

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

TUESDAY

10:00 A.M.

JANUARY 26, 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:

**16-0078**      **AGENDA ITEM 3** Public Comment.

Ardena Perry expressed her concerns about County Code Chapter 55 Section 200 regarding the tethering of animals. She provided a brief history related to the Code. She indicated she did not believe tethering animals in front a business, regardless whether or not a person received the property owner's permission, was appropriate since it posed a danger to the animal and people passing by.

Tim Stoffel expressed his concerns about Agenda Items 13 and 15 associated with County Code Chapter 55. He questioned the vagueness of the definition of veterinary care and the commercial animal establishments permit language. He said there was a dark undertone to the regulations.

Bob Akerman came forward in memory of Michael Greene, former Sierra Fire Protection District Chief, who recently passed away. He spoke about Michael Greene's accomplishments. He recommended the Board recognize Chief Greene with a plaque at Fire Station 36.

Cathy Brandhorst spoke about matters of concern to herself.

Sam Dehne spoke about the negative effects that Storey County's inclusion into the Economic Development Authority of Western Nevada had on Washoe County.

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Garth Elliott talked about making the County a gentler place to live. He said the County should watch the kinds of laws it enacted.

**16-0079**      **AGENDA ITEM 4** Announcements/Reports.

John Slaughter, County Manager, recommended the removal of Agenda Item 5D, a sub-grant for emergency food assistance, and Agenda Item 15, the second reading of amendments to Chapter 55.

Commissioner Herman stated she received complaints from residents, in the rural areas of District 5, about their garbage not being picked up by Waste Management. Since residents were not receiving the service they were paying for, she thought residents should receive a refund or a credit with regards to their billing. She suggested there needed to be changes made to the way complaints were received. She felt complaints needed to be made in writing so there would be a record. She mentioned the Lemmon Valley Flood and asked staff to research obtaining a grant to improve the ditches. She also mentioned possibly using her discretionary funds to help the Citizen Advisory Boards move forward.

Commissioner Hartung said he received emails with respect to single-stream recycling and hoped the County would have single-stream recycling in the near future.

Commissioner Berkbiger mentioned the Board previously requested a formal resolution for Michael Greene, former Sierra Fire Protection District Chief, which would be coming before the Board.

Commissioner Lucey commended the staff and the Board for their involvement in the strategic planning session. He mentioned there were significant gains and accomplishments. He stated he wanted to mimic some of the announcements from the session regarding positively branding the County, making sure every County citizen was aware of what the County did for them on a daily basis, and the continuation of helping citizens move forward. He noted County citizens had many concerns and he asked them to be patient. The County was working through every situation as fast as it could to try to find a resolution for its citizens. He said he attended the Library Board of Trustees meeting and spoke with the new Library Director, Jeff Scott. He stated Mr. Scott was a phenomenal addition to the County's team. He indicated libraries were cultural and community centers that were sometimes overlooked. The relevance and importance of the County's libraries were so much more than just books and librarians. He mentioned the libraries were underfunded and hoped Mr. Scott's leadership would improve the situation.

Chair Jung stated she met with a group which Scott Pearson, Reno Justice Court Chief Judge, had assembled that established a specialty court to address human trafficking and the exploitation of humans. She noted the County had a formal agreement with Awaken, a non-profit organization which helped women and children break away

from the cycle of exploitation. She spoke about the shortage of doctors in the region and she suggested starting a dialog with Renown to discuss the issue. She mentioned she would be attending the Directions 2016 meeting at the Grand Sierra Resort to discuss economic development issues. She also mentioned there would be a District Board of Health meeting and a concurrent meeting with the City of Reno, the City of Sparks and the Washoe County School District. Lastly, she stated she would be sitting at the Reno is Artown table for the Go Red for Women luncheon, which was a fundraiser and an awareness event for women's heart health.

Commissioner Berkbigler said Go Red for Women was wonderful. She stated she was a member of the Go Red Team and she would also be at the event. She wished Chair Jung a happy birthday.

**CONSENT ITEMS 5A THROUGH 5F2**

- 16-0080** **5A** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2012/2013, 2013/2014, 2014/2015 and 2015/2016 secured and unsecured tax rolls and authorize Chairman to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease \$44,329.22]. Assessor. (Parcels are in various Commission Districts.)
- 16-0081** **5B** Acknowledge Receipt of the Interim Financial Report for Washoe County Governmental Funds for the six months Ended December 31, 2015 – Unaudited. Comptroller. (All Commission Districts.)
- 16-0082** **5C** Approve the updated Washoe County Grant Management Policy Manual 2016. Manager. (All Commission Districts.)
- 16-0083** **5E1** Approve an Easement Amendment (Truckee River Bicycle and Pedestrian Traffic Access Bridge) between Washoe County and the State of Nevada Division of State Lands, due to an increase in the annual fees associated with the Easement [\$275 annually]. (All Commission Districts.)
- 16-0084** **5E2** Approve a Sanitary Sewer Infrastructure Dedication Agreement between Washoe County, St. James's Village, Inc. and World Properties, Inc., for the development, construction and subsequent dedication of Sanitary Sewer Infrastructure for the St. James's Village and Sierra Reflections residential developments located in the South Truckee Meadows. (Commission District 2.)
- 16-0085** **5E3** Approve a Communications Use Lease for Fox Mountain (NVN-004731) between the United States of America, acting through the Bureau of Land Management, Department of the Interior and Washoe County to replace an existing Right of Way Grant. (Commission District 5.)

**16-0086** 5F1 Approve receipt of a direct grant award [\$127,470, no County match required] from the Bureau of Justice Assistance (BJA), State Criminal Alien Assistance Program (SCAAP), FY2015, Project number 2015-AP-BX-0775, to the Washoe County Sheriff's Office, Detention Bureau. Beginning date of the grant term is retroactive to October 1, 2015, with no end date. If approved, direct the Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)

**16-0087** 5F2 Approve the direct grant award from the U.S. Department of Justice, Bureau of Justice Assistance FFY 2015/2016, Project No. 2015-SJ-BX-0002 for [\$113,472, 25% cash match required from County] to support the Anti-Wandering Initiative project for the retroactive grant period of 10/1/15 through 9/30/17 and award contract to Catholic Charities of Northern Nevada based on response to RFP #2958/16 and if approved, direct Comptroller's Office to make necessary budget amendments. (All Commission Districts.)

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

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5F2 be approved with the exception of Agenda Item 5D which was pulled. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5F2 with the exception of Agenda Item 5D are attached hereto and made a part of the minutes thereof.

**BLOCK VOTE – AGENDA ITEMS 8, 9, 10, 11 AND 12**

**16-0088** AGENDA ITEM 8 Recommendation to acknowledge a grant award and a FY16 General Fund allocation of [\$314,136], awarded to the Second Judicial District Court, to help support and increase the number of participants served through the expansion of the existing Mental Health Court, titled the Northern Nevada Regional Mental Health Court, creation of a new Medication Assisted Treatment Court, and expansion of the existing Adult Drug Court, effective November 1, 2015 – June 30, 2016, and direct the Comptroller's Office to make the necessary budget adjustments. District Court. (All Commission Districts.)

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

**16-0089** AGENDA ITEM 9 Recommendation to approve a Grant Agreement between William N. Pennington Foundation and Washoe County for

Bower's Mansion Pool construction and equipment improvements [\$400,000 - no match required]; authorize the Community Services Department Director to sign the grant agreement, reports, and any subsequent documents related to the grant on behalf of the County; and direct the Comptroller's Office to make the appropriate budget adjustments. Community Services. (Commission District 2.)

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

**16-0090**      **AGENDA ITEM 10** Recommendation to approve the sole source purchase of absentee ballot central scanning hardware and software for the Registrar of Voters Office from Dominion Voting Systems; authorize the Purchasing and Contracts Manager to execute an agreement in the amount of [\$224,523], which includes first year maintenance as well as extensive training; approve the inter-fund contingency transfer of [\$224,523] from the general fund contingency account 189000-820000 to project (number to be determined) Voter's Absentee Ballot project in the Capital Improvement Fund; and direct the Comptroller's Office to make the appropriate adjustments. The total project implementation cost, year one of maintenance and necessary training is requested for the project and years two through four maintenance costs are to be included in the base budget of the Registrar of Voter's Office beginning fiscal year 2016/2017 and is approximately [\$39,000] annually. Voters. (All Commission Districts.)

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

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

**16-0091**      **AGENDA ITEM 11** Recommendation to approve the settlement of the claims by John Kesner and Corrine Kesner against Washoe County et al, for a total sum of [\$200,000] for all claims against all defendants, with funding from the Risk Management Fund. Comptroller. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 11 be approved.

**16-0092**      **AGENDA ITEM 12** Recommendation to award Washoe County Bid No. 2943-16 for Ortho-Photography and 2-foot Contour Products on behalf of Washoe County and the Jointer Agencies (the Cities of Sparks and Reno,

and Nevada Power Company) to the Geophex, Ltd., 605 Mercury St., Raleigh, NC 27603 in the amount of [\$196,844.56.] Authorize the Purchasing and Contracts Administrator to purchase additional mapping products from the same vendor through December 31, 2016 provided there is no increase in the pricing structure. Technology Services. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 12 be awarded and authorized.

**16-0093**      **AGENDA ITEM 6** Department Presentation – Community Services Department, highlighting services and operations.

Dave Solaro, Community Services Department (CSD) Director, conducted a PowerPoint presentation. He stated the general public knew the CSD by various other department names; such as, parks, roads, engineering, public works, building and safety, sewer, utilities, and planning and development. Internal staff knew the CSD as facilities, equipment services, and capital projects. He said the CSD was a group of multiple disciplines put together for the benefit of the tax payer, the rate payer, and the permit holders. He noted a total of 437,000 residents utilized the regional services the CSD supported, which included the jail, Animal Services, the Courts, dispatch, the senior centers and the libraries. The mission the CSD worked towards was to provide and sustain a safe, secure and healthy community. A video was played which captured the impacts of CSD's services throughout the County, including roads, parks and facilities. He reviewed a slide providing CSD facts which highlighted the number of employees, miles of roads, square feet of buildings, acreage of parks, number of permits, number of building inspections, and the general fund budget amount. He spoke about the CSD's staff and their experiences. He noted his staff was educated, knowledgeable and dedicated. He said the CSD did not always meet the expectations of all the residents, but it met the expectations of most of them. He noted with proper planning and budgeting, the CSD would meet the needs of the County citizens well into the future. Meeting the needs of the community would require investing in equipment, technology and staff. He said the CSD planned to meet the challenge. He thanked the employees of the CSD, the Manager's office and the Board. He noted the last slide of the presentation provided the CSD's contact information.

Commissioner Hartung said the County was more user friendly than it had ever been. He thought one of the best moves the Board made was to combine the various departments under the CSD. He stated the CSD was really proactive and the staff was amazing.

Commissioner Berkbigler thanked Mr. Solaro for all of the help he had been to her. She noted the CSD was doing a great job.

Commissioner Lucey stated he could not thank Mr. Solaro enough. He noted the presentation Mr. Solaro gave at the District 2 Forum and to the Board showed how much Mr. Solaro oversaw. He commended Mr. Solaro and the CSD staff.

Chair Jung echoed the statements of the other Commissioners. She believed Mr. Solaro's background was impressive and she asked him to elaborate on his education and licensure.

Mr. Solaro stated he was a believer of bettering yourself through education. He remarked he was a licensed architect and registered engineer. He obtained his architecture degree from the University of Idaho and his engineering degree from the University of Nevada, Reno.

Chair Jung noted the video was great and she thanked Mr. Solaro.

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

**16-0094** **AGENDA ITEM 7** Recommendation to acknowledge staff update regarding dispatch consolidation conversations with the City of Reno and provide further direction to staff regarding option to pursue consolidation study. Manager. (All Commission Districts.)

Joey Orduna-Hastings, Assistant County Manager, stated she was present to provide an update on dispatch conversations with the City of Reno and the Sheriff's Office. Staff's recommendation was to pursue and commission a consulting agreement to review data, personnel issues, the governing structure and technology needs. She indicated as Dispatch moved toward consolidation, having a national expert would be beneficial. She noted Russell Pedersen, Sheriff's Department Chief Deputy, was present to answer questions.

Commissioner Hartung asked whether the County was bearing the entire cost of the estimated \$50,000 to \$80,000.

Ms. Orduna-Hastings stated the County would utilize funds from the Office of the County Manager's budget.

There was no public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried, it was ordered that Agenda Item 7 be acknowledged.

**16-0095** **AGENDA ITEM 13** Introduction and first reading of an ordinance amending Washoe County Code Chapter 55 by repealing provisions concerning riding horses while intoxicated, abandoning injured animals, and giving away live animals as part of a promotion; by amending provisions related to keeping animals in sanitary conditions, animal waste

disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals and restraining animals; and by repealing, adding and revising various definitions, and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the ordinance on February 9, 2016. 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. 1757.

On the call for public comment, Ardena Perry stated she would like to see clarification on the language "reasonable veterinary care". She said there was a lot of subjective language and it left a lot of wiggle room.

Cathy Brandhorst spoke about matters of concern to herself.

Commissioner Lucey stated there was no clarity in the language regarding the restraining of animals on public property. He said he would like to see clarification regarding tethering on public property.

Chair Jung asked Paul Lipparelli, Legal Counsel, whether Commissioner Lucey could introduce the Bill with the stipulation that the second reading would identify the changes.

Mr. Lipparelli said in these situations the question was always whether the changes or refinements would destroy the notice that was given. He stated a lot depended on how substantial the changes were. It was always safer to start over and make sure everyone had notice of what the provisions were. If that course was not chosen and the changes were made, the question would be whether the changes were substantial enough to warrant a first reading and an adoption.

Bobby Smith, Animal Services Manager, noted the Code indicated it was perfectly legal to tether a dog at horse parks and similar spaces. He said Animal Services could work with the District Attorney's office to add the exemption for parks.

In response to Chair Jung's question whether Mr. Smith's suggestion was satisfactory, Commissioner Lucey responded in the affirmative.

Commissioner Herman indicated she understood the concerns of the public regarding the word "reasonable". She expressed concerns over the verbiage "other birds" in the section dealing with animal fighting and pigeon shooting. She mentioned she raised birds for the purpose of training her bird dogs. She suggested clarifying the language to exempt birds that a person raised themselves.



Mr. Smith noted the language Commissioner Herman referenced was original language. He stated the language was directed towards animal fighting where animals were pitted against each other; for example, cock fighting.

Commissioner Herman remarked her interpretation of the language was not the same. She noted the language was still unclear as people could interpret it differently.

Bill No. 1757 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed with a second reading to be held on February 9th.

**16-0096**      **AGENDA ITEM 14** Recommendation to approve the request 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 Tryke Companies Reno, LLC 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. The request is from Tryke Companies Reno, LLC to move a medical marijuana dispensary from the location issued as State of Nevada provisional medical marijuana certificate at 10 Stateline Road in Crystal Bay, Nevada to a new location at 5105 Sun Valley Boulevard in Sun Valley, Nevada. 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 Districts 1 and 3).

Kevin Schiller, Assistant County Manager, stated the County lobbied for a bill to allow moving medical marijuana facilities beyond the five-mile requirement and this was the first facility brought forward pursuant to the changes. He said the process required a public hearing and a neighborhood meeting. The meeting, which consisted of a panel that included himself and representatives from Tryke Companies Reno, LLC, occurred at the Sun Valley Community Center. He mentioned 20 attendees signed in and proper notice was provided. He indicated residents' concerns primarily focused on security. Other concerns included traffic, proximity to schools, cultural issues, having a second dispensary in Sun Valley, and the public review process. He said the panel spent a lot of time presenting information specific to the rules and regulations regarding oversight of a medical marijuana dispensary. He noted historically in other jurisdictions when a medical marijuana dispensary was placed in neighborhoods, criminal activity decreased due to increased scrutiny around the facility. He mentioned Tryke Companies Reno, LLC was very invested in the Sun Valley community, and in their prior businesses, they had been very gracious in terms of contributing to the community. Tryke Companies Reno, LLC arranged a tour of their City of Sparks' facility for some of the Citizens Advisory Board (CAB) members which included Chair Jung. He said staff's recommendation was to approve the move as the proposed parcel was eligible. He added

there were time frames tied to setting up the dispensaries, which was why staff tried to move through the process quickly.

On the call for public comment, Carol Burns objected to the approval of moving of the medical marijuana dispensary to Sun Valley. She stated according to the State there had been 2,235 medical marijuana permits issued and she found it difficult to believe that all those people were proximal to Sun Valley. She believed the intersection of the location was dangerous. She also believed the move appeared to be a vendetta against the Sun Valley community as she noted other issues that plagued Sun Valley; such as, the previous lack of a CAB, the fact that the Sun Valley community had to assume the financial responsibilities of their parks, and now a proposal for a second medical marijuana dispensary.

Cathy Brandhorst spoke about matters of concern to herself.

Garth Elliott said he did not have a medical marijuana card but he knew of several older people who had them. He said his wife had a medical marijuana card for her fibromyalgia. He noted the benefits of having two medical marijuana dispensaries in Sun Valley, which included having viable businesses in the area and the fact that having two facilities would force competition. He did not believe traffic would be a concern. He thought Sun Valley would benefit from the medical marijuana facilities. He thought marijuana was destructive to young people; however, it was good for seniors.

Chair Jung requested an email from Susan Severt be placed into the record. The email was placed on file with the Clerk.

Commissioner Herman indicated she attended the meeting in Sun Valley and one of the concerns residents had was that the two facilities might become recreational facilities. She said residents were told that would not happen so she hoped that was the case.

Chair Jung stated she was a supporter of medical marijuana. She spoke about the successes of medical marijuana. She thought the location of the medical marijuana dispensary in Sun Valley was great.

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

## **PUBLIC HEARINGS**

**16-0097** **AGENDA ITEM 15** Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto. (Bill No. 1756). Animal Services. (All Commission Districts.)