

Approved February 15, 2018

The Regular Meeting of the Douglas County Board of County Commissioners was held on January 4, 2018 in the meeting room of the County Administration Building, 1616 8th Street, Minden, NV, beginning at 1:00 PM.

Call to Order at 1:00 PM

Commissioners Present:

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

Commissioners Absent:

Staff Present:

Ron Pierini, Sheriff
Kathy Lewis, Clerk-Treasurer
Doug Ritchie, Chief Civil Deputy District Attorney
Larry Werner, County Manager

INVOCATION - None

PLEDGE OF ALLEGIANCE – Led by Commissioner Thaler

PUBLIC COMMENT

Eloy Jara read a letter from the Laborers Union Local 169 regarding their belief that the request for proposal for a construction manager at risk for the Douglas County MEP improvements project is in violation of both the plain language and legislative intent of NRS 338.169(2).

To review Mr. Jara's full letter please see supplemental materials.

Lisa Granahan, Economic Vitality Manager, told the Board about meetings open to the public. Ms. Granahan said the first meeting is on January 10 and it's an opportunity to join with the National Main Street Program to help Main Street Gardnerville develop its market-driven transformation strategies. She added that there is a community evening meeting and both meetings are at the Community Center. Ms. Granahan added that there is a new Nevada State Director for the US Business Administration and he will be coming to town on January 23rd, 2018 at 10:30 AM and that meeting will be at the Carson Valley Chamber of Commerce.

Bobbi Thompson, Minden-Tahoe Airport Manager, stated that she was successful at the International Airshow Conference last month in securing the US Navy Blue Angels to come to Minden on October 13th and 14th. She added that next Thursday The Blue Angels will come for their winter visit. Ms. Thompson

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added that they will also hold a meeting on Friday about the logistics of the event along with the Sheriff's Office, East Fork Fire Department, and other partners.

Ted Gaines stated that he submitted a complaint to Dan Patrick of Code Enforcement about cattle people from California bringing cows and leaving them dead in his yard. He said he talked to the County and there is nothing they can do and he wants the Board to do something about it. Mr. Gaines said that he spoke with several departments within the County, including the Health Department and none of them can do anything. He asked that the Commissioners do something about it.

Steven Thaler emphasized that he was commenting as a citizen and not a Commissioner. He advised the public about the Carson Range District initiating an environmental analysis to put a repeater antenna on top of Jobs Peak. He commented that he has climbed the peak and is concerned that an antenna would take away from one of the most iconic things in Douglas County. He added that the Carson Range District is taking email comments. He believes the antenna can go elsewhere. Mr. Thaler said there is one contact person and there is one week left to voice any concerns. Concerns can be sent via email to elnoesser@fs.fed.us.

To review Commissioner Thaler's full presentation and to obtain contact information for the Carson Range District please see the supplemental materials.

Jim Slade stated that it often seems that development is only looked at on a case by case basis to judge findings and see how positive and negative aspects balance out. He said the problem with that approach is that it tends to overlook the bigger picture and how development affects what is most important to County residents. Mr. Slade mentioned that everyone knows the roads in Douglas County are in poor condition and that traffic is getting worse. He added that it is important for quality of life and no one can deny that they have been getting worse recently. He believes the worsening traffic issue adding to the loss of our rural character. He went on to say that the Board has recently approved a Multi-Family Housing unit with up to 480 units near the intersection of Iron Wood and Lucerne without addressing the added traffic impact. Mr. Slade claimed that one Commissioner said to simply add a stoplight there. He added that the need for new County buildings and a greater sewer capacity is caused by excessive growth. He added that if growth actually paid for itself, the County would not need to take out bonds, which all taxpayers have to deal with it. He explained that it is encouraging that the Board has approved an impact fees study but it is long overdue. Mr. Slade hoped the Board would approve adequate impact fees that will cover the real cost of growth. He wondered if the Board had heard about the state engineer's recent order to curb new wells in the Pahrump Valley due to persistent water shortages. He emphasized that the same thing could happen here, as wells in the Ruhensroth, Johnson Lane areas, and Fish Springs are starting to go dry. Mr. Slade concluded by saying the County can't deny that all three issues are because of unwarranted, unwise, and unwanted development and the Board needs to consider this when new development comes before them.

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John Engles said Mr. Slade was correct about the water and wondered how many people from Californian want to move to Douglas County. He added that it's unsustainable for all these people to move here. He said that Pahrump, Dayton, and Carson City are out of water and something has got to give. He said the County needs to start curtailing development because it is unsustainable.

CLERK-TREASURER

For possible action. Discussion on the election of the Chair and Vice-Chair of the Board of Commissioners in compliance with NRS 244.070. (Kathy Lewis)

Commissioner Penzel said he was chair last year and appreciated the honor and he thinks it's time to refresh the tree. He said he supports and nominates Commissioner Thaler to be Chairman.

MOTION to nominate Commissioner Thaler to Chairman; Carried

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

Chairman Thaler nominated Commissioner Penzel as Vice Chairman.

MOTION to nominate Commissioner Penzel to Vice Chairman; Carried

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

Vice Chairman Penzel said the Board has a distinct opportunity to recognize someone on the commission. He went on to say that the Board is fortunate to have Commissioner McDermid as the longest-serving female Commissioner in the history of Douglas County. He felt this needed to be recognized and to create a position for McDermid called Chairman Emeritus and asked the County Manager and District Attorney to formulate a policy to officially recognize her.

Commissioner McDermid thanked the board and everyone in the meeting.

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Ms. Lewis called for a short break at 1:23 PM to rearrange chairs.

Reconvened at 1:26 PM

APPROVAL OF AGENDA

Chairman Thaler stated that items two through six on the agenda have been pulled from the agenda.

MOTION to approve agenda minus items two through six on the administrative agenda; Carried

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

APPROVAL OF PREVIOUS MINUTES

Board of County Commissioners - Special Meeting - Nov 27, 2017 3:00 PM

MOTION to approve the minutes from the November 27th, 2017 Special Meeting; Carried

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

DOUGLAS COUNTY AWARD PRESENTATIONS

Ceremonial presentation of an employee service award to Kathy Lewis, Douglas County Clerk/Treasurer for 15 continuous years of service.

Vice Chairman Penzel presented the award to Kathy Lewis.

Anne Henderson, Assistant Clerk-Treasurer, read a poem celebrating Kathy Lewis.

To review Ms. Henderson's full presentation please see the supplemental meeting material.

Kathy Lewis, Clerk-Treasurer, said that she moved here 20 years ago and she is a proud Douglas County resident and employee and that she works with a lot of great people.

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Ceremonial presentation of Proclamation 2018P-001 recognizing Paul Howell, Undersheriff of Douglas County Sheriff's Office (DCSO) for 30 years of dedicated service to Douglas County.

Vice Chairman Penzel read the proclamation into the record and presented Undersheriff Howell with the plaque.

Ron Pierini, Douglas County Sheriff, stated that there are so many great things Undersheriff Howell has done in his 30 years. Sheriff Pierini said he started on patrol and investigations and that he was very excited when Undersheriff Howell took the position because he knew he could do the job. He added that Undersheriff Howell has high ethics and that he believes in doing exactly what the law says and that makes the Sheriff's life easier. Sheriff Pierini added that he could not live without him and the Sheriff's Office is better with Undersheriff Howell.

Undersheriff Howell emphasized that he couldn't have got to where he is without the support of his wife. He went on to say that his fellow Sheriff Office employees are the best in the Country and that he has been fortunate to work with several other department heads and believes their staffs are motivated as well. Undersheriff Howell wanted to thank the citizens of Douglas County for their love and support and stated that he is honored to be in such a supportive community.

Ceremonial presentation of Proclamation No. 2018P-002 declaring January 2018 as National Radon Action Month in Douglas County. (Susan Howe and Nadia Noel)

Vice Chairman Penzel read the proclamation into the record.

Nadia Noel stated that this proclamation is important because testing is the only way to determine if a home has a radon problem. She went on to say that Douglas County Cooperative extension has supported the preventative measure by providing free test kits to residents for the past 10 years. She added that we are the only County to do so. Ms. Noel shared that free test kits are available for pick up at the Douglas County Cooperative Extension office and that she had some with her today. She went on to say that test kits are also available at Tahoe Regional Planning Agency (TRPA) in Stateline. Ms. Noel added that in observance of National Radon Action Month, there are two upcoming radon presentations. The first is on January 23rd at six PM at Stateline and the second is on February 8th at 6 PM in the Carson Valley Improvement Club (CVIC) Hall. Ms. Noel concluded by saying that 38 percent of homes have elevated radon levels and the highest level tested was in Glenbrook.

Susan Howe said that every home has a different radon level, so maps, statics, and neighbor's results are not indicators of what is in your home. She said radon can be fixed with radon mitigation and that 316 homes in Douglas County have done so. Ms. Howe said testing is important for new homes as well and that testing should be done along with home inspections. She mentioned that so far in 2018, 89 homes have been built with radon systems. She added that the 2018

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building codes are being voted on in committees and amendments are taking place. Ms. Howe is on the committee and she hopes they adopt appendix F of the International Radon Code, which is for radon control methods in all new homes. She hoped that when it comes time the Board will approve it. Ms. Howe concluded by saying each Commissioner was provided a free radon test kit and that they recently partnered with Genoa and the Ranchos to give out free kits to their residents. She provided the website radonnv.com and number 888-723-6610 for any additional questions.

**ADJOURN AS BOARD OF COUNTY COMMISSIONERS
CONVENE AS DOUGLAS COUNTY LIQUOR BOARD**

This item was heard later in the meeting.

DOUGLAS COUNTY LIQUOR BOARD

For possible action. Discussion to approve removing Hamish Dobbs and adding James Robertson to the existing On-Site Beer and Wine Retail Liquor License with Entertainment Endorsement for Hard Rock Cafe International (USA) Inc dba Hard Rock Cafe. Mr. Robertson has signed a Waiver of Notice of Hearing. Hard Rock Cafe is located in Harveys Lake Tahoe located at 18 Hwy 50, Stateline Nevada 89449. (Sergeant Bernadette Smith)

Sergeant Bernadette Smith stated that Mr. Robertson has taken over as General Manager for Mr. Dobbs and the Sheriff's Office has no objections.

MOTION to approve the removal of Hamish Dobbs and adding James Robertson to the existing On-Site Beer and Wine Retail Liquor License with Entertainment Endorsement for Hard Rock Café International (USA) Inc. dba Hard Rock Café; Carried.

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

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CONVENE AS BOARD OF COUNTY COMMISSIONERS**

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CONSENT CALENDAR**

FINANCE

A. For possible action. Discussion to accept receipt of the auditor's report on Douglas County's general ledger balances through December 19, 2017 per NRS 251.080. (Geoff Bonar)

CLERK-TREASURER

B. For possible action. Discussion to accept the receipt of the November 2017 Douglas County Investment Report submitted per Douglas County Code 3.02.040. (Kathy Lewis)

AIRPORT

C. For possible action. Discussion to approve a building Lease Amendment to do a partial assignment for the Tail Dragger Cafe, LLC. This amendment is due to the sale of a portion of the business. (Bobbi Thompson)

PUBLIC ADMINISTRATOR

D. For possible action. Discussion to approve receipt of the Douglas County Public Administrator's quarterly report for the period ending December 31, 2017. (Claudette Springmeyer)

REPORT OF FEES

E. For possible action. Discussion to accept receipt of the DMV Report of Revenue and Transactions for the month of October 2017. (Kathy Lewis)

F. For possible action. Discussion to accept the receipt of the Clerk and Tahoe General Services Report of Revenue and Transactions for the month of November 2017. (Kathy Lewis)

G. For possible action. Discussion to accept receipt of the DMV Report of Revenue and Transactions for the month of November 2017. (Kathy Lewis)

MOTION to approve consent calendar consent items A - G; Carried.

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

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ADMINISTRATIVE AGENDA**

PUBLIC WORKS

1. For possible action. Discussion to approve the motor pool vehicle purchase of 11 new county vehicles to replace county vehicles. (Glen Radtke)

Vice Chairman Penzel advised that he would like to table this discussion until the Board has an apprised of all items in the motor pool from tires to vehicles. He believes the director of public works should be involved as well. Vice Chairman Penzel moved to table this discussion until after the Board has been apprised of the situation in the motor vehicle motor pool.

Commissioner Nelson seconded the motion.

Commissioner McDermid asked Mr. Radtke if any vehicles are in a serious condition that would warrant not being used at all for the time being.

Glen Radtke, Facilities Director, said that currently all vehicles are safe to drive. He added that some have high mileage and some will be redistributed to other departments but there are four or five that should be replaced.

Vice Chairman Penzel said he assumes Management can overcome the high mileage issues and stated that it is incumbent on the Board to know the breadth of the situation with motor pool and the tires and he hoped that the Board would be updated by investigators soon. He confirmed that his concerns had nothing to do with Mr. Radtke and thanked him for his hard work.

PUBLIC COMMENT

Scott Shick, Chief Juvenile Probation Officer, advised that a couple of his vehicles are on the list and said that he personally he agrees with Vice Chairman Penzel but thought that it should not have an on the pre-scheduled rotation, especially when it comes to the safety of his officers. He would like to move forward with his department's vehicles.

Jim Slade congratulated Chairman Thaler on his election and said it is good to see Vice Chairman Penzel express more of his opinions. He stated he wanted to raise the same issue because the public deserves further clarification. Mr. Slade mentioned that it was his understanding that the head of public works resigned two days after the "tire gate" story broke and he doesn't know if there's an acting head but the public and the Board deserve a full explanation of how this happened, where the failure lies, and how it can be prevented going forward. He believes it is important to have the full story before moving forward with another large purchase.

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Bob Ballou stated he saw the item and wondered how the cars are disposed of. He believes the Board should know that information as well. He also wanted to know if those cars have value and he wants to see what the County could get for them if disposal is needed.

MOTION to continue this discussion until after the Board is apprised of motor vehicle motor pool inventory; Carried.

RESULT:	CONTINUED [UNANIMOUS]
MOVER:	Barry Penzel, Vice Chairman
SECONDER:	Dave Nelson, Board Member
AYES:	Pierini, Penzel, Thaler, McDermid, Walsh, Nelson

2. For possible action. Discussion to approve and award a contract to Lumos & Associates, Inc. for materials testing and special inspections for the North Valley Wastewater Treatment Plant Improvements project, in the amount of \$96,800, and authorize the Public Works Director to sign change orders up to 10% of the contract amount. (Nicholas Charles)

This agenda item was pulled from the agenda.

RESULT:	PULLED FOR FUTURE DISCUSSION.
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3. For possible action. Discussion to approve and award a contract to Keller Associates, Inc. for engineering services during the construction of the North Valley Wastewater Treatment Plant Improvements project, in the amount of \$355,315, and authorize the Public Works Director to sign change orders up to 10% of the contract amount. (Nicholas Charles)

This agenda item was pulled from the agenda.

RESULT:	PULLED FOR FUTURE DISCUSSION.
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4. For possible action. Discussion to approve and award a contract to CH2M Hill, Inc. for instrumentation, controls, and Supervisory Control and Data Acquisition (SCADA) improvements related to the North Valley Wastewater Treatment Plant Improvements project and water and sewer utility SCADA improvements, in the amount of \$394,000, and authorize the Public Works Director to sign change orders up to 10% of the contract amount. (Nicholas Charles)

This agenda item was pulled from the agenda.

RESULT: PULLED FOR FUTURE DISCUSSION.

5. For possible action. Discussion to approve and award a contract to CH2M Hill, Inc. for engineering services during construction of the North Valley Wastewater Treatment Plant Improvements project, in the amount of \$83,000, and authorize the Public Works Director to sign change orders up to 10% of the contract amount. (Nicholas Charles)

This action item was pulled from the agenda.

RESULT: PULLED FOR FUTURE DISCUSSION.

6. For possible action. Discussion to approve and award a contract to Farr Construction Corporation, doing business as Resource Development Company, for the construction of the North Valley Wastewater Treatment Plant Improvements project, in the amount of \$9,084,085, and authorize the Public Works Director to sign change orders up to 5% of the contract amount. (Nicholas Charles)

This action item was pulled from the agenda.

RESULT: PULLED FOR FUTURE DISCUSSION.

7. Presentation by the Carson Water Subconservancy District (CWSD) on water resources for the Carson River Watershed for Water Year 2017 and Future Water Issues. (Edwin James, P.E.)

Nick Charles, Public Works, introduced Edwin James and emphasized that the Carson Water Subconservancy District has been a great support to Douglas County.

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Edwin James, Carson River Subconservancy District, advised that he would be giving an overview of the watershed for 2017, sharing information about the future and talking about some of the issues they are seeing in the watershed. He confirmed this is a high-level look at whole watershed, not specific to Douglas County. He said he will also share what transpired when he met with the 12 major public water purveyors.

To review Mr. James' full presentation please see the agenda packet.

Edwin James gave a presentation on the following topics:

- CRC
- Carson River Watershed
- Markleeville Gauge Peak Flows
- Runoff Comparison 83-17
- Fort Churchill Gauge
- Groundwater
- CV Groundwater Basin
- Future water issues
- Surface water current situation
- April 1 snow water
- Runoff changes
- Dayton Valley groundwater basin
- Churchill Valley groundwater basin
- Wet water vs paper water
- CV groundwater
- General water issues

Commissioner Nelson wondered if Douglas County started shipping water to Carson City in 2015 and whether or not the graph regarding the perennial yield of the Carson Valley Groundwater Basin would change based on that.

Mr. James replied that the change to the graph would depend on how much water was shipped and he added that the new records are not out yet but he assumes the irrigation water usage is down. He confirmed that he can't give an exact answer until the figures come out.

Commissioner McDermid mentioned that water from the South Tahoe Public Utility District, Incline Village General Improvement District, and Lake Tahoe Sewer Authority is pumped into Douglas County. She stated that the water is utilized primarily for irrigation. She said this water has the benefit of being used for irrigation and also recharging the aquifer. She wondered if the recharging and irrigation she just described were taken into consideration when looking at the Carson Valley Groundwater Basin.

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Mr. James contended that it would not be calculated under the perennial yield concept. He considers a systems yield to be more appropriate. He clarified water from South Tahoe Public Utilities is pumped into Alpine County but is still recharging the Carson Valley.

Chairman Thaler said that Pahrump appears to be a hot topic with the media and wondered whether or not Mr. James felt confident to comment on the differences between Pahrump and the Carson Valley.

Mr. James said Carson Valley is in a better situation than Pahrump. He added that Pahrump is a problem and the state engineer wants to deal with overpumping from domestic wells. He stated that if the state goes by prior appropriation, most wells are junior and they would have to be cut off first. He went on to say that Silver Springs will have the same problem but out of the 1300 wells only 79 are senior to the cutoff date which would result in over 1200 wells being cut off.

Chairman Thaler mentioned that he believes there are a lot of misconceptions out there about Minden sitting on a pool of water and just pumping it all to Carson City. He went on to say in reality, only the water approved by the state engineer, based on water rights, can be pumped to Carson City.

Mr. James agreed with Chairman Thaler and mentioned that Carson City has a lot of resources and confirmed that it does overlay the Carson Valley.

Chairman Thaler said that based on the figures there's only so much perennial yield left and asked if there is going to be a move for the state to look at a perennial yield or a system recharge. He said that there is a lot of water that is being reclaimed and put back into the Carson Valley. Chairman Thaler said that Douglas County is not in the same situation as Pahrump, Dayton, Churchill or Carson City but emphasized that the County needs to be cautious. He also asked if this is something the Board should be looking at from the state level and he mentioned Douglas County is over-appropriated and that will be an issue one day.

Mr. James said that in 2015 there was no impact due to drought. He said because we live in a desert there was a request to cut back. He said that ultimately, we live in a desert so can't waste water. He believes if we use water wisely, there is an opportunity for growth. He believes there will be issues in Lyon County, east of Dayton because of limitations.

Chairman Thaler affirmed that Mr. James is one of the experts in the field and the public should reach out to him if they have any questions.

Commissioner McDermid shared that her Master's Degree focused on reclaimed water and emphasized that although water is the ultimate limiter and cannot be created it can still be reclaimed and treated to a level that can be utilized. She wondered if there are any talks about tertiary treatments scheduled.

Mr. James said that it's driven by economics and in 2015 Carson City had a water shortage and it was for reclaimed water. He said they had to cutoff parks because

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there was not enough wastewater being generated. Mr. James mentioned that when you deal with dual pipes it is expensive and you have to be concerned about contamination. He added that if the water is for irrigation, then secondary would suffice. He said spending money to go to a tertiary level is only justifiable if there is a demand on the other side that needs it at that level.

Vice Chairman Penzel said that most citizens that talk to him about water are concerned about Las Vegas. The concern is that since Douglas County has an excess of water that we may be required to allocate our water rights to another aquifer. He asked what warning signs the public should be looking out for concerning that situation.

Mr. James stated that his biggest concern is seeing where they run the pipes; he added that currently the pipe is on the East side of Nevada and there is no way the pipe could run across the state. Mr. James said that in the early 2000s when they looked at Reno's growth, they were looking for more water. Mr. James said that is a bigger issue and at one time they wanted to bring water from Gerlach to Stagecoach. He believes that as of now, Las Vegas has no interest because the water has already been allocated so they would have to pay for it.

Commissioner McDermid asked if Tahoe Regional Industrial Center (TRI) has a problem with water.

Mr. James joked that if you read the papers it appears that TRI is sitting on water. He confirmed that he cannot comment on it because it is outside of his jurisdiction.

Commissioner McDermid said that it's irresponsible for surrounding jurisdictions to continue to approve development without adequate water. She asked if Silver Springs has the water for 1500 homes.

Mr. James stated that he gave the same presentation to Silver Springs and said he advised them that Churchill County will be watching like a hawk and will challenge them if they try to develop those resources without justifying that it is really groundwater. He said they may be working with Silver Springs on a pipeline to bring water to them, and they may have enough water for 1500 homes, because new homes use less water. He went on to say that it is part of the planning and the balancing of resources. He said his goal to be prepared for the next major drought.

RESULT: FOR PRESENTATION ONLY.
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DISTRICT ATTORNEY

8. For possible action. Discussion to introduce Ordinance 2018-1497, amending Chapter 12.08 of the Douglas County Code (DCC) by (1) amending section 12.08.040 of the DCC to prohibit persons from depositing debris into public streets, sidewalks or other public ways; (2) adding section 12.08.050 of the DCC, to require landowners within Douglas County to maintain landscaping such that it does not obstruct pedestrian and vehicular traffic on county rights-of-way or public sidewalks, and repair and maintain sidewalks consistent with Chapter 278 of the Nevada Revised Statutes; and (3) adding section 12.08.060 to the DCC, to provide for enforcement in the event that an owner fails to comply with section 12.08.050. (Carey Rosser)

Carey Rosser, Deputy District Attorney, said that this ordinance was brought forward because of inconsistencies with sidewalk maintenance within the County. She added that the main issue is enforcement. Ms. Rosser mentioned that currently if there is a landowner that mows grass and dumps it on the road or sidewalk the County would clean it up and this ordinance would simply allow the County to seek reimbursement from the guilty landowners.

Vice Chairman Penzel said there are too many other major problems in the County to talk about sidewalks. He believes there is not enough emphasis on the right issues. Vice Chairman Penzel stated he can't support this ordinance at this time.

Chairman Thaler mentioned that this is the first reading and asked staff to provide more information at the next hearing.

Commissioner McDermid said that she agrees that they need to know what sidewalks and landscapes the County has accepted to maintain. She added that unless the County is notified there is no way to know who dumps the clippings. She doesn't understand who's responsible for maintenance if the County has not accepted the responsibility for the sidewalks. Commissioner McDermid has no problem introducing the ordinance but if she doesn't get the information she will not support the ordinance.

Commissioner Walsh asked if there has ever been an issue with an owner failing to comply with a complaint.

Ms. Rosser stated that there have been examples where owners refuse to comply with the County's request. She added that if they refuse to do something, like trimming a tree, the only recourse is a civil action and this process would allow the County to seek reimbursement.

Commissioner Nelson said he does not know why staff is spending money on this when there are other much larger issues. He believes this is a minor issue with little effect on the County.

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Chairman Thaler stated that the District Attorney has to look at outdated ordinances and they are not picking and choosing what they want to address.

Doug Ritchie, Chief Civil Deputy District Attorney, said that this ordinance does not create a new obligation for the County, but it helps clarify issues with home owner's responsibilities of maintaining sidewalks.

Vice Chairman Penzel mentioned that the town of Minden has a similar ordinance and that doesn't stop these issues. He believes there are other higher priorities in the County and this could be resolved with better communication.

Commissioner McDermid stated that she's not convinced that the ordinance will solve these issues. She added that if the towns have an ordinance then that would take care of most of the sidewalks in Douglas County because the towns have most of the urbanization.

Public Comment

Terry Faff said there is an ordinance regarding RV and trailer storage, but that has not stopped residents from storing them on the streets. Mr. Faff believes the Board should pass an ordinance that says they would have to enforce all ordinances. He added that the Ranchos have eight feet of right of ways on all County roads and people store trailers, commercial vehicles, and cars. He said that maintaining the right of ways is the County's responsibility. He is also upset that one of the Commissioners doesn't know about it because he believes it is an important issue.

Larry Werner, County Manager, stated that it seems like a minor issue; however, Nevada Revised Statute (NRS) 278.02313 says it is Douglas County's responsibility to maintain the sidewalks unless an ordinance is passed. He added that if they pass the ordinance the County is only responsible for major reconstruction.

Vice Chairman Penzel believed that there was an ordinance in place already because in the title is amending the ordinance.

Ms. Rosser stated that the current ordinance does not include these items so the amendment would be to add the specifications on sidewalks.

Commissioner McDermid asked if the ordinances in place in Minden, Gardnerville, and Genoa supersede this.

Mr. Werner said there are a lot of areas outside of a town boundary and confirmed that Home Owner's Associations have no bearing on this matter.

Ms. Rosser clarified that Genoa does not currently have an ordinance on sidewalk maintenance.

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Chairman Thaler believes that the ordinance will reduce the County's liability and that is why it was brought to the Board.

Commissioner Walsh asked if there is an ordinance in the Gardnerville Ranchos General Improvement District (GRGID).

Ms. Rosser didn't know if the ordinance included sidewalk maintenance but she said she would look into it.

Commissioner McDermid asked if Douglas County is still liable for sidewalks and landscaping if responsibility hasn't been accepted.

Ms. Rosser stated that if it's in the public right of way and the County has not otherwise dedicated it to someone else, the County is responsible.

Mr. Ritchie clarified that in this situation, the County will say that the offer dedication is rejected by the County but remains open. He added that the County will bring up different roads and accept them. Mr. Ritchie mentioned that an entire right way will be offered but the County may or may not accept them. He said that typically, the County will only accept responsibility up to the edge of payment. Mr. Ritchie also noted that in regards to the right of ways in GRGID; Douglas County is not responsible if they have not accepted the responsibility.

Chairman Thaler asked Mr. Rosser whether the County would be more liable or less liable if this ordinance was to fail.

Ms. Rosser stated that without this ordinance, there is a greater exposure to liability for Douglas County.

Chairman Thaler stated he understands the concern from the Vice Chairman but this is in front of the board today and he thinks it's important to avoid liability.

Mr. Werner said it doesn't matter about sidewalk inventory because they are the County's now and if they do not pass the ordinance it just adds to the County's liability.

Vice Chairman Penzel said he disagrees because the County has the responsibility but no authority. He believes there could be an easier way to handle without all the confusing language.

Mr. Werner said that the County has to follow NRS and that is what the ordinance is based on.

Vice Chairman Penzel wants to know what the owner's responsibility is.

Ms. Rosser referenced section B and stated that an owner of real property shall maintain the public sidewalk.

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Vice Chairman Penzel said that there is no 24 hour cleanup for the County roads but the homeowner would have to clean up in 24 hours. He also added that there are a number of sidewalks that will need to be paid for to fix up and the County does not have the money.

Mr. Werner mentioned that they were not asking for additional funding and this ordinance is only being brought forward to comply with NRS.

Commissioner McDermid stated this ordinance is here to bring the County into compliance with state law and she would be in favor of introducing it.

Chairman Thaler believes not complying with this ordinance should be an infraction and not a misdemeanor.

MOTION to introduce ordinance 2018-1497 amending chapter 12.08 of the Douglas County code DCC by 1. Amending section 12.08.040 of the Douglas County code to prohibit persons from depositing debris into public streets, sidewalks, or other public ways 2. Adding section 12.08.050 of the Douglas County code to require landowners within Douglas County to maintain landscaping such that it does not obstruct pedestrian and vehicle traffic on County rights of way or public sidewalks and repair and maintain sidewalks consistent with chapter 278 of the Nevada Revised Statutes 3. Adding section 12.08.060 to the Douglas County code to provide for enforcement in the event, that an owner fails to comply with section 12.08.050; Not Introduced.

RESULT:	NOT INTRODUCED [2 TO 3]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Steve Thaler, Chairman
AYES:	Thaler, McDermid
NAYS:	Penzel, Walsh, Nelson

Chairman Thaler called for a break at 3:28 PM

Meeting Reconvened at 3:43 PM

9. For possible action. Discussion to introduce Ordinance Number 2018-1498, an ordinance amending Title 2 of the Douglas County Code by adding Chapter 2.62: Records Management; Section 2.62.010 Disposition of Records, adopting a schedule for the retention of county records and setting forth the manner in which such records may be disposed of. (Kathryn Etcheverria & Carey Rosser)

Carey Rosser, Deputy District Attorney, stated the policy includes a retention schedule of records in compliance with state law and they are asking the Board to adopt the ordinance because Nevada Revised Statute states that is the only way the County can adopt a retention schedule.

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Commissioner Nelson said that in the past he has looked at documents citing other documents and he was unable to locate the cited document. He said he just wanted to make sure the County is adequately maintaining the records by doing this.

Kathryn Etcheverria, Records Management Supervisor, stated that they already have a program for retaining records in place and the program has been in place for over 30 years. She added that the rationale behind this ordinance is to endorse the state's retention schedule. She confirmed that whether or not the records retention department does a good job of retaining older records or not may be up for debate. She went on to say that the department does its due diligence to perform a search when a record is requested.

Chairman Thaler asked how they are doing in terms of space for records.

Ms. Etcheverria stated that they are doing well, they were up to 90 percent capacity and now they are at 60 percent.

Commissioner McDermid asked if the Recorder's Office is using the cloud and asked if they have contacted Switch for any of those services.

Ms. Etcheverria said the Recorder's office has a vendor, Helion, that does store records in the cloud. She confirmed that she has not contacted Switch but will be touring the Switch plant in a month and she will talk to them about how they can help Douglas County.

Public Comment

John Engles said he agreed with Commissioner McDermid, that the cloud is the way to go and Amazon has a database and it's very simple and good.

MOTION to introduce Ordinance 2018-1498 amending title two of the Douglas County code by adding chapter 2.62: Records Management; section 2.62.010 Disposition of Records adopting a schedule for the retention of county records and setting forth the manner in which such records may be disposed of; Carried.

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

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10. For possible action. Discussion to approve the revised Records Management Policy (Number 600.01), to establish a policy that complies with all applicable laws and regulations and addresses technological changes to record management procedures. (Kathryn Etcheverria & Carey Rosser)

Carey Rosser, Deputy District Attorney, stated that the purpose is to conform to changes in technology and to provide a scheme in which the department is not overburdened.

Ms. Etcheverria added that the old policy was ten pages and the new was two pages. She mentioned that the old policy was very paperbound and inappropriate for today.

Public Comment - None

MOTION to approve the revised Records Management Policy as presented; Carried.

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

COMMUNITY DEVELOPMENT

11. Presentation on Douglas County's participation in the Federal Emergency Management Agency (FEMA) Community Rating System. (Courtney Walker)

Courtney Walker, Douglas County Community Development, gave a presentation describing the County's participation in the Federal Emergency Management Agency's Community Rating System.

To review Ms. Walker's full presentation please see the Agenda Packet.

Courtney Walker presented on the following topics:

- What is community rating system
- Obtaining credit points
- Public information
- Mapping and regulations
- Flood damage reduction
- Flood preparedness
- Difficult part of participating
- Credit points awarded to Douglas County
- Flood insurance discounts
- Special flood hazard area

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Commissioner McDermid asked how many people live in areas that require them to buy flood insurance.

Ms. Walker said that about 4,000 parcels receive mailers annually informing them that they need to get flood insurance. She added that property owners are only required to buy flood insurance if they have a federally backed mortgage.

Commissioner McDermid asked about the standards for development in a floodplain and what homeowners could do to receive a reduced flood insurance premium.

Ms. Walker advised that rates depend on the model and proving that your development won't create an issue downstream and another would be to develop more than one foot from the floodplain.

Commissioner McDermid asked Ms. Walker to confirm whether or not most of the floodplain lies on agricultural land.

Ms. Walker confirmed that when the river floods, it does affect a great deal of agricultural land.

Commissioner McDermid asked how the lands bill will affect the County.

Ms. Walker stated that it was not her area of expertise, but she believes that it puts the mechanism, incentives, and maybe even the funding in place to buy conservation easements.

Commissioner McDermid said that she is surprised the County is not getting more credit for the 22,000 acres in conservation easements they already have.

Ms. Walker replied that it depends on when they were acquired. The last evaluation was in 2013.

Vice Chairman Penzel stated he likes the program because it saves residents money. He referenced the lands bill and said that it is a long shot to get approved, and they should not plan around that. Vice Chairman Penzel believes the County should be focusing on the dams because they do affect the floodplain. He commended the staff and thanked them for all the work they did during the 2015 floods.

Chairman Thaler asked if there is an official schedule for culverts.

Ms. Walker stated that it's something she does and inspects and if there is an issue it goes to public works. She mentioned she gets to most of the major issues but the Public works staff is always there inspecting them.

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RESULT: FOR PRESENTATION ONLY.
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12. For possible action. Discussion on the following requests: (1) Introduction of Ordinance Number 2018-1496, an ordinance for a Zoning Map Amendment (ref. PD 17-002) for Keith Serpa, Project LM, LLC amending the existing zoning of SFR-8,000 (Single Family Residential- 8,000 square foot minimum net parcel size) and PF (Public Facilities) by establishing an SFR-8,000 and PF Planned Development Overlay Zone, and other properly related matters; (2) a Tentative Subdivision Map to subdivide 87.02 acres into 178 single family residential lots, the smallest being 6,004 square feet, with 33 acres of common area and open space, and an approximately 9 acre remainder parcel; and (3) a Variance to Improvement Standards to allow for one ingress and egress into the development with future secondary access being provided by adjacent developments in accordance with the North Douglas County Specific Plan. The subject property is located east of Highway 395 on North Sunridge Drive approximately 1/3 mile south of Topsy Lane in the Indian Hills/Jacks Valley Community Plan. The applicant is Keith Serpa for Project LM, LLC; (APN 1420-05-401-005); Planned Development (PD) 17-002; and Land Division Application (LDA) 17-028. (Heather Ferris)

Heather Ferris, Planning Manager, gave a presentation on the following topics:

- Background
- Valley knolls
- Variance to improvement standards
- Planning commission

To review Ms. Ferris' full presentation please see agenda packet material.

Chris Baker, Manhard Consulting, stated he is here on behalf of the applicant, agrees with the recommendation of the Planning Commission, and would be available to answer questions if needed.

Commissioner Nelson asked what the code on emergency exits is and whether or not there should be a secondary emergency exit.

Erik Nilssen, County Engineer, said there is no requirement for emergency exits; the requirement is that there are two means of ingress and egress, to County Standards, for each 20 single family residences.

Commissioner Walsh asked where the second emergency exit access would be.

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Mr. Baker stated it would be on the southernmost cul-de-sac connecting to an existing road in Sunridge. He mentioned that they have worked with the fire department to expand the entry and the plan has visions of tying into adjacent property owners. Mr. Baker said they are trying to figure out an interim solution so they do not have to build a new road to have another property owner tear it down.

Commissioner Walsh asked if Mr. Baker could show him which area they wanted to change the zoning of through a Master Plan amendment.

Mr. Baker pointed out the area on the map and said yes they are submitting an amendment to multifamily zoning. He mentioned that there are a lot of commercial areas now and they proposed a land plan and it would be about 96 units, so the density per acre is 8 or 9.

Commissioner McDermid asked if the remainder parcel, which is on the map, is part of phase 2 and if it would have a paved road with a gate.

Mr. Baker said it would be gated and it would be a 20-foot travel lane maintained by the Home Owners Association (HOA). He added that they do not know where the gate would go currently and there may be two gates by the end of the project.

Commissioner McDermid asked why the road would be 20 feet when the County Engineer asked for 32 feet.

Mr. Baker said they are proposing an 80 foot right of way with sidewalks and a raised median of 12 feet. Mr. Baker didn't want to speak for the fire department but he believes the two 20 foot travel lanes will serve the needs of the fire department.

Commissioner McDermid asked about the roads within the development.

Mr. Baker stated that all the roads would be built to County standards at 60 feet with no median and parking is allowed per County standard.

Mr. Nilssen stated the roads would all be County standard roads with on-street parking and added it's the same as any local road.

Vice Chairman Penzel read a letter from the public opposed to the variance for Sunridge drive.

To review the full letter, please see the supplemental materials.

Mr. Baker said they did not reach out to Sunridge residents other than what was required. He added that they would be adding \$400,000 worth of improvements to Sunridge, including a roundabout.

Vice Chairman Penzel asked what the impact fees would be for this development.

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Larry Werner, County Manager, said his office is currently doing the study to see if these subdivisions would count, he added it should be available in another 30-45 days. Mr. Werner mentioned at this point it is difficult to say if this project would be eligible.

Vice Chairman Penzel stated that there is a density issue with 178 units. He added he doesn't know how community development is going to hand that out but he doesn't believe they could build it all at once. Vice Chairman Penzel also asked why there was a discrepancy between what was provided today and the Planning Commission's minutes.

Ms. Ferris said that the Planning Commission is recommending phase one have emergency access regardless of the number of units.

Vice Chairman Penzel asked if that road has a median and if the HOA would cover the median maintenance.

Mr. Nilssen said that the medians are the responsibility of the County but the HOA would handle the landscaping on the curb and sidewalk.

Vice Chairman Penzel asked how the County would pay for the maintenance of the median.

Mr. Nilssen stated that the money from property taxes would take care of that.

Vice Chairman Penzel stated that the County does not have the money for that and asked Mr. Baker who would be in charge of maintenance for the roundabout.

Mr. Baker said that would be the County's responsibility and is based on the plan as proposed. He added that the County is requiring the medians and that is why they would maintain them.

Mr. Nilssen said that he is not sure if it's required by plan but the cross section plan for collector roads requires it.

Commissioner McDermid asked if the nine-acre parcel will be part of the HOA and if the common area will be fenced.

Mr. Baker said it may be a sub-HOA but at this point, they have not started thinking about those types of things. Mr. Baker added that there will not be a fence around the common area.

Commissioner McDermid stated that when an HOA maintains something they don't allow public access.

Mr. Baker replied, not necessarily, but the units will have fences and so do the Sunridge properties.

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Vice Chairman Penzel said that ideally, it would be undisturbed, but if it's not fenced then people can get on to it freely.

Commissioner Walsh asked if the HOA is required to do a reserve study and wondered if that's how they will determine the fee.

Chairman Thaler said he wants to see secondary access. He went on to say that he doesn't believe a roundabout gives enough space for fire trucks and residents to travel simultaneously in case of emergency. He added that he believes the people who move there would want more than one way to get out.

Mr. Baker said right now they can't build a secondary access because all the stub roads go on to private property. He added that they want to build one but none of those property owners will let them, so in the interim, they are working with the County to move forward.

Chairman Thaler said it is a safety issue and that is why he is against this plan.

Mr. Baker said this approval is just to approve the tentative map before the final map. He added that what needs to happen is the developers need to create a permanent secondary access.

Chairman Thaler asked when the roundabout goes in.

Mr. Baker stated that it goes in simultaneously with phase one and he added that nothing gets built until all funds are collected and that doesn't really happen so they will front the cost for the roundabout and try to get reimbursed later.

Chairman Thaler asked why there were no parks in the plan.

Mr. Baker said these are concepts and the floor plans will be tinkered with to maybe include a park, but the main reason is parks are a maintenance burden.

Commissioner Walsh asked why they wouldn't build a road through the west parcel.

Mr. Baker stated that originally they proposed that and the County said it doesn't meet their spacing criteria.

Mr. Nilssen said it causes conflicts between people turning right and left which would increase traffic.

Commissioner Walsh asked if the roundabout was two lanes.

Mr. Nilssen replied, no.

Commissioner McDermid asked when the plan was approved.

Ms. Ferris stated it was approved in September of 2000.

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Commissioner McDermid believes things have changed and they should amend this specific plan. She stated that she does not believe that the roundabout would work in an emergency for the number of people living there. Commissioner McDermid asked Mr. Baker how the secondary access would connect to Sunridge.

Mr. Baker said there is an existing public access easement that has access to Sunridge. He added that it's a dirt road and they would pave and maintain it.

Commissioner McDermid said there was a downturn that stopped development and asked why other owners won't work with Mr. Baker if he is bringing in 178 units.

Mr. Baker said they do not want to work with them because they aren't far enough along in the planning process. Mr. Baker reiterated that they could build a new road through their properties, but that would be a waste if they later decide to tear it up.

Ms. Ferris said there is no request to change the zoning at this time.

Mr. Baker stated they are conforming to the zoning and now they are just going forward with a tentative map. He added that most of these proposals are required by the County.

Vice Chairman Penzel mentioned that the Board is worried about the need for secondary access. He believes they could create the secondary access where the gate runs through without any issues.

Mr. Nilssen said that the existing easement is not wide enough to make a County road so they cannot do that.

Chairman Thaler added that the Board can condition the variance so as the Board deliberates.

Public Comment

John Engles stated he would vote no on this agenda item.

Bob Ballou stated that he has expressed interest in finding solutions for workforce housing and it seems the County could start to address the need to require homes like this to be deed restricted. He added that the overall the project is optimally located for workers who commute. Mr. Ballou said that while he doesn't get the nuances of zoning, he sees minimum parcel size to be 8,000 but these are just over 6000. Mr. Ballou stated that as a resident living next to Bureau of Land Management (BLM), he knows that could bring in new subdivisions. He believes that the developer has tried to resolve the issues with viewshed and overall as a resident it looks like a good workforce housing project.

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April Deevers stated that she has lived in Sunridge for years and she does not like that the lots will be smaller and multifamily. She added that the parks in Sunridge are paid for by property tax, so it's frustrating that people that do not pay into the General Improvement District will be using their parks. Ms. Deevers added that there are always accidents at their intersection and that's a concern. She wondered if there will be plans to expand roadways.

Terry Faff stated that he does not have a big problem with this development because housing is needed, but he does have an issue with the secondary access. He believes that north end, towards Topsy Ln, would be the best place for that access. Mr. Faff stated that Mr. Serpa was able to build Clear Creek because they felt the County owed them for building the North Valley. Mr. Faff said that the secondary access to Clear Creek is a multi-million dollar road, and if there is enough money to do that and the influence, they can build a secondary access. He added that to him it's just a safety issue.

Linda Stewart said that the project would fill in her backyard area. She went to planning and was not given her full three minutes to speak. She added that it did not seem like there was enough time to assess the project and there should be a new law to talk to stakeholders. Ms. Stewart added that there are 33 acres left, but the big area is a big hill with rocks. Ms. Stewart mentioned that she would like to see a park there instead and this project is an extension of Sunridge and will be affecting all the residents of Douglas County. She does not believe the traffic counts were done properly and she thinks the Board should physically view the area. Ms. Stewart concluded by saying she hopes the variance is not allowed.

Jim Slade asked what the advantage of approving the staff report would be and said the smallest lot would be 6,000 square feet. He wondered how many lots will be smaller than 8,000 square feet. He stated that they should require a park and a dirt trail system; he added that they want a favor and this is the time to require amenities. Mr. Slade mentioned that staff ignored the concerns of the School District in regards to space in the elementary school. Mr. Slade said that they indicated that Jacks Valley and Indian Hills are close to max and cannot accept any more students. Mr. Slade added that all the new development could add a lot of kids in the next ten years. He mentioned that the County could not finance a new school with the estimated 1.3 million from the current mitigation for elementary school students. Mr. Slade believes approval should be held off for impact fees to be imposed. He noted that the variance with one egress should need two and the road is not wide enough for 78 single-family and 80 multi-family homes. Mr. Slade believes that Mr. Baker has many areas where he lacks expertise and that the presentation was lacking.

Chairman Thaler wanted to clarify that the Board cannot just deny items; they would need to make the appropriate findings to support their decision.

Commissioner McDermid referenced the third amendment to North County for Big George with 101 acres and she stated that the amendment allowed for a mix of housing types and densities. She went on to say that the conceptual plans include parks, buffers, and other open spaces. She said that her concern is, in regards to

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the 101-acre portion, those aspects have been required and the public facilities are more than a passive recreation walking trail through the open space. Commissioner McDermid said she realizes that the nine-acre parcel is not before the Board but having read the review that Community Development sent, she is concerned that there were 300 homes and now it's down to 178 with no commercial. Commissioner McDermid added that they reduced the traffic study based on 178 homes. She asked why they would stray away from what was required in 2008. She said the traffic is the biggest challenge. Commissioner McDermid said she does not believe that cutting homes will reduce traffic. She also noted that the models had three-car garages but those are not allowed on properties 6,000 feet or smaller. Commissioner McDermid believes the developer is attempting to circumvent the intent of the plan to simply make the properties 6,004 feet.

Commissioner Walsh stated that the open space bothers him because there was a small subdivision called The Ranchos and they have open space there but it's a trash area. He agreed with Ms. Stewart that this development needs a park. Commissioner Walsh added that Saratoga Springs has gym areas and walking paths. He mentioned that he still has a hang up with the secondary access and he would like to see this development come back with an application that includes a Multi-Family request and he thinks this is a perfect opportunity to build some of these houses at a smaller price point so the workforce can afford these homes.

Vice Chairman Penzel believes this project should be done but he would not approve what has been presented at this time. He mentioned that the Board needs the comments from Indian Hills and Jacks Valley. Vice Chairman Penzel mentioned that the one lane roundabout is insufficient and if there is a median requirement, it has to be a policy number in the plan. He has a concern that this will be creating maintenance issues for the County that they don't need, and he thinks there has to be some coordination with Indian Hills.

Mr. Baker believes it would be best to request a continuance at this time.

Vice Chairman Penzel said that this has to be returned to the Planning Commission.

Chairman Thaler stated that if this is denied they can't come back for a year. He added that he hopes Mr. Baker took notes and can come back with the Boards concerns being addressed.

Mr. Baker said he would be more than willing to update the plan based on the Board's concerns. He went on to say that the issue with parks and lot sizes were not brought up by the Planning Commission.

Doug Ritchie, Chief Civil Deputy District Attorney, advised that the applicant can request a continuance to examine the new information, but if the applicant wants to request a continuance the Board should grant that.

Chairman Thaler said he is bothered that all the units are not here together today.

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Mr. Baker said he is asking for a continuance to evaluate the new information.

MOTION to continue this item; Carried.

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

13. For possible action. Discussion to approve a request for a Tentative Subdivision Map to create fourteen (14) residential lots from 9,833 square-foot to 11,750 square-foot in size using the provisions of Douglas County Code Section 20.708.020, Tentative subdivision map procedures. The project site is a 5.44-acre portion of an 84.5-acre parcel located at the southern periphery of the Town of Minden in the SFR-8,000 (Single Family Residential- 8,000 square foot minimum net parcel size) zoning district, within the Minden/Gardnerville Community Plan area. The applicant is Renee Mack (Mack Land & Cattle Co.), APN 1320-32-201-006. Land Division Application (LDA) 17-033. (Steve Mason)

Steve Mason, Planning Department, presented the tentative subdivision map.

Mr. Mason presented on the following topics:

- Larger Scale satellite photo
- Zoning
- Future Land use
- Smaller Scale satellite photo
- Findings
- Minden Plan for prosperity
- Miscellaneous
- Conclusion

Mr. Mason advised that the Planning Commission unanimously approved the tentative subdivision map.

To review Mr. Mason's full presentation, please see supplemental materials and the agenda packet.

Public Comment

John Engles said he is observing a breathless feeding frenzy by developers to build in the Carson Valley and said that this comes back to the water issue.

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Jim Slade stated that when open space is sought to be developed it is disappointing. He noted that the land use is Single-Family Residential (SFR) and the zoning district is SFR 8000. Mr. Slade mentioned that it is in the urban services boundaries so he thinks it's a good place for this type of development. He likes that the lots are over 8,000 square feet and he noted that the current mitigation fees for schools and road are inaccurate. Mr. Slade doesn't know when they were last increased, but now that the median price is \$350,000 or more there should be realistic impact fees. He suggested that no new developments be approved until the County imposes new impact fees. Mr. Slade went on to say that he was concerned that the Deputy District Attorney directed the Board to grant a continuance on the previous item when it looked as though the Board was going to deny it. He believes that was inappropriate.

Commissioner McDermid stated that 14 lots will not affect the water as much as 178 would. She added that if the whole development was being done at one-time, impact fees would be necessary but the important thing is that the Town of Minden will provide the roads and water.

Vice Chairman Penzel asked if the developer would be able to include a warning to buyers that there will be future development in the area.

Mr. Mason stated that these parcels are zoned for SFR and they will share that information with any potential buyer.

Chairman Thaler said it is already zoned for it so it is buyer beware at this point. He stated for the record that his brother-in-law lives on Wildrose and his view has changed over the years and he understands that it may continue to change. Chairman Thaler advised that the fact that his brother-in-law lives in the area will not affect his decision one way or the other.

Commissioner Nelson said, as a realtor, he would tell any potential buyer that their view may be blocked and he wants to applaud the applicant for this project.

MOTION to approve land division application 17-033 based upon the ability to make the required findings as outlined in the staff report and subject to the recommended conditions of approval; Carried

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

Chairman Thaler called for a break at 6:08 PM

Reconvened at 6:25 PM

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14. For possible action. Discussion on the adoption of Ordinance No. 2017-1495, an ordinance repealing Ordinance No. 2007-1220 which adopted the Riverwood Partners, LLC development agreement, and other properly related matters, second reading. (Mimi Moss)

Mimi Moss, Community Development Director, stated that this ordinance will repeal the original ordinance. She added that the reason to bring this forward was because the terms of development expired. She added that staff has made no changes since introduction and they are recommending approval as presented.

Public Comment

Jim Slade stated that the site improvements only made a dust-filled area full of garbage, which solicited many lawsuits and cost the County a lot of money. He added that this was one of the worst things approved by the Board and he is glad it's gone.

MOTION to adopt ordinance 2017-1495 an ordinance repealing ordinance 2007-1220 which adopted the Riverwood Partners, LLC development agreement, and other properly related matters; Carried

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

COUNTY MANAGER

15. For possible action. Discussion to approve an agreement for Allocation of Catalyst Funds between the State of Nevada, Governor's Office of Economic Development (GOED) and Douglas County for up to \$250,000 in state funding to be sub granted to Starbucks Corporation for the creation of up to 100 jobs. (Lisa Granahan)

Lisa Granahan, Economic Vitality Manager, shared a presentation on Starbucks Catalyst Funds.

To review Ms. Granahan's full presentation please see the agenda packet.

Ms. Granahan presented on the following topics:

- Starbucks Expansion
- Required Job Creation
- Requested Action

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Public Comment

Nick Meyer stated that he opposes the agreement. He wondered why Nevada is subsidizing a profitable company like Starbucks and where the money will come from. Mr. Meyer said this is a terrible industrial policy and added that the government doesn't create jobs, the free market does and they will expand under the free market.

Commissioner Walsh clarified that the state of Nevada is paying for the development and it's been approved by the state.

Chairman Thaler added that if Douglas County didn't get this plant another County would.

Commissioner McDermid stated that Starbucks employees are paid good wages. She said that this is coming from the Governor's office, so if someone has an issue with it they should direct the questions to the Governor's office.

Vice Chairman Penzel asked Ms. Granahan if this project would go somewhere else if the Board didn't approve it.

Ms. Granahan said that they have to pass the funds through a County, whether it be this or another County. She mentioned that the Governor's office knew this would help Douglas County, so that is why they picked this site.

Commissioner Nelson said he can understand Mr. Meyer's position but until we get to a free market system again, this is the world we live in and the Board can't turn down this money for the County.

MOTION to approve an agreement for the allocation of catalyst funds between the state of Nevada, Governor's Office of Economic Development and Douglas County for up to \$250,000 in state funding to be subgranted to Starbucks Corporation for the creation of up to 100 jobs; Carried.

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

16. For possible action. Discussion to approve an agreement between Douglas County and Starbucks Corporation, for the distribution of State of Nevada Catalyst Fund proceeds up to \$250,000 requiring the creation of up to 100 jobs. (Lisa Granahan)

Lisa Granahan, Economic Vitality Manager, stated that the prior agenda item anticipated that Douglas County would act as a pass-through for state funds and this agreement is to actually provide the funding.

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Public Comment - None

MOTION to approve an agreement with Douglas County and Starbucks for distribution of state of Nevada catalyst fund proceeds up to \$250,000 requiring the creation of up to 100 jobs; Carried.

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

17. For possible action. Discussion to review funding options for the Judicial & Law Enforcement Center expansion and placement of an Advisory Ballot Question to impose a Quarter Cent Infrastructure Sales Tax under NRS 377B to fund the project. (Justice of the Peace Tom Perkins)

Tom Perkins, East Fork Township Justice of the Peace, stated that he just got the annual judiciary report and the East Fork Township is the only one of its size with only one Justice of the Peace (JOP). He went on to say that another one is needed but there is no room for a new JOP to work. He added that per capita they are at a ratio that meets or exceeds the ratios in Reno, Sparks, Henderson, North Las Vegas, everyone but Las Vegas itself. He added that in terms of Las Vegas, they have a higher ratio but they also have a lot of support staff. He added that when he brought in other stakeholders, he found out that all the other divisions in the building are bursting at the seams. Judge Perkins said that they are using the jail as storage. He mentioned that whether it's approved or not, there are consequences because his successor will press the issue of getting a second JOP. He believes that fixing all the issues in the building at once would be a better financial option than each department having its own building. Judge Perkins said he was shocked at the price tag and he doesn't feel good about it. He doesn't want to lecture the Board but it's the integrity of the governmental institutions that give security to find value in real estate, there has to be confidence in the public safety of the County and there has to be integrity in the judicial system. Judge Perkins mentioned that this project is 10-12 years overdue and they have 30,000 square feet of deficiencies at this time. He stated that they did not evaluate going somewhere else because it would cost too much and if they add another floor, there would be an issue as to what the employees are going to do during construction. He believes the Sherriff's Office, the District Attorney, and the Constable all have needs as well and this building is just as important to them. Judge Perkins added that he knows that when the Board makes a choice it's so controversial, and that regardless of what they do it will be wrong to some people. He went on to say that he knows their job is hard and respects the office and understands the issue this puts them in.

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Larry Werner, County Manager, stated that the finance options were simple and boils down to sales tax, Utility operator fee, and existing funding. He added that the County can't issue bonds because they are at a tax cap and they are looking at a \$1.5 million per year need. Mr. Werner said that this brings everything back to the quarter-cent sales tax as an option.

Commissioner McDermid asked what the current utility operator fee was.

Zach Wadle, Deputy District Attorney, stated that Douglas County has two percent available but the increase for the Utility Operator fee would have to be done gradually each year. Mr. Wadle said that one reason they can't do that is because of County connectivity and that was the least favored option by the Board because of the impact to residents.

Scott McCullough, Douglas County Project Manager, said that it's important to develop with available funding.

Commissioner Walsh referenced the third story option and said that he worked in New York in 60s while they built Madison Square Garden and everyone had to adjust but they got the job done without missing a beat. He asked what the cost of adding a third story is.

Mr. McCullough said that it would have to be three or four stories to make up the square footage.

Commissioner McDermid said she doesn't believe the current building structure could handle the extra stories with the current foundation.

Vice Chairman Penzel stated that the County has never built anything that cost \$31 million and he believes everyone is acting as if this is a reasonable price. He added that the point of the Board is to give judiciary money to function, how they handle that budget is up to them. Vice Chairman Penzel stated that he was expecting more information on costs but all he received was a letter. He said that the community center was 83,000 square feet priced at \$210 a square foot and Starbucks is at 700,000 square feet at \$69 a square foot yet the Judicial Building is at 92,000 square feet \$343 a square foot. Vice Chairman Penzel said the Board is here to look at it as a fiscal responsibility and this looks like it's outside the framework. He believes the County can raise \$15 million and Judiciary will have to come up with the other half. He added that the growth is not included and asked how many additional people will have to work in the new building and at what cost. Vice Chairman Penzel mentioned that if they call this an infrastructure tax the general public will assume this money will go to roads, which could be misleading.

Judge Perkins stated that it's called an infrastructure tax because Nevada Revised Statute (NRS) states it has to be called that. He added that he is heading this project but it is not just the Judiciary department. Judge Perkins said his portion of the project is 15 percent of the total and the public facilities are the Boards' responsibility so they can decide what Judiciary has to do.

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Vice Chairman Penzel said that the Board has to be the promoters to get it to the referendum and they have to believe in the project to do that. He added that if they want to get this funded, there needs to be some infrastructure in there and he would suggest a half-cent tax.

Mr. Werner said that the law only allows up to a quarter-cent tax.

Commissioner McDermid stated that that option is not available at this time.

Mr. Werner added that there is a half-cent available, but only for roads.

Mr. Wadle mentioned that the half-cent component could be added after a public vote of approval, whether it would allow money to be moved around the County; he doesn't know at this time. Mr. Wadle said that the infrastructure sales tax is capped at a quarter.

Vice Chairman Penzel said that if they did include infrastructure, then they could say they are going to build infrastructure and a capital project. He believes, currently; it is an advisory vote, and if they want to get it through, the public has to be satisfied. Vice Chairman Penzel said that the higher the cost of tax the less likely it goes through, and \$31 million is a lot of money. He added that the Judges want a new software program and it costs a million dollars but they can't ask for the Judicial & Law Enforcement Center (JLEC) and the new software.

Judge Perkins said they don't want to put the new software on this item because it's separate from the JLEC.

Commissioner Nelson said he knows they need 30,000 square feet now but he wondered what happens when we hit a population of 65,000.

Judge Perkins said this project is what is needed currently and does account for future growth.

Commissioner Nelson wants to see this funded without going to taxpayers and asked if it would it be possible to find some rental space somewhere.

Judge Perkins believes that if they don't do this project then that's what they will do, but some agencies would go to rentals while they remodel. He mentioned that they would also need off-site storage as well as looking at clearing the parking lot.

Mr. Werner said if the agencies split up, then they lose the efficiency of staffing. He added that if they have to supply support staff to offsite locations it could reach the \$30 million anyway.

Chairman Thaler believes this is a public safety measure and said that the Commissioners in the 70s had to get a court order to build. He added that they had to build two building and now 40 years later we're in this situation. Chairman Thaler said what the Board can't do is figure out how to fund this on a year to

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year basis and plan 30 years ahead. He mentioned that by the time 30 years comes around the same project cost 60 million. Chairman Thaler said no one expected the Tahoe Regional Industrial Center to take off the way it did and to change the cost of development so much. He believes there is not enough space in the JLEC building, to the point where it's almost unsafe and he compliments Judge Perkins for not pushing for the second JOP that is needed. Chairman Thaler said someone may push for a second JOP in the future but there are other options for that. He added that he doesn't want to kick the can down the road but they are scared to send it to the voters to get shot down. He said he does not like sending things to the voters but due to the high cost, it should be sent to them, although; residents aren't the only ones paying sales tax. Chairman Thaler said he is not opposed to drafting a resolution to ask the voters if they want to support the JLEC building in the name of public safety.

Judge Perkins said no one can advocate for this so it's hard, unlike the Community Center which is used by many residents.

Chairman Thaler replied that he believes there are people who will go out there and donate money but it has to go to the voters.

Ron Pierini, Douglas County Sheriff, praised Judge Perkins because he could force the issue of a second judge but he has not. He added that if the County moves things around so much that if the courts go to another location, they will have to hire more officers to protect the new building. He mentioned that \$30 million is a lot of money but if they look to the future then it will be \$40 million. Sheriff Pierini said there are good people in Douglas County but they can't reach out enough to do this, not everyone understands that they have to increase taxes to do what they have to do.

Commissioner McDermid asked how the County funded the last building for Judiciary.

Sherriff Pierini stated that Ken Carr did a lot of the work to get the vote passed it was good for 25 years and now that building is coming up on its 30th year.

Commissioner McDermid said that people don't understand how the County Commission functions under NRS. She mentioned that the Board can only do what the state legislature dictates and if the state has not given the Board any authority to do something, they can't do it. Commissioner McDermid said that there are only two ways that the Board has been allowed to raise funds, one is by the utility operator fee and that's been done twice over the last 12 years. She added that the other thing is to take the gas tax to nine cents, which was done a few years ago and the gas prices are not a nickel higher than in Carson. Commissioner McDermid added that the only other thing the Board can do is a quarter percent sales tax, and the Board tried to do that two years ago but it requires four votes out of five, so it failed. She mentioned that Douglas County's sales tax is 7.1 percent, and the tax rate in Carson City is 7.6 percent. Commissioner McDermid said the case can be made to go to the voters because the Board can't do it because there are a couple Commissioners that have already

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signed a no-tax pledge. Commissioner McDermid said that the Board wanted to put in a business license and the cost of administering the business license would not make sense. She mentioned that 3.66 percent is the property tax and there were only 20 cents of increase left when she got on the Board. Commissioner McDermid concluded by asking if the people vote it in, will the board have enough votes to pass it.

Vice Chairman Penzel stated that the Board knows they need the JLEC building but he doesn't know if they can fund it. Vice Chairman Penzel stated that the Board is a pass-through for development and the people want the JLEC to be successful but he doesn't know at what cost. He agrees it has to go to a vote of the people, and he believes the County has to have a bond. Vice Chairman Penzel added that the extra money from the bond has to be accounted for and the case management program is going to have to be funded another way.

Commissioner McDermid said that Vice Chairman Penzel can't compare the JLEC to the Community Center because those aren't the same people using those two facilities. She added that a lot of people have never set foot in the JLEC. Commissioner McDermid said that with the Community Center the team had a mission to bring it in under budget and sooner rather than later and the team was strong and was able to succeed. She mentioned that if this were to pass, they would have to ensure that they can bring it in timely, under budget and exceed expectations.

Public Comment

Lynn Muzzy said that he has been in the JLEC and he agrees it's not an adequate building for the number of staff that work there. He was encouraged at the last meeting to hear talk about how to accommodate JLEC's needs but as to selling the sales tax hike, it would be best to meet them halfway instead of asking for the full \$31 million. Mr. Muzzy proposed the idea to partitioning off some part of the community center to create JLEC space.

Nick Meyer stated that the reason he showed up was due to the \$31 million price tag, and the County has had a situation where projects are over budgeted. He added that when he sees a \$30 million price tag, it really means \$40 million in this environment. Mr. Meyer said he recommends alternatives, like moving to rentals and he hasn't seen a lot of analysis talking about headcount space requirements. He added that there is a lot of hard work that still needs to be done to look for feasible alternatives and a \$31 million sell is a dead deal. He concluded that this is not an infrastructure issue so he would like the name of the tax changed.

Dave Maxwell mentioned that he knows they need the JLEC and it seems like it is now the highest priority in the County. He wondered why the project hasn't appeared on the five year Capital Improvement Plan (CIP) if it is so high on the County's priority list. Mr. Maxwell added that the County uses priority-based budgeting but the Capital Improvement Plan is not prioritized. He believes it would be reasonable to put the JLEC building on the next CIP. Mr. Maxwell concluded by

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proposing two ideas; one, generate a project planning sheet to put the JLEC into the CIP budget, or two, as County staff conducts their next CIP needs assessment, prioritize the project before submitting the next CIP.

Jim Slade believes this is a real need, because of unsustainable growth over a long period of time. He added that the County has grown over 150 percent. Mr. Slade said he has several options for the Board to consider, the first of which is to continue to use the existing JLEC, because they could never recoup the cost of the jail if sold. He mentioned they could build a new area next to the existing building with the possibility of an underground garage. He added that the shuffling around of staff in the interim is a future item to discuss. He believes this is a more fiscally responsible option. Mr. Slade asked if raising the quarter-cent sales tax would affect the County's ability to use the other quarter cent later for development rights. He concluded by saying the Board needs to control the growth of the County, so these needs don't arise.

Vice Chairman Penzel directed staff to prepare a resolution for the Board's consideration about placing an advisory question on the General Election ballot in November 2018. The ballot question would ask the public whether or not to impose a quarter-cent sales tax to fund the Judicial & Law Enforcement Center expansion project.

Mr. Werner asked if the Board if they want to include something in the resolution saying any extra funding can be used for roads or other infrastructure items.

Mr. Wadle wanted clarification on what to include in the resolution since he will likely be drafting the resolution.

Mr. Werner stated that if there is leftover funding, that can be used for secondary projects.

MOTION to direct staff to prepare a resolution for the Board's consideration to place an advisory question on the General Election ballot in November 2018 asking the public whether to impose a quarter-cent sales tax to fund the Judicial & Law Enforcement Center expansion project; Carried.

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

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18. For possible action. Discussion to approve the appointment of County Commissioners, staff and alternates to various Douglas County boards and committees. These boards/commissions/meetings include but are not limited to the: Nevada Association of Counties; Northern Nevada Development Authority; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Carson Area Metropolitan Planning Organization; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Carson-Truckee Water Conservancy District; Stateline Stormwater Association; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, Carson Valley Arts Council; and the Debt Management Commission. (Larry Werner)

Larry Werner, County Manager, said he reached out and asked if the current assignments were in line with what the Board would like to do and three said yes; Chairman Thaler, Commissioner Walsh, and Commissioner McDermid all said they could retain their current appointments. He asked Vice Chairman Penzel and Commissioner Nelson if they had any issues with that.

Vice Chairman Penzel said he was sorry for not returning the email but the current assignments work for him.

Commissioner Nelson said he is also okay with the current schedule.

Public Comment - None

MOTION to approve the appointment of County Commissioners, staff, and alternates to various Douglas County Boards and committees less the V & T Railroad commission as presented; Carried.

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

19. 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 Nelson said an employee from the North Tahoe Conservation District gave birth to a baby boy yesterday.

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RESULT: FOR PRESENTATION ONLY.
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CLOSING PUBLIC COMMENT - None

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:58 PM.

Respectfully submitted:

Steven J. Thaler, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer