

Approved November 16, 2017

The Regular Meeting of the Douglas County Board of County Commissioners was held on October 5, 2017 in the meeting room of the County Administration Building, 1616 8th Street, Minden, NV, beginning at 1:00 PM.

Call to Order

Commissioners Present:

Barry Penzel, Chairman
Steve Thaler, Vice Chairman
Larry Walsh, Board Member
Dave Nelson, Board Member
Nancy McDermid, Board Member (present for part of the meeting)

Commissioners Absent: N/A

Staff Present:

Mark Jackson, District Attorney
Larry Werner, County Manager
Kathy Lewis, County Clerk-Treasurer
Kathleen Schmidt, Deputy Clerk

INVOCATION- none

A moment of silence was held for victims of the Las Vegas shooting.

PLEDGE OF ALLEGIANCE

Led by Commissioner Walsh

PUBLIC COMMENT (No Action)

Commissioner McDermid reminded everyone that October is Breast Cancer awareness month and suggested ladies get a mammogram.

Lisa Granahan, Economic Vitality Manager, congratulated and shared with the board that Douglas County won a first place award at the Nevada Economic Development Conference for our Economic Vitality Progress Video, it was in the category of multi-media for counties ranging from 40,000 to 100,000. This is the second year in a row that the Economic Vitality Program has been awarded at the conference. She thanked the Economic Vitality team and Board of Commissioners.

Gary Dikes commented on an issue with an easement. He emailed the Commissioners about the issue and asked to use the forum as a method to get an easement out near the airport where he owns a 40-acre piece of land. He had access to the property up until about 5 years ago when his access was revoked. He has been unsuccessful getting an easement, even with an attorney, and he is asking for help today. Mr. Dikes asked if this was the time for questions about the

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matter and Chairman Penzel advised that they would not be commenting on the matter at this time but have heard what he had to say and would refer the matter to the County Manager.

APPROVAL OF AGENDA

Chairman Penzel advised that items 16 and 17 will be moving to the fourth position so that all the Commissioners will be present to discuss those matters as Commissioner McDermid will be leaving early because her son was selected to fly with the Thunderbirds.

MOTION to approve the agenda; carried

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

APPROVAL OF PREVIOUS MINUTES- None

DOUGLAS COUNTY AWARD PRESENTATIONS

Ceremonial presentation of an employee service award to Dominic Hastings-Molyneux of Juvenile Probation for 15 continuous years of service.

Commissioner Thaler introduced Scott Shick, Chief Juvenile Probation Officer, who spoke on behalf of Dominic Hastings-Molyneux. Mr. Hastings-Molyneux was not present to receive the award. Per Mr. Shick Dominic has been a stellar performer since he joined the division 15 years ago; he was the outdoor intervention supervisor and was promoted to Sr. juvenile probation officer (JPO). His safety record is impeccable with a background from the University of Strathclyde in Scotland, and a Bachelor of Arts in outdoor education from Laurentian University in Canada. He has an outdoor adventure education degree and also risk management, he's an expert program developer for winter guide training, environmental education, experiential education, and he's a wilderness first responder. Mr. Shick was proud to say that this is the type of folks we have working with our kids and he has confidence that Mr. Hastings-Molyneux will be around for a few more years.

RESULT:	FOR PRESENTATION ONLY.
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For possible action. Acknowledgement of Starbucks Coffee Company and the Carson Valley Distribution Center's \$15,000 donation to WAVE (Welcome All Veterans Everywhere), a local nonprofit organization that, with Douglas County's \$15,000 grant, will make the Veteran's Monument in Douglas County a reality. (Carl Schnock - WAVE, Todd McCullough - Starbucks, Scott Morgan)

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This item was pulled from the agenda

CONSENT CALENDAR

FINANCE

- A. For possible action. Discussion to accept the auditor's report on Douglas County's general ledger balances through September 18, 2017. (Vicki Moore)**

MOTION to approve;

CLERK-TREASURER

- B. For possible action. Discussion to accept the cumulative voucher sheets for checks issued for the 9/15/17 Payroll, 9/7/17 Payables, 9/8/17 Payables and 9/15/17 Payables. (Kathy Lewis)**

MOTION to approve;

HUMAN RESOURCES

- C. For possible action. Discussion on the first amendment to the Interlocal Contract for Self Insurance and Risk Management Consulting Services with Carson City to extend the timeframe for services, expand the list of services provided and adjust the payment for services. (Wendy Lang).**

MOTION to approve;

SOCIAL SERVICES

- D. For possible action. Discussion to approve a request by a family for the disinterment of decedent George I Kishimura for the purpose of relocating his remains to another state as required per Nevada Revised Statute 451.050. (Karen Beckerbauer)**

MOTION to approve;

TECHNOLOGY SERVICES

- E. For possible action. Discussion to approve the revised Technology Steering Committee Policy that provides greater oversight by the County Manager. (Sherri McGee)**

MOTION to approve;

COUNTY MANAGER

- F. For possible action. Discussion to accept the Public Administrator's quarterly report for the period ending September 30, 2017. (Claudette Springmeyer)**

MOTION to approve;

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REPORT OF FEES

G. For possible action. Discussion to accept the August 31, 2017, Report of Fees from the Recorder's Office. (Karen Ellison)

MOTION to approve;

MOTION to approve consent items A-G; carried

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	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.
- (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

None

CLERK-TREASURER

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1. For possible action. Discussion and presentation by FTN Financial Main Street Advisors, Douglas County's new Investment Advisors, on Douglas County's investment program and an economic/market update; approving updates and revisions to the Clerk/Treasurer's Investment Policy, and accepting the County Clerk/Treasurer's reports of investments for August, 2017. (Kathy Lewis)

Kathy Lewis, Douglas County Clerk-Treasurer, advised that this presentation is in regards to Douglas County's investment program and introduced Rick Phillips, President and Chief Financial Officer (CFO) of FTN Financial Main Street Advisors (FTN) and Douglas County's Investment Advisor as of July 1st, 2017. Ms. Lewis explained that during the discussion they will review Douglas County's investments, the revised investment policy, and have some discussion about what to expect from the investment program going forward. She advised that the Board will be asked to approve the revised investment policy and accept the investment report.

She went on to explain that the authority for investments lies with the County Treasurer per County Code and NRS 355.165. Per Ms. Lewis as of August 31, 2017 Douglas County has about \$31.1 million dollars in short-term investment pool which is the Local Government Investment Pool (LGIP) which is managed by the State and FTN. She said we also have \$40.9 in longer-term investments that are managed directly through her office with FTN Main Street Advisors.

Ms. Lewis shared that as of August 1, 2017; she discontinued the contract with Bank of New York Mellon and began a contract with FTN. She confirmed that the August 31st report is included with the agenda packet.

She shared a few reasons why her office chose to contract with FTN Financial Main Street Advisors. One reason was that they only manage municipal and municipal-related clients and another was because before Rick Phillips started FTN he was the investment advisor for Clark County so he has a solid understanding of Nevada State Law. Finally, because in government the primary objective is safety it was important to work with someone who has that as their primary objective as well. She noted that the presentation includes a list of FTN's Nevada clients and advised that they are a subsidiary of First Tennessee National Bank, which was founded in 1864 and is one of the top 60 banks.

Ms. Lewis also shared that FTN Financial Main Street Advisors are the founders of the Government Investment Officers Association (GIOA), are client focused, and are recognized as an industry leader. She said that she knew she needed a different approach to investments in Douglas County so she has spent the past few years trying to find the right person for the job and she is confident Rick Phillips is right for Douglas County, and at a competitive fee, which is about half of what we were paying Bank of New York Mellon. She is most excited about is the cash flow analysis, and the fact the Rick focuses on matching investments to cash flows, and not just cash flows for the first year, matching cash flows to bond payments that are coming due in the next few years. She was also impressed that

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Rick recognizes the importance of transitioning our investment portfolio over time to maximize the market and minimize losses.

Rick Phillips shared that they are very excited to work with Douglas County. He affirmed that he has been in the state managing municipal money for 29 years, first in the City of Las Vegas, then with Clark County, and finally starting his own firm. He provided some background information on a few slides of his presentation for the Commissioners.

- Nevada's Economic Index, which looks at taxable sales, gaming revenue, and the unemployment rate, over time.
 - Broken down by County
- Long-term look at interest rates, going back to the 1960's. Invest in fixed incomes, not the stock market. Before the great recession it was common to earn 4%-5% on portfolios and now we're lucky to earn 1%.
 - Current portfolio is %1.4.
- Federal Reserve mandates keeping interest rates low.
- Studying Cash Flow, the graph shows 0-1 years out to 4-5 years the portion of the portfolio that is allocated to those buckets.
 - Moving investments out to the 3-5 year range to match cash flows based on when debt service is due.
- Compliance page to show that FTN is compliant with Investment Policy and State Statutes.
- Projections on interest, current portfolio is \$900,000 by taking some liquidity out of the LGIP and investing it out longer, they are hoping for a conservative \$950,000 or even \$1 million, depending on interest rates.

Please see the full presentation in the agenda packet.

Kathy Lewis shared the 2014 version of the investment policy and the revised version that is before the Board for approval. Per Ms. Lewis, the big changes were that she changed the order of the policy to improve the flow, a change in section X to comply with NRS regarding the formation of an investment advisory committee. Ms. Lewis suggested a change to the policy to remove members from the School District and General Improvement District from the advisory committee since the money that is held for those districts is held for less than one month and distributed, not invested. She also added a paragraph addressing how the interest is allocated.

Ms. Lewis stated that going forward, she is very excited about the monthly report that will be produced and provided by FTN. It will be provided in the agenda packet each month and Rick Phillips will attend a board meeting annually to review our investments.

Chairman Penzel stated that he has a few questions about the charts. He asked that acronyms be spelled out and that the font size is increased on some pages. He will forward additional concerns to Ms. Lewis. He also asked for clarification about par value on 8/31/17 of \$72 million vs \$70 million on 7/31/17.

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Rick Phillips advised that the par value will go up and down with incoming taxes and described the variance of unrealized loss.

Chairman Penzel asked if FTN has some sort of formula or key that brings investments back to LGIP because the short term is doing better.

Mr. Phillips advised that they actually use cash flow as their driver vs forecasting interest rates.

Chairman Penzel asked what they look for in the cash flow itself.

Mr. Phillips commented that they really study what the County needs over a rolling 12 month period plus a 10% cushion. He said as they study it more they will probably have about \$5 million extra in LGIP.

Chairmen Penzel stated that he is very happy to see movement on the County's investment portfolio and proposed that in regards to the investment policy advisory committee, Ms. Lewis not limit a member of the committee to someone with a background in public finance.

Ms. Lewis agreed with Chairmen Penzel and will update the policy to include applicants from the general public on the advisory committee.

Chairman Penzel mentioned the paragraph regarding ethics and conflict of interest. He would like Ms. Lewis to reference to the County's current ethics and conflict of interest policy. He went on to say the investment policy was long overdue, it is great to have someone that understands it to be in charge of it and he thinks Ms. Lewis made a great choice selecting FTN. He also thanked Ms. Lewis for paying such close attention to the details regarding the investment policy.

No public comment

MOTION to approve the revisions to the Clerk-Treasurer's investment policy, as well as the items identified by Chairman Penzel to be included, and accept the report of investment for August 2017; carried

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

DISTRICT ATTORNEY

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2. For possible action. Discussion to approve the County Comptroller's refusal of a demand from Reno Vulcanizing Auto Care, in the amount of \$15,959, as not being a proper claim against the County. (Mark B. Jackson)

Mark Jackson, Douglas County District Attorney, declared that he finds himself in a precarious position, and advised that he would take a few moments to explain why. Mr. Jackson went on to say that he wears many hats in the County. He serves as the Chief Public Prosecutor but he also serves the role of the County Counsel, defending suits against the County. In the capacity of County Counsel, he has the duty to oppose certain accounts or claims. By statute, since this claim has been rejected by the comptroller, the matter must be brought before the board, in this public forum. He indicated that this agenda item does relate to a press release issued by the County Manager's office last week, addressing allegations of thefts of tires and informing the public that there are two ongoing investigations related to the matter. A criminal investigation that is being conducted by the State of Nevada, Department of Public Safety, Division of Investigation and an internal investigation being led by him, with the assistance of his Chief Investigator, Michael Marty. He clarified that the precarious position is created by the minefield of laws that must be traversed whenever there are parallel investigations. He added that there are Supreme Court rules in place that severely limit the extrajudicial statements that a prosecutor can make during an ongoing investigation. Pursuant to existing law, matters that are under a criminal investigation remain confidential as long as the case is under investigation, even if reports are being generated as part of an ongoing criminal investigation, those reports are not subject to disclosure under Nevada's public records laws under Chapter 239. He reported that the laws regarding internal investigations are confidential and will remain confidential even after the conclusion of the investigation, absent a consent and waiver by the affected public employee or court order.

He added that the suspect is entitled to certain constitutional rights, one being the right against self-incrimination. It allows a suspect to refuse questions to law enforcement officers, but public employees may be required to provide a statement, regarding the internal investigation, or be terminated for insubordination. Then that statement is then turned over to the criminal investigators and that person is then prosecuted based on a statement that was compelled. Mr. Jackson declared that this issue is what the U.S. Supreme Court wrestled with several decades ago in *Garitty vs. New Jersey*. *Garitty* rights say that if a public employee is compelled to provide a truthful statement that statement remains confidential and cannot be used in a criminal investigation or a criminal prosecution. He went on to add that many cases that have come after *Garitty* have extended the rights for public employees, for example even if information that is obtained in a confidential internal investigation is leaked out to criminal investigators, and the criminal investigator then acting upon that information, from a compelled statement, learns about additional incriminating evidence against the public employee, that cannot be used and would be stricken by a judge.

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District Attorney Jackson emphasized that the majority of cases where there are parallel criminal and civil internal investigations of an employee of a county, the criminal investigation usually takes the highest priority and the internal investigation typically doesn't begin until after the criminal investigation has been concluded. The reason for this is because of the Garitty rights that are afforded to the public employee. The law says that a criminal investigator can share all of the evidence that they've obtained with the internal investigatory but the information obtained by the internal investigator can never be shared with the criminal investigator, nor with the prosecutor.

Mr. Jackson contended that in the past in Douglas County where there were allegations of misconduct by a public employee, which rose to the level of a crime, he has allowed the criminal investigations to proceed and chosen to remain the public prosecutor because he cannot serve in both roles.

Mr. Jackson explained that in this case, regarding the allegations of tires and other improprieties, he did depart from the usual cause of action as his primary goal was to protect the county's assets and inventory and based upon the initial allegations he feared that the county had been defrauded out of a significant amount of money and that the thefts were ongoing and the fraud continuing. In order to stop that hemorrhaging and after consultation with the County Manager, Larry Werner, and discussions about some of the factors he has shared today, he was in commission to lead the internal investigation with the assistance of his Chief Investigator. He went on to report that based on the rules regarding the conduct of attorneys, and special rules regarding prosecutors that he is unable to speak about the investigation by means of public communication and he must also take special care to ensure that no other investigators make any extrajudicial statements regarding the case. In conformity of the financial powers set for under Chapter 244 and the procedure regarding what to do when a Comptroller refuses a demand, as well as his duties under NRS 252 to oppose the demands that he deems appropriate that it is his legal opinion that opposing the demands of Reno Vulcanizing Auto Repair is appropriate based upon the background information in the agenda packet, as well as some additional information which will be discussed shortly.

Mr. Jackson summarized the budget process for Douglas County. The Department Head of Elected official will submit a proposed budget that comes before the Board of County Commissioners and ultimately a budget is adopted under the general fund. He mentioned that during the year the budget may be augmented, due to unforeseen circumstances that arise, but at the end of the fiscal year there is a close-out, so you can see what was initially adopted and what the final or actual budget was. It is based on that information that Mr. Jackson is presenting the following information regarding tires purchased through the services and supplies line item within Motor Pools budget. To see the significance of some of the numbers Mr. Jackson feels it is important to go back ten years.

FY 2007/08, actual tire purchases \$68,205.29;

FY 2008/09, actual tire purchases \$46,371.68;

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FY 2009/10, actual tire purchases \$62,226.52;
FY 2010/11, actual tire purchases \$54,541.31;
FY 2011/12, actual tire purchases \$85,387.26;
FY 2012/13, actual tire purchases \$116,141.29;
FY 2013/14, actual tire purchases \$152,868.84;
FY 2014/15, actual tire purchases \$354,605.27;
FY 2015/16, actual tire purchases \$395,163.49;
FY 2016/17 (March, when allegations brought forward) \$205,415.78.

There was over 400 commercial truck tires size R22.5 purchased last year, however, there are no vehicles in the County fleet that utilize size R22.5.

Mr. Jackson directed everyone's attention to page 207 of the agenda packet, invoice number 0175336. There were 16 tires, 2 sets of R22.5 tires for a total of \$7,679.29 and on page 208 Invoice 0174769 there was also 16 tires size R22.5 for \$6584.80. Those are only two of the five claims. He said, also as part of the packet there is a letter from the County Comptroller, dated 9/12/17 to Reno Vulcanizing's legal counsel acknowledging the final demand for payment and the Comptroller's rejection of the claim in conformity with NRS 244.215. Since that rejection letter, there have been several discussions with Reno Vulcanizing and they are prepared to release all claims and demands as set forth in the five invoices, in exchange for a mutual release of those claims, only as they relate the five invoices in the packet. All parties would retain all rights associated with other claims, including other invoices that have already been paid.

Mr. Jackson advised that the Board cannot take action today, on the mutual release of the claims as to the five invoices; you may consider the same in your deliberations on the approval of the Comptroller's refusal to pay the \$15,959 demand from Reno Vulcanizing Tire.

Commissioner Nelson stated that why we can't discuss who, why or what he feels like the public should be made aware of the forensic accounting as to how big the loss is and how long this went on for.

Mr. Jackson agreed and noted that now isn't that time, but it will be made available to the public.

PUBLIC COMMENT

Lynn Muzzy stated that he was astonished to see how quickly the costs jumped up. He wondered where the senior managers were, he assumed something like this would rise to the level of notice. He pointed out that the recent newspaper article reported that the County was going to hire two accounting firms, one to do inventory and another to review audit procedures. The newspaper also reported that another firm would be brought in to train county employees on how to be ethical. He offered that instead, the senior management reviews the Human Resources (HR) department's candidate and vetting background information checking. Given the missed signals maybe HR could devise a serious competitive

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process for hiring senior management positions. It would be an outrage for the board to allow the responsible parties to hire two CYA accounting firms and stage ethics classes at the taxpayers' expense as if employees are not supposed to know right from wrong when they are hired. He mentioned that the county employees received generous raises in June and should be able to get to the bottom of this on their own. He said he's talked to people that speculate that Chris Oakden may have killed himself, possibly because he was involved in this scandal, if that is true, the perpetrators and the senior managers who failed in their oversight have got blood on their hands. He noted that Mr. Oakden's boss has retired unexpectedly, allowing those involved to wallpaper the crime scene with taxpayer dollars for outside help means that this crime will cost the folks that pay the bills around here much more than the original thefts and that should not be an option.

Public Comment closed.

MOTION to approve the County Comptroller's refusal of a demand from Reno Vulcanizing Auto Care, in the amount of \$15,959, as not being a proper claim against the County; carried

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

PUBLIC WORKS

3. For possible action. Discussion and possible direction on the Single Stream Curbside Recycling Pilot Program. (Carl Ruschmeyer)

Larry Werner introduced Gini Leer and John Marchini from Douglas Disposal. Mr. Marchini, Douglas Disposal, thanked their customers for their participation in the program and for their comments and willingness to participate in their survey. He also thanked the towns of Minden and Gardnerville.

Mr. Marchini explained that pilot recycling program was designed to answer consistent and continuing inquiries about curbside recycling in the valley. In review, the program was six months and ran from February to July. Douglas Disposal had 140 customers, Town of Gardnerville had 150 and Town of Minden had 140 customers that participated in the pilot program. Pick up schedule was every other week and there was no cost to the pilot customers. The material was processed at South Tahoe Refuse Company.

Mr. Marchini shared some specifics regarding the average weight per load, average participation and total cost per ton.

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Gini Leer, Douglas Disposal, provided a presentation regarding Materials by Type; Materials by Revenue; Survey Results; and Survey Question: Preferred Recycling Programs.

Mr. Marchini provided an overview of presentation slides related to Current Recycling Options, Community Drop-off Boxes, the Challenge of Cross-contamination, Transfer Station Processing, Transfer Station Expansion Options, and Comments and Direction.

Please see the full presentation in the agenda packet for more details.

Commissioner McDermid asked for clarification as to whether or not Douglas Disposal offers trash collection at the lake, and if so, is it voluntary and what the percentage of people that use the service is.

Mr. Marchini confirmed and advised that there is over 50% participation at the Lake.

Commissioner McDermid mentioned that a few years back a young lady provided a recycling program and asked if Douglas Disposal had any data on that program.

Mr. Marchini indicated that the high-level data he had was that there were about 200 participants and if he remembered right it was \$10.00 a month, for possibly a weekly service.

Ms. Leer commented that it was a weekly service and that the owner ran into a number of obstacles. The program was countywide so she had to drive all over the county and she was processing a lot of the materials at a warehouse that she rented. The material markets crashed and so she wasn't able to cover the costs of the transport and processing.

Commissioner McDermid asked if recyclables are trending up because of the devastation of hurricanes and the need to rebuild.

Mr. Leer stated that on the revenue side paper products like cardboard, is trending up but lower grade paper products and mixed plastics are trending down. She advised that the markets are more focused on the Pacific Rim Counties rather than events that occur in our region.

Commissioner McDermid wondered if Douglas Disposal would want the program to be voluntary if instituted.

Ms. Leer affirmed that since the waste collection is voluntary, the curbside recycling would be included as part of the package. Customers could choose not to do it but the cost would be the same. She also stated that in the Towns, waste collection is mandatory so that would have to be addressed.

Commissioner McDermid asked what the cost would be.

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Ms. Leer estimated the cost for a county valley-wide for curbside recycling to be about \$8.00 a month, per customer, including the Towns.

Chairman Penzel clarified the comments by stating that the only voluntary part is whether or not you use Douglas Disposal if you use choose to use Douglas Disposal you will pay for curbside recycling.

Ms. Leer confirmed that it will be an integrated program and what Chairman Penzel stated was correct.

Vice Chairman Thaler directed the presenters to look at page 227 of the agenda packet and asked who paid for the net cost of \$14,000.

Mr. Marchini affirmed that Douglas Disposal covered the cost.

Vice Chairman Thaler asked whether or not the program can be supported by just the \$8.00 per month fee.

Mr. Marchini contended that the \$8.00 per month fee is based on all of their current valley customers participating in the program. He also mentioned that he believes if the Towns participate the fee could drop to about \$6.00 per month. He confirmed the additional fee will just cover the curbside recycling program.

Commissioner Nelson asked Mr. Marchini to review the presentation slide regarding the cost customers are willing to pay. He advised that per the slide, only 26.5 % of the customers are willing to pay \$5.00 or more so the majority of the participants are being asked to go along with the program, even though they don't want to pay that much.

Ms. Leer explained that the intention of the survey and pilot program was to just get some numbers and data together so that everyone can wrap their heads around the numbers. She said they would be willing to consider other options, like partnering, to bring the costs down. She confirmed that the presentation was the basic information that they compiled.

Commissioner Walsh asked for clarification once more about the \$8.00 fee.

Mr. Marchini confirmed that all Douglas Disposal customers will pay the additional \$8.00 fee if the program is implemented.

Chairman Penzel mentioned that part of the issue may be a lack of public relations. He believes that many Douglas County residents don't understand that Douglas Disposal is doing the division of collectibles and that in doing that, have earned the top rated recycle program in the state of Nevada. He indicated that if Douglas Disposal was able to better advertise their services people may have a better understanding of the program. He described how difficult it is to do

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recycling with Douglas Disposal, specifically in regards to cardboard recycling. He proposed a cardboard drop off location.

Chairman Penzel believes one hurdle they need to overcome is the fee associated with the program. He believes if Douglas Disposal did a better job of explaining the costs customers would be able to see the value. He believes they need to better market the project.

Commissioner McDermid added that the current customer base should be surveyed to find out the cost they are willing to pay.

Vice Chairman Thaler acknowledged that the agenda item relates to direction from the Board and confirmed that he doesn't believe customers are going to pay \$8.00 for a program they may not even want, especially in light of some proposed stormwater fees. He doesn't think the Board can tell taxpayers this is a good thing. He thought it was a great pilot program and he isn't sure where it should go. He indicated that it should just be left alone to float around for a while.

Commissioner Walsh echoed Vice Chairman Thaler's comments.

Chairman Penzel asked Douglas Disposal if they received enough direction from the Board on the matter and Mr. Marchini confirmed they did. Chairman Penzel thanked them for the presentation and called for public comment.

PUBLIC COMMENT

Devere Henderson stated that he goes to the transfer station near the fairgrounds frequently and sees people bringing refuse and they have their disposables and recyclables pretty well parsed out. Although there may be occasional errors he feels that most people do their best keep it straight. He doesn't see how having a single dumpster would alleviate cross-contamination. He is opposed to the project because he can manage his recycling for far less.

Carlo Luri affirmed that he strongly encourages the adoption of a recycling program. He doesn't believe we need a law to know what the right thing to do is and the right thing to do is divert these materials from landfills. He noted that this is a private company offering a service that customers can opt out of and deal with their trash themselves and not government mandated. He confirmed that Douglas County does have a 64% diversion rate but he pointed out that it is mostly green waste and the 40% that is not being diverted is mostly the post-consumer recyclables. He believes that is important to clarify that distinction. He believes this is a good idea, he himself takes his recyclable materials to the transfer station and he would gladly pay the \$8.00 a month to not have to make that trip. He referred to the previous speaker's statement about it being cheaper for him but he didn't factor in the totality of all of the customers in the area. Overall it is better to have one truck driving the recyclables out to the transfer station than thousands of cars.

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Tom Dallaire, Gardnerville Town Manager, advised that the Town Board has given him the direction to get some sort of recycling program going and he cannot do it on his own, at the town level. He stated that they must partner with someone, either Carson City or Douglas Disposal. He shared that in Tahoe a blue bag is used, and then broken open, and ran through the same sorting station. He said since we have to collect the garbage anyway having another route would just generate another cost. We can eliminate that by just having a transfer station where customers can dump their refuse which would be processed and recycled. He believes the transfer station is the way to go but it will require a bigger operation and more partners to make it work. He stated that the Town of Gardnerville supports a recycling program, whichever direction the County ends up going.

Lynn Muzzy stated that the discussion about recycling always starts with the fact that it is beneficial. He compared recycling to global warming wherein there is no scientific evidence that supports recycling, especially when it is a net cost to the customer. He stated that he came from California, where they had five separate recycling bin categories and it was mandatory. He is not happy to see something like this come along. He ended by saying when he visits his family in California he brings his trash home because he isn't sure which bin to put it in.

Dave Butcher confirmed that he takes his stuff to the dump. He said it is bad enough the dump trucks come down the road and destroy it a little bit. He is concerned about the damage this pilot program would do to the streets. He does support recycling and spends a lot of his own money to recycle. He confirmed that this is not California and that Nevada will be a hard place to change the people.

Public comment closed.

RESULT: FOR DISCUSSION ONLY

Chairman Penzel directed the Board to hear agenda items #16 and #17 at this time.

HUMAN RESOURCES

Commissioner McDermid was not present for this discussion.

4. For possible action. Discussion to approve revisions to Douglas County Administrative Policy 200.44- Sick Leave Program, updating and revising the sick leave payout provisions, including eligibility, timing and compensation. (Wendy Lang)

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Wendy Lang, Human Resources Director, advised that both the redlined and clean version of the policy are provided in the agenda packet. She noted that this policy changes the sick leave incentive payout. The payout changed from 720 to 800 hours and it increases the eligibility criteria to qualify for the payout to a minimum of 300 hours. She also confirmed that they changed the years of service for qualification from 10 years of continuous service with the county to a minimum of 15 years of continuous service and changed the percentage of hours that are eligible for a payout from a 40 to 50 percent range to a 50 to 100 percent range. She stated that this does apply to eligible non-represented employees and aligns the policy to the labor contract.

Chairman Penzel asked if this applies to all employees and Ms. Lang confirmed that it applies to all eligible employees. She confirmed that a labor agreement with an employee association would trump this policy.

No public comment.

MOTION to approve revisions to Douglas County Administrative Policy 200.44-Sick Leave Program as presented based on the discussion and the comments provided by staff; carried.

RESULT:	APPROVED [4 TO 0]
MOVER:	Steven Thaler, Vice Chairman
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

5. For possible action. Discussion to approve revisions to Douglas County Administrative Policy 200.11- Compensation, including changes to the rate of standby and shift differential compensation, eligibility for working above classification, and making other updates and clarifying corrections. (Wendy Lang)

Wendy Lang, Human Resources Director, stated that the compensation policy is broad and most of the changes to this policy are language clean up or documenting policies that are already in place. The substantial changes in the policy include reducing the minimum amount of time required to work in an above class capacity as a Supervisor in order to be eligible for the compensation as well as increasing standby pay to \$.50 per hour every other year which is similar to the recently approved labor contract.

No public comment.

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MOTION to approve revisions to Douglas County Administrative Policy 200.11-Compensation as presented based on the discussion and comments.

RESULT:	APPROVED [4 TO 0]
MOVER:	Larry Walsh, Board Member
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

6. For possible action. Discussion to approve a new policy to the Douglas County Administrative Policies and Procedures Manual documenting Douglas County's current Service Award Program. (Wendy Lang)

Wendy Lang, Human Resources Director, advised that this is a new policy and is not part of any of the labor contracts in Douglas County. She stated that it has been a long-standing policy to recognize milestone years of service to employees. Ms. Lang brought this forward as a policy to formalize and document the service awards.

Vice Chairman Thaler asked for clarification regarding proclamations at 30 years of service.

Ms. Lang advised that proclamations are provided at defined times set in the policy and she believes it is at 30 years. She stated that proclamations outside of that time frame, for other reasons still may occur.

Commissioner Walsh thanked Ms. Lang for drafting the policy. He is glad to see it documented.

No public comment.

MOTION to approve adding the service award program section to the Douglas County administrative policies and procedures as presented based on the discussion and comments; carried.

RESULT:	APPROVED [4 TO 0]
MOVER:	Dave Nelson, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

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7. For possible action. Discussion to approve revisions to Douglas County Administrative Policy 200.01-Compensatory Time for Non-Represented Employees, including increasing the number of compensatory leave hours that may be accrued, providing for payment of accrued leave, and making other updates and clarifying corrections. (Wendy Lang)

Wendy Lang, Human Resources Director, remarked that compensatory time off is the allowing of hours to be banked instead of paid out when overtime hours are earned. She confirmed that the policy changes the number of hours that an employee can accrue at any one time and it also is in alignment with the labor contracts.

No public comment.

MOTION to approve revisions to Douglas County Administrative Policy 200.01-Compensatory Time for Non-Represented Employees as presented based upon discussion and comments by staff; carried.

RESULT:	APPROVED [4 TO 0]
MOVER:	Steven Thaler, Vice Chairman
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

8. For possible action. Discussion to approve revisions to Douglas County Administrative Policy 200.29- Promotion and Transfer, updating the policy language and clarifying that internal promotional hires are subject to the same compensation setting procedures and review as external hires, as well as making other updates and clarifying corrections. (Wendy Lang)

Wendy Lang, Human Resources Director, stated that the changes to this policy include some language clean up and the substantive change allows employees of the County who apply for and are selected for promotions the same salary considerations that external candidates would be eligible for. She confirmed that she received many requests from department managers to have more flexibility when promoting from within.

Chairman Penzel stated that this was long overdue.

No public comment.

MOTION Discussion to approve revisions to Douglas County Administrative Policy 200.29- Promotion and Transfer as outlined based on the board's discussion and public comments; carried.

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RESULT:	APPROVED [4 TO 0]
MOVER:	Larry Walsh, Board Member
SECONDER:	Barry Penzel, Chairman
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

9. For possible action. Discussion to approve revisions to Douglas County Administrative Policy 200.23- Employee Performance Evaluations and Merit Increases, including reducing the merit scale, addressing lump sum payments and making other updates and clarifying corrections. (Wendy Lang)

Wendy Lang, Human Resources Director, advised that in June the Board of Commissioners adopted resolution 2017R-041 decreasing the employee merit increase scale from 0-6 percent to 0-3 percent scale. This policy has been updated to document that change as well as other clarifying corrections.

Vice Chairman Thaler asked Ms. Lang if all administrators understand how the new process works.

Ms. Lang explained that Human Resources provided training on how to use the system and how to successfully rate employees.

Vice Chairman Thaler asked Ms. Lang how much the changes on items 4-9 are costing the County.

Ms. Lang confirmed that only one item has a fiscal impact, but there are costs associated with updating the policies.

Vice Chairman Thaler addressed the changes to the sick leave policy and how long-term employees are now eligible for 100 percent payout for up to 800 hours. He supports this policy but he wants to be clear that there are costs associated with it.

County Manager Werner mentioned the minimum hour requirement and explained that a group of people will never get the payout because they won't have the minimum amount of hours.

Vice Chairman Thaler indicated that this is a way to reward employees that are willing to stick around.

Doug Ritchie, Chief Civil District Attorney, clarified that this policy is designed to reward employees who stay. He shared that millennials tend to move a lot and those who move around a lot will receive zero benefit. He believes that it will save the County money because some employees will never qualify.

No public comment.

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MOTION to approve revisions to Douglas County Administrative Policy 200.23-Employee Performance Evaluations and Merit Increases as presented based on the discussion and comments; carried.

RESULT:	APPROVED [4 TO 0]
MOVER:	Dave Nelson, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

10. For possible action. Discussion on Douglas County's self-funded dental plan increasing dental insurance premiums for employees by 5.5% beginning January 1, 2018. (Wendy Lang)

Wendy Lang, Human Resources Director, explained that Douglas County is self-insured for dental insurance for employees and that the county has been dipping into the reserves for that plan because costs have exceeded revenue into the plan for the last few years. The benefit committee has recommended that we increase premiums for dental insurance by 5.5%. Projections by the insurance broker show this increase should help prevent future increases in the near future.

Vice Chairman Thaler asked Ms. Lang how much the county had in reserves?

Wendy Lang clarified the county has \$700,000 in reserves for the use of the Dental Plan.

Vice Chairman Thaler mentioned that he believes this is a topic that the County could hold off for another year based on the high amount still in the county reserves that is only for the dental plan.

Chairman Penzel asked for clarification as to whether or not they are voting on the increase or if the Board is going to fund the increase.

County Manager Werner stated that the other option would be to not approve the increase. He commented that this increase was based on an actuarial study and asked Ms. Lang to confirm.

Ms. Lang mentioned that the actuarial study projections showed that if we do not increase premiums now it is expected that there will be a 50% increase in premiums in three to four years.

No Public Comment

MOTION to not approve the 5.5% increase in dental insurance premiums; carried.

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RESULT:	APPROVED [4 TO 0]
MOVER:	Steven Thaler, Vice Chairman
SECONDER:	Barry Penzel, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

11. For possible action. Discussion to accept an offer from Hometown Health Plan to provide Douglas County, the Towns and District Court employees health insurance coverage at an overall cost increase of 6.91% beginning January 1, 2018; coverage includes a preferred-provider organization (PPO) plan and a high deductible (HSA) plan. (Wendy Lang)

Wendy Lang, Human Resources Director, advised that Douglas County currently has a health plan for county employees and their dependents through Prominence Health. She confirmed that the quote from Prominence had a cost increase of about 30%. Ms. Lang explained that Bridgett Brundidge, from our broker services, took our business out to bid at various insurance vendors, and then presented those quotes to our internal benefits committee which reviewed and, negotiated and is now making a recommendation to this board to engage in health insurance through Hometown Health at an increase to current rates of 6.91%, as well as slight changes to the plan design.

Vice Chairman Thaler asked if it is an increase of about \$265,000.

Ms. Lang stated yes, the overall increase is a total of \$303,000. Retirees of Douglas County are eligible for the plan per NRS. So the total cost increase for active employees \$275,000.

Vice Chairman Thaler asked how many employees would be impacted by this change.

Ms. Lang responded, 450 employees.

Vice Chairman Thaler asked what would the average impact per employee would be?

Ms. Lang confirmed that the average insurance increase for each employee would be about \$600 annually.

Vice Chairman Thaler asked Ms. Lang if the employees knew how big of a hit they will be taking with the new insurance.

Ms. Lang explained that the people on the committee do as well as anyone the committee would have spoken too. Also, those actively engaged in this agenda item would know as well.

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Commissioner Nelson mentioned he is not familiar with Hometown Health. He asked Ms. Lang whether or not there are other counties or government agencies using them as their insurance provider? And have we contacted those agencies to get feedback on how they feel about Hometown Health's services?

Bridgett Brundidge, LP Insurance, advised that Hometown Health is one of the biggest local carriers in the area. They also, run a Third Party Administrator which is basically them, their network and their customer service. She confirmed that the City of Reno, City of Sparks and Washoe County are all using the same network. She stated that other public entities use Hometown Health we believe this is the best option for us at this time.

Vice Chairman Thaler asked if the county has been with Hometown Health in the past.

Ms. Lang Confirmed about 12-13 years ago.

Vice Chairman Thaler mentioned he did not remember having very many problems with them in the past and wondered if there was any appetite from the Board to help. He asked Ms. Lang to confirm when was the last time the County had a hit like this to insurance.

Ms. Lang stated it was four years ago and was not certain as to what that amount was.

Vice Chairman Thaler pondered again whether or not there was any appetite to help the employees out.

Commissioner Nelson remarked not after the 36.1 increase over the seven years that is coming up.

Chairman Penzel said he believes it's an appropriate discussion to have but confirmed that the Board doesn't know what money is available in the budget. He understands that for those employees on the lower end of the scale that this is a big increase but since he is unaware of the fiscal impact it would have on the County he thought it would be best to bring this up as a future discussion item for a later date.

Vice Chairman Thaler asked whether Douglas County Employee Association (DCEA) or, Douglas County Sheriff's Protective Association (DCSPA) or, the Sergeant's Bargaining Unit (SBU) employees would see an increase in their monthly medical expenses

Ms. Lang stated that currently Douglas County pays 100% of employees health coverage but currently DCEA, DCSPA, and SBU contracts are in negotiations, so she is unable to predict what those outcomes will be.

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Vice Chairman Thaler questioned whether or not the current contract picks up if the health insurance goes up to the bare minimum of a PPO.

Ms. Lang clarified that it does. Per Ms. Lang, the DCEA contract is currently written so that one plan will be covered by the County 100%, regardless of the cost, but there currently is a minimum dollar amount the county will cover. That amount currently exceeds the lowest cost plan, which is the high deductible Health Savings Account (HSA) plan.

Vice Chairman Thaler asked if we already pay too much.

Ms. Lang stated that the remainders of those funds go back into the employees HSAs to help offset that high deductible. Those employees would arguably be receiving less money into their HSAs because of this increase in insurance. So it will not cost them anything but they will lose some contribution to their HSA.

Vice Chairman Thaler indicated that he is concerned that the employees will be surprised by the increase. He asked if a lot of employees would just see a decrease in their paychecks.

Ms. Lang replied that he was correct; the majority of employees will see a decrease.

Vice Chairman Thaler asked Ms. Lang if she knew exactly how much at this time.

Ms. Lang stated I do, it will just be difficult to calculate the impact for each individual employee. She confirmed that they provided a Cost of Living Adjustment (COLA) for employees of two percent and there will be 52 employees that the COLA will not cover their increase in health insurance premiums.

Chairman Penzel asked if is it accurate to say that for the majority employees the COLA will cover the costs of those increases.

Ms. Lang replied that for the other 400 employees COLA will cover the increase in health insurance premiums.

Vice Chairman Thaler stated that he is concerned that health insurance is driving a lot of our pocketbooks and it will continue to drive it every year. He congratulated Ms. Lang for doing such good work in finding a health insurance provider like Hometown Health that is willing to lower our costs. Vice Chairman Thaler said the hardest part for him will be surprising the employees with this big of an impact. "Is it going to change how they go to work? No, the county has great employees that are still going to go to work". He mentioned that the Board just talked about recycling and that they decided they didn't want to go down that road because it was an impact of 40-50 dollars a year. He said they also struggled with stormwater and even the Chairman and Commissioner Nelson said there would be an impact to the taxpayer. He stated he would argue that employees are taxpayers and he is surprised that this hit to them isn't even given a second thought. He

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went on to say that this is something the County did not expect and this is a classic example of what contingencies are for. He argued if we are going pass this increase along to our employees, who are taxpayers, then we should have rethought the last two items. He said he has an issue with it personally and does not think it is going to fly so he would like to see if the Board could work something out that would lessen the blow to the employees.

Commissioner Nelson explained that people on retirement and social security also have Medicare payments that usually eat up every penny they get in increases and social security every year. That is the world we live in today; you cannot expect your payments to stay exactly the same forever because you happen to work for somebody. He confirmed that he experienced it all the time in the private sector and it is time to get used to it.

Chairman Penzel said he thought it would be a much higher increase. He advised that the Board was looking ahead to protect employees and that is why the 2% COLA was passed in the first place. He mentioned that taking care of our employees is not the sole responsibility of Vice Chairman Thaler; the onus should be on everyone. He believes all Board members take that very seriously. He went on to say that if the Board was going to make a decision about funding they would need to see how all the funding would work and it should be presented as another agenda item.

Vice Chairman Thaler asked what was the definition of contingency fund and how much do we have? He wondered if a sudden increase in health care fall under the jurisdiction?

County Manager Werner explained that the contingency fund is in place for those unanticipated expenses that happen throughout the year and also said he assumes a rise in health care would fall under that category but he would have to check.

Vice Chairman Thaler mentioned that the County has the Redevelopment Agency (RDA) fund that they go to each time stormwater treatment goes up. He wondered why employees would fall to a different level.

County Manager Werner said that his only concern with the board considering covering the increase would be that it be limited to one-off cost coverage for one year. He said when we look at a five-year projection on the budget; it is not looking good in regards to available funding. Mr. Werner also stated that sometimes the County can help bridge the gap if there is money that hasn't been spent but that would be the Board's prerogative.

Chairman Penzel stated he does not know how much is left in the contingency fund currently, so he would be hesitant to vote yes at this time.

Vice Chairman Thaler believes the County has enough in the contingency fund to cover a one-time fee without hurting the County.

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Chairman Penzel claimed he thought that would have been a cogent argument if the financial impact had not been estimated at \$13,000 instead of the \$275,000.

Commissioner Nelson said it just depends on who the Board wants to take the hit, either the taxpayer or the employees. The money is always paid by the taxpayer, no matter how you look at it, so you are asking all the taxpayers to help out the employees at this point.

Commissioner Nelson MOTIONS to approve to accept the offer from Hometown Health plan to provide employee health insurance coverage for the calendar year 2018; not carried

Vice Chairman Thaler stated the Board has to move forward with HTH and asked the Doug Ritchie how they could craft this motion to pass it while leaving it open for additional funding?

Chairman Penzel called for a recess.

Chairman Penzel stated that now the Board is at a crossroads and they need a new motion. He asked County Manager werner if he wanted to speak.

County Manager Werner suggested that they get a motion that approves Hometown Health as our insurance carrier and also has part of the motion brought back up at the lake meeting in two weeks to discuss how much subsidies we have to provide employees.

Vice Chairman Thaler stated that if there is no further discussion he will make a motion to accept.

Commissioner Walsh asked if this would violate the terms of the contracts.

Doug Ritchie, Chief Civil District Attorney, advised that the county is in negotiations with DCSPA and SBU already, as for the other bargaining unit DCEA, any kind of modification would have to be proposed to DCEA. If the Board would be willing to consider some sort of additional money towards the dependent care premiums the negotiating team would bring that forward to DCSPA and SBU and they would either accept it or present a counter-proposal.

Chairman Penzel stated the other factor is that the County agreed that we were going to do the same for all employees when we started this whole process.

Vice Chairman Thaler MOTIONS to accept the offer from Hometown Health Plan to provide employee health insurance coverage for the calendar year of 2018 and at direct staff to bring back an item to decide on whether or not we should be funding these increases at the next meeting; Not carried

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Chairman Penzel mentioned that he would advise that we table this until the lake meeting.

County Manager Werner informed the Board that tabling the item would create issues getting health coverage. The timing requires that a decision is made today because we have to go into open enrollment periods and then our insurance will expire.

Commissioner Nelson mentioned he thought the decision right now is whether we are going to pay the 30% to Prominence or the 6.91% to this particular company. That is what is before us and that is what we need to make our decision on here and now. He will once again move to accept the offer from Hometown Health for a plan to provide employee health insurance coverage for the calendar year of 2018.

Chairman Penzel believes it would be fair to say that the Board would approve this health plan because he thinks the 6.9% is the best the county could get in terms of a low cost. He does think the county owes it to the public and the employees, who are one in the same in many cases, to have that discussion at least in the confines of a meeting at some point in time. He wondered if the motion could be amended to include a discussion of how to pay for the impact on employees at some point.

Vice Chairman Thaler explained that he would like to provide employees an opportunity to voice their opinions at the meeting.

Chairman Penzel mentioned the board still has time to decide how to pay for the health insurance. He stated they would be able to bring this item up again at the next meeting in the valley.

County Manager Werner clarified that the Board would need to come to a decision within the next two weeks in order to give employees enough time to sign up for open enrollment.

Commissioner Walsh stated that the payment of the health insurance was not on the agenda and therefore should not be part of the vote for this motion. He then asked Chief Civil District Attorney, Doug Ritchie if the Board was allowed to vote on a motion for payment of the health insurance.

Vice Chairman Thaler clarified and repeated his motion to approve the offer from Hometown Health to provide employee health insurance and to bring back an item at the lake meeting to discuss payment.

Chairman Penzel asked how discussing the payment of the health insurance would re-open the contract.

Doug Ritchie, Chief Civil District Attorney, explained that the DCSPA and SBU contract is already open and this action would not reopen the contract. In regards

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to DCEA however, the contract is closed but the Board has previously approved a change and it is then brought before DCEA and they choose to accept it or not.

Commissioner Walsh asked why the item of payment could not be separated from this motion and brought up at a later date.

County Manager Werner confirmed that the Board can direct staff to add an action item regarding payment at a later date.

MOTION to accept the offer from Hometown Health plan to provide employee health coverage for the calendar year of 2018; carried.

RESULT:	APPROVED [4 TO 0]
MOVER:	Steven Thaler, Vice Chairman
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

COMMUNITY DEVELOPMENT

12. For possible action. Discussion on the following: 1) Adoption of Ordinance Number 2017-1491, a Zoning Map Amendment (ZMA) changing the zoning for two contiguous 1-acre parcels from Light Industrial (LI) to General Industrial (GI) for APN's 1220-11-001-058 & 1220-11-001-059, and all other properly related matters (Second Reading); and 2) A Special Use Permit (SUP) for the establishment of a commercial propane distributorship for the same two parcels located at 1731 and 1737 Timber Court, Gardnerville, within the Old Sawmill Industrial Park in the East Valley Community Plan Area. The applicant is Campora Propane Service. DA 17-054 and DA 17-053. (Continued from September 7, 2017) (Steve Mason)

Steve Mason, Planning Department, presented the second reading of the Campora Propane zoning map agreement. He confirmed that both entitlements were referred to the Board by the Planning Commission with a unanimous recommendation of approval from their July 18th hearing. He stated that the zoning map amendment was first heard by the Board on August 3rd and scheduled at that time for a second reading. He reminded everyone that the project site is two contiguous one acre parcels on Timber Court which are currently zoned light industrial, they were created in 2006 as a 20 lot 38-acre industrial subdivision that we know as the sawmill industrial park. He mentioned that when the park was approved in 2007 the economy tanked so it has been slow to infill. He believes approval of this project would bring occupancy up to approximately 50%. He noted that this is a four phase project, the two phases being the zoning map amendment, from light industrial (LI) to general industrial (GI), and the special use permit. The following phases would be a boundary line adjustment to merge

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the two one-acre parcels and then a design review for the construction phase. He reported that there are no changes from the August 3rd first reading. He provided a brief overview of the plan. Mr. Mason declared there is currently one other GI zoned parcel within Old Sawmill that was established in 2007 by this same process. It was rezoned from LI to GI and a special use permit. He explained that among the required findings staff found no inconsistencies with the Master Plan policies, the project is consistent with the East Valley Area Plan Policy 1.4, and it is also consistent with the Master Plans Economic Development element, goal five, and policy 5. He advised that the third provision, provision C, for the master plan amendment, is compatibility with the actual and master plan use of the adjacent properties. The adjacent properties are all zoned industrial by the master plan and the actual uses are either vacant or industrial. He confirmed that this is an industrial subdivision.

Mr. Mason went on to describe the two phased process for the special use permit, the first phase being a 30 thousand gallon propane tank, security fencing and screening, and a paved parking area. The second phase would potentially be a second 30 thousand gallon propane storage tank, a 2,000 square foot office building with septic, which would replace Campora's existing field office on Highway 395 in Gardnerville. He explained that the special use permit's findings largely parallel the zoning map amendment findings. The details can be found on page 350 of the agenda packet. He indicated that the traffic reports findings are included on page 351 of the agenda packet. He pointed out the after effect of a decrease in delivery trucks from Minden to Carson City due to the fact Campora's current closest filling station is in Carson City. He advised that upon completion of phase two the site will accommodate some very limited customer service. He addressed condition #16 from the 2007 approval of Old Sawmill which stated the applicant shall participate in future improvements and work with the County and David Williams of Williams Ridge Industrial Park to determine future improvements and associated costs. In 2009 Old Sawmill did deposit an \$118,000 bond with the County, which the County still holds.

Mr. Mason shared a letter of opposition; it is attachment seven in the staff report. The letter focuses on repeated traffic disruptions at an intersection that does not allow for safe turning movements. He claimed that the letter is light on factual information so he consulted with the County's traffic engineer, Jon Erb, and he had no record of any previous complaints regarding the intersections. Mr. Erb confirmed that he had not been contacted regarding condition #16, from any of the parties involved. Mr. Mason went on to explain that recent estimates put the intersections at the level of service A and Nevada Department of Transportation (NDOT) data from 2007-2016 indicates that Pine Nut Road averages 600 vehicles a day less than it did, due to phasing out the landfill. Mr. Mason addressed another issue from the letter of opposition, he said that even as a non-traffic engineer, that the trucks used in the schematic were enormous and exhibit problems with turning radius, half of them were 68.5 feet in length and the other half were 45.5 feet trucks. Mr. Mason confirmed that Campora's delivery trucks will be 27 feet in length.

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Mr. Mason also addressed a public question about how long the portable toilet would be up at the site. The portable toilet would remain until the second phase was completed and the office was built, and septic would be installed. He confirmed that the portable toilet would be screened from public view.

Mr. Mason acknowledged that approval of this project would be the third propane distributorship in Douglas County. The first being Bi-State within Sawmill Industrial Park and the second is Universal Propane at 1081 Airport Rd. Both were implemented through the same process, a rezone to general industrial and a special use permit. He confirmed that the proposed project is compatible on all applicable levels, the zoning, master plan, future land use, neighboring uses, and the intent of the subdivision. Based on these findings and the Planning Commission's recommendation by unanimous approval, staff recommends adoption of the ordinance.

Vice Chairman Thaler confirmed that he supports the project but he has concerns about the traffic. He also pointed out that there will be delivery trucks much larger than 27 feet on the roads at times, specifically when propane is being delivered to the filling station. He also stated that he doesn't see how it will reduce the amount of truck traffic on our roads.

Commissioner Nelson stated that since Campora is currently doing business in Douglas County he can see increased traffic on Sawmill Road but doesn't imagine much more traffic on our other roads. He stated that Sawmill Road was designed for industrial use and this project seems like a logical use, since there is already a company there doing the same thing.

Jon Erb, Douglas County Public Works, pointed out that the original traffic study for this project estimated an additional 2,000 vehicles and there was a percentage of the 2,000 that were trucks. He confirmed that the roads can accommodate the trucks.

Robbin Peters, Cal-State Engineering, acknowledged that he represented Campora and wanted to address a few issues presented by opponents to the plan. He clarified that there are two types of vehicles associated with propane deliveries. He noted that the larger propane tankers would likely make two deliveries a month. He noted that most of the traffic will be the smaller delivery trucks. He also described a commissioned study from the Department of Energy. That study reported that transportation of propane was roughly 3,000 times safer than the average risk to a motor vehicle operator, or the general public as affected by motor vehicles. The study also noted that the propane delivery and handling is roughly twice as safe as the delivery and handling of gasoline. He remarked that in a common sense prospective propane delivery vehicles are specially designed to be safe for all road conditions. Mr. Peters also noted traffic studies from 2007 and 2008 affirmed that no improvements were needed at the intersection. He added the Bi-State Propane has been safely operating for over 10 years from the same location. He emphasized that the County does not pre-zone properties as general industrial; it is only applied when a specific use is proposed and every general

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industrial use requires a special use permit. He closed by stating that approval of this project will not open up the area to other general industrial uses. Each request to change from light to general industrial zoning will have to come before the Board.

PUBLIC COMMENT

Devere Henderson referred to a detailed paper he prepared a few years back, when the mining operation was under consideration. One factor considered then was acoustic noise. He noted a heavy truck usually emits sound at about 90 decibels and that is at a relevantly low frequency; generally 100 hertz. Per Mr. Henderson 100 hertz is attenuated at a radius of 5 miles. Generally speaking the noise from a truck would go from 90 decibels down to about 80 decibels, which is considerable when you consider 57 trucks operating in the area. He believes there is more to consider here than just the damage to the roads. He claimed this project is inconsistent with the land use policy and stated that throughout East Valley and Carson Valley residents are being confronted with the continual building of heavy noise and acoustics. He stated this is just another cumulative factor of low frequency noise that is not attenuated by sound walls. He believes low frequency noise has a profound effect on mental and physical health and it should be considered.

Mr. Henderson's detailed paper can be found in the supplemental material for this meeting.

Rob Anderson, WR Technology Park, his firm was retained by David Williams to submit an appeal that was dated August 3rd, 2017. *The appeal is included in the agenda packet.* He stated that Mr. Williams does not oppose the business purposes for the application. Mr. Anderson referred to the August 3rd turning movement analysis that demonstrates that larger trucks cannot make the turn at the intersection without interfering with traffic moving in the other direction. He confirmed that the analysis has not been rebutted by the applicant, Mr. Erb or Mr. Mason. He stated that Douglas County routinely and consistently requires developers, when proposing intersections, analyze the turn movements, and if they fail they are required to modify them. He stated that the issue is not related to the level of service. The response by Mr. Peters and the applicant address the level of service of the roads and Mr. Anderson concurs that there is no issue with the level of service, he does not concur that these are safe movements. He stated that when the project was approved the traffic engineer required intersection improvements at Pine Nut Road and Sawmill Road and those improvements still have not been made, he stated that it is remarkable to him that at this date we are considering expanding the use again and adding more trucks to this intersection, without those improvements being made, and no movement towards doing it eight years later. He noted that Old Sawmill road has been designated as a collector road and these improvements would not be allowed on a collector road today, without meeting those requirements. The applicant pointed to a propane distributor in the Johnson Lane area and those streets have a wider throat and meet the turning movements. He closed by saying that his client requests that the

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Board approve the application under two conditions, 1) make the intersection improvements that allow the safe movement of large vehicles and 2) direct staff to do the design and permitting to make the necessary intersection improvements at Pine Nut Road and Sawmill Road. He confirmed that his client has entered into a written agreement to participate in the costs.

Jeff Lawson explained that he is the current property owner. He contended that when he originally acquired the property it was an industrial park, approved by the County, so this is the first he has heard that it doesn't meet the standards of trucks coming in and out. He stated that he posted a bond for the turning lanes to be put in and at this time the County has determined that it is not needed. He would like to see the project proceed so he can lose the bond or put the money up. Per Mr. Lawson the turnoff from Sawmill Road to Timber is a little wider than it is being explained. He is a former truck driver and he doesn't see the issue with the turn movement. He also stated that from the industrial side it is very difficult to find quality companies that want to come to Douglas County and this is a quality company as far as the truck noise goes, if there is a demand for services a truck will have to come into the community, whether it be from Carson City or Douglas County.

Chairman Penzel asked Mr. Erb to address Mr. Anderson's comments about turn movements.

Mr. Erb explained that the radius on Pine Nut and Timber are roughly 45 feet. He has examined the area for evidence of issues, usually notated by tire marks or landscaping being run over and there have been no issues. He confirmed, as Mr. Lawson stated, that the intersection is wider because at the end of the radius there is 30 feet as opposed to the usual 24 feet. He also looked at the intersection of Sawmill and Pine Nut and confirmed that vegetation goes all the way to the end of the pavement so trucks are not cutting the corner. He emphasized that he has not been contacted about any issues.

Chairman Penzel indicated that there seems to be a strange situation between Public Works and Community Development wherein there is a request from a former property owner to make improvements.

Mr. Erb added that there is money in reserve for a left turning lane at Pine Nut and Sawmill. The improvement hasn't been made yet because it is not a critical item for the County to fund at this time. He stated NDOT counts have determined that opposing traffic has dropped off considerably over the past few years.

Chairman Penzel advised that there are requirements on both developers to fund intersection improvements and clarified that the issue is that the County hasn't put their portion in yet. He asked Mr. Erb if there are estimates on the amount of money that the County would have to put up.

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Mr. Erb stated that he does not have estimates with him and stated that the project would involve extending the boxes at Virginia Ranch and Allerman Canals. His rough guess would be around \$400,000 total.

Chairman Penzel asked how much money has been put up for the project.

Mr. Erb declared \$119,000 at this time.

Vice Chairman Thaler clarified that the trucks are now coming from Carson City, if this application is approved the trucks will turn left and head down Muller Parkway to Sawmill and turn left and then on to Timber so, there will be an impact on our roads. He asked Mr. Erb whether or not the additional trucks making a left from Pine Nut to Sawmill is going to create a problem.

Mr. Erb replied no, not with the current traffic pattern. He believes it will still function properly.

Vice Chairman Thaler asked Mr. Erb asked if the large delivery trucks are going to be able to make the turn without destroying the Road.

Mr. Erb pointed to the updated traffic study from 2008 that accounts for the build out of the whole development and the level of service analysis determined that it would take another 77 acres of improved developments to bump that intersection into a level of service that would not be acceptable.

Vice Chairman Thaler asked Mr. Erb whether or not Mr. Andersons request for improvement was inappropriate.

Mr. Erb responded that mitigation measures are not inappropriate.

Vice Chairman Thaler clarified that it would then be appropriate for the County to help pay for the left hand turn lane. He stated that the cost to make the repair in 10 years is going to be a lot more and so the longer we wait the less it costs the developers.

Commissioner Walsh asked for clarification about which intersection funds were collected for.

Mr. Erb responded that funds were collected for Pine Nut and Sawmill. He confirmed that they do collect funds from developers for capacity limits whether it be a signal or left hand lane and until they are warranted they are not developed.

Chairman Penzel stated that there should be an inflation factor on the fees. He asked Mr. Erb to address the comments about noise and whether or not we use any type of noise abatement on the roads, specifically on the surface of the road, based on the type of road.

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Mr. Erb said he was aware of a product NDOT uses in Las Vegas but that product doesn't work in our area because of the freeze-thaw cycles we have.

Mr. Mason added that this condition has been on the books for ten years and this is the first time, to his knowledge, that the County has been approached to discuss the matter of improvements at the intersection. He said he will be happy to have the discussion with the two involved parties.

Vice Commissioner Thaler asked for clarification regarding the County's future action with the turn lanes.

Mr. Erb stated that the five year transportation plan is coming up so the Board would decide at that time if the turning lane would be a priority for funding.

Chairman Penzel asked if it would start with the Regional Transportation Committee (TRC) first.

Mr. Erb confirmed that it would go to RTC first and beginning in December he requests comments on the existing five year plan and if the turning lane needs to be moved up in priorities and take funding from something else. He stated it is all about rearranging priorities.

Vice Chairman Thaler asked for additional clarification about the funding.

Mr. Mason clarified that Old Sawmill has already paid their 40.9% of the \$319,000. Moving forward Williams Ridge Technology Park will be responsible for 23.9% and additional development, any other developments that have moved into the area since 2007 would be responsible for 35.2% total. He confirmed that there have been several new developers, including an industrial yard that does accommodate some of the larger trucks.

Heather Ferris, Planning Department, stated that Mr. Peters shared a piece of information regarding a calculation of improvements that was done in 2007/08. The Calculation shows the County would be responsible for 35.29% which at the time was \$112,290.

Larry Werner, County Manager, added that we cannot charge new developers for existing traffic improvement so it is logical to charge new developers for the improvements that they will contribute to. He also stated that the County needs to be careful when deciding to make improvements because the developer cannot be responsible for the volume of traffic before they came in and the County has to be able to find its share of the funds.

Public comment closed

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MOTION to adopt of Ordinance Number 2017-1491, a Zoning Map Amendment (ZMA) changing the zoning for two contiguous 1-acre parcels from Light Industrial (LI) to General Industrial (GI) for APN's 1220-11-001-058 & 1220-11-001-059, and approve a Special Use Permit (SUP) for the establishment of a commercial propane distributorship for the same two parcels located at 1731 and 1737 Timber Court, Gardnerville, based on the discussions and findings of the staff report.

RESULT:	ADOPTED [4-0]
MOVER:	Larry Walsh, Board Member
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

13. For possible action. Discussion to accept the Annual Progress Report on the Carson River Watershed Regional Floodplain Management Plan and Hazard Mitigation Plan prepared by the Carson Water Subconservancy District and Douglas County. (Courtney Walker)

Courtney Walker, Douglas County Stormwater Program Manager, presented the annual progress report on the Carson River Watershed Regional Floodplain Management Plan and the Hazard Mitigation Plan. She advised that the reports are required through the Federal Emergency Management Agency's (FEMA) Community Rating System (CRS). Douglas County participates in several ranges of actions and activities to accumulate points which lead to the County's rating through the FEMA system. She added that Douglas County's currently rated a six. A rating of six affords homeowners a 20% discount on their flood insurance. She noted that the Storm Water Program is audited every five years, and the audit result will either raiser or lower the rating.

Ms. Walker shared some of the factors that helped Douglas County obtain a rating of six. She reported that in Douglas County developers are required to obtain elevation certificates on any new development in the floodplain. The elevation certificate ensures that any development that takes place in the floodplain is built to the County standard, one foot above the base flood level. She added that her department also updated the flood insurance rate maps and currently FEMA is reviewing the Carson River physical map revision which remaps the entire floodplain from the Alpine County line down to the Carson City Line. She believes it will provide a more accurate representation of who should be paying flood insurance and who shouldn't be.

Ms. Walker added that her department is constantly reaching out to homeowners, realtors, and insurance agents to notify them that they can call the County to find out if they are in a flood zone, how to get insurance, how to get an elevation certificate, and other types of information related to floods. She stated that Douglas County will also be holding an outreach event during National Flood Week at the Community Center. The event will take place on November 14th from 3:00 pm to 6:00 pm and is open to the public. There will be representatives from FEMA and the Division of Water Resources and the revised Carson River flood

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map will be available so the public will be able to find out whether or not they will be affected by the changes.

Ms. Walker confirmed that they have been also been working on floodplain management planning with the Carson Water Subconcernancy District (CWSD). She contended that the CWSD contributed the Carson River Watershed Regional Floodplain Management Plan that is available in the agenda packet. She affirmed that the report is more comprehensive since it included the entire watershed system. The report identifies CWSDs activities. Ms. Walker stated that CWSD is a cooperating technical partner so they are enabled to apply for FEMA funding on behalf of Douglas County and they have been instrumental in obtaining funds for the map revision of the Carson River as well as the Johnson Lane Area Drainage Master Plan. She explained that CWSD also holds regional coalition meetings and quarterly floodplain management working group meetings. She declared that CWSD is in the process of updating the floodplain management plan and the risk map discovery process. Those updated plans are required to maintain the CRS score.

Ms. Walker explained that she has updated the Hazard Mitigation Plan that was included in the agenda packet. She describes some aspects of the plan including flood ordinances, and dividing land in flood zones. She declared that a large portion of the floodplain in Douglas County lies in agricultural areas so we are more fortunate than other areas with large subdivisions, hospitals or schools because we see less impacts from floods. Ms. Walker also shared that FEMA recently advised the County where the repetitive loss properties are throughout the county and the number of properties that are known to suffer flood damages has grown by 5. She has contacted those property owners, and all adjacent property owners.

Ms. Walker remarked that an additional factor in the CRS is the drainage system maintenance, which could be better in Douglas County. She confirmed that infrastructure is inspected annually and after major storms and currently Douglas County is only performing maintenance by responding to areas that need maintenance after the fact. She would like to see more proactive maintenance.

Vice Chairman Thaler asked Ms. Walker if FEMA was updating their maps from 85 year floods to 100 year floods.

Ms. Walker responded that flood insurance maps have always been for 100 year floods and affirmed that they were not always accurate. She stated that the map revisions will include more accurate elevations throughout the entire river.

Vice Chairman Thaler questioned when the updated maps would be approved by FEMA, how long homeowners have to challenge the map findings, and whether or not Ms. Walker knew if it was cheaper to buy flood insurance before your property is mapped in the floodplain?

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Ms. Walker reported that it could take up to two years for FEMA to finalize the map. She confirmed that there is a 90 day public comment period before the maps become effective and that once she is made aware of the findings she will notify homeowners that are affected via personal letter. In regards to insurance rates, Ms. Walker wasn't sure about rates but did advise that newly mapped properties did have up to one year to obtain flood insurance.

Vice Chairman Thaler asked whether or not homeowners had to obtain flood insurance even if only one foot of their property was mapped in the floodplain.

Ms. Walker responded that she did not believe so, she stated that insurance is at the discretion of the mortgage lender and that homeowners are not required to obtain flood insurance if they own their homes outright.

Chairman Penzel stated that another misconception is that insurance does not cover landscaping and then advised County Manager Werner that it would be convenient if the Board had one point of contact for Stormwater, so everything could be merged to Ms. Walker's purview.

County Manager Werner stated that he would pass stormwater on to Ms. Walker if it was approved by the Board.

Chairman Penzel asked Ms. Walker if repetitive losses meant that the insurance company actually paid money.

Ms. Walker stated that it meant that they had flood insurance and filed a claim.

Chairman Penzel asked for clarification regarding flood insurance since the five homes in the Johnson Lane area were above the floodplain.

County Manager Werner explained that if you have flood insurance it is reported to FEMA, whether or not you are in a floodplain.

Chairman Penzel opened the floor to public comment.

No public comment.

MOTION to accept the Annual Progress Report on the Carson River Watershed Regional Floodplain Management Plan and Hazard Mitigation Plan prepared by the Carson Water Subconservancy District and Douglas County as presented and based on the background information presented to the Board; carried

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RESULT:	APPROVED [4-0]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson

14. For possible action. Discussion to adopt Ordinance No. 2017-1493, an ordinance correcting previously adopted Ordinance no. 2017-1483, a zoning map amendment (ref. DA 16-083 and PD 05-001-6) for Genoa Ridge Investors, LLC, which modified the existing Planned Development for Summit Ridge Phases 3B and 3C by establishing an SFR-1/2 PD and a PR/PD for 115 acres located approximately 1,000 feet north of Mountain Meadow Drive within the Genoa Community Plan Area (APNs: 1419-26-101-002 and 1419-26-101-003), and other properly related matters. Second reading (Mimi Moss)

Mimi Moss, Community Development Director, stated that there has been no change to the ordinance since the introduction. She confirmed that this was initiated by staff to correct the original ordinance that set the boundaries of the single family and private recreation zoning districts, based on a condition of approval that required there be elimination of forced mains. She advised that the applicant came back and redesigned the lot layout which is illustrated in the packet. The ordinance is being brought forward to correct the boundaries in the area of the zoning districts.

No public comment

MOTION to adopt Ordinance No. 2017-1493, an ordinance correcting previously adopted Ordinance no. 2017-1483, a zoning map amendment (ref. DA 16-083 and PD 05-001-6) for Genoa Ridge Investors, LLC, which modified the existing Planned Development for Summit Ridge Phases 3B and 3C by establishing an SFR-1/2 PD and a PR/PD for 115 acres located approximately 1,000 feet north of Mountain Meadow Drive within the Genoa Community Plan Area (APNs: 1419-26-101-002 and 1419-26-101-003), and other properly related matters; carried.

RESULT:	ADOPTED [4-0]
MOVER:	Dave Nelson, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, Walsh, Nelson

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15. For possible action. Discussion on the adoption of Ordinance No. 2017-1492, amending Douglas County Code, Title 20, Sections 20.654.020; 20.658.020; 20.660.070; 20.662.010; 20.664.130; 20.666.010; and 20.668.090 to allow open or subsurface mining subject to specific standards in the General Industrial (GI) zoning district only upon approval of a Special Use Permit approved by the Board of County Commissioners, and prohibit open or subsurface mining in all Agricultural, Forest and Range, and Public Facilities zoning districts, and other properly related matters. Second reading (Mimi Moss & Mary Anne Martin)

Mimi Moss, Community Development Director, provided some background on the ordinance and confirmed that she provided copies of the presentation and of all of the comments she has received to the Commissioners and made them available for the public. Ms. Moss stated that she also provided copies of the staff report and of the draft Planning Commission minutes from the September 12th meeting.

Ms. Moss reviewed the power point presentation regarding Issues Raised to Date, Board Requested Code Amendment, Summary of Changes, Board Requested Changes from 9/7/17 Meeting, Planning Commissioner Recommended Changes from 9/12/17 Meeting, Current Recommendation and Cubic Yard Illustration. She confirmed the changes are listed in red and green text.

You may view the full presentation in the agenda packet.

Ms. Moss advised that there have been discussions at the staff level about 500 yards being a considerable amount of material to be removed as an exception for agriculture (ag) and forest and range properties. Per Ms. Moss that is not to say that the removal of 1000 cubic yards isn't appropriate also. She questioned whether or not it is appropriate to even increase it from 500 to 1000 under the exception section for ag and forest and range uses. She thought the question should be asked in regards to reclamation as well.

Ms. Moss stated that the purpose of the definition of mining use and the exception for reclamation is to control the amount of removal of material from the site, and not consider it a true mining operation. She confirmed that normal ag operations is not part of the definition. It allows Ag operation to remove a certain amount of material. She confirmed that the intent of this code section is not to prohibit ag users from doing what they do.

PUBLIC COMMENT

Matt McKinney, General Manager Bentley Ranch, stated that he appreciates Ms. Moss' comments about agriculture being exempt but requests that the Board continues this ordinance to the next Meeting. He stated that they are working with other ag producers in the area to craft language that they would like to be included in the ordinance. He stated they understand that ag is exempt but they would like it be specifically exempted in the language. He believes a lot of stuff still

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needs to be flushed out and stated that many of the folks in ag were under the impression that this ordinance wouldn't be heard again until November so he strongly urges that the ordinance be continued to the November meeting.

Jack Jacobs, Carson Valley Ag Association, the association represents 34 members operating over 50,000 acres of ag lands in Douglas County. He asked that the ordinance be continued to the November meeting. He indicated that there are also ag element goals and policies that were not identified in the packet. Goal number one is to protect and encourage ag activities and support industries throughout Douglas County. Per Mr. Jacobs, the policy says that Douglas County shall define agriculture use as economic development and promote and encourage agriculture as an important industry and as a desirable land use, which serves to define the desired character of the County. He reported that policy 1.3 mandates the County to encourage industries to support agriculture and land use. He went on to say that goal number two is to create alternatives to urban development of existing ag lands in order to preserve the areas. He said goal number two is followed by a policy advising the County to provide for a range of compatible uses of ag lands and means for ag property owners to obtain benefit from land while achieving the public goal of ag production. He confirmed that it would be much more beneficial to ag owners if the ordinance specifically exempted ag operations. He added that if the amount of ag trucks moving dirt was compared to the amount of trucks the County uses for road maintenance the difference would be insignificant.

Dan Mrvos spoke in support of the ordinance. He asked that this ordinance not be continued to the next meeting and voted on now. He said that everything seems to be centering on the 1000 cubic yards exemption limit and he believes Douglas County staff have confirmed that that limit does not apply to agricultural operations. He doesn't believe there is any intent in the ordinance to limit ag operations. Mr. Mrvos stated the ordinance is drastically more liberal in its exemption limit than before. He explained that the previous ordinance simply had an exemption of 1000 cubic yards period; the new ordinance is much more liberal with its description of either 1000 cubic yards per parcel or 1000 cubic yards per 100 acres. He went on to say that the 1000 cubic yards flat goes back to 1996 and that if there was a problem, there would have been 21 years of complaints. Mr. Mrvos also provided historical information from the state archives regarding the 1974 County Code of Douglas County which was more limiting, it said you could extract earth materials but not for commercial off sale and only for a period of 30 days. After 30 days you were considered a mining quarry and would have to apply for a special use permit. He said this ordinance is simply about putting a mine in the appropriate place when someone wants to open one. He asked that the Board follow the advice and recommendation of the Planning Commission. He ended by saying that it is important to address this issue now in Douglas County because we have a lot of urban and rural interfaces. He asked the Board to adopt the ordinance at this meeting.

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Dan Greelee urged the Board to act on this today. He stated that the issues have been discussed and he believes the proposed exemption policy is more liberal. He stated he has no intention to restrict ag use and he doesn't believe this ordinance restricts their day to day operations.

Carlo Luri, representing Bentley Enterprises and Bentley Family Limited Partnership, addressed a procedural objection, he stated when the item was heard last month in front of the Board of Commissioners, it was made clear that the Board was not voting to approve or reject, they voted to send it to Planning Commission. He believes this should not be considered a second hearing; this should be the first hearing. He went on to say that he is disappointed that Commissioner McDermid is not present because she was concerned about whether or not staff had reached out to landowners and the agricultural community and to his knowledge there has been no effort in the last month to reach out to the parties. He added that contrary to what Ms. Moss has said, the ordinance does not exempt agricultural operations, it specially says including and not limited to, borrow pits, dredging and other items that are routinely done by agricultural producers. He stated that this ordinance flies in the case of agricultural goal three in the proposed Master Plan Amendments and policy 3.1 and he is amazed that it has come back. He closed by saying that 75 comments that have been cut, pasted, and emailed to the Board does not represent the majority of land owners in Douglas County and is not the will of the people.

Will Adler, Silver State Government Relations, was present to represent Sue Parkhurst who inherited a long time mine that is located in Douglas County. Her husband developed the mine in 1988 and his since passed away and the mine is no longer being used. He pointed to an area on a map he was holding and stated that the area is 5 miles from the nearest home, over a ridgeline and inaccessible. This ordinance would prohibit the 40 acres of privately owned land from being usable as a mine unless it was zoned as general industrial. He confirmed that this is a gold mine and would only require about one truck per year. He believes this ordinance may have good intent but there are not enough details. He proposed an exemption for a mining operation on forest or range land or agriculture that is more than three or five miles away from other residents. He agrees with the agriculture folks and proposed that the ordinance not be adopted today.

Dave Butcher reminded the agriculture community that they sold the property to be built on and now they want to change it. He confirmed that he is not after the ag community. He believes the agriculture community is "after them" and wants to destroy their rights by building a gravel pit. He stated that he has sat through every meeting and believes that this ordinance has been talked about enough. He wants the ordinance adopted at this meeting.

Bob Ballou advised that he submitted thoughtfully drafted letter that was not cut and pasted. He stated that in addition to providing the letter, he has been present to provide the argument orally as well. He affirmed that he is concerned about property he lives adjacent to. He stated that a lot of people have urban interface so there are many residents that share this concern. Mr. Ballou shared his

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appreciation for farmers and ranchers. He said that he moved here in 1965 and he moved here because it is a beautiful rural area. He explained that he doesn't want to cramp the style of the ag community or the miners. He wants to ensure that mining is restricted to general industrial zones and meets the findings for that type of zoning. He mentioned that he paced the room and the Commissioners' Chambers averaged about 950 cubic yards.

Devere Henderson reported that he is a resident of East Valley and that he moved here because it was an agricultural environment. He said he grew up in Colorado tossing hay bales and appreciates what the agricultural community does. He confirmed that if there was anything in the ordinance that was not good for agriculture he would be against it. He stated that the key word is ag products. Agriculture product does not include batch mining, gravel, concrete or asphalt. He wants to get the ordinance passed as soon as possible but he said it needs to be worded correctly. Mr. Henderson said the 1000 yards shouldn't apply to the agriculture community. He admitted that what they are trying to do with this ordinance is stop the development, in a non-agriculture way, of the Carson Valley. He advised that he provided the clerk a copy of a document regarding noise level. He respectfully suggested that the Board set some specific noise standards to determine what is going to be a tolerable noise level in the valley. He clarified once more that this ordinance is not to stop the agricultural community from stimulating their industry the objective is to stop industrial mining that adversely impacts the our style of living. He urged that the language be reviewed and suggested that we obtain an environmental impact statement on the issues where the noise and light levels are increased.

Gail Durham, 30 year resident, echoed the comments of Bob Ballou and stated that she supports the ordinance.

Gary Griffith explained that while he understands the ag community's concern that the ordinance might somehow impact their property rights, a careful review of the ordinance reveals that no farmers or ranchers would lose any ability to work their properties as they always have. He believes that the Community Development and Planning Staff have written a common sense ordinance that doesn't negatively impact anyone while protecting the property and privacy rights of all Douglas County residents and he is in support of adopting this ordinance.

Marvin Christy stated that he is a recent Johnson Lane resident and he believes that the valley needs to be protected. He has faith that the Planning Commission and the Board of Commissioners will always handle requests for mining correctly and supports the adoption of this ordinance.

Sue Parkhurst advised that she owns a 40 acre parcel that is home to the Utopian Mine. She stated that she moved here almost 40 years. She fell in love with the area and has no intent on doing anything that will change it. She does have concerns about this ordinance affecting her property value. She said her husband put his blood, sweat and tears into proving his theory about the source of what

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may be gold deposits and she would like the opportunity to prove it. She thinks there might be some unintended consequences associated with the ordinance.

Close of public comment.

Commissioner Nelson asked Ms. Moss if there was a right to farm ordinance.

Ms. Moss confirmed there was.

Commissioner Nelson asked if it also mentioned the right to mine.

Ms. Moss stated that it did not.

Commissioner Nelson commented that he asked the question because he is also a realtor. He affirmed that when he shows properties near agriculture properties he advises the clients about the opportunity for odor, noise, and other items related to farming or ranching. He said it is obvious to him that once a person buys a piece of property close to agriculture they know what to expect. He went on to say that this ordinance is all about property rights because people in the area purchased homes expecting a certain level of peace and tranquility. Without the ordinance they won't be protected from a mining operation going in less than 2 miles from their homes and that will negatively affect the property rights. He is in favor of the ordinance but has some concerns about the 1000 cubic yards and proposed that clarifying that 1000 cubic yards per year, could be extracted from any one, one hundred acre area be added to the ordinance. He also wondered whether or not it would be possible to grandfather in existing mines that have not been a nuisance.

Ms. Moss stated that there are a few existing gravel pits approved under special use or valid permits that are grandfathered in.

Commissioner Nelson asked if Sue Parkhurst's mine was grandfather in.

Ms. Moss reported that Ms. Parkhurst's mine is not included. She confirmed that her property is privately owned and from her understanding there has been exploration and testing of that mine. She confirmed that the testing and exploration has been occurring over the years and can continue. Once a mineral or material is located it would turn into a commercial use, which falls under the definition of mining uses. She stated that in this specific case the property is a forest and range property and the question there would be how much material could be removed before they became a mining operation.

Mary Ann Martin, District Attorney's Office, stated that Ms. Parkhurst can continue with limited exploration on the property pursuant to the exemption which as proposed is going either to be the current 500 cubic yards for no reclamation plan required or perhaps 1000 cubic yards per parcel per year or per 100 acres. Ms. Martin mentioned that if a person thought about the work incrementally, in a year to year exploration campaign, the owner would have

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sufficient time each year to explore and remove 1000 cubic yards and at the time she determines that the mine is economically viable she would have to go through the process of obtaining state permits and move forward with a zoning map amendment and special use permit requests.

Commissioner Walsh commented that he thinks the ordinance is written to specifically recognize mining as industrial use. He believes mining belongs in an industrial zoning district and doesn't believe this ordinance is going to prohibit Ms. Parkhurst from doing anything that she wants to do.

Vice Chairman Thaler questioned, like Mr. Luri, whether or not this should be the first reading of the ordinance. He went on to mention that the normal process would be that the Planning Commission hears the ordinance first then it is introduced by the Board and brought back for a second reading. He stated that he went on the record when this was introduced last month to say that he thought it should have come through the Planning Commission. He confirmed that at that time Ms. Moss advised him that the process changed slightly because it was initiated by one of the Board members so that is why it was introduced first then sent back to the Planning Commission.

As a follow-up to another of Mr. Luri's questions, Vice Chairman Thaler asked Ms. Moss if the staff has reached out to the ag community since the last meeting to get their input and if not why not?

Ms. Moss stated that her staff has not reached out to the ag community because she believed that it was not part of the direction, she thought it was a question posed that they answered at the last meeting. She confirmed that her office has not reached out to the forest and range property owners throughout the County either. She added that there was a good representation at the introduction of the ordinance last month. She confirmed that if there were changes requested they could have a second, second reading. She apologized that she did not realize that that was the request as part of the action.

Vice Chairman Thaler confirmed that his concern with this ordinance has been the process. He doesn't believe that there would be any harm by continuing the ordinance so that Ms. Moss could talk to the ag community. He doesn't see any reason to rush this and he believes the ag community deserves to be spoken to. He asked Ms. Moss is there would be any harm in pushing this out another 30 days?

Ms. Moss stated that she doesn't believe this has been rushed, she confirmed that they followed protocol and that it is up to the Board whether or not they would like to have a second, second reading. She reported that this is the first she's heard of the ag community drafting language to be added to the ordinance so it would be helpful to know what the language is and where the proposed language would be proposed to go. Ms. Moss is concerned as to whether or not they were looking at another section of code under ag uses because these types of uses are

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permitted in the ag section. She said she would meet with the ag community to find out what they are proposing.

Vice Chairman Thaler stated that he has been to some ag community meetings and is aware of some of their concerns. He asked Ms. Moss if someone could get a permit to mine on Bureau of Land Management (BLM) land regardless of what our zone is.

Ms. Moss stated that yes, they can.

Vice Chairman Thaler confirmed that he would support continuing this to come back with a clean ordinance.

Ms. Martin explained that the Board has three options at this point. Option one would be to adopt the original ordinance as introduced. Option two would be to adopt the ordinance with the changes proposed at the introduction. Option three would be to adopt the ordinance with the most recommendations from the Planning Commission meeting.

Vice Chairman Thaler suggested again that Ms. Moss reach out to the ag community.

Commissioner Walsh commented that communication is a two-way street and he questioned why the ag community hasn't reached out to the County. He confirmed that if the ag community had concerns they should have come to the Board.

Chairman Penzel reported that he was invited to sit down with Mr. Bently's representatives and his recommendation to them was to put the alternative language they are requesting down in writing. He went on to say that he has been thinking more on the matter and wanted to address some of the questions that were brought up. He mentioned ordinance 20.660.010. That ordinance is dedicated to ag uses, he believes that is where ag producers should be providing their input. He confirmed it is the longest section in the land uses ordinances.

Chairman Penzel emphasized that he believes all of the comments made at the meeting are important and he confirmed that the ag community is the asset of the valley. He read through his list of comments from the meeting and believes most of the comments have been addressed. He asked Ms. Moss to clarify whether or not Ms. Parkhurst has filed for a mining permit of any kind.

Ms. Moss confirmed that to her knowledge a request for a permit has not been filed.

Chairman Penzel continued to read through his list of comments and addressed Mr. Henderson's comments regarding noise abatement. He suggested the Board look into it. He suggested that the County may not be in line with an environmental survey at this point.

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Chairman Penzel asked for clarification in regards to what the Board is deciding today.

Ms. Martin confirmed that there are actually two versions of the ordinance. The original ordinance as introduced on September 7th, and the ordinance with edits proposed by the Board at the September 7th meeting.

Chairman Penzel remarked that the ordinance itself was last revised in 2008. He stated that it was also revised from 1968 to 1994. He pointed out that this ordinance has been revised four times and the only change has been to the four paragraphs regarding mining uses. He stated that he is inclined to adopt the ordinance with the changes proposed by the Board at the September 7th meeting but that the issues with the ag community need to be acted upon.

Ms. Moss interjected that there are goals within the Master Plan that talk about amending the code, working with the ag community, identifying appropriate uses within the A19 zone and propose those as code amendment. She stated that is yet to be done.

Chairman Penzel confirmed that he is not just talking about the Master Plan, he is talking about this ordinance.

Ms. Moss responded that an action item in the Master Plan is to work with the ag community to make changes to the code regarding appropriate uses within and agriculture zone, whether changes are permitted outright or via a special use permit. She confirmed that the Board would be seeing those action items in December of the coming year.

Chairman Penzel quested whether or not December would be sufficient time for the ag community to draft and present their changes to the code language.

Ms. Moss confirmed yes, if the ag community felt the action item was not sufficient to move code amendment forward.

Vice Chairman Thaler elaborated that the Master Plan specifically directs staff work with the ag community. He stated that his idea of working with the ag community means us reaching out them to sit down and talk with them, rather than us sitting around waiting for them to come to us.

Ms. Moss stated that she doesn't believe that is the case. She went on to say that they have over 106 action items to determine the priority of. She believes if the ag community came to them to propose changes they would work with them on their proposed changes. She described a few occasions where they've worked with the ag community.

Chairman Penzel pointed out that Community Development has gone to ag association meetings and asked them questions. He remarked that the ag

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association has gone through some changes making things a little more difficult. He emphasized that he has seen no reluctance from Community Development to meet with the ag community when it has been requested. He mentioned once more that he believes it is important for us to get their input on this matter.

Vice Chairman Thaler confirmed that he is not opposed to the ordinance but is concerned that staff has not met with the ag community, even though he believes they were directed to do so at the last meeting. He believes Commissioner McDermid would share the same concerns. He questions whether or not Ms. Moss and he would be on the same page if she'd met with the ag community.

County Manager Werner confirmed that by advertising and presenting the ordinance the County has invited the public to come to the meetings and voice their concerns so he doesn't see the value of meeting ahead of that.

Vice Chairman Thaler suggested the public will likely be concerned that even though one of the five Commissioners directed staff to meet with the ag community it wasn't done.

County Manger Werner said part of the issue also that staff was asked to work with the ag community, without being advised who the ag community is. He went on to say that he understands the frustration and that his message has been received.

Chairman Penzel stated that one consideration when making the motion is whether or not this will be continued or if adopted, which version is being adopted.

Doug Ritchie, Chief Civil District Attorney, advised that this was agendized as an adoption so it could be continued but not as a second first reading.

MOTION to adopt ordinance 2017-1492 as it was introduced in the first reading, amending Douglas County Code, Title 20, Sections 20.654.020; 20.658.020; 20.660.070; 20.662.010; 20.664.130; 20.666.010; and 20.668.090 to allow open or subsurface mining subject to specific standards in the General Industrial (GI) zoning district only upon approval of a Special Use Permit approved by the Board of County Commissioners, and prohibit open or subsurface mining in all Agricultural, Forest and Range, and Public Facilities zoning districts, and other properly related matters based on the discussions and findings in the staff report; carried.

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RESULT:	APPROVED [4 TO 0]
MOVER:	Larry Walsh, Board Member
SECONDER:	Barry Penzel, Chairman
AYES:	Penzel, Thaler, Walsh, Nelson
ABSENT:	McDermid

Vice Chairman Thaler stated that he supports this but on the contingency that staff meets with the ag community.

COUNTY MANAGER

Items #16 & #17 were heard earlier in the meeting. Commissioner McDermid was present for the discussions.

16. For possible action. Discussion to approve a request for the Board of County Commissioners to reconsider a Master Plan Amendment request previously submitted by Bently Enterprises changing the land use designation from Rural Residential to Single Family Estates for two parcels, 26.17 acres and 10.69 acres in size, that was denied by the Board of County Commissioners on September 18, 2017. (Larry Werner)

Chairman Penzel explained that it would take four of five of the Commissioners, a super majority, to approve re-hearing item #16 since it was previously denied.

County Manager, Larry Werner, stated that this hearing is simply to discuss the merits as to whether or not the Commissioners want to re-hear this item and place it on the November 2, 2017 meeting agenda. He advised that the applicants were available to provide a presentation.

Vice Chairman Thaler asked the County Manager to clarify whether or not they would sit through the presentation or vote to see if there are enough votes to bring it back to the November meeting.

Larry Werner advised that the presentation may have information that may warrant another hearing on the item.

Doug Ritchie, Chief Civil District Attorney, advised that there has to be some presentation of evidence brought forward to the board for consideration. The board can they decide if they want to bring it forward for deliberation.

Carlo Luri, representing Bentley Family Limited Family Partnership, thanked the Commissioners and acknowledged the requirements for a re-hearing. He confirmed that they do have additional evidence that was not available during the first hearing, specifically information regarding sewer and water service, and the right-of-way on the roadway. He believes those are two mitigating topics that may have influence on the final decision.

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Vice Chairman Thaler asked Doug Ritchie as to whether or not the statement Mr. Luri gave was enough evidence to vote.

Doug Ritchie replied that there must be sufficient evidence to merit a re-hearing.

Vice Chairman Thaler asked Mr. Luri to elaborate on his statement.

Mr. Luri emphasized that he has sewer maps that are not available to the public and county records that specifically call out the conditions on which Bentley granted the road way easement to the County.

Chairman Nelson affirmed that the issues presented by Mr. Luri were not the reason he voted this item down the last time and he doesn't believe it would change his vote if it was brought back again.

Commissioner Walsh noted that he is in favor of re-hearing the item.

Commissioner McDermid declared that the sewer data is critically important and she believes the new data may change her vote.

Vice Chairman Thaler remarked that he voted in favor of this item at the last meeting and finds the new evidence intriguing. He supports seeing extra evidence.

Chairman Penzel stated that he voted in support of this item at the last meeting and he supports re-hearing it.

MOTION to approve a request for the Board of County Commissioners to reconsider a Master Plan Amendment request previously submitted by Bentley Enterprises changing the land use designation from Rural Residential to Single Family Estates for two parcels, 26.17 acres and 10.69 acres in size, based upon additional information; carried

No public comment.

RESULT:	APPROVED [4 TO 1]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Barry Penzel, Chairman
AYES:	Penzel, Thaler, McDermid, Walsh
NAYS:	Nelson
ABSTAIN:	Pierini

17. For possible action. Discussion to approve a contract amendment for the preparation and implementation of the Douglas County Stormwater Utility with House Moran Consulting, Inc., for an amount not to exceed \$44,200. (Lawrence Werner)

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Larry Werner, County Manager, remarked that he did not intent to go through the entire presentation again, unless the Commissioners desired it, he preferred discussing a few issues that came up during the previous meeting. One of those issues was whether or not this program would be able to take care of cleaning local culverts.

Mr. Werner asked the Public Works department to take a look at that issue and confirm that, if the program was initiated, local culverts could be cleaned and if it could be done for the amount of dollars they were looking at. Per Mr. Werner the answer was yes, and it depends upon the repeat cycle and whether it is done once a year, or once every other year. He believes the County can make it so crews are available doing storm water management to clean road side ditches, ponds, and culverts as part of a county operation.

Mr. Werner went on to say the main issue is whether or not to continue with the contract with House Moran and to then finish up the details of this program to bring it to much more refined numbers which will then be brought back to the Board at some point in the future.

Vice Chairman Thaler asked for clarification about the amount that would be charged to everybody, he remembers it being somewhere between \$2 and \$10 a month. He also asked for clarification as to whether or not that price would include the culvert cleanings.

Larry Werner affirmed that the culvert cleaning will be included in the fee that was presented some time ago and mentioned column Q, total annual fee, from a previous presentation. He believes the County will have enough crew built that it could be part of their routine work program.

Vice Chairman Thaler clarified that culvert cleaning was not part of the last presentation and asked how is it that it can be done now, for no additional fee.

Larry Werner confirmed that the previous thought was to buy a piece of equipment and create a crew to do the work and now they intend to just clean the culvert while the crew is there doing the ditch work. He described pushing the time frame for cleaning culverts from every other year to every three years on average we're able to absorb the costs.

Vice Chairman Thaler asked what the cost would be to include the airport in the storm water program.

Larry Werner stated it would cost a little over a half million dollars a year.

Vice Chairman Thaler asked if the big commercial properties were aware of what their storm water fees would be.

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Larry Werner confirmed that they have not spoken to anyone in the public about the bills. He emphasized that is just to give the Commissioners an estimate of what his office thinks it is.

Vice Chairman Thaler stated that he is reluctant to spend another \$44,000 to go out and get information that they may not learn anything from.

Larry Werner confirmed that they will learn about a waiver program, where large commercial facilities can do onsite containment, reducing the amount they would have to pay.

Vice Chairman Thaler is concerned that fees for homeowners would go up if fees for large commercial properties were mitigated.

Larry Werner advised that home owner fees would not go up. He advised that for the purposes of this project, ranchers are considered single family residential.

Vice Chairman Thaler said he struggles with spending another \$40,000 on something that he is not sure will give them the data they need to get this passed to the next level.

Commissioner McDermid said she is thinking of the people that are not in a Town or GID that have been impacted by the flooding. She believes that additional information is needed to be able to make an informed decision. She noted that this will be money will spent to find out once and for all what the project would look like and how much it would cost.

Commissioner Nelson stated that the county should go back and see if there are expenses that could be cut somewhere else in the county to pay for the project without asking for additional taxes and fees. He can't see spending \$44,000 to discover where the County can charge more fees and taxes to the people.

Commissioner Walsh indicated that there has been public outcry for storm water for years and years. He proposed that we finish what has been started.

Chairman Penzel stated that they do not have all of the information they need. He indicated that a million dollars has been budgeted for storm water. He emphasized that this program is to employ a storm water utility and that the County has a responsibility to fund critical infrastructure out of current revenues. If there are not funds available then they must use another funding mechanizing such as a storm water utility, and until they have the data that shows it cannot be done, it shouldn't be done. He is concerned that the residents of Johnson Lane, Ranchos, TRE and Ruhenstroth will be hit disproportionately with some of the costs. He noted we should spend the money that was put aside to do this, create the program, and get on with the business of doing some restoration.

Vice Chairman Thaler asked Mr. Werner for clarification about the action item today.

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Larry Werner confirmed that remaining items would be finalization of the credit manual, review of storm drainage standards, and meeting with the private sector. He confirmed that a big chunk of money was spent on public outreach meetings, they anticipated four or five meetings and there were actually 14 scheduled. Part of the finalization would be having several more public meetings and bringing back that information to the Board.

Vice Chairman Thaler confirmed that he supports this now that he has a better understanding of what information will be brought back.

Chairman Penzel confirmed that they have a lot of information in front of them right now, what they don't have is some of the information that is really necessary, and that is whether or not a \$3 Million detention pond will have to be built and if so, are we going to continue down this road, where the detention pond could cancel out the need for a storm water program. He addressed the desperate need in some areas and he believes we need to focus on those areas.

Commissioner McDermid reported that this is not an either/or situation. The money he referred to is one-time money, not an ongoing source of revenue, that will solve all of the flooding issues in the entire county. She believes it's getting the data and doing that work that can be identified now. The other part of it is that you cannot apply for grants without a storm water utility in place.

Larry Werner emphasized that the program won't build everything or do all of the planning, it will provide the engineering and the cost of the engineering to do the study that will then get us to the grants which will then help build the construction. If facilities are built they must be maintained.

PUBLIC COMMENT

Devere Henderson said he appreciates, as a system engineer, the value of information. He believes at some point it becomes evident that some value needs to be placed on additional information but he hasn't heard enough today about what specific information is required and why \$44,000 has to be spent. He commented that he would support this item, if the Manager could articulate what the specific information was and what expected outcome of the meetings in terms of the specific decision variables, the County Manager needs to have information on, in order to make a decision.

Lynn Muzzy stated that he worked on three of the five election campaigns for the Commissioners because, like many in the County, he was expecting to get a majority on the Board of County Commissioners that would take the taxpayers needs to heart. One of the reasons they were highly skeptical of the compensation packages delivered to county employees in June is because they felt they took money that would have gone to infrastructure. He noted that the County employs several engineers. Mr. Muzzy remarked that Chairman Penzel spoke to a group he

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was a part of recently and affirmed that there would be no increase in taxes for infrastructure. He stated that a fee that is extracted by a force of government is a tax and it looks to him like the County has hired an outside firm that will give them a result and the result will be that money will be taken from county residents to clean culverts. He believes it looks bad right now and sees how it would be convenient to have an outside firm to lay the blame on. He hopes that is not the direction this is going.

Commissioner Walsh asked Larry Werner to confirm the additional reasons why the final report is needed.

Larry Werner mentioned that the additional reasons are identified in the agenda packet and outlined the tasks.

- Task 1- Public Information/Stakeholder Involvement
- Task 2- Acceptance of Stormwater Utility Final Report
- Task 3- Assisting with the preparation of a stormwater utility ordinance
- Task 4- Creating a master account file and database
- Task 5- Creating the credit and fee adjustment policy manual
- Task 6- Assisting with customer service program development

Mr. Werner confirmed that these elements have been partially drafted and the additional funds will help to bring them to completion

Please see full details in the agenda packet.

Chairman Penzel pointed out that in each case it's about the fee. He believes this study is focused on fees, instead of a broader look to find out what we can pay for out of the County budget and monies that have been set aside. He understands the fees and credits and would like to see more focus on the culverts and action about what the County can do.

Vice Chairman Thaler disagreed that this is a vote for the fee. He supports this now because they are voting for more information. He believes we can get the study and the information and tackle the bigger problems.

MOTION to approve a contract amendment for the preparation and implementation of the Douglas County Stormwater Utility with House Moran Consulting, Inc., for an amount not to exceed \$44,200; carried

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RESULT:	APPROVED [3 TO 2]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Nancy McDermid, Board Member
AYES:	Thaler, McDermid, Walsh
NAYS:	Penzel, Nelson

Chairman Penzel noted that he voted no because of the wording implementation of a stormwater utility fee shouldn't be in the motion.

Commissioner McDermid advised that it did not say fee.

Chairman Penzel called for a break.

18. 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.

Commissioner Walsh mentioned that he is now on the Juvenile probation committee and a few weeks ago they approved Scott Shick's annual report.

Vice Chairman Thaler stated that Douglas County could possibly be hosting the statewide convention for the Nevada Association of Counties and that Board would be voting on that item on their next meeting.

CLOSING PUBLIC COMMENT (No Action)

Bob Ballou thanked the Board for their time on the agenda items today and throughout the years he has attended these meetings.

County Manager Werner mentioned he would be out of the office starting Sunday and Brad Hurley; Assistant County Manager would be taking his place at the next meeting.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:39 pm.

Respectfully submitted:

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William Penzel, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer