

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

THURSDAY

10:00 A.M.

NOVEMBER 03, 2016

PRESENT:

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

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

ABSENT

Jeanne Herman, Commissioner

The Washoe County Board of Commissioners convened at 10:00 a.m. in special session at the Wilbur D. May Museum located within Rancho San Rafael Regional Park, 1595 North Sierra 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:

County Manager John Slaughter stated Agenda Item 7 was inadvertently skipped on the agenda.

16-0943 **AGENDA ITEM 3** Public Comment.

There was no public comment.

16-0944 **AGENDA ITEM 4** Discussion and possible direction on Board of County Commissioners Policies and Rules of Procedures including but not limited to:

- Board of County Commissioners policies related to community boards and commissions and the assigned boards and commissions
- Policies and procedures in regards to Office of the County Manager staff support of Board of County Commissioners
- Meeting procedures of Board of County Commission
- Board of County Commissioners Communication Policy
- Policies and procedures during emergency situations

County Manager John Slaughter briefed the Board regarding the format and processes that would occur for each of the listed issues. He indicated Erica Olsen, Chief Operating Officer and Co-Founder of OnStrategy, and Al Rogers, Management Services Director, would be assisting throughout the discussions. He summarized the

documents contained in the Board packet and presented a copy of the Emergency Management Elected Officials Guide, which was placed on file with the Clerk.

Commissioner Lucey believed the policies and procedures were vague and needed clarification. He requested Mr. Slaughter to seek out examples of policies and procedures from local and statewide entities. He noted Mr. Slaughter was able to obtain information from Clark County and the Washoe County School District (WCSD) related to procedures. He said the WCSD was working on revamping their procedures related to communications and voting procedures. He asked Mr. Slaughter to highlight some of the discussion topics.

Mr. Slaughter replied the WCSD had a working draft of policies and procedures, which contained 111 pages. He noted the Clark County Rules of Procedures Handbook contained 14 pages. He stated the policies and procedures for Washoe County were on multiple documents and he recommended combining the information into one manual with chapters for meeting procedures, communications, and communication between Commissioners and staff. He indicated Clark County and WCSD meeting procedures were more formal and utilized the Robert's Rules of Order (Robert's Rules) as a guideline. He asked the Board where its areas of concerns were.

Chair Jung stated staff could assemble the policies and procedures from the Boards direction, but she was concerned about enforcement of the rules. She indicated it was necessary to come to a consensus.

Legal Counsel Paul Lipparelli stated there needed to be a discussion regarding the process of conducting a hearing and combining the approved steps into the policies and procedures. He explained the importance of good practice while conducting hearings and said it could be difficult to defend the Board's decisions if fair and legal standards were not established and upheld. He explained presentations by appellants, public comments and rebuttals were the expectation at a public hearing.

There was Board discussion regarding the policies and procedures and there were suggestions to include the guidelines on the agenda or to allow Legal Counsel to read them at the beginning of a meeting.

Chair Jung stated it was important that every person be treated equally.

Chair Jung requested Commissioner Lucey to be the liaison and to work with staff to assemble the policies and procedures before they came back to the Board for review.

Mr. Slaughter recommended the policies and procedures include commitment and the authority to enforce; rules related to the way meetings were conducted; the process for the formulation of the agenda; and the process of voting. He stated once the remodel was complete in Chambers, an electronic voting system would be used. He emphasized the rules for voting would be in effect only if the voting system was

inoperable or if a meeting was conducted at a different location. He reviewed the current Communication Policy and sought direction for possible changes.

Commissioner Berkgigler questioned the process for communication between Commissioners and other elected officials. She indicated there were legislative issues that could affect the County's relationship with the Cities of Reno and Sparks. She wanted to meet with the Cities to discuss the possible impacts, but did not know the policy.

Commissioner Lucey stated there needed to be a procedure regarding the position of the Board of County Commissioners related to subsequent boards. He indicated the message to a subsequent board should reflect the direction of the Board of County Commissioners, whether a Commissioner agreed with it or not. He explained the Board operated as a legislative body, not as separate individuals, and it was imperative the message from the Board be delivered as directed. He mentioned the possibility of recusal when a Commissioner disagreed with the direction

Mr. Lipparelli stated there needed to be legal basis for recusal from a vote. He recommended that in order for a Commissioner to abstain from a vote, they needed to consult with Legal Counsel prior to the vote or stop the meeting.

Chair Jung said if a Commissioner could not carry the will of the Board, they should not be on the subsequent Board or should refrain from attending a meeting where there was conflict.

Mr. Lipparelli indicated when a Commissioner was on a subsequent Board, they were bound to vote the way the majority of the County Commissioners voted, but not all past Commissioners had seen that as the goal. He stated the law would support the idea that a Commissioner on a subsequent Board had a fiduciary obligation to make decisions based on what was best for that Board, which could differ from the views of the County.

Chair Jung stated according to Nevada Revised Statute, the Board of County Commissioners had the authority to sanction Commissioners who voted contrary to the will of the Board by removing them from subsequent Boards.

Mr. Lipparelli stated that was the peril and Chair Jung agreed.

Ms. Olsen stated to obtain the proper chapter topics for the policies and procedures manual, direction from the Board was necessary.

Chair Jung suggested best practices be used from the International City/County Management Association (ICMA). She suggested the Commissioners communicate with her, as the Board Chair, regarding their attendance for subsequent Board meetings. She believed that would eliminate additional work from the County Manager and she thought it should be the responsibility of the Board Chair.

Mr. Slaughter appreciated the suggestion but stated there were logistics that involved the County Manager's Office when a Commissioner was absent from a meeting. He agreed the Commissioners should contact the Board Chair and the County Manager to continue effective communication.

Commissioner Lucey stated working as a team and open lines of communications were essential to fulfill their duties as elected officials.

Commissioner Hartung stated it was unfortunate that the Open Meeting Laws prevented the Commissioners from discussing issues except in a public forum.

Chair Jung indicated the laws did not prevent the Board from working as a team in a collegial environment.

Commissioner Lucey clarified he was referring to inter-operational communication between the Commissioners related to meetings or event attendance and about working as a functional Board in an efficient manner.

Commissioner Hartung inquired about the process the Reno City Council had for its caucus meetings.

Mr. Lipparelli explained the caucus meetings were treated the same as any open meeting and were required to be noticed and posted, to have an agenda, to be recorded and to have minutes documented and placed in the permanent record.

Chair Jung stated when caucus meetings were held in the past, the attendance was low and it was a waste of staff time. She noted it was a chance to get questions answered before the formal meeting, but it would increase work for staff.

Mr. Slaughter indicated the benefit of conducting caucus meetings was to gather questions and provide answers. He stated he currently reviewed the agenda with the individual Commissioners prior to the meeting.

Commissioner Lucey believed assembling prior to the Board meeting would be beneficial. He agreed that meeting with the County Manager was beneficial, but he thought more concerns could be addressed with the Commission as a whole.

Mr. Slaughter was concerned about the increased work that would be required by staff including the Clerk's Office.

The Board discussed the issue and agreed that no change would occur until the new Board Chair was in place.

Mr. Lipparelli indicated participation and community involvement were a concern when there were two meetings. He stated the Commission needed to be

disciplined enough to ask questions at the caucus meeting and wait until the Board meeting for the answers.

Chair Jung expressed her desire to be involved in the creation and approval of the agenda. She believed it would provide ownership of the agenda items to the Chair and would decrease the work load for staff.

Chair Jung noted that upon completion of the Chamber remodel, the Commissioners would have the ability to call or Skype into a meeting if they were unable to attend in person. She stated the Board would have the ability to e-vote during meetings. She explained in the event the system was inoperable, written procedures for voting would be available. She said a non-recorded vote would become an affirmative vote and that the Commissioners would need to make their vote known.

Paul Lipparelli corrected Chair Jung by stating there should not be a non-recorded vote. He explained if a vote was not clear, the Chair needed to clarify the vote.

Chair Jung asked for that to be included in the policies and procedures, as she was unaware of the responsibility.

Commissioner Lucey stated in Clark County's voting platform, the Chair would direct the Clerk to display the vote for clarification.

Chair Jung requested for the policies and procedures related to the role of elected officials during an emergency be brought forward at the next Joint Meeting. She asked for a 10 minute, high-level presentation to allow all elected officials to review their responsibilities as policy makers in the community. She noted Aaron Kenneston, Emergency Management Administrator, should conduct the presentation with a question and answer segment included. She encouraged each elected official to attend the annual training.

Director of Management Services Al Rogers indicated the training was not done annually, but he could coordinate an annual local training opportunity.

Chair Jung expressed her concerns related to elected officials being directly involved with emergencies. She stated the professionals were trained to handle emergencies and elected officials should not interfere. She requested a handbook be written to include the experiences of professionals who attended the formal training. She mentioned that Sparks City Councilman Ron Smith attended the training and would be a good resource.

Commissioner Lucey admitted that staff's focus on the situation at the Little Valley Fire was affected by his presence.

Chair Jung reminded the Commissioners that an emergency, such as a fire, was a crime scene and elected officials should not be present.

Commissioner Lucey reiterated the policies and procedures would provide direction to elected officials related to their role in an emergency. He stated the County Manager would notify the Commissioners when and if their presence was necessary.

Ms. Olsen indicated the rules and policies in the Board packet provided for guidance. She thought the Board was comfortable with the content, which included the direction provided.

Assistant County Manager Kevin Schiller stated that no two emergencies were the same and he thought it would be beneficial for the Board to be included in an incident debriefing process.

Chair Jung requested that the policy state the order of contact to be listed in the following order: the Commissioner of the affected District, the Chair, the Vice-Chair and then the remaining Commissioners.

Mr. Lipparelli indicated it was necessary for the County Manager to determine whether the Board was available in order to declare an emergency. He stated the first action of the Board would be to convene to determine the necessity to declare an emergency. He questioned the expectations of the length of time and the amount of effort that should be used in an attempt to convene the Board for an emergency meeting.

Commissioner Hartung thought the County Manager should have the authority to make the declaration whether or not the Commissioners were available to convene.

Mr. Lipparelli explained if the Board was available, they were required to make the decision to declare an emergency.

Mr. Slaughter indicated there were four other individuals who could declare an emergency in the event the Board was unavailable: the County Manager, the Sheriff, the Health Officer and the Emergency Manager.

Chair Jung stated the Manager should attempt to contact the Commissioners by phone. She asked how long it took to declare the Little Valley Fire as an emergency.

Mr. Schiller indicated he immediately began communicating with the County Manager upon notification of the situation. He stated by 5:30 a.m. he had communicated with all the Commissioners. He explained the time prior to the declaration of emergency was spent working on analysis, plans and discussions.

Mr. Slaughter explained the Incident Commander and the Fire Chief kept him informed and the declaration came when it was deemed necessary.

Chair Jung asked whether the County Manager should declare an emergency if attempts to communicate with at least three Commissioners were unsuccessful.

Mr. Lipparelli stated a seven-way conference call including the County Clerk, the County Manager and the five Commissioners would constitute a legal emergency meeting. He indicated the County Manager did not have the authority to declare an emergency without communicating with the Commissioners. He asked whether the policy should state that if reasonable effort to communicate with the Commissioners and was unsuccessful, the County Manager should proceed with the declaration of emergency.

Chair Jung and the Board agreed that Mr. Lipparelli's suggestion was reasonable and the policies and procedures should be updated.

Chair Jung asked for clarification from Legal Counsel related to communication between the public and the Commissioners, as she was unclear of the direction.

Mr. Lipparelli explained when a public body conducted a meeting and a citizen perceived there to be communication which was not being captured for the record, the citizen could challenge that Open Meeting Laws were not being upheld. He thought the information discovered from devices utilized during the meeting could be used during litigation as evidence. He indicated any text messages or emails that occurred during the meeting would have to be disclosed. He said there were discussions with the County Manager as to whether a policy should be enacted to discourage or prohibit the use of personal devices during public meetings. He admitted that could hinder access to calendars and emails, but it would eliminate the perception of uncaptured communication during public meetings.

Commissioner Berkbigler was opposed to the suggestion as she deemed it necessary to access her calendar during public meetings. She thought texting amongst Commissioners during meetings should be restricted. She said the Commissioners spoke to each other on the dais and that was not captured on the record either.

Chair Jung stated she needed access to her electronic calendar to report the events she had attended and would be attending in the near future.

Mr. Slaughter clarified that Legal Counsel was concerned personal devices could be subpoenaed. He wanted to ensure the Commissioners were aware any device used to communicate during a public meeting could be subject to subpoena.

Mr. Lipparelli understood the desire for the Commissioners to access their calendars and other information during public meetings. He referred to an incident during a public hearing when a developer was presenting a case and the developer's attorney was in the audience. During the hearing, the developer's attorney sent text messages to a

Commissioner who would decide the case. It was determined the attorney was either texting questions for the Commissioner to ask staff or was guiding the Commissioner in the direction the developer wanted them to vote. He indicated if that type of communication was discovered it could be damaging to the Board and its reputation as a transparent and fair decision maker. He proposed a guideline or practice be established to discourage, eliminate or at least reduce the utilization of electronics during public meetings in order to shield the Board from possible legal actions.

Commissioner Berkbigler thought not responding to texts from people in the audience was a good policy.

Chair Jung stated the use of electronics could be added to the rules so the Commissioners were aware of the consequences. She indicated she received texts during public meetings and she encouraged people to text her questions so she could be informed when making a decision.

Ms. Olsen asked what the pleasure of the Board was on the communications issue.

Chair Jung suggested each Commissioner be responsible for their own actions since they had been informed of the legal consequences. She cautioned the Commissioners and stated she had no desire to be the first Board to suffer consequences for its actions.

Mr. Slaughter indicated the Board had deviated from the disclosures of exparte discussions on particular types of cases. He explained that Clark County had a policy which stated once a meeting started, the Commissioners should refrain from engaging in discussions with members of the public outside of the dais.

Chair Jung expressed the need for a formal policy to remind the Board that disclosures needed to be stated.

Mr. Lipparelli reminded the Board that legislative matters did not hold the same standards and disclosures were not required. He indicated under the State Ethics Laws, disclosures were mandatory if a conflict of interest situation existed. He mentioned it would require training to return to the practice of disclosures and to know when it was and was not required.

Commissioner Berkbigler expressed her concerns about being prohibited from texting in a situation when she was worried about safety during a meeting.

There was discussion related to where a Deputy Sheriff should be located in Chambers during a meeting. The discussion revealed the Commissioners would rather a Deputy Sheriff be located at the front of the room near the dais.

Deputy Sheriff Greg Herrera explained a Deputy located in the front of the room could become a target, when a Deputy was located in the back of the room it was more effective to stop a perpetrator before they approached the Board. He was confident that the safety of the Board would be increased by the design and remodel of Chambers.

Mr. Slaughter stated communication with the Deputy on duty was only a push of a button or phone call away. He noted he would meet with the Commissioners individually to discuss their specific safety concerns.

11:13 a.m. Chair Jung left the meeting.

Mr. Slaughter stated when the Chair returned, they would discuss issues related to the policy for the Boards and Commissions that the Commissioners were appointed to.

11:14 a.m. The Board recessed.

11:24 a.m. The Board reconvened with Chair Jung and Commissioner Herman absent.

Commissioner Lucey referred to the current Rules and Procedures document and asked the Board if any changes were needed.

Mr. Slaughter stated each document in the Board packet would be addressed, but they would start with the Rules and Procedures. He indicated the goal was to incorporate all of the rules, policies and procedures into one document with chapters related to meetings, agendas, voting, hearings and communications.

There was discussion regarding possible redundancies within the documents, which could cause confusion. It was concluded that redundant topics could be cited and referenced in a different document for further explanation or clarification.

Mr. Slaughter stated he was directed by the Chair to work with Vice Chair Lucey to combine the documents into a working manual. He asked whether any issues were missed that should be included in the manual.

Mr. Slaughter reviewed each of the Rules and Procedures for the Washoe County Board of Commissioners.

Commissioner Hartung asked whether the rule for reconsideration was policy or Nevada Revised Statute.

Mr. Lipparelli replied it was parliamentary policy with the caveat that some decisions the Board made were required to be made within a timeframe dictated by Nevada Revised Statute, County Code or Development Code. He indicated any Commissioner on the prevailing side was entitled to request reconsideration. When asked

whether the processes followed Robert's Rules, Mr. Lipparelli replied he was unsure but it was a widely followed option.

Commissioner Lucey read Article III of the Clark County Handbook, which referenced the use of Robert's Rules of Order. He thought this could be included in the Rules and Procedures document.

Commissioner Hartung suggested the Board be provided with a copy of Robert's Rules.

Mr. Slaughter stated Clark County, the City of Sparks and other entities referenced published rules and procedures such as Robert's Rules. He indicated it could bind the Board to more formalized processes but if the Board was so inclined, it could be utilized.

Commissioner Lucey stated if an issue was not in the current Rules and Procedures, the Board could refer to Robert's Rules for guidance.

Commissioner Berkbigler agreed the meetings should not be more formal or restrict the Board from conducting business.

Commissioner Hartung thought using Robert's Rules could provide the Board guidance. He indicated it would be necessary for someone to be knowledgeable about Robert's Rules and suggested that Mr. Lipparelli should be the person of reference.

Mr. Slaughter stated the suggestion was duly noted. He continued to page 2 of the Rules and Procedures and indicated item 11, related to Board Evaluations, had not been completed for at least two years. He noted the evaluation was a questionnaire on the operation of the Board. He stated there were questions related to the performance of the Commissioners and of the Board as a whole. He recommended the process be resumed.

Commissioner Hartung was concerned the Commissioner evaluations would be a bullying session.

Commissioner Lucey expressed the evaluations should be strictly procedural related to Board operation and efficiency and should not be a bullying session. He stated the evaluation should be kept in the procedures, reworked and brought back to the Board for review.

Mr. Slaughter referred to page 3 of the Rules and Procedures related to the other Board appointments, terms and resignations.

Commissioner Lucey shared his concern regarding the appointments to the Planning Commission. He indicated only citizens from the unincorporated areas in the County could be appointed to the Planning Commission, according to the Ordinance.

Commissioner Hartung stated former Chair Larkin changed the rules for the Community Advisory Boards because there were limitations on recruiting citizens within unincorporated Spanish Springs.

Commissioner Lucey was concerned about areas that were annexed by the Cities from the unincorporated County and whether a citizen on a Board that required the members to reside in the unincorporated County could be removed.

Commissioner Hartung thought citizens should be appointed to Boards based on qualifications and desire, not where they reside. He indicated the issue affected the Board of Adjustment as well.

Commissioner Lucey mentioned in Chair Jung's District, the residents were primarily in the City of Reno, limiting the selection of citizens available to appoint from her District.

Mr. Slaughter reiterated the ruling was not within County policy, it was a County Ordinance.

Mr. Rogers indicated the ruling existed in Chapter 110 of the Development Code.

Mr. Slaughter continued to page 3 of the Rules and Procedures document.

Commissioner Hartung was concerned about predetermined terms and members being forced off boards. He stated it was difficult to appoint residents to the Community Advisory Board (CAB) in Wadsworth leaving the CAB short of members when terms expired. He wondered if the section on Terms of Service should be revised.

Commissioner Lucey stated he acquired appointments he felt were not aligned with the direction the Planning Commission should be going. He wondered whether appointees should be re-evaluated when a Commission seat changed.

Mr. Slaughter indicated the appointee would continue the term until there was a reappointment period and the Commissioner was under no obligation to reappoint the same person when the term was complete.

Commissioner Hartung suggested providing flexibility with term limits rather than forcing a member off a board. He stated many times great Board members were removed because the term expired.

Commissioner Lucey stated limiting terms was not beneficial to the Commissioners. He agreed there should be flexibility to extend the term limits.

Commissioner Lucey asked for discussion regarding the Board of Adjustment (BOA).

Commissioner Hartung suggested he would like to eliminate the BOA stating the tasks performed currently, were performed in the past by the Planning Commission. Insufficient time and resources limited the ability to process Special Use Permits. He suggested the BOA merge into the Planning Commission.

Mr. Lipparelli reminded the Board of the recent removal of a Planning Commissioner and asked for direction on how future removals would occur. He asked the Commissioners what their expectations were regarding the process or if they would like to leave it unsaid.

There was discussion related to the process of determining whether just cause was met to proceed with the removal of a Planning Commissioner. It was decided staff should complete due process and bring the case to the County Manager, who would in turn bring it to the Board.

11:52 a.m. Chair Jung returned to the meeting.

Commissioner Lucey summarized the process that staff would direct the case of the removal of a Planning Commissioner and the County Manager would include the item on an agenda and present it to the Board in an unbiased manner with details of the case related to the appointee.

Mr. Slaughter asked the Commissioners for direction regarding term limits.

Commissioner Hartung requested the policy to read "additional terms be considered" rather than "an additional term".

Mr. Slaughter addressed the Washoe County Communication Policy document. He felt there were items that had been deviated from and wanted clarification.

Chair Jung reminded Mr. Slaughter to include Chair and Manager notification related to meeting attendance.

Mr. Slaughter referred to section 2 regarding Commissioner to staff communication and the processes, stating it was an item that had been deviated from. He explained the process included requests for 2-hour blocks of staff time; a no soliciting policy; and requests would go directly through the County Manager or Assistant County Managers rather than the Department Heads. He stated Department Heads were prohibited from taking requests directly from the Commissioners.

Chair Jung stated the process needed to be reinforced and a commitment made from each Commissioner to go through the Manager or Assistant County Managers to request information. She thought staff needed to inform a Commissioner that requests were directed to them directly from the Manager's Office.

Mr. Schiller indicated a process was being created to ensure the consistent flow of communications related to updates and requests to the Board.

Commissioner Lucey asked whether there would be communication to the Board when a request was completed.

Mr. Slaughter stated that would be addressed in the process related to communication to the Board.

Mr. Slaughter referred to the Employee Lobbying Policy stating it was included because it contained references to positions of the Board. He stated Elected Officials, the Clerk, the District Attorney, and the Sheriff did not need to register as lobbyists as long as they were there representing topics within their purview.

Commissioner Lucey thought there should be policy that Elected Officials had to focus on the area of their purview and not deviate from County business specific to their Department or position. He stated if they desired to be represented for topics outside of their purview or position; it should go through the Board.

Chair Jung suggested for the Board to be successful and not lose credibility at the Legislature, it was necessary for anyone attending the session to go through the Government Affairs person.

Commissioner Berkgigler stated if a Commissioner testified on a personal issue, it was necessary for them to indicate they were not representing the County, and their views were personal opinions and not the opinions of the Board.

Chair Jung reiterated Commissioners should contact the Government Affairs person to inform them of attendance and intentions. She indicated when an Elected Official or Department Head was present at a session, it was challenging if they communicated information outside of their purview without first informing the Government Affairs person.

Mr. Slaughter agreed it was a challenge. He stated the centralized lobbying staff could assist with discussions with legislators, but the discussions needed to be approved by the Government Affairs person. He said in his experience, the Washoe County team did a great job.

Mr. Schiller mentioned the process worked well for a number of years, although people did not differentiate a County representative's personal positions from the County's position.

Mr. Slaughter indicated the Elected Officials, such as those in the District Attorney's Office and the Sheriff's Office, had a representative present to convey their issues. The Clerk, Treasurer and Recorder represented themselves.

Mr. Slaughter referred to staff support for the Commissioners. He stated the Washoe County Executive Staff and the Mayor's Offices from the City of Sparks and Reno held a retreat recently which included discussion related to support staff and the changes that could improve the process. He indicated Washoe County was in the process of hiring a third Management Analyst and a Government Affairs person. He said the change would include a Management Analyst who would be assigned to specific issues rather than a specific Commissioner. He said, for example, Analyst A would be an expert on medical marijuana across all Districts, would gather information related to Commissioner generated issues, would coordinate and track issues, and would coordinate and manage District Forums. Analyst B would be the subject expert for all CAB generated issues and would provide management to the 3-1-1 call center. Analyst C would be the Government Affairs expert and would serve as a liaison and principle support in Carson City for the Lobbyists, support the functions of the Chair and coordinate the Boards and Commissions. He stated there would be new positions including a Commissioner and Management Team Coordinator and centralized administrative support for the Board related to calendars, travel, event requests, Community Advisory Board administration, Manager's Office agenda support, requests and Assistant County Manager support. He indicated the target date for the changes was January 1st.

Mr. Slaughter stated it could be considered in the future to have an Executive Assistant to the Board. That person would work predominately with the Chair, but would also be available to support the Board.

The Manager's Office provided a copy of the Clark County Board of Commissioners Rules of Procedure Handbook, which was placed on file with the Clerk.

A PowerPoint document, which was manually updated during the meeting, was placed on file with the Clerk.

There was no public comment on this item.

16-0945 **AGENDA ITEM 5** Discussion and possible direction on policy and procedures which guide Board of County Commissioners assignments to Boards and Commissions.

County Manager John Slaughter indicated this item was related to the Boards and Commissions that the Board of County Commissioners represented. He referred to the document provided entitled 2016 Washoe County Board of County Commissioners, Commission Boards/Committees. He stated the Commissioners assignments, and policies and procedures were reviewed twice per year.

Legal Counsel Paul Lipparelli stated this item was related to policy and procedures pertaining to Commissioners appointments to the Boards and Committees and he indicated changes to the Board and Committees list would occur during a future meeting.

A PowerPoint document, which was manually updated during the meeting, was placed on file with the Clerk.

There was no public comment on this item.

16-0946 **AGENDA ITEM 6** Discussion and possible direction of the FY16-18 Washoe County Strategic Plan including but not limited to:

- Highlight on progress made to date
- Identification of emerging community trends, opportunities and challenges
- Initial discussion of possible FY18 Goals

County Manager John Slaughter indicated the Strategic Plan would occur in January, 2017.

Erica Olsen, Chief Operating Officer, and Co-Founder of OnStrategy stated in preparation for the January Strategic Plan Meeting, the Manager's Office was seeking information regarding emerging issues and trends related to the priorities for the Fiscal Years 2018 and 2019.

Management Services Director Al Rogers indicated the Strategic Plan would continue with the strategic objectives: 1) Pending economic impacts; 2) Seniors; 3) Infrastructure; 4) Medical marijuana establishments (MMEs); 5) Unified Team; 6) Improve Service Delivery.

Commissioner Lucey thought the strategic objectives should be reviewed and re-styled individually.

Ms. Olsen stated that was the intent of this item since focus was on objectives.

There was discussion related to the objective for Seniors suggesting expanding the focus to the more vulnerable population. The possibility of the recreational marijuana ballot question passing could indicate the need to reevaluate the objective for MMEs.

Ms. Olsen stated they would focus on updating the objectives but wondered if there were additional concerns that would not tie into the current objectives.

There was discussion related to Land Use and it was decided to include the issue to the first goal, pending economic impacts.

Mr. Rogers stated there had been vast improvements in the progress of infrastructure and he thought the current overall goal was for a safe, secure, and healthy community. He thought that with this progress there could be a more specific goal to focus on.

Commissioner Hartung disagreed with the infrastructure not being a priority any longer. He stated growth and the approval of more growth without a secure and expanding infrastructure was an issue. He indicated citizens across the entire County were concerned about the lack of schools to support the approved growth. He noted that citizens referred to public health and safety as it concerned water, waste water and septic or sewer systems and referred to infrastructure as it concerned waste water, traffic and schools. He stated the approved housing developments had insufficient infrastructure and the focus needed to be on expanding to accommodate for growth. He noted the infrastructure was aging in many areas and would need attention in the near future.

Ms. Olsen asked Commissioner Hartung if he thought the objective needed to continue the way it was stated.

Commissioner Hartung explained the growth could not happen without the presence of a functioning infrastructure. He said the Lands Bill could create effects especially east of Sparks where the infrastructure was a severe issue.

Mr. Schiller recommended the infrastructure issue be reframed into the economic impact objective because building, economic development and infrastructure were all tied to that objective.

Ms. Olsen suggested combining the goals focused on economic impacts and infrastructure to ensure the issues were addressed properly. She noted they could work on combining the goals if the Board agreed; goal 4 for MME would depend on the November 8th vote and goal 5 for Unified Team would continue.

Commissioner Lucey indicated goal 5 should continue but the title should evolve. He noted there was a unified feeling with the team and the focus had moved to the next phase.

12:43 p.m. The Board recessed.

12:44 p.m. The Board reconvened with Commissioner Herman absent.

Communications Director Nancy Leuenhagen indicated the forward progress related to the unified team was evident. She noted staff was continuing to work with departments related to outreach and public facing report mechanisms. She explained the second phase of the unified team would take time to put into effect.

Commissioner Berkbigler asked whether the next phase of the unified team included the partners, Cities and Schools.

Ms. Leuenhagen confirmed that was the next step. She stated there were success stories related to crisis communication when the team was united.

Ms. Olsen indicated the County Manager and Assistant County Manager Christine Vuletich would head up goal 6 to improve service delivery.

Commissioner Berkbigler expressed that customer service was important and she was please that Mr. Slaughter and Ms. Vuletich were handling that objective.

Mr. Rogers noted there were no prioritized goals placed on “Stewardship of our Community” and although it was not required they could be added in the future.

Ms. Olsen stated there would be adjustments to the priorities before the Strategic Planning Meeting.

Mr. Slaughter stated they were making progress towards completing the goals.

Ms. Olsen stated her commitment was to present the governance processes back to the Board with statistics related to forward progress. She requested to be contacted with any emerging issues that could be considered a priority.

A PowerPoint document, which was manually updated during the meeting, was placed on file with the Clerk.

There was no public comment

16-0947 **AGENDA ITEM 8** Public Comment.

There was no public comment on this item.

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12:50 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

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

TUESDAY

10:00 A.M.

NOVEMBER 15, 2016

PRESENT:

Kitty Jung, Chair
Bob Lucey, Vice Chair
Marsha Berkgigler, Commissioner
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Nancy Parent, County Clerk
John Slaughter, County Manager
David Watts-Vial, Legal Counsel

ABSENT:

Jeanne Herman, Commissioner

The Washoe County Board of Commissioners convened at 10:19 a.m. in regular session in the Health District Board Room, Building B – 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:

16-0950 AGENDA ITEM 3 Public Comment.

Elise Weatherly said she tried for months to convince the Board to allow Pastor Marvin Neal back into the Jan Evans Juvenile Justice Center. She spoke about the law of love and being a gospel of peace.

16-0951 AGENDA ITEM 4 Announcements/Reports.

John Slaughter, County Manager, stated there was interest in the community about what the next steps were regarding Washoe County Question 1 (WC-1), the Washoe County School District (WCSD) sales tax ballot question. He explained a request to draft an ordinance would appear on the Board's November 29th meeting agenda, and then a first and second reading would occur. He noted the County had been in communication with the WCSD and the Nevada Department of Taxation to ensure the process was underway.

Commissioner Lucey requested a presentation from staff regarding the Reverse 911 notification system and how the process could be improved. He also requested a presentation from the Assessor's Office regarding the assessment of properties affected by the Little Valley Fire.

Commissioner Berkgigler asked staff to provide a status update on the relocation of the medical marijuana establishment (MME) in Spanish Springs. She said

the County had a responsibility to follow up with the owners of the MME and she requested the issue be placed on an agenda as soon as possible.

Chair Jung concurred with Commissioner Berkbigler regarding the MME. She stated she would like the process expedited and completed before the end of the year.

16-0952 **AGENDA ITEM 5** Declaration of Canvass of Vote and Order for 2016 General Election. Registrar of Voters. (All Commission Districts.)

Luanne Cutler, Registrar of Voters, noted the 2016 election year was the most challenging of her 27-year career. She conducted a PowerPoint presentation. The headings of the slides were as follows: 1) Fast Facts. 2) Election Fast Facts. 3) So... Why the Delay? 4) Post-Election Activity. 5) Certification Board. 6) VVPAT Audit. 7) Certification Board Members. 8) What's in the Immediate Future? 9) Election Day Documents. 10) Staff Introductions. 11) Special Thanks. 12) Thank You.

Greg Neuweiler, Chair of the Certification Board, congratulated Commissioners Hartung and Berkbigler on their reelections. He spoke about the Pyramid Lake Paiute Tribe, the lawsuit they filed, and the training they received. He noted the Tribe was happy with the training and with the overall voting process. He mentioned Ms. Cutler created a binder with helpful information for the Certification Board. He remarked he was proud to be part of the Certification Board.

Bob Legoy, Certification Board Member, said he had been on the Board 18 years. He stated he went to two polling places on Election Day. He added the election observers thought the poll workers were very well trained. He commended Heather Carmen, Poll Worker Recruiter and Trainer, for having done a great job.

Jean Stoess, Certification Board Member, said the locations she visited ran smoothly and everyone was happy. She remarked Ms. Carmen did a very good job teaching the poll workers.

Ms. Cutler added her office received nothing but compliments from the election observers.

Commissioner Lucey recognized Ms. Cutler and her staff for their work. He said they did a phenomenal job. He spoke about a polling station in Clark County that stayed open later than other polling stations. He inquired about Washoe County's protocol regarding the closing of polling stations when people were still in line.

Ms. Cutler confirmed there was an issue in Clark County. In Washoe County, she said a poll worker would go to the end of the line to inform the people who came up after closing time that the polling station was closed. Anyone in line before the closing time was allowed to vote. She noted there were requests to extend voting hours at a couple locations; however, after consulting with the District Attorney's Office, it was decided not to extend the voting hours since they had already been published.

Commissioner Berkbigler expressed her concerns about the County's aging voting machines. She said the County needed to start looking towards the future by upgrading the voting system.

Ms. Cutler said she had a Capital Improvement Project request prepared.

Commissioner Hartung congratulated Ms. Cutler and her staff for their work. He said they did an amazing job. He mentioned there was a poll worker, Bob Fuller, at the Scolari's Food and Drug Company on Pyramid Way who made and handed out certificates to first-time voters. He recognized Mr. Fuller for his innovative contribution.

Ms. Cutler commented it was a great idea and she noted there were other poll workers who had the same suggestion, which showed their level of dedication. She stated she appreciated their suggestions and the idea was something her department intended to implement.

Chair Jung commended all of the staff who played a role in making the voting process work. She stated she had serious concerns about the poll workers and the overall process due to the tone of the Presidential election; however, she was pleased that the process ran smoothly. She told the Certification Board Members that without them democracy would not happen since there would be no checks and balances, or a way to trust that the vote count was unbiased. She thanked the Certification Board Members.

David Watts-Vial, Legal Counsel, spoke about the canvas of the vote process. He asked Ms. Cutler whether she, as the Registrar of Voters, reviewed the results.

Ms. Cutler replied yes.

Mr. Watts-Vial also asked whether any errors were noted, whether there were any clerical errors, and whether there was a need for changes to the vote.

Ms. Cutler replied no to the questions.

Mr. Watts-Vial noted the Board could now canvas the votes.

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Chair Jung, which motion duly carried with Commissioner Herman absent, it was ordered that the Declaration of Canvass of Vote and Order for the 2016 General Election be approved.

16-0953 **AGENDA ITEM 6** Introduction of new Washoe County Employees. Human Resources.

John Slaughter, County Manager, asked the following employees to introduce themselves to the Board:

Keri Pruitt	Social Services
Megan Sizelove	Community Services Department
Tracy Fox	Animal Services
Tyna Sloan	Library
Joyce Lehigh	District Attorney's Office
Tony Lopez	Assessor's Office

Commissioner Berkbigler recognized that Sheriff Chuck Allen was in the audience.

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

16-0954 **AGENDA ITEM 7** Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses. Human Resources.

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

Essentials of Personal Effectiveness

Terry Babione, Washoe County Sheriff's Office
Denise Evans, Community Services Department – Parks

Essentials of SAP for HR Reps

Nikki Berry, District Court
Laurie Griffey, Health Department
Anne Stoll-Thompson, Comptroller

Essentials of High Performing Teams

Tracy Burns, Assessor
Asta Dominguez, Comptroller
Suzanne Dugger, Health Department
Denise Evans, Community Services Department – Parks

Mr. Slaughter mentioned Ada Coleman, whose name was listed on the agenda, would receive her certificate in January 2017.

Chair Jung congratulated the employees for their commitment to improving themselves. She thanked the department heads for providing the time for their

employees to participate in the certificate programs. She expressed her concern that men were not taking advantage of the certificate programs.

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

PROCLAMATIONS

16-0955 **8A** Proclamation – November 13-19, 2016 is Nevada Flood Awareness Week.

Commissioner Hartung read and presented the Proclamation to Dave Solaro, Community Services Department (CSD) Director; Dwayne Smith, Engineering and Capital Projects Division Director; Kimble Corbridge, Assistant Public Works Director; and Eric Crump, Operations Division Director.

Mr. Solaro wanted the County's citizens to be prepared for flood season. He mentioned Flash Flood Awareness, which was brought before the Board in June 2016, was a companion piece to this. He said the County was prone to both issues. He thanked the Board for the proclamation.

Commissioner Lucey mentioned Commissioner Hartung served on the Regional Flood Board as Vice Chair. He said it was fitting that Commissioner Hartung brought forward the proclamation.

Commissioner Berkgigler noted staff worked really hard on flood issues and they were always there for flood victims. She added it was very traumatic for people who were caught in floods.

Chair Jung thought the Truckee River Flood Project should be under the direction of the CSD.

Commissioner Berkgigler agreed with Chair Jung's comment.

There was no public comment.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 8A be adopted.

DONATIONS

16-0956 **9A** Accept Monetary Donations to Washoe County Regional Animal Services totaling \$7,280.00 for the period of July 1, 2016 to September 30, 2016 to be used for the humane care and treatment of sick and/or injured, stray, abandoned, or at risk animals received; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to

make the appropriate budget amendments. Animal Services. (All Commission Districts.)

16-0957 **9B1** Accept a donation [\$300.00] from the Hot August Nights Inc., to the Washoe County Sheriff's Office for the Citizen Corps Program (CCP), including funds to be used for food purchases, and, if approved, authorize Comptroller's Office to make appropriate budget amendments. (All Commission Districts.)

16-0958 **9B2** Accept a donation [\$500.00] from the Great Reno Balloon Race to the Washoe County Sheriff's Office for the Citizen Corps Program (CCP), including funds to be used for food purchases, and, if approved, authorize Comptroller's Office to make appropriate budget amendments. (All Commission Districts.)

16-0959 **9B3** Accept donation of a UH-1H Huey Helicopter [estimated value of \$922,704.00, no charge to the County], to the Washoe County Sheriff's Office to be utilized to support RAVEN, WCSO Search and Rescue, and Wildland Fire Suppression Operations performed by WCSO. (All Commission Districts.)

There was no public comment on the donations listed above.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Items 9A to 9B3 be accepted.

CONSENT AGENDA ITEMS 10A THROUGH 10D2

16-0960 **10A** Approval of minutes for the Board of County Commissioner's regular meetings of October 11, 2016 and October 18, 2016.

16-0961 **10B** Recommendation to reappoint Mr. James Covert as an alternate to serve on the Washoe County Board of Equalization with term to expire June 30, 2017. Manager. (All Commission Districts.)

16-0962 **10C1** Approve the First Amendment to License Agreement between American Tower LLC and Washoe County to correctively amend the site information commonly known as East Red Peak Tower 3 (site number 8743) and to modify the equipment at the Tower Site [\$4800 annual increase] in support of the County's 800 MHz Regional Radio System. (All Commission Districts.)

16-0963 **10C2** Approve Amendment No. 1 to the Agreement for Professional Services between Washoe County and Lumos and Associates to provide

design, engineering and bidding assistance for the North Valleys Regional Park Phase V expansion project [\$65,787]. (Commission District 5.)

16-0964 **10D1** Recommendation to approve a request to establish a bank checking account for the Health Benefits Self-Funded High Deductible Health Plan for the purpose of paying health provider claims. No fiscal impact. (All Commission Districts.)

16-0965 **10D2** Approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: WCAD 23 – Arrowcreek Water, WCAD 32 – Spanish Springs Valley Ranch Rd Improvements, and WCAD 37 – Spanish Springs Sewer Phase 1A (additional description of affected parcels contained in exhibit A of attached Resolution). [No Fiscal Impact]. (Commission Districts 2 and 4.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried with Commissioner Herman absent, it was ordered that Consent Agenda Items 10A through 10D2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 10A through 10D2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – AGENDA ITEMS 11, 12 AND 13

16-0966 **AGENDA ITEM 11** Recommendation to approve an Agreement for Professional Consulting Services between Washoe County and Carollo Engineers, Inc. to provide engineering design and construction management services for the South Truckee Meadows Water Reclamation Facility Chemical Storage Building Rehabilitation [\$298,329.00]. Community Services. (Commission District 2.)

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

16-0967 **AGENDA ITEM 12** Recommendation to approve a CC-213 Recertification form for the Community Rating System Annual Recertification Submittal to the National Flood Insurance Program for a continued reduction in required flood insurance policy premiums for unincorporated Washoe County residents located within designated special flood hazard areas. Community Services. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried with Commissioner Herman absent, it was ordered that Agenda Item 12 be approved.

16-0968 **AGENDA ITEM 13** Recommendation to approve an Agreement for Professional Consulting Services between Washoe County and Parkson Corporation to provide engineering design and construction management services for the South Truckee Meadows Water Reclamation Facility EcoWash Filter Upgrades [\$493,560.00]. Community Services. (Commission District 2.)

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

16-0969 **AGENDA ITEM 14** Possible action to introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 100 (Washoe County Building Code) by adding a provision exempting certain structures (“Hoop Houses or High Tunnels”) from the Building Code; and other matters necessarily connected therewith and pertaining thereto. And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for December 13, 2016. Community Services. (All Commission Districts.)

Nancy Parent, County Clerk, read the title for Bill No. 1772.

On the call for public comment, there was no response.

Bill No. 1772 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

PUBLIC HEARING

16-0970 **AGENDA ITEM 15** Hearing and possible action to conduct a second reading and adopt an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures to add regulations governing the establishment of agricultural hoop houses and high tunnels, including requiring them to meet detached accessory structure placement standards and height limitations for the applicable regulatory zone, but exempting them from general lot coverage limitations; within Article 902, Definitions, at Section 110.902.15, General Definitions to add a definition for “Hoop House/High Tunnel”; and other matters necessarily connected therewith and pertaining thereto. (Bill No. 1771). 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. There being no response, the hearing was closed.

Nancy Parent, County Clerk, read the title for Ordinance No. 1587, Bill No. 1771.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Herman absent, Chair Jung ordered that Ordinance No.1587, Bill No. 1771, be adopted, approved and published in accordance with NRS 244.100.

16-0971 **AGENDA ITEM 17** Public Comment.

There was no public comment.

16-0972 **AGENDA ITEM 18** Announcements/Reports

Commissioner Lucey congratulated Washoe District Court Judge Lidia Stiglich on her appointment to the Nevada Supreme Court by Governor Brian Sandoval. He hoped to have a discussion on who would be Judge Stiglich's replacement on the District Court.

Chair Jung stated she would volunteer to lead the process to find Judge Stiglich's replacement.

16-0973 **AGENDA ITEM 16** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

11:20 a.m. On motion by Commissioner Hartung, seconded by Commissioner Berkbigler with Commissioner Herman absent, 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.

PERCIVAL BOARD APPROVAL

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11:37 a.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Michael Siva, Deputy County Clerk

Pending Board Approval