

**APPROVED APRIL 6, 2017**

The Regular Meeting of the Douglas County Board of County Commissioners was held on March 16, 2017 in the meeting room of the Tahoe Transportation Center, 169 Highway 50, Stateline, NV, beginning at 1:30 PM.

**Call to Order**

**Commissioners Present:**

Barry Penzel, Chairman  
Steve Thaler, Vice Chairman  
Nancy McDermid, Board Member  
Larry Walsh, Board Member  
Dave Nelson, Board Member

**Staff Present:**

Carl Ruschmeyer, Public Works Director  
Captain Dan Coverley, DCSO  
Doug Ritchie, Chief Civil Deputy District Attorney  
Erik Nilssen, County Engineer  
Jon Erb, Civil Engineer  
Kathy Lewis, Clerk-Treasurer  
Larry Werner, County Manager  
Laure Penny, Clerk to the Board  
Lisa Granahan, Economic Vitality Manager  
Vicki Moore, Interim CFO  
Wendy Lang, Human Resources Director

**INVOCATION**

The invocation was led by Father Setelik of Corpus Christi Catholic Church.

**PLEDGE OF ALLEGIANCE**

Nancy McDermid led the Pledge of Allegiance.

**PUBLIC COMMENT (No Action)**

No public comment.

**APPROVAL OF AGENDA**

MOTION to approve the agenda with item 10 being continued to another date; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy McDermid, Board Member
<b>SECONDER:</b>	Larry Walsh, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

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**APPROVAL OF PREVIOUS MINUTES**

**Board of County Commissioners - Strategic Planning Meeting - February 6, 2017**

MOTION to approve the Minutes of February 6, 2017; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Thaler, Vice Chairman
<b>SECONDER:</b>	Nancy McDermid, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

**Board of County Commissioners – Emergency Meeting - February 10, 2017**

MOTION to approve the Minutes of February 10, 2017; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Thaler, Vice Chairman
<b>SECONDER:</b>	Nancy McDermid, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

**Board of County Commissioners - Work Session - February 16, 2017**

MOTION to approve the Minutes of February 16, 2017 work session; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Thaler, Vice Chairman
<b>SECONDER:</b>	Nancy McDermid, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

**Board of County Commissioners - Regular Meeting - February 16, 2017**

MOTION to approve the Minutes of February 16, 2017 with changes; carried

Kathy Lewis, Clark-Treasurer explained the changes.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy McDermid, Board Member
<b>SECONDER:</b>	Dave Nelson, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

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**DOUGLAS COUNTY AWARD PRESENTATIONS**

**Ceremonial presentation of Proclamation number 2017P-023 proclaiming the week of March 13-19, 2017, be recognized as Brain Injury Awareness Week in Douglas County. (Michael Smith)**

Vice Chairman Thaler reads Proclamation into the record.

Mike Smith explained every year we learn more and more about brain injuries. We are pretty much at a stage now where coaches of athletics in schools should have concussion protocols and they should be aware of the symptoms. He stated that a second concussion can lead to death which is called Sudden Impact Syndrome. He appreciates Douglas County helping with Brain Injury Awareness Week.

<b>RESULT:</b> <b>FOR PRESENTATION ONLY.</b>
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**CONSENT CALENDAR**

**FINANCE**

**A. For possible action. The auditor's report on Douglas County's general ledger balances through February 27, 2017 per NRS 251.030. (Caroline Chieffo)**

MOTION to approve;

**CLERK-TREASURER**

**B. For possible action. Discussion to approve the receipt and filing of the cumulative voucher sheets for checks issued for the 2/3/17 Payroll, 2/13/17 Payroll, 2/17/17 Payroll, 2/3/17 Payables, 2/10/17 Payables, 2/15/17 Payables and 2/17/17 Payables. (Kathy Lewis)**

MOTION to approve;

MOTION to approve the consent calendar; carried

<b>RESULT:</b> <b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b> Nancy McDermid, Board Member
<b>SECONDER:</b> Larry Walsh, Board Member
<b>AYES:</b> Penzel, Thaler, McDermid, Walsh, Nelson

**ADMINISTRATIVE AGENDA**

The Administrative Calendar will be handled as follows:

- (1.) The Chairman will read the agenda title into the public record.
- (2.) Staff will introduce the item and provide a report, if any.
- (3.) The applicant, if any, will have an opportunity to address the Board.

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(4.) The Board will then discuss the item. Once the Board has concluded their discussion, public comment will be allowed.

(5.) Public comment will be allowed and is limited to three minutes per speaker.

(6.) Once public comment is completed, the Board will then ask any follow-up questions and take action.

On agenda items that are agendized as a “presentation” with no action listed, public comment is not legally required and must be made at the beginning of the meeting.

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION**

No items were pulled.

**COUNTY MANAGER**

**1. Presentation on Assembly Bill 43 (Bill Draft Request 32-441), a bill to revise provisions governing the partial abatement of taxes levied on residential and other property. (Mary Walker, Walker and Associates)**

Mary Walker, Walker and Associates provided an update on AB 43. She mentioned they were trying to correct a secondary cap problem. Ms. Walker explained what the secondary cap is and how it can override the 3% cap. AB 43 was trying to correct that but the original Bill did not correct and did increase property tax. Revisions to AB 43 eliminated the increase in tax and provides for a floor. The floor is 2.6% which is the same amount under the current law for this year but it will go to 3% which is top cap. After 2019/2020 we'll have flat tax. She believes the amendment is a good one.

Vice Chairman Thaler commented he appreciates everybody helping to make this work. In 2005 nobody saw the unintended consequence. They were trying to stabilize property taxes. He asked Ms. Walker with the amendment will it require a 2/3 vote. Ms. Walker responded she does not believe it will. It does not trigger a tax increase; it stabilizes to a floor. It shouldn't need a 2/3 vote.

Commissioner McDermid had a question on commercial property. In parentheses you have “all but owner occupied residential”. If you own a home and you rent it out is that considered commercial? Ms. Walker responded yes. Commissioner McDermid commented it would be up to the Assessor to know that property is being rented. Ms. Walker responded no, the Assessor sends out a card each year to people to declare whether property is commercial or not. Commissioner McDermid asked if it's a vacation rental or an Airbnb it should be considered commercial? Ms. Walker responded a vacation rental would be a commercial property. She is unsure about an Airbnb.

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Commissioner Nelson commented it would have been simple to write a 3% straight across the board law. He looks at this as giving the taxpayers a break and he'd hate to see that go away. Is there any chance we might see 0.2% again or will the amendment cause it to go up? Ms. Walker responded the 2005 session centered around something for the homeowners and something else for commercial. Towards the end of that session the secondary cap got put in. Ms. Walker believes the 0.2% is based on the Assessed Value (AV) because it reads "greater of two times the CPI or average 10 year Assessed Value". She explained most of the counties saw a 25% reduction in their Assessed Value during the recession. The AV is what we have been reliant on for the first 10 years and this year, because of the Assessed Value decline, it triggered the CPI coming in for the first time. She doesn't believe we will see a 25% reduction in the AV again. Commissioner Nelson commented he hates to see this break for taxpayers go away and that is what he considers it, a break for the taxpayers.

**RESULT: FOR PRESENTATION ONLY.**

**2. For possible action. Discussion on The Nevada Right to Counsel Commission Act of 2017. (Doug Ritchie)**

Larry Werner, County Manager stated this item is being pulled from the agenda. We are waiting for the actual Bill language to come out and we don't know when that will be.

MOTION to pull Item 2 from the Agenda; carried

**RESULT: REMOVED FROM THE AGENDA [UNANIMOUS]**  
**MOVER:** Nancy McDermid, Board Member  
**SECONDER:** Steve Thaler, Vice Chairman  
**AYES:** Penzel, Thaler, McDermid, Walsh, Nelson

Vice Chairman Thaler explained NACo. represents the 17 counties and they try to reach out to the counties to get input before they push a Bill. This is being pushed by the Supreme Court and that's why it hasn't come out yet as a Bill. There is not enough information to make an informed decision.

**3. For possible action. Discussion on the draft update of the Strategic Plan for Douglas County including the process and timeline to complete the final plan. (Lisa Granahan 10 minutes)**

Lisa Granahan, Economic Vitality Manager and Lorna Shepherd, OnStrategy discussed why they do strategic planning and what they expect. Ms. Granahan went on to discuss timeline and process; board reconfirmed vision, mission and values; top priorities identified; other Strategic Priorities; what else the Board needed to know; the teamwork and the great input; budgeting decisions; strategic initiatives; what is next; and the online survey and its results. She asked the Board to confirm the Strategic Priorities and confirm Strategic Initiatives.

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Commissioner McDermid commented Managed Growth doesn't appear on the Strategic Plan but if you are talking about Infrastructure it is a component of Managed Growth. She believes it needs to be identified that there is an ordinance in the Master Plan talking about Managed Growth. On the mandates, it is important to know if there is funding coming with that mandate or is it there in the form of a grant from the State or can you apply for funding or in some instances the Legislature may leave it up to the Board of Commissioners to identify the funding. She believes the top three Strategic Priorities will allow the other priorities.

Vice Chairman Thaler wanted everybody to think in a triangle. He then provided his opinion of the County's Strategic Plan: Financial Stability, it doesn't matter what we do, we can't do it without Financial Stability. We have to have the finances in order to do anything we do. He wanted to put Financial Stability on the bottom rung of the triangle; this becomes the base of everything we do. On one side of the triangle is Organizational Sustainability and the other side is Safe Community. Vice Chairman Thaler went on to speak on Safe Community. He believes if we don't have a safe community we can't do anything else either. He stated Safe Community needs to be a priority. He doesn't want our community to become like some of the other communities around us. He then spoke on Organizational Sustainability. He stated we need our employees to do the job. We need to bring in the right employees and make sure they stick around for a long time. Once we have all these then we start looking at the other priorities. He discussed Quality of Life as being the red dot in the middle of the triangle. Vice Chairman Thaler is concerned if they prioritize Infrastructure, Organizational Sustainability and Financial Stability they may box themselves into a corner during the budget.

Commissioner Walsh agrees with Vice Chairman Thaler that Safe Community is a priority.

Commissioner Nelson agrees but believes we need to look at Infrastructure. It is his top priority at this point and we've let it go for far too long. Under Planning Assumptions: "In their fact-finding efforts, unions may count one-time funds as potential source for future salaries". He commented this is only one part of NRS 288. He'd like to have a footnote added that points to NRS 288.150(5). Commissioner Nelson reads this into the record. Commissioner Nelson commented suppose we sell a school and have a one-time income of \$3 million and the unions go after that and we have to pay them salaries based on that one-time income, it would be difficult for us to do that. He commented the Planning Assumption statement along with his requested footnote would be fine with him

Chairman Penzel commented safe communities are a very basic need. Thanks to the Sheriff's office and the Fire Department we do have a safe community. He spoke on Body Cameras and that was not a need identified by the Sheriff's Department but it was a need identified for us by the State so we would need a way to fund that. He commented if you were to put the Priorities on top of each

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other there are ones we are working on that we have made more progress on than others. We still need to work on Infrastructure and if we obtain true Organizational Sustainability we will have helped the Sheriff's Department, the Fire Department and all of our employees. He doesn't believe the way they have the Priorities set up it is one to exclusion of the other. If we are going to be focusing dollars this year it should be on Infrastructure and Organizational Sustainability.

Commissioner McDermid commented these are all priorities. What the Workshop determined were that the top three had the greatest number of individuals identifying them as being their top priorities. The question is where, in this point in time, do you need to focus money to these particular Priorities that have been identified. That does not mean you are taking from funding for other Strategic Priorities, it's just identifying these have current needs that need to be foremost in our minds as we go through the budget. All of them are important and need to be funded.

Vice Chairman Thaler commented he is disappointed only 30 people showed up at Workshop. He doesn't know what it will take to get more people involved. He asked Ms. Shepherd if the low turnout is normal. Chairman Penzel believes it depends on the topic if people will show up or not. Ms. Shepherd responded it is not unusual; a controversial topic gets more attendance. She wanted to add to the comments made by a couple of the Commissioners about prioritization, as a group we noted where as a county we need to make transformational effort change versus holding steady and keep going forward with a strong performance. Safe Community received the most unanimous votes for stay the course, don't drop that effort. Transformation needs to be taken on the top three Priorities.

Commissioner Nelson commented only about seven or eight citizens attended the Workshop and 30 people over all and that was heavily weighted toward employees of the County. And Ms. Granahan said about 25% on the survey were employees, which is also heavily weighted towards employees. Do you think that make a difference? Ms. Shepherd responded the citizens who attended the Workshop stayed for the entire thing and when we broke out into work groups we made sure there was a citizen sitting at every table. In terms of the survey, the County is one of the larger employers, so she is not surprised at the participation rate by employees. Commissioner Nelson asked how they get more citizens to participate. Ms. Shepherd responded more publicity about the survey and keeping it out there longer might have gotten higher participation. She commented something they might look at analytically is what is the County's voter participate rate and how does that correlate to the citizens survey rate. Commissioner Nelson responded for Republicans it's 96% - voter registration and turn out. Ms. Shepherd responded if you have a high voter participation rate you might expect a higher participation. Ms. Shepherd stated the majority of the responses for each Strategic Priority were they agreed or slightly agreed that those are priorities.

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PUBLIC COMMENT

Dave Brady commented as one of the original authors of the Strategic Plan he wanted to applaud the Commissioners' diligence in reviewing and updating the document in an effort to keep it current and relevant. In the beginning there was no consideration given to any Planning Assumptions that are now at the forefront of this review and update. He believes the Planning Assumptions are unnecessary, inappropriate and somewhat dangerous as written. He doesn't believe they are appropriate as written in the document. These assumptions in consideration should be of importance when it comes to building the budget to make sure the budget is in alignment with the Strategic Plan. He feels the Board should separate the assumptions and considerations and recognize they do not belong in the design review and update phase but they do belong in the implementation phase. He went on to discuss the faults he found with the assumptions.

Bill Chernock, Carson Valley Chamber of Commerce commented he attended the Workshop and has participated in numerous similar other plan sessions. He felt this was one of the better constructed sessions. He felt it would not be a good idea to put the Priorities in their own silos. He has no issues with how the Priorities have shaken out. He feels Peter will be robbed to pay Paul but asked the Commissioners not to leave Peter laying in the gutter bleeding from a head wound. When resources are shifted the impacts will be seen beyond a single budget cycle and other properties have to be kept viable.

Carol Chaplin, Lake Tahoe and Tahoe-Douglas Visitors Authorities commented these are great Strategic Priorities and we need to stick to them during tough decisions. As far as she is concerned Economic Vitality is a visionary portion of the Strategic Plan. We need to continue to be well balanced and continue our prosperity.

Steve Teshara, Sustainability Community Advocates commented without Economic Vitality and Prosperity none of these other things are possible. A good thing about Economic Vitality is it brings to the table a lot of volunteers, business people and citizens who are all for it. He believes the other Priorities should be weaved into Economic Vitality. He made some suggestions on how to reach out to the citizens and for future workshops.

Terry Faff believes the lack of interest is due to everything being ok and people being happy with the status quo. You need to find a hook to get people to come out and participate. He believes education is a vital part of the county and should be included.

Mike Avila, DCEA President, also speaking on behalf of John Storke, DCSPA President, commented there seems to be this idea that the employees respond to these types of things in a vacuum; that we care strictly about Organizational Sustainability because it affects us. He wanted to make it clear a lot of the employees care about all of it. We don't just participate to benefit ourselves; we



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can't keep being highlighted as these people that are acting in only our best interest. The employees are a part of the community; we are taxpayers and citizens. We are not irrelevant and our opinions are important; we are a big part of this and the employees are the ones with the safe community; the ones that will be doing the infrastructure. We are out there and that's why this matters to us. Finally, we are here to help. And we would like to find a productive and consistent pattern to the budget.

Carlo Luri commented he agrees with Vice Chairman Thaler about the base of the triangle and finances being the foundation for everything else. He wanted to add Economic Vitality insures the sustainability of that foundation.

Public comment closed.

Vice Chairman Thaler commented in the past Safe Community has always been in the top three Priorities so why move it down.

Commissioner Nelson commented he didn't mean to say employees shouldn't have a say. Sometimes the people that work for you have a different idea the way things should be than the people paying the bill. He would like to have more people who are paying the bill to participate in these workshops.

Chairman Penzel commented he agrees with Mr. Brady about the Planning Assumptions. It seemed like we were throwing things up against the wall to see if they'd stick. He believes we need to look at what the Planning Assumptions should be. He would bring it out as a policy level discussion as opposed to finite definitions that everybody doesn't agree on. We need to be consistent on how we look at them especially when we are talking about individual initiatives. He asked Ms. Granahan if she had enough direction to proceed.

Ms. Granahan responded she did hear from the Commissioners that all the Strategic Priorities are the right Priorities. The ones that require the transformational shift and the resources are the top three. Chairman Penzel commented there are interrelationships between these that we can't ignore. That somehow has to be woven in.

Vice Chairman Thaler commented what he is struggling with is when they prioritize because it makes it sound like something is less important. If we can somehow incorporate this so we don't lose sight. Regardless of how this is set up and it goes out to the community he'll be fine by it. He knows all six Priorities will never be forgotten.

Commissioner McDermid commented two words concern her "Other" and "Urgent". It needs to be recognized these are all woven together and some word smithing needs to be done. She doesn't want them relegated to "Other" or "Not as Urgent" and Managed Growth has to be a component. It's involved in all of it but somehow it's lost its place.

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Chairman Penzel stated every Priority should be on the same level but eventually a decision needs to be made what Priority gets funding. A good guideline or assumption might be to look at how many Priorities does this particular program satisfy.

**RESULT: FOR DISCUSSION AND DIRECTION ONLY.**

**4. For possible action. Discussion to approve the appointment of a lay member of the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission. (Larry Werner)**

Larry Werner, County Manager explained this item was to approve the appointment of a lay member to the TRPA Advisory Planning Commission. He commented they had only received one application. It was from Garth Alling.

Commissioner McDermid explained who the members were on the Advisory Planning Commission of the TRPA. She stated she has known Mr. Alling and his family for years. You have to live in the Tahoe Township to apply which Mr. Alling does and she feels he will be a wonderful representative.

Commissioner Nelson commented he was impressed with Mr. Alling's resume.

Garth Alling, Applicant stated he has been a resident for 43 years. He is a Biologist by trade and he feels can bring a lot to the Advisory Planning Commission.

PUBLIC COMMENT

Steve Teshara agreed Mr. Alling is a fine choice and looks forward to working with him. He also mentioned and commended the long years of service by Mike Riley. He did an outstanding job and it will be a great loss.

Public comment closed.

MOTION to approve the appointment of Garth Alling to the TRPA Advisory Planning Commission for a term office from March 2017 thru December 31, 2017; carried

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Nancy McDermid, Board Member  
**SECONDER:** Dave Nelson, Board Member  
**AYES:** Penzel, Thaler, McDermid, Walsh, Nelson

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**COMMUNITY DEVELOPMENT**

**5. Presentation on the Lake Tahoe Total Maximum Daily Load including Douglas County's goals, obligations and costs. (Erik Nilssen)**

Erik Nilssen, County Engineer provided a presentation on the Lake Tahoe Total Maximum Daily Load. He discussed the declining Lake clarity; the fine sediment particles; where the fine sediments come from; fine sediment particles reduction requirements; how to capture fine sediment particles; Burke Creek; Lower Kahle Basin being the next project; and other obligations.

Courtney Walker, Stormwater Manager was also present during the presentation.

Commissioner McDermid asked if it was still determined based on the 2004 baseline that Douglas County has 3% of the total amount of TMDL that was going into the Lake. Mr. Nilssen responded yes, 3% was the total contribution of Douglas County to the fine sediment particles that are in the Lake. Commissioner McDermid asked isn't the Lower Kahle Basin project on Forest Service land? Mr. Nilssen responded yes and they would most likely contribute with a grant. Commissioner McDermid then asked about the Beach Club, are they contributing anything since they are at the end of Kahle Drive? Mr. Nilssen responded this project is to the east of the Beach Club. The Beach Club will have to do there private parcel BMPs with TRPA but they wouldn't get any benefit from the Lower Kahle Basin. Commissioner McDermid commented Edgewood is doing the 4000 acre watershed of Edgewood Creek from the top of Kingsbury all the way down, don't we get credits? Mr. Nilssen responded we do get some credits but we do not get credit if we restore stream environment zones. The modeling of it is too complex. Commissioner McDermid asked if before you require a parcel to do BMPs, don't you have to determine where it drains because not all parcels drain into the Lake. Mr. Nilssen responded that is correct, we don't get credit if they are disconnected from the Lake. Commissioner McDermid asked if the BMPs are different if they don't drain into the Lake. Ms. Walker responded TRPA's ordinance requires any construction on existing or new properties to do BMPs to capture the 20 year, one hour storm. Commissioner McDermid asked about existing parcels that are developed. Ms. Walker responded they are required to retrofit. They have helped TRPA prioritize what areas would be helpful for them to encourage BMP installation.

Chairman Penzel asked about Oliver Park, don't they have some responsibility especially with Kahle Drive. Ms. Walker responded there was a lawsuit because they were supposed to be maintaining the water quality improvements in the Kahle area and they weren't. We were able to get some funding and a couple of parcels from the settlement. It was with that money that we have paid to maintain the Kahle wet basin. Chairman Penzel commented the sale of the property was not the property of Incline Village it was this property. Doug Ritchie, Chief Civil Deputy District Attorney wanted to clarify the three parcels in Incline were part of the lawsuit. We had previously received a cash payment that was also put into the

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TMDL Maintenance Fund and used. The proceeds from the sale of the three Incline parcels are also being put into the TMDL Maintenance Fund.

Commissioner Walsh asked if the exceeded credits carry over for the future. Mr. Nilssen responded yes, they will roll over as long as we maintain the structures.

Vice Chairman Thaler asked how often they check the clarity of the Lake. Mr. Nilssen responded they do it multiple times a year in different locations. Vice Chairman Thaler asked what happens if the clarity gets back to 100 feet. Ms. Walker responded there are annual fluctuations. In a drought the clarity increases because there is less run off; this year the clarity will probably decrease because of all the runoff. Vice Chairman Thaler asked if the government defunds the EPA, what is the impact to us. Mr. Nilssen responded we have an interlocal agreement with NDEP not EPA so he assumes our obligations would be the same.

Mr. Nilssen had one other thing to discuss. He commented right now we have an interlocal agreement with NDEP; the California sides are under a permit from Lahontan Water Quality Board. If you are placed under a permit you cannot have grant funds to construct your improvements. If we mess up then NDEP could hit us with a permit at which point any grant funding for construction of improvements would not be possible.

Commissioner McDermid commented the EPA talks only about clarity when it comes to Lake Tahoe everywhere else it's about the water quality. She is more concerned about the near shore where there are Asian Clams and algae. More people access the Lake around the Lake shore than they do going into the middle of the Lake and looking down. She hopes that research comes up with a better material for sanding the roads and she mentioned that Vacuum Trucks are better than a regular sweeper.

Chairman Penzel asked if the FSP reduction requirements have changed overtime. Mr. Nilssen responded no they have stayed consistent. There have been changes to the tools and the estimates of how much fine sediment there is in the County and on the roads.

PUBLIC COMMENT

Steve Teshara, Sustainability Community Advocates commented there is \$1.2 million in the restoration act for the Kahle Basin project. There are also other monies floating around that may be brought forward. Kahle Drive needs to be dealt with on a drainage perspective as well as a road perspective. He stated this subject is why a lot of people in Tahoe are interested in the County's Stormwater Initiative. We'd like to think it's specific to Tahoe in terms of the TMDL focus.

Public comment closed.

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**DISTRICT ATTORNEY**

**8. For possible action. Discussion to adopt Resolution No. 2017R-021 approving the modified service plan of the Tahoe-Douglas District to provide storm drainage and flood control. (Robert Morris, Esq.)**

Robert Morris, Attorney for Tahoe-Douglas District (TDD) explained they are here today to request the Board approve the Service Plan for storm drainage and amend the Ordinance to include the power to do the storm drainage. He commented there was no protest to the Notice that was sent out. TDD, for 4 years, has efficiently handled storm drainage for themselves and other GIDs. He discussed the ordinances for other GIDs and stated TDD may come back at a later date for other powers.

Vice Chairman Thaler commented the size of the TDD is about 3000 people and brings in over \$5 million in, what he assumes is, tax revenue. He believes they should give it a try. He can't see a reason not to adopt this Resolution.

Commissioner Nelson asked how much debt TDD has. Janet Murphy, TDD Administrator/Operator responded we don't have any debt. Commissioner Nelson asked what their reserves are, what percent of what you think it should be at this point. Ms. Murphy responded their reserves should be a little bit higher. They had an analysis done showing they should be higher and that's what they are striving for. They also put money away for the Capital Improvements.

Chairman Penzel asked if TDD has a policy for reserves. Ms. Murphy responded yes. Chairman Penzel asked what the policy was. Ms. Murphy responded a 5 Year Plan they have to submit every year to the Taxation Department. They have to put that money aside to make sure those funds are available to do those Capital Improvements. Chairman Penzel asked if it was a percentage. Ms. Murphy responded it varies. It depends on the needs in the District.

**PUBLIC COMMENT**

Cameron McKay, General Manager of Kingsbury GID pointed out in the Service Plan there was one thing missed and it does affect everybody. When you pump storm water into a sanitary sewer the sediments become everybody's responsibility to remove. You would be asking Kingsbury, Round Hill and Glenbrook GIDs to subsidize the other GIDs to have those storm drains cleaned. They have to pay for the sediment removal at DCSID but they shouldn't be paying for it going into the sanitary sewer. This also goes against the Ordinance of DCSID; so as Commissioners you are condoning breaking DCSID's Ordinances. The Ordinances specifically state no other liquids go into their sanitary sewer unless permitted. He believes DCSID has not permitted it. He wanted to know where the Permit is and

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where the Agreements between the other GIDs are. He also wanted to know why TDD needs this power.

Roy Pike, Marla Bay GID commented he believes TDD has done an excellent job and they have saved Marla Bay GID money. He supports them continuing.

Diane Imbach, is a resident of Zephyr Cove; sits on the Board of TDD; and sits on the Board of the Zephyr Heights GID. She commented TDD spoke with DCSID about how to handle the sediment particles. Sediments are not put back into the sewer. She mentioned the Zephyr Cove GID are small and don't have a lot of money. It is cheaper to use TDD.

Ralph Miller, Chairman Cave Rock GID is very happy with the services from TDD. He supports them 100%. There are overlapping jurisdiction and they have the power to do storm water and sewer. They can opt out and exercise their own powers at anytime.

Jarrad Miller, Glenbrook HOA Attorney commented the primary concern of the Glenbrook HOA is there is no financial analysis of the impact to Glenbrook and other surrounding areas.

Gary Richert commented his GID has the option to select the best purveyors to perform services. He assumes the Board hasn't heard any complaints about TDD in the past 10 years. He believes they have proven themselves and he does not understand the concerns of the other GIDs.

Public comment is closed.

Ms. Murphy commented she wanted to address the concerns of Mr. McKay. She commented when they took on this venture, four years ago, they contacted DCSID and DCSID had given TDD a letter with DCSID's OK under certain conditions. She discussed some of the conditions imposed by DCSID. She went on to explain the process for separating out sediment. She commented that DCSID has been monitoring everything for the past four years and TDD has heard no negative comments from DCSID. She discussed the sewage puts in Fats, Oils and Grease (FOG) and they do not put any sediment into the system. She discussed they never go over the flows that they pay for on a quarterly basis to DCSID. Ms. Murphy then addressed Jarrad Miller's concerns. She explained Glenbrook has Summit Plumbing that does their storm water drainage. All the other Districts pay for TDD's service so Glenbrook is not paying anything to TDD.

Commissioner McDermid asked Ms. Murphy if she's gone back to DCSID to speak with them about what TDD is now requesting. Ms. Murphy responded yes, after the last meeting she called the General Manager, Rob Hopkins. She spoke with him and provided him with the documentation. Mr. Hopkins went over things with Ms. Murphy and an employee of TDD that handles the storm water and told them to take "grab" samples because they want to make sure what is going into

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DCSID's system. Then a letter came out, that Ms. Murphy was unaware of, that stated DCSID wanted to make it fair to everybody and they wanted to see what they could come up with. Mr. Hopkins suggested TDD might have to bring a whole load to DCSID to sample it. Ms. Murphy told Mr. Hopkins TDD would do whatever they needed to do. Ms. Murphy commented if needed, they would take their loads to Lockwood.

Vice Chairman Thaler asked Ms. Murphy if she has heard any complaints. Ms. Murphy responded no we haven't. Vice Chairman Thaler asked Ms. Murphy if she would change anything in the next four years to her service with this power. Ms. Murphy responded no because there haven't been any complaints.

Chairman Penzel commented what he is hearing from Kingsbury GID and Glenbrook GID is they are concerned about impacts outside of both their Districts from TDD. He mentioned he had gone through NRS 308 and he did not see any statement requiring an Impact Statement or Study. Doug Ritchie, Chief Civil Deputy District Attorney responded there are no requirements for an Impact Statement outside of the area, however the Board has to find that the Service Plan conforms to NRS 308.030 and that the Service Plan does not contravene any of the criteria in NRS 308.060. Mr. Ritchie mentioned that NRS 308.060 discusses the criteria for disapproving a Plan. Before a Service Plan can be approved it has to be shown the service is needed and that the service is not or will not be able to be provided by another municipal organization. Mr. Ritchie commented one of the problems you may have when you have overlapping jurisdictions providing the same services is you will have impacts, but there is no requirement to look at a District outside the District's boundaries to see if it impacts them. Chairman Penzel asked Ms. Murphy if she could get or does she have a summary letter from DCSID from their last conversation. Ms. Murphy responded she does not have a current letter but she has spoken with Rob Hopkins, General Manager for DCSID on two different occasions. She explained in one call with Mr. Hopkins she asked Mr. Hopkins what he wanted TDD to do because Summit Plumbing had testified at the last meeting. Mr. Hopkins replied when you are ready to do your storm water do a "grab" sample, put it in a bucket and bring it to DCSID and they would test it. Ms. Murphy went on to explain she again spoke with Mr. Hopkins, yesterday, and Mr. Hopkins stated he had received a letter from KGID and DCSID wants to make sure they treat everybody correctly and make sure it doesn't affect the system. Ms. Murphy suggested she could bring a whole load to DCSID and Mr. Hopkins responded they want to make sure it's fair across the board before agreeing to anything. Chairman Penzel asked if the tentative approval with DCSID was withdrawn could Ms. Murphy continue with this. Ms. Murphy responded yes, we would just take the loads to Lockwood.

Vice Chairman Thaler asked Ms. Murphy if it was still her intention to go and try to work it out with DCSID. Ms. Murphy responded absolutely, we have all the same customers and she hopes they will work with them. She commented TDD pays for a certain amount of gallons per day to be treated. We don't go over our amount. Vice Chairman Thaler commented he is worried if we don't do this we are

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placing an undue burden on the smaller GIDs that struggle with the service. He believes this will help them.

Chairman Penzel commented he cannot find any reason to deny this according to NRS 308.060 and criteria to disapprove it.

MOTION to adopt Resolution No. 2017R-021 approving the modified service plan of the Tahoe-Douglas District to provide storm drainage and flood control; carried

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Thaler, Vice Chairman
<b>SECONDER:</b>	Dave Nelson, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

**9. For possible action. Discussion to adopt Ordinance No. 2017-1485, an ordinance amending Ordinance No. 169 and Ordinance No. 2012-1375, granting to Tahoe-Douglas District the additional power to provide storm drainage and flood control services and providing for other properly related matters. Second Reading. (Robert Morris, Esq.).**

Robert Morris, Attorney for Tahoe-Douglas District (TDD) explained this is a follow up action based on the Board's approval of the Service Plan. He asked the Board to approve the second reading which would amend the Ordinance to include storm water drainage in TDD's list of powers.

Commissioner McDermid asked Mr. Morris if it was their intention to be back for more powers. Mr. Morris responded that will depend on TDD's Board. When they started they wanted to also ask for water and roads. Based on the amount of time it took and some of the problems they encountered for this power they may be rethinking that. However, it seems in the long run a consolidation of services is a positive way to go.

Vice Chairman Thaler doesn't understand the fear of consolidation. He wonders if all the GIDs and the Board need to get together and talk about consolidation. Mr. Morris responded NRS 318 gives the Board the power to handle this issue and he believes it is something that is worth working on. Vice Chairman Thaler commented this is not something that will happen immediately; it will take some time.

Commissioner Nelson commented as far as other powers go he believes TDD is run very well. He thinks it's one of the best run GIDs anywhere but the number of people you use and the length of your lines it is amazing to him that TDD does it so well. Giving you the power to do water doesn't mean that somebody is going to turn their water lines over to you automatically. It will have to be a voluntary thing. Maybe that's how you get consolidation by having a good operator that can make it work. He believes the main reason people don't want to change what they have is fear of increased cost. He believes TDD would do a great job with handling the water also.



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PUBLIC COMMENT

Diane Imbach commented all the smaller GIDs have the power to do water, sewer and storm drainage. TDD just wants the same powers as the other GIDs. She can't see them coming back to ask for more powers any time soon.

Terry Faff commented this horse is so dead it's resurrecting.

Public comment closed.

Doug Ritchie, Chief Civil Deputy District Attorney stated for a clean record the Board needs to specifically find that the public convenience and necessity warrants the modified Service Plan; the proposed modified Service Plan is economically sound and feasible; it conforms to Nevada Law; and it does not contravene any of the requirements of Nevada Law. This is under NRS 318.055(c).

The Commissioners discuss all four points and agree that TDD meets all four.

MOTION to adopt Ordinance No. 2017-1485, an ordinance amending Ordinance No. 169 and Ordinance No. 2012-1375, granting to Tahoe-Douglas District the additional power to provide storm drainage and flood control services and providing for other properly related matters; carried

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dave Nelson, Board Member
<b>SECONDER:</b>	Larry Walsh, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

PUBLIC WORKS

**6. For possible action. Discussion on the adoption of the Douglas County 5-Year Transportation Plan previously approved by the Regional Transportation Commission, to be included in the Fiscal Year 2017/18 Capital Improvement Plan budget. (Jon Erb)**

Jon Erb, Civil Engineer stated this is the final process for the Transportation 5-Year Plan Update. He discussed the Funded Projects for FY 2017/18; financial details of the 430 Fund; and his recommendation.

Chairman Penzel asked when Tillman might be complete. Mr. Erb responded they will be addressing temporarily opening it soon.

Commissioner Walsh asked if the four funded projects are contract projects. Mr. Erb responded yes they will be contracted out. Commissioner Walsh asked Mr. Erb if Centerville Roads comes off the current list of projects can we do Waterloo Lane instead. Mr. Erb responded it would be pretty hard to get design complete but he will check into that.

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Commissioner Nelson asked about the funding for Dump Road. He thought there was funding for it but on the spreadsheet it says “unfunded”. Mr. Erb responded Dump Road was approved with solid waste funds and its part of the 430 Fund.

PUBLIC COMMENT

Carlo Luri commented since the intersection for Centerville Road and Highway 88 is a priority for NDOT, he wondered how the County project would tie in with whatever traffic control NDOT decides to put in. He also pointed out that the County has a Complete Streets policy and he encourages the Board to contemplate that with all new road projects. He is concerned about people walking or riding on the shoulder of Centerville Road.

Public comment closed.

Mr. Erb responded to Mr. Luri’s question regarding the Centerville Road intersection. The County’s project is only a pavement replacement project. It won’t address the intersection. That is NDOT’s right of way. NDOT is in the process of deciding what intersection control device will be the best solution there. The County won’t be doing anything with that project at this time.

Chairman Penzel commented there will be an interface between Highway 88 and Centerville Road and the county will have to do some construction up to that at some point but he hopes NDOT won't require the county to pull up the new pavement when NDOT puts in the traffic control device. Mr. Erb responded he doesn't believe they will but he will speak with NDOT. Right now NDOT is looking at immediate safety improvements. They are discussing putting in Radar Detector Speed Limit signs.

Vice Chairman Thaler commented word on the street is NDOT is going to push the Centerville Road/Highway 88 intersection and the Governor is going to make that the number one project for NDOT in Douglas County. If that is the case he’s been told we are probably going to be asked to put up some money to help the State build a roundabout. On the chance that the State is going to require money from us he would like to get it funded now so when the State is ready to move forward so are we. Mr. Erb responded that is why we do the 5-Year Plan every year instead of every five years and there is some money in our reserve for Centerville Road.

Larry Werner, County Manager responded to Vice Chairman Thaler. He commented they will absolutely take that under consideration but to try and modify the budget at this stage they would have to go back through all the steps. He suggested sitting down with NDOT and discussing how much they would need and when they would need it by.

Commissioner McDermid commented if indexing had passed this wouldn't be an issue. But without it we are scrambling.

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Chairman Penzel suggested bringing this is up for discussion at a future meeting and sign a letter from the Board of Commissioners to the Governor saying we are willing to put money behind the project.

MOTION to adopt the approved Douglas County 5-Year Transportation Plan to be included in the Fiscal Year 2017/18 Capital Improvement Plan budget; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Thaler, Vice Chairman
<b>SECONDER:</b>	Nancy McDermid, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

**7. For possible action. Discussion to approve the purchase of a Model AZ360-B173 Zipper in the amount of \$106,990 from Asphalt Zipper. The equipment purchase will be funded from the Fiscal Year 2017 Road Operating Board Designated account. (Carl Ruschmeyer)**

Carl Ruschmeyer, Public Works Director explained what a Zipper is. He then discussed its uses; benefits; and pavement management.

Vice Chairman Thaler asked if this is something we could rent it out to the Towns. Mr. Ruschmeyer responded yes we could do that. We are already working with the Towns that way.

Commissioner Walsh commented he believes this is a good idea ande he supports the purchase.

Chairman Penzel commented he also believes this is a good idea and badly needed. Chairman Penzel was glad to hear there would be a benefit from the contract with UNR who will be designing a mix. He asked if the mix from UNR will be affordable. Mr. Erb responded we hope so. Usually it is the type of rejuvenating oil that they are going to recommend and what application rate that will be mixed in with the grindings when we do a grindings road. They are also working on an area-wide pavement design manual for Douglas County, Carson City and Washoe County.

No public comment.

MOTION to approve the purchase of a Model AZ360-B173 Zipper in the amount of \$106,990 from Asphalt Zipper from the budgeted Fiscal Year 2017 Road Operating Board Designated account 232-431-563.900; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry Walsh, Board Member
<b>SECONDER:</b>	Steve Thaler, Vice Chairman
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

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**DISTRICT ATTORNEY**

**8. For possible action. Discussion to adopt Resolution No. 2017R-021 approving the modified service plan of the Tahoe-Douglas District to provide storm drainage and flood control. (Robert Morris, Esq.)**

Heard earlier in the Agenda.

**9. For possible action. Discussion to adopt Ordinance No. 2017-1485, an ordinance amending Ordinance No. 169 and Ordinance No. 2012-1375, granting to Tahoe-Douglas District the additional power to provide storm drainage and flood control services and providing for other properly related matters. Second Reading. (Robert Morris, Esq.).**

Heard earlier in the Agenda.

**10. For possible action. Discussion to approve a proposed Settlement Agreement and Release of Claims dismissing the plaintiffs' claims against Douglas County in Case No. 3:16-CV-00296 in the United States District Court and to separate the Cave Rock and Uppaway water systems into separate enterprise funds. (Doug Ritchie)**

MOTION to pull from the agenda; carried

<b>RESULT:</b>	<b>REMOVED FROM THE AGENDA [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy McDermid, Board Member
<b>SECONDER:</b>	Larry Walsh, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

**COUNTY MANAGER**

**11. For possible action. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact Douglas County as may be deemed appropriate by the Board of County Commissioners. (Larry Werner)**

Larry Werner, County Manager commented there is nothing to discuss at this time.

**12. For presentation only. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended.**

Vice Chairman Thaler wanted to let Commissioner Walsh know that at 3:00 p.m. on Friday he can either call in or go to the NACo. office and listen to updates on all the Bills NACo. is watching; sponsoring and/or is concerned about.

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Chairman Penzel had an update from the Carson Valley Water Subconservancy. They were doing a runoff prediction. The runoff value for this year is higher than 1983. They are going to open gates at Lahontan and loose the water twice this year. They have put in an additional spillway that was over 100 yards and when they opened the gates, at the end of the new spillway, it created such a jet that it ate 10 feet of ground for 100 yards wide. They had to go back and add another 100 yards of cement, one foot thick. It is amazing the volume of water that is moving down the river.

**CLOSING PUBLIC COMMENT (No Action)**

No public comment.

**ADJOURNMENT**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Thaler, Vice Chairman
<b>SECONDER:</b>	Nancy McDermid, Board Member
<b>AYES:</b>	Penzel, Thaler, McDermid, Walsh, Nelson

There being no further business to come before the Board, the meeting adjourned at 5:54 p.m.

Respectfully submitted:

\_\_\_\_\_  
William Penzel, Chairman  
Douglas County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Kathy Lewis, Clerk-Treasurer