

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

TUESDAY

10:00 A.M.

JULY 10, 2018

PRESENT:

Marsha Berkbigler, Chair

Kitty Jung, Vice Chair

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

John Slaughter, County Manager

David Watts-Vial, Deputy District Attorney

ABSENT

Bob Lucey, Commissioner

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:

18-0518 **AGENDA ITEM 3** Appearance: Brent Boynton, Community Outreach Coordinator Reno Housing Authority. Presentation and update on RHA.

Reno Housing Authority (RHA) Community Outreach Coordinator Brent Boynton recognized Executive Director Amy Jones. Mr. Boynton thanked the Board for allowing him to share information about the RHA. He conducted a PowerPoint presentation about the housing crisis in Washoe County. He introduced the housing choice voucher program, also known as Section 8 housing, and said it was their largest program, with more than 2,500 families receiving benefits. He said the program was a form of federal assistance although it involved private properties and property owners. He explained the RHA paid a portion of tenants' monthly rent and the tenants paid the balance. He stated eligible tenants were subject to background checks and would not be eligible if they had a history of drug crimes, violent crimes, or sexual charges. He mentioned eligibility was based on income and need but the waiting list was closed because of the overwhelming need for low-income housing. He highlighted success stories from tenants who took part in the RHA's self-sufficiency programs. He stated the Department of Housing and Urban Development, which was the RHA's federal funding source, considered it to be a top performing agency based on several criteria. He expressed concern about the stability of federal funding and noted the need exceeded available funding. He explained the RHA currently received less money from federal funding at a time when rents were increasing, meaning less people received housing benefits. He said the community needed more local solutions and indicated the

community could provide money, land, and buildings. He thanked the Board for its time and for what it did for the community. He encouraged citizens that wanted more information to visit RenoHA.org or contact him by phone at 775-432-6579.

Chair Berkbigler expressed her appreciation for the presentation and said the RHA was a wonderful organization that helped people in the community. Commissioner Hartung thanked Mr. Boynton for his community involvement.

Commissioner Jung commended the RHA for hiring Mr. Boynton as an advocate and activist in the community. She said she could see a difference in the public's understanding of what the RHA did for the community and how important they were as a partner of the County. She asked whether the RHA received local money. Mr. Boynton explained the RHA was reliant on federal funding. He thought some housing authorities across the nation relied on local taxes, some on public and private partnerships, and others partnered with faith based communities to create new housing sources. He noted the RHA was working to create a 501(c)(3) non-profit organization, which would enable them to receive gifts easier.

Commissioner Jung asked what elected officials served on the RHA Board. Mr. Boynton explained the Mayor of Reno served on the RHA Board. He added the RHA contracted with the County and the City of Sparks to serve the entire area.

Commissioner Jung wanted to discuss more details about the research Mr. Boynton completed regarding best practices and a process for implementation in the community. She said some of her favorite houses in her District were Section 8 housing because the houses were clean and people were happy to have a nice place to live. She articulated her appreciation for the RHA's support.

Mr. Boynton said it was an honor to make the presentation to the Board but said questions about issues and improvements should be addressed to Ms. Jones because she was the expert.

Chair Berkbigler said Commissioner Jung was the County's advocate for affordable housing and encouraged the RHA to reach out to her.

18-0519 AGENDA ITEM 4 Public Comment.

Ms. Tammy Holt-Still compared to the situation in Lemmon Valley and the surrounding lakes to the Titanic sinking. She displayed a document outlining the monthly precipitation in Stead. She said she requested a copy of a letter from the City of Reno but had not received the document yet. She indicated copies of a letter she sent to the Board were being distributed to Lemmon Valley residents to sign and they would be submitted to the County. She noted copies of the letters would be forwarded to the President of the United States and the Department of the Interior. She said Governor Brian Sandoval requested installation of temporary stilling wells to monitor measurements in Swan Lake but that was never done. She displayed photos of Swan,

White, and Silver Lake and provided documents, copies of which were placed on file with the Clerk.

Mr. Kent Ervin said he was the co-organizer of a group promoting safety on Peavine Mountain trails. He expressed his support to move forward with a fire season ban on hazardous target shooting as indicated in Agenda Item 10. He stated target shooting was the cause of many recent wildland fires in the area and thought it was common sense to advise residents when conditions were especially dangerous. He stated conflicts on Peavine Mountain had decreased since an ordinance was approved to change congested area boundaries.

Mr. John Garfinkle stated a dog bit him while he was at a park in Hidden Valley. He confronted the owners of the dog and asked for records to prove the animal was current on its rabies inoculation. He indicated the dog owners fled the area quickly without providing any information about the animal. He thought there should be stricter laws about animals in public places and animal owner responsibilities.

Ms. Elise Weatherly said she had an issue once with a rattlesnake in a park and could relate to Mr. Garfinkle's frustration. She expressed concern that people living in Section 8 housing were required to have background checks performed but were not tested for drug use. She said she knew of people who were on disability because of opioid use and mentioned her ex-husband died from an overdose of methamphetamines. She said she tweeted a request for President Donald Trump to restrict businesses from being granted status as a 501(c)(3) non-profit organization. She thought non-profit organizations were taking people's money illegally.

County Assessor Michael Clark stated he was speaking as a private citizen. Mr. Clark provided documents to the Board, which were also placed on file with the Clerk. He spoke regarding the most recent election in Washoe County and expressed his frustration about candidates using nicknames on the ballots. He stated Nevada Revised Statute (NRS) 293.2565 was clear that a candidate was required to use either their given name and/or surname, and they had the ability to use a nickname. One candidate on the ballot only used an initial and Mr. Clark thought it was not fair to voters in the County that might want to search for information about the candidate. He brought the issue to the attention of the Registrar of Voters and was told the candidate always filed that way. He wondered whether it was the candidate or the clerk assisting with the filing for candidacy who directed the name to be registered as such. He stated it was a violation of NRS and he wanted to know what the ramifications and penalties were. He thought the election was tainted because the public did not have the proper information to conduct a search about the candidate.

Ms. Candy Greene said she did marketing and public relations and spent an extreme amount of time on social media. She brought up meetings Commissioner Herman attended without the knowledge of the County or the Board. She mentioned Commissioners were required to place meetings they attended on record. She indicated she did not live in Commissioner Herman's district but lived in the County. She heard

about a lawsuit initiated by George Newell who had met with Commissioner Herman and implied the Commissioner was possibly Mr. Newell's realtor as well. Ms. Greene recalled an instance when Commissioner Lucey disclosed he was associated with a person discussed during a meeting and left the room so as to not appear biased.

County Clerk Nancy Parent stated she received an email from Annemarie Grant, which would be placed on file.

18-0520 AGENDA ITEM 5 Announcements/Reports.

Commissioner Jung said she attended a press conference where the Child Assistance Center received a \$5,000 donation from It's My Community Store. She requested staff reach out to the Reno Housing Authority about having representation from the County Commission and the Sparks City Council. She noted staff had contacted Mr. Garfinkle, who spoke during public comment about a dog bite. She requested Regional Animal Services Director Shyanne Schull present the best practices for animal incidents such as that experienced by Mr. Garfinkle. She announced the Truckee Meadows Fire Protection District's new station on Foothill Road was set to open on July 21 at 10:00 a.m.

Commissioner Hartung wondered whether there were grounds to detain a dog that bit a citizen until proof of rabies inoculation was determined. He announced the southeast connector was now open and it incorporated 5.5 miles of road from Greg Street to the end of Veterans Parkway. He thought significant changes to traffic patterns would be detected. He said the bike path that ran along that stretch of road was a good place to ride. He suggested the City of Reno utilize the old clubhouse on Pembroke Way as an overflow facility for the Children's Cabinet.

Commissioner Herman expressed concern about Ms. Candy Green's public comment and asked for clarification about what qualified as an official meeting that needed to be disclosed. She indicated her District was very large and she encountered people and had discussions with them regularly. Deputy District Attorney David Watts-Vial indicated no protocol was in place to dictate when a Commissioner should disclose conversations with constituents.

Commissioner Herman said the North Valleys Citizen Advisory Board (CAB) met and appointed new members. She mentioned Planning Director Bob Webb provided a presentation to the CAB.

CONSENT AGENDA ITEMS – 6A THROUGH 6F2

- 18-0521** **6A** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners. Clerk.
- 18-0522** **6B1** Approve the appointment of Allyson Wong (Residential Industry), Jesse Haw (Commercial Development Industry), Donald Tatro (Construction Industry) and Dave Pearce as an additional member to the Building Enterprise Fund Advisory Committee each for a four-year term commencing on July 1, 2018 and ending on June 30, 2022. Community Services (All Commission Districts.)
- 18-0523** **6B2** Approve an Interlocal Cooperative Agreement Approving RTC Program of Projects between Washoe County, City of Reno, City of Sparks, and the Regional Transportation Commission (RTC) for projects included in the RTC's Fiscal Year 2019 Street and Highway Program of Projects. Community Services. (All Commission Districts.)
- 18-0524** **6C** Approve an amendment to the Independent Contractor Agreement for Litter Control between Washoe County Health District and Keep Truckee Meadows Beautiful to increase the amount associated with the Agreement [From \$100,000.00 to \$111,111.00] and to update the period retroactively to March 1, 2018 through December 31, 2018. Health District. (All Commission Districts.)
- 18-0525** **6D** Approve and authorize the Chair to execute a general banking agreement between the County of Washoe and Wells Fargo, N.A. for general banking services. [\$70,000.00 - \$85,000.00 annually] (All Commission Districts.) Treasurer.
- 18-0526** **6E** Recommendation to approve Washoe County's Indebtedness Report and accompanying schedules for fiscal year 2017/18 as of June 30, 2018. If approved, staff will submit the report and schedules to the Washoe County Debt Management Commission and to the Nevada Department of Taxation by August 1, 2018. Comptroller. (All Commission Districts.)
- 18-0527** **6F1** Approve Washoe County's Debt Management Policy as of June 30, 2018. Manager. (All Commission Districts.)
- 18-0528** **6F2** Approval of a (5) year Cooperative Agreement to include a corresponding Annual Operating Plan between USDA Forest Service Humboldt-Toiyabe National Forest, USDI Bureau of Land Management; Carson City District, Winnemucca District, NorCal District and Washoe County. Manager. (All Commission Districts.)

Commissioner Herman spoke about litter control and clean-up efforts included in Agenda Item 6C. She wondered whether funding could be provided to help people whose homes had burned. She thought there were organizations that could help. She requested this issue be brought back to the Board.

On the call for public comment, Ms. Elise Weatherly spoke about Agenda Item 6B2. She thought the community was growing rapidly. She said she spoke to a Reno police officer who told her there were more cases than the department could handle because of area growth. She thought Regional Animal Services was experiencing the same challenges with growth and a lack of staff. She felt more money was spent on homelessness and clean-up than was needed. She wanted additional money for police to protect citizens.

Commissioner Hartung thanked the appointed members of the Building Enterprise Fund Advisory Committee for their commitment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Lucey absent, it was ordered that Consent Agenda Items 6A through 6F2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6F2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 7, 8, 9, 11, 12, 13

18-0529 **AGENDA ITEM 7** Request the Board of County Commissioners to acknowledge payment to Xerox in amount not to exceed [\$228,224.74] for fiscal year 2018-19 for annual maintenance and support agreement for the Second Judicial District Court’s case management system. District Court. (All Commission Districts.)

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

18-0530 **AGENDA ITEM 8** Recommendation to award Request for Proposal No. 3050-18 for Library Automated Materials Handling equipment for the Sparks and South Valleys library branches, to the most responsive bidder, MK Solutions, in the proposed amount of [\$244,650] for period June 8, 2018 thru August 31, 2018. If approved, authorize Purchasing and Contractors Manager to execute agreement. Library.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 8 be awarded, approved, and authorized.

18-0531 **AGENDA ITEM 9** Recommendation to approve, effective July 1, 2018, the reclassification of a Management Analyst, pay grade N, to Government Affairs Manager, pay grade Q (Manager's Office); a Librarian III, pay grade O, to a new job classification of Collections Development Manager, pay grade O (Library); a new job classification of Human Resources Proctor, pay grade C (Human Resources); three (3) new Human Services Support Specialist II FTE's, pay grade H (District Attorney), upon award of FY 18/19 VOCA grant funding, as evaluated by the Job Evaluation Committee and the Hay Group; the elimination of unused or obsolete job classifications as listed in Exhibit A; and authorize Human Resources to make the necessary changes. [Net fiscal impact to salaries and benefits is estimated at \$246,750 in FY 18/19] Human Resources. (All Commission Districts.)

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

18-0532 **AGENDA ITEM 11** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the STMWRF Utility Operations Modular Office Building Project, [staff recommends Brycon Construction, in the amount of \$199,837.00]. Community Services. (Commission District 2.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 11 be awarded and approved.

18-0533 **AGENDA ITEM 12** Recommendation to appoint Travis (Steve) Jackson to fill one of the three vacant seats on the Reno-Tahoe Airport Authority Airport Noise Advisory Panel, with a term effective July 10, 2018 through July 10, 2020. Manager. (All Commission Districts.)

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

18-0534 **AGENDA ITEM 13** Recommendation to extend the appointment of Sean Shea and Michelle Spencer to the Washoe County Advisory Board to Manage Wildlife, for an additional 3 months to end on October 1, 2018. Manager. (All Commission Districts.)

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

18-0535 **AGENDA ITEM 10** Recommendation to approve a request to initiate proceedings to amend the Washoe County Code (Chapter 50 - Public Peace, Safety and Morals) pursuant to a request by Commissioners to allow for limiting target shooting within Washoe County when conditions present a danger for wildland fire; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040. Community Services. (All Commission Districts.)

At the request of Commissioner Herman, Agenda Item 10 was pulled from the block vote.

Commissioner Hartung wondered how the County could stop people from shooting on Bureau of Land Management (BLM) land. Assistant County Manager Dave Solaro said legal conversations that addressed County Code included a law that could permit the Board to limit the discharge of firearms in congested areas. Mr. Solaro noted the purpose of this item was to provide the County Manager the ability to limit shooting when conditions warranted it. He explained the County Manager would determine when to limit shooting based on red flag fire dangers and would report the action to the Board.

Commissioner Hartung questioned the process to enforce the law. Mr. Solaro stated many laws were difficult to enforce but he thought educating the public about protecting property from wildland fires could be effective. He explained the intention was not to limit the discharge of firearms, but to limit it during extreme fire danger. During red flag fire danger, an approved range would be the only place to discharge a firearm. He thought discussions could be held with the Truckee Meadows Fire Protection District (TMFPD) about the process to prosecute someone who was found guilty of starting a fire.

Commissioner Herman was concerned that people could argue about other potential fire dangers such as the use of construction equipment. She noted many things could start fires and the County could not control them. She thought people should be educated not to shoot in times of high fire danger. She said banning shooting at any time could violate the constitutional rights of citizens and could create lawsuits.

Commissioner Jung said people wondered why this took so long but there were numerous legal processes required to create this item. She stated TMFPD Chief Charles Moore made it clear on the news that someone would be forced to pay for the damages if they were found guilty of starting a fire. She thought this provided the County with the authority to ban shooting when it was not appropriate as well as the authority to prosecute offenders.

County Manager John Slaughter explained the action for this item was a request to initiate the proceedings to draft an ordinance. He stated staff would consider comments from the Board, Chief Moore, and the community for the language to be included in the ordinance.

Commissioner Hartung requested the BLM's suggestions be included in the Ordinance language. He wanted statistics from Chief Moore about the amount of recent fires that were caused by target shooting. He was curious how many red flag days occurred in the 2017 fire season and so far in the current season.

Commissioner Hartung stated he would support this item with the understanding that staff would bring clarifying information to the Board at the first reading.

Chair Berkgigler said she was in support of this item because many houses could be at risk. She thought the County needed to have more control over fire danger in red flag conditions.

On motion by Commissioner Jung, seconded by Commissioner Hartung, with Commissioner Herman voting "no" and Commissioner Lucey absent, it was ordered that Agenda Item 10 be approved and directed.

18-0536 **AGENDA ITEM 14** Recommendation to appoint John Arrascada as Washoe County Public Defender effective August 20, 2018 with an annual salary of \$173,576. Manager. (All Commission Districts.)

County Manager John Slaughter indicated Public Defender Jeremy Bosler would be retiring effective August 31, 2018. He said on April 24 the Board approved a recruitment process for the appointment of a new Washoe County Public Defender. He explained the process included recruitment, job postings, and applications submitted to an application review committee. The committee consisted of representatives from the Washoe County Bar Association, the State Bar of Nevada, the Federal Public Defender, the Criminal Defense Bar, members of private practice, the National Association for the Advancement of Colored People (NAACP) of Reno-Sparks, the American Civil Liberties Union (ACLU), and Washoe County Legal Services. He said the committee reviewed all applications and ranked the candidates, six of whom were interviewed by a panel that include himself, Assistant County Manager Kate Thomas, and Clark County Public Defender Phil Kohn. He thanked Mr. Kohn for his involvement in the recruitment process. He said he was pleased to recommend Mr. John Arrascada for the position of Washoe County Public Defender. He explained Mr. Arrascada had spent time in the Public Defender's Office and then in private practice. He stated Mr. Arrascada was very qualified and excited to take on this challenge.

Chair Berkgigler invited Mr. Arrascada to the podium to speak.

Mr. Arrascada thanked the Board for its time. He remarked the selection process was very professional. He acknowledged the other candidates and said he was grateful to be the recommended candidate. He explained since 1983 there had been three Public Defenders and each of them had left an impact on him personally and professionally. He said he witnessed Mr. Bosler used a more holistic approach with the Office of the Public Defender to address the needs of the criminal justice system and the

community. He said the former Public Defenders helped make him the person and lawyer he was today and they provided a model for the Public Defender he would strive to become. He stated the core mission of the Public Defender's Office would not change but the justice system and the needs of the community had changed over the years. He said the Public Defender's Office provided resources to assist citizens with rehabilitation, recovery from addiction, mental health needs, parental rights issues, and juvenile justice. He said he looked forward to working within the criminal justice system with the District Attorney, the courts, and law enforcement to strive to make the system fair, efficient, and effective.

Commissioner Hartung said he knew the Arrascada family for many years and lauded the work ethic of Mr. Arrascada.

Commissioner Jung encouraged Mr. Slaughter and staff to continue the recruitment process used for this appointment. She thanked Mr. Bosler for his service.

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

18-0537 AGENDA ITEM 17 Announcements/Reports.

There were no announcements or reports.

18-0538 AGENDA ITEM 15 Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

11:25 a.m. On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried with Commissioner Lucey absent, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

11:41 a.m. The meeting reconvened with Commissioner Lucey absent.

18-0539 AGENDA ITEM 16 Public Comment.

There was no response to the call for public comment.

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11:42 a.m. There being no further business to discuss, the meeting was adjourned without objection.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk