan Dowdy [At-Large Alternate] to the Washoe County Senior Services Advisory Board for the term July 1, 2013 ending September 30, 2017. Senior Services. (All Commission Districts.)

On the call for public comment, Garth Elliott thanked the Board for appointing him to the Washoe County Senior Services Advisory Board.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 9 be approved.

16-0699 **AGENDA ITEM 10** Recommendation to approve an amendment to a one-year support grant agreement in the amount of [\$488,328] for a total

amount of [\$1,124,71] with the nonprofit, Catholic Charities of Northern Nevada, retroactive from July 1, 2015 to June 30, 2016 in support of the senior nutrition program, including congregate and Meals on Wheels services, in order to implement national best practices and leverage the capacity of a non-profit nutrition services agency and approve necessary resolution for same. Senior Services. (All Commission Districts.)

On the call for public comment, Elise Weatherly spoke regarding Agenda Items 10 and 11. She thought there needed to be more funding for senior services and for retirement preparation.

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

16-0700 **AGENDA ITEM 11** Recommendation to approve an a one-year support grant agreement in the amount of [\$1,438,533] with the nonprofit, Catholic Charities of Northern Nevada, retroactive from July 1, 2016 to June 30, 2017 in support of the senior nutrition program, including congregate and Meals on Wheels services, in order to implement national best practices and leverage the capacity of a non-profit nutrition services agency and approve necessary resolution for same. Senior Services. (All Commission Districts.)

There was no public comment on this item.

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

16-0701 **AGENDA ITEM 12** Discussion and possible approval of Addendum to Inter-local Agreement for Administrative & Technical Services between Washoe County and Truckee Meadows Fire Protection District. Manager. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 12 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

16-0702 **AGENDA ITEM 13** Recommendation to approve a Lease Agreement between Song Properties, LLC., and Washoe County for a 35 month term, August 9, 2016 through June 30, 2019 FY 2016/17 - \$71,500, FY 2017/18 – [\$107,604] and FY 2018/19- [\$111,908.16] for the occupancy of Sober

24 and other Social Service Programs located at 1530 East 6th Street, Reno, Nevada. Social Services. (All Commission Districts.)

There was no public comment on this item.

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

16-0703 **AGENDA ITEM 14** Recommendation to approve the FY 16/17 Health Benefits Program and CY 2017 Health Plans for employees, dependents and retirees at an approximate annual cost of \$56.9 million, and authorize the Director of Human Resources/Labor Relations to execute all insurance contracts and service agreements pertinent to the Health Benefits Program. Human Resources. (All Commission Districts.)

There was no public comment on this item.

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

16-0704 **AGENDA ITEM 6** Presentation, update and possible direction to staff on the Washoe County Economic Development and Conservation Act. (Washoe County Federal Lands Bill). Manager. (All Commission Districts.)

County Manager John Slaughter stated the Board of County Commissioners, the City of Sparks, the City of Reno and the Washoe County School District all approved resolutions of support for the Washoe County Federal Lands Bill. He indicated that seven Counties in Nevada had previously gone through the process to be approved by Congress including the Counties of Clark, White Pine, Lincoln, Humboldt, and Lyon. He said Douglas and Pershing Counties were in the process and nearing completion towards Federal Congressional approval of the Federal Lands Bills. He indicated the Lands Bill was following a model that other Counties used which began with the Southern Nevada Lands Management Act. He stated the focus of this Agenda Item was the map of proposed areas. Planning and Development Director Bill Whitney had been working with various stakeholders in the region including Washoe County, the Cities of Reno and Sparks, the Washoe County School District, the improvement districts, and other stakeholders to identify the areas that would be proposed to the Federal delegation. He said the County had been working very closely with Senator Reid's Office, Senator Heller's Office and Congressman Amodei's Office and they were ready to show the map that staff prepared. He stated staff was seeking direction from the Board.

Mr. Whitney depicted two maps and he explained and reviewed the boundary lines thoroughly. He stated the land within the boundary lines on the first map

was Federal land that could potentially be exchanged or disposed of for economic development or public purposes. He noted the available land would mostly come from US Forest Service Managed Land and the Bureau of Land Management (BLM). He stated the second map was the "Ask" map, which were the parcels that had been asked for by the Truckee Meadows Water Authority (TMWA), the Washoe County School District (WCSD), Washoe County, the Flood Program, the University of Nevada Reno (UNR), the Desert Research Institute (DRI), the Incline Village General Improvement District (IVGID), the Regional Transportation Commission (RTC), and the City of Sparks. He said TMWA was interested in a parcel larger than 6,000 acres for infiltration basins and watershed preservation. He stated that in Incline Village there was land around Diamond Peak and in Incline Village Proper that IVGID was interested in. He noted the City of Sparks was interested in the Golden Eagle Park and a parcel in Wedekind Hills. He indicated the request list was long and local entities should not wait to get on the "Ask" map. He stated the two maps that were shown would accompany written information that would be submitted to the Legislature.

Mr. Slaughter asked for clarification regarding the second map and whether the requests from public agencies were for public use.

Mr. Whitney replied yes they were for public use although TMWA was not going to want the public hiking through their infiltration ponds.

Mr. Slaughter asked whether these specific parcels were available for private purchase.

Mr. Whitney referred to the first map and drew attention to the boundary around the BLM managed land. He stated any property that was not designated with a request by a public entity was potentially an area that could be sold by the Federal Government for economic development purposes.

Commissioner Lucey stated this had been a labor of time and love for the past 6 months if not longer. He said they had been working with the Federal delegation, who had been very receptive. He indicated not all of the parcels outlined were going to be available for disposal at the County's request. He noted there were a number of parcels that were going to be set aside for individual entities and working groups. He said Senator Reid's Office had brought this forth to secure some Forest Service and public lands for open space. He stated the County deemed it necessary to have a say in what the future would bring for the parcels, not only for growth, but also for stable planning for future economic development and security. He said he was happy with the boundary lines proposed for disposal. He commented it was very difficult to figure out a timeline in which the parcels could be identified for disposal because the process could be different for each parcel. He thanked Mr. Whitney and the entire delegation for their hard work throughout the process.

Commissioner Hartung was concerned about the amount of time it could take to transfer a parcel. He hoped the process would be expedited.

Mr. Whitney explained the land within the boundary lines would become part of the Federal Legislation to direct the BLM, Forest Service and the Bureau of Reclamation regarding the disposal of properties that local jurisdictions requested. He stated the process would not happen all at once. He used the BLM as an example and stated there was a process they had to go through to dispose of any lands that would leave Federal ownership. He stated if the Federal Legislation passed, the County would have the map which designated the areas for disposal, but the BLM was not required to amend their plan. He said that was the step that took the longest.

Commissioner Hartung wondered how long the process would take if the property was in Southern Nevada and they utilized the Southern Nevada Public Land Management Act (SNPLMA). He thought if the County had the same process in place as Southern Nevada did, it could take less time to implement and transfer a change of ownership.

Mr. Whitney stated he did not know how long their process took and he would have to wait until the legislation passed to sit down with the BLM to discuss the processes and timelines.

Commissioner Hartung was concerned if it took five years to transfer a parcel, the window of opportunity to develop for economic purposes could be missed.

Mr. Whitney agreed but stated Clark County and Southern Nevada had been transferring parcels for 15 years. He indicated Carson City had quite a bit of BLM land released within their city boundary and it took time for them to process the real estate and environmental releases to ensure the transfer was legal and clean. He stated there were requirements and he would work to get a rough timeline.

Chair Jung asked what the exact protocol would be to ensure fairness in terms of economic development. She noted the WCSD put in a request for land in the North Valley for an additional school. She said this was Senator Reid's legacy project before he retired in January of 2017. She thanked Senator Reid for his attention to Northern Nevada.

Commissioner Lucey stated the delegation assured the Board they were going to fast track this process. He stated the delegation was very receptive and functional. He said everything would be contingent upon the outcome of the November election but he did not foresee any issues.

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 6 be acknowledged.

PUBLIC HEARING

16-0705 **AGENDA ITEM 15** Introduction and first reading of an ordinance amending Washoe County Code Chapter 55 by adding provisions creating the Animal Services Advisory Board; specifying the board's purpose and duties; and specifying the composition of the board, appointment of members, terms of service, officers, meetings, compensation and removal, and other matters properly relating thereto; and, if supported, set a public hearing for the second reading and possible adoption of the ordinance on August 23, 2016. Regional Animal Services. (All Commission Districts.)

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

Nancy Parent, County Clerk, read the title for Bill No. 1769.

Commissioner Herman was concerned that the existing Animal Services Permit Board would be dissolved with the creation of the Animal Services Advisory Board.

Director of Regional Animal Services Shyanne Schull stated the Animal Services Advisory Board was completely separate from the Animal Services Permit Board, which was tied to Regional Animal Services and reviewed exotic animal permits and over-the-limit dog and cat permits. She noted the Advisory Board was designed to provide experience relevant to the Animal Services Department and to represent the stakeholders.

Chair Jung stated she had asked for the creation of an Advisory Board for nine years. She noted the Advisory Board would have the fiduciary responsibility to oversee the Animal Services budget and how it was allocated.

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

Bill No. 1769 was introduced by Commissioner Berkbigler, and legal notice for final action of adoption was directed.

16-0706 **AGENDA ITEM 17** Regulatory Zone Amendment Case Number RZA16-001 --- Public Hearing and possible action: (1) To adopt, adopt with modifications, or deny an amendment to the Spanish Springs Regulatory Zone Map, changing the regulatory zone of a ±15.5-acre portion of a ±20.5-acre property from Parks and Recreation (no dwelling units allowed) to Medium Density Suburban (up to three units per acre); (2) To affirm, modify, or reject the findings of fact of the Washoe County Planning Commission recommending approval of the requested zoning change; (3) If adopted, to direct the Director of the Planning and

Development Division to sign and certify the amended Spanish Springs Regulatory Zone Map; and (4) If adopted, to authorize the Chair to sign a Resolution adopting the amendment to the Spanish Springs Regulatory Zone Map. Applicant: Spanish Springs Associates LP. Property Owner: Spanish Springs Associates LP. Location: West of Sand Dune Drive, Dromedary Road, and Gator Swamp Park in Spanish Springs (Pyramid Ranch Estates subdivision). Assessor's Parcel No: 532-091-09. Parcel Size: ±20.5 acres. Current Regulatory Zone: Parks and Recreation (PR). Proposed Regulatory Zones: Medium Density Suburban (MDS) and Parks and Recreation (PR). Area Plan: Spanish Springs. Citizen Advisory Board: Spanish Springs. Development Code: Article 821, Amendment of Regulatory Zone. Section/Township/Range: Sec 26, T21N, R20E, MDM. (Commission District 4.)

Commissioner Hartung thought this was a great move. He stated he constantly received complaints about the property in regards to dust, kids utilizing it and the property not being maintained. He was pleased it was going back to the original donors.

There was no public comment on this item.

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

16-0707 **AGENDA ITEM 16** Hearing and possible action to conduct a second reading and adopt an ordinance amending Washoe County Code Chapter 110 (Development Code) to clarify when an accessory structure or use may be constructed on a parcel without an existing main structure or an existing principal use. The amendment focuses on circumstances where the subject parcel is adjacent to a parcel with an existing main structure or principal use and when both parcels are under the same ownership. The amendment includes updates to the following sections of the Development Code: Article 306, Accessory Uses and Structures, Section 110.306.15, Main Structures Required – to identify the circumstances under which an accessory structure or use may be established on a parcel without an existing main structure or an existing principal use; Article 410, Parking and Loading, Section 110.410.20, Location of Required Parking Spaces – to clarify that a dwelling's required garage may only be located on an adjoining lot if it also meets the requirements of Section 110.306.15; and Article 902, Definitions, Section 110.902.15, General Definitions – to update definitions for “Detached accessory structure,” “Lot” and “Parcel of land” to better reflect the proposed code amendments identified above. (Bill No. 1768). Community Services. (All Commission Districts.)

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1582, Bill No. 1768.

There was no public comment on this item.

On motion by Chair Jung, seconded by Commissioner Berkbigler, which motion duly carried, Chair Jung ordered that Ordinance No.1582, Bill No. 1768, be adopted, approved and published in accordance with NRS 244.100.

16-0708 **AGENDA ITEM 20** Update, discussion and possible direction to staff regarding 2016 Nevada Legislative Interim Committees and Studies, legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager. (All Commission Districts.)

Government Affairs Manager Liane Lee presented a PowerPoint presentation, which provided a Legislation update. She noted there were 181 days left until the next Legislative Session and only 23 days remaining to submit Bill Draft Requests (BDRs). She stated as of July 29th, 219 BDRs had been submitted to the Legislative Counsel Bureau. She reviewed the slides entitled 2015-2016 Interim Session and Bill Draft Requests. She discussed some of the new BDRs including a bill that would authorize the creation of Park, Trail and Open Space Districts; a bill that would prohibit all testing on animals; and a bill that would allow for provisions governing emergencies in public schools. She said as time moved forward, the list would continue to grow. She recapped the BDR issues, which included changes to the Nevada Revised Statute (NRS) for Animal Services, changes to legal notifications from the Comptroller, changes to the Regional Governing Board, and Annexation.

Commissioner Berkbigler was curious about the BDR for Animal Services. She noted the proposal would allow an Animal Control officer to remove a dead animal.

Animal Services Manager Bobby Smith stated currently Animal Services had the authority to remove an animal that was in violation of Code or any animal that was subject to torture or cruelty as defined in Code or State law. He said the BDR would allow the NRS and the Code to mirror each other. He stated one of the issues was there were no longer any Humane Officers throughout the State and across the Country. He said the change left the responsibility of enforcement on Animal Control, a local Police Department or on a local Sheriff.

Commissioner Berkbigler was concerned about the liability on the County if Animal Control Services staff members took it upon themselves to pick up an animal.

Mr. Smith stated things would not change. He explained to remove an animal from a property was not an easy task even if an animal was tangled or tethered. He said before an officer could respond to an animal incident, they were required to call and obtain authorization for entry to the property. He stated there were steps in place to ensure they were not violating any human rights and Animal Services was not breaking any laws.

Commissioner Berkbigler stated the Board received an article regarding an ongoing struggle between Clark County and Las Vegas and she wondered whether Ms. Lee had seen any potential legislation regarding the issue.

Ms. Lee stated she had not seen any specific legislation but she had heard there was a possibility of a bill being introduced to address the issue. She said she also heard there was an entity in Southern Nevada that could have asked a legislator to sponsor legislation for them. She stated she had not seen any specific language, but she heard it could be coming.

Commissioner Berkbigler wondered whether the issue would be discussed during the upcoming meeting with Clark County staff. She said there were a number of Animal Services bills that the County could possibly tie into rather than submitting an additional BDR. She thought there was a need to discuss whether they wanted to work on legislation for amendments to the Regional Governing Board (RGB).

Commissioner Lucey thought it was important to move forward and to utilize one of the BDRs to make the changes to the Regional Governing Board (RGB). He said there needed to be changes to the basic language to allow for more dynamic movement within the RGB. He indicated there was a need for clarity and an update, as some of the laws were written 30 or more years ago. He wanted to make that a priority. He said he agreed with Commissioner Hartung's suggestion to request an increased number of BDRs because of the size of the County, but after conversations with the legislators, he thought it could be futile to invest time into it. He said the annexation issue would involve discussions with the Clark County staff and some members who had been participating in the NACO conversations were willing to bring some of the issues forward in the next session.

Commissioner Hartung said if there were substantive changes to be made to the RGB, perhaps the boundaries could be changed to include Storey County since they were planning to build three hotels in the Tahoe-Reno Industrial Center (TRIC), which would affect Washoe County. He thought the RGB should have more regional oversight, making it a true regional board. He said it would seem to be a direction that the County would want to investigate at some point because it would directly affect the traffic and there were no regional road impact fees assessed to them. He thought there were more issues that boundary changes could resolve.

Commissioner Herman wanted to ensure there was good representation from the bigger districts on the RGB.

Commissioner Berkbigler was concerned if Storey County was added to the RGB they might attempt to impose competitive restrictions. She thought if the boundaries included other Counties the Board should be an advisory board to eliminate any possible conflicts. She noted the RGB would need to follow the Clark County model.

County Manager John Slaughter stated that in the past three legislative sessions the County did not use any BDRs. He said the strategy was if there was a statewide issue that crossed boundaries, then staff could approach the National Association of Counties (NACO) or legislators to carry the bill. He stated that local government often became a target when BDRs were presented. He said that was the strategy and it worked very well. He indicated prior to that time, the County was very successful with BDRs and was one of the few local governments who came out with a good record of accomplishment.

Chair Jung stated changing the publishing requirements had been a request for a very long time and she understood why the Comptroller wanted to change the process, but she thought the newspaper industry had too much influence for such a change to pass. She asked Ms. Lee to submit her recommendations to the Board for the BDRs. Regarding annexation, she thought there needed to be more conversations about it, but she said it was an issue worth using a BDR for. She thought there was a good solution that could eliminate the issue before it became more problematic.

Commissioner Lucey wondered what other entity would be willing to carry a tax abatement bill.

Ms. Lee stated she heard there was a legislator in the south that was looking to sponsor a bill to address tax abatement. She said it would state that local governments should have a seat at the table, so if there was a large project such as Tesla, it would be mandatory for local governments to provide fiscal information. She thought the new bill would make the language stronger and it would require the County to provide input before they made a decision. She stated there was a large discussion about tax abatements at the NACO and also among legislators. She would continue to work with that particular legislator and entities to see what the County could do to help assist and support the bill.

Commissioner Lucey wondered what the plan would be if no entity carried a bill regarding dedicated revenue for medical marijuana sales. He stated the topic had been discussed repeatedly but there was no resolution.

Ms. Lee stated they would continue working with local governments, Clark County and others about the impact since this was a State issue. She said she continued to monitor the BDR list but had not seen anything specific to medical

marijuana other than one BDR that had to do with recreational use and changing the Ordinance to allow its use at outdoor venues.

Commissioner Lucey stated this issue needed to be monitored so it would not slip through the cracks. He wanted to ensure that the Districts received the money for the establishments within their Districts.

Ms. Lee said the question that was being brought forward in November was language that stated if recreational marijuana passed, there would be a regulatory period of one year to figure out how to regulate it. She stated it was important to ensure the County was included in the regulatory process and in the clarification of the language.

Assistant County Manager Kevin Schiller stated the County was not involved when the medical marijuana process was being developed and he indicated it was imperative for the County to be involved for recreational marijuana. He stated the regulatory process could include vendors, the State and the local entities.

Commissioner Lucey wanted a report regarding the County impacts that would be realized whether it passed or was denied. He stated the Board needed a clearer understanding so they could inform their constituents.

Commissioner Hartung wanted the County to review the depreciation on property tax when a property changed hands. He thought the property value should reset to the correct value once it changed hands instead of remaining at the depreciated value.

Chair Jung stated that amendment to property taxes had been attempted numerous times. She said residents had to be similarly situated and taxed, which meant if one resident had a home built in 1947 and a neighbor three houses down built a new home, it would be unfair to be taxed differently because they were similarly situated. She suggested that Ms. Lee research the views regarding a change and said it would require a constitutional change.

Commissioner Lucey stated he thought the best chance to make major changes was to address the property tax formula immediately. He said depreciation had not been taken off the table and they were focused on the most pressing issue, but everyone agreed the depreciation issue was monumental and needed to be addressed. He indicated there were some reservations that a significant “ask” from the legislature could result in a complete loss, so proceeding cautiously was advised.

Commissioner Berkbigler stated a powerful former State Legislator was now a Clark County Commissioner. She thought the perspective of the Clark County Commission was going to be more focused on what was good for local government. She indicated Nevada was the only State that continued to use the depreciated value for properties when a property changed ownership. She thought that would lend credibility to the argument.

There was no public comment or action on this item.

16-0709 **AGENDA ITEM 24** Announcements/Reports.

Chair Jung said she recently attended the Attorney General's Annual Human Trafficking Awareness fundraiser. She stated it was very well attended and a woman of considerable notoriety spoke about being trafficked for many years. She said she was invited to serve on the 21st Century Policing Committee. She indicated they had a proactive strategy and were building great relationships within the community to avoid tragic situations from happening. She attended the Nevada Women's Lobby Meeting and heard a great update on Question One, regarding a gun show loophole. She indicated her name was on the question and she gave \$1,000 in campaign funds to help the measure pass. She received an email from Tina Nappe who was concerned about the public lands discussion not being heard by the Neighborhood Advisory Boards, Community Advisory Boards, Nevada Department of Wildlife, State Parks, Washoe County Parks, Bureau of Land Management Advisory Board and the Tribes. She stated Ms. Nappe's concerns that the current County Commission meeting was internal and not properly noticed.

Chair Jung spoke regarding the agenda and how items were placed ahead of others to accommodate the citizens present for a certain item. She asked for the Board's feedback. She wanted an update regarding the reason for area plans and if it was needed to go back and correct them. She stated if any Commissioner held any special meetings it had to be approved by the Board because it would exceed the two-hour time limit. She noted the costs needed to be justified.

Commissioner Lucey stated he had the opportunity to attend the Tesla Gigafactory Grand Opening. He said there were a number of legislators there as well. He stated there were 1,500 people who drove Tesla vehicles from across the Country to attend the event. He thought the economic impact on the entire region would be continuous because of the draw to businesses such as Tesla. He stated he and staff had a productive meeting with Judge Sattler to discuss the Specialty Courts. He said they were looking into some potential options to help staff and once more information was available he wanted staff to bring it back to the Board for direction and possible approval. He stated there was a risk assessment evaluation and risk assessment tool that the County would be utilizing in the jail as of September 1st. He indicated Washoe County was one of the only Counties to be a test subject for this and it could be very beneficial and helpful to the jail system. He wanted to help find funds or potential help for the project.

Commissioner Herman stated the Paiute Tribe elders were appreciative for the help with a recent fire.

Commissioner Hartung stated that he and Assistant County Manager Kevin Schiller spoke previously about the potential to get dental chairs installed at Renown and Saint Mary's. He thought TMCC's Dental Program could assist in providing

the opportunity for students to work in a different environment. He asked for more than two-hours of staff time for Mr. Schiller to put a meeting together.

Commissioner Berkbigler wanted staff to initiate a meeting with the County Managers from the surrounding Counties to discuss whether they were interested in restructuring the RGB into a true Regional Governing Board.

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

3:14 p.m. The Board recessed.

4:00 p.m. The Board reconvened with all members present.

PUBLIC HEARING

16-0710 **AGENDA ITEM 21** Hearing, discussion, and possible action to determine whether there is just cause to remove Thomas G. Daly from the Washoe County Planning Commission pursuant to NRS 278.040 and Washoe County Development Code section 110.912.05(f) for Mr. Daly's actions involving Colina Rosa subdivision in April and May of 2016.

The Chair opened the public hearing by calling on anyone wishing to speak on this item.

Legal Counsel Paul Lipparelli stated representatives for Thomas G. Daly contacted him to request the hearing for this item be postponed.

Courtney Forster, Legal Counsel for Thomas G. Daly, stated she needed time to get up to speed for Mr. Daly's defense. She requested the item to be postponed for an additional 60 days.

Mr. Lipparelli stated there were two statutes involved with this item. He said one of the statutes was in the planning laws and it stated there was no specific timeframe for the removal of a Planning Commissioner from the Planning Commission. He stated the Open Meeting Law governed all public bodies and if administrative action was to be taken against a person, that person was entitled to five working days prior written notice if the notice was served in person. He indicated Mr. Daly was served in person on July 22, 2016. That provided Mr. Daly with double the amount of notice that the Open Meeting Law required. He stated legally the County was permitted to go forward with the hearing. He indicated that Mr. Daly's Counsel requested additional time to prepare for his defense. He stated the Board could either go forward with the hearing or consider the request to postpone. He suggested if the hearing was going to be rescheduled, that the Board request Mr. Daly's representative to waive the need to serve Mr. Daly again with notice of any future meeting to continue the item. He stated the decision was entirely up to the Board's discretion.

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

Chair Jung stated the first decision was to decide if the Board would approve a continuance of 60 days. She asked the Board about continuing until the August 23rd Board Meeting. She was informed that Mr. Daly would not be available for the August 23rd or September 13th meetings.

Commissioner Lucey stated his thought was Mr. Daly received ample time and he was in favor of moving forward with the hearing.

Ms. Forster stated there was a large amount of time between the date of the occurrence on May 3rd and the receipt of the letter because Mr. Daly did not receive the letter until July 22nd. She thought he had not received adequate notice. She noted that Mr. Daly was not available on August 23rd, but if the option was to deny him the due process rights by continuing with the hearing without his presence and with the full knowledge that his Counsel was not prepared, she strongly suggested the hearing be moved to August 23rd.

Mr. Lipparelli stated Mr. Daly had the right to have Counsel present to represent him and he had the right to appear in person. He indicated the request for records should be promptly supplied to Mr. Daly and his representatives. He noted that some of the records could be available online.

Chair Jung thought the item should be continued to August 23, 2016 at the latest.

Commissioner Lucey asked if there was another Planning Commission meeting scheduled to take place before August 23rd. He was informed there was not.

On motion by Chair Jung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 21 be continued until August 23, 2016.

16-0711 **AGENDA ITEM 18** Hearing, discussion, and possible action on Case No. AX16-002 (Rejection of Mil Drae Abandonment Application), an appeal of the Board of Adjustment's decision to deny the appeal of the Director of Planning and Development's decision to reject the abandonment application to abandon Mil Drae Lane for incompleteness. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial or reverse the Board of Adjustment's denial and allow the abandonment application to proceed to the Planning Commission. The appellants are Peter Ernaut, Ryan Dolan, James and Maureen Nunnally, Roland and Tina Scarselli, Lance Faulstich and Herbert and Susan Nichols. The subject property is Mil Drae Lane (APN: 040-581-20) and located within the Southwest Truckee Meadows Area

Plan and South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries, Section 1, Township 18N, Range 19E, MDM. The Development Code articles applicable to this amendment are Article 806, Vacations and Abandonments of Easements or Streets and Article 912, Establishment of Commissions, Boards and Hearing Examiners. Community Services. (Commission District 2.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against this item.

Commissioner Hartung stated he had dealt with numerous parcels over the years and typically, if a road was a related to certain parcels, the owners of the related parcels would participate in the upkeep and the general maintenance. He said the road might not require maintenance every year, but when it did the owners would share the cost. He stated he could not locate any information about payments being made to help maintain the road.

Legal Counsel Paul Lipparelli stated the issue was to accept or overturn the decision to deny the abandonment application. He said if the Board's decision was to overturn the decision, then findings would have to be made.

On the call for public comment, Wilma Bennett stated the road had not been maintained for more than 25 years. She said she had offered in 2013, 2014 and 2015 to contribute to the maintenance but she never received a response. She stated she lived on the corner of Del Monte Lane and Mil Drae Lane for 40 years. She indicated that a Washoe County Surveyor approved the boundary line adjustment with access to 420 Mil Drae Lane which was approved and signed off by the District Attorney in 2009. She said since that time they had been accessing their garage on the north side of Mil Drae Lane. She stated they owned 15 percent of Mil Drae Lane.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered to overturn the decision of the Board of Adjustment's denial of the application and approve the application based on the fact that the decision of the Director of Planning and Development was contrary to State Statute, and that only one signature from an abutting property owner was required for abandonment.

16-0712 **AGENDA ITEM 23** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

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4:29 p.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk