

**APPROVED AUGUST 18, 2016**

The Regular Meeting of the Douglas County Board of County Commissioners was held on July 21, 2016 in the meeting room of the Tahoe Transportation Center, 169 Highway 50, Stateline, NV, beginning at 1:30 PM.

**Call to Order****Commissioners Present:**

Doug N. Johnson, Chairman  
Nancy McDermid, Vice-Chairwoman  
Greg Lynn, Board Member  
Barry Penzel, Board Member  
Steve Thaler, Board Member

**Staff Present:**

Chris Johnson, Airport  
Carl Ruschmeyer, Public Works Director  
Christine Vuletich, Assistant County Manager/CFO  
Doug Ritchie, Chief Civil Deputy District Attorney  
Erik Nilssen, County Engineer  
Jon Erb, Civil Engineer  
Kathy Lewis, Clerk-Treasurer  
Larry Werner, County Manager  
Mimi Moss, Community Development Director  
Scott Morgan, Community Services Director  
Vicky Derner, Tahoe Chief Deputy Clerk  
Zachary Wadle, Deputy District Attorney

**PLEDGE OF ALLEGIANCE**

Steve Thaler led the Pledge of Allegiance.

**PUBLIC COMMENT (No Action)**

Steve Teshara, Sustainable Community Advocates commented he has been in touch with County staff about moving the Tahoe Douglas Area Plan forward so they can get it to TRPA so they can schedule it at the Regional Plan Implementation Committee of the Governing Board. One of the reasons is the pending sale of Kingsbury Middle School.

Patrick Taylor, Lake Parkway LLC stated they are the ones that purchased the Kingsbury Middle School and Wells Fargo Bank at Stateline. Their goal is to create affordable housing for workers in Tahoe. He commented any help moving this along would be appreciated.

David Goetsch stated he attend a meeting last night regarding the lawsuit and he's wondering where the money is going to come from if the lawsuit prevails. Mark Garic commented he had also attended the meeting last night regarding the lawsuit. He hasn't joined the lawsuit because he feels it only address a few of the problems and not the problems that he has.

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Public comment closed.

**APPROVAL OF AGENDA**

MOTION to approve the agenda; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy McDermid, Vice-Chairwoman
<b>SECONDER:</b>	Greg Lynn, Board Member
<b>AYES:</b>	Johnson, McDermid, Lynn, Penzel, Thaler

**APPROVAL OF PREVIOUS MINUTES**

There were no previous minutes to be approved.

**CONSENT CALENDAR**

**FINANCE**

**A. For possible action. Discussion to approve receipt of report on general ledger cash balances through July 6, 2016 per Nevada Revised Statute (NRS) 251.030. (Vicki Moore)**

MOTION to approve;

**CLERK-TREASURER**

**B. For possible action. Discussion to approve receipt and filing of cumulative voucher sheets for checks issued for the 6/24/16 Payroll, 6/24/16 Payables, 6/27/16 Payables and 6/30/16 Payables. (Kathy Lewis)**

MOTION to approve;

**PUBLIC GUARDIAN & PUBLIC ADMINISTRATOR**

**C. For possible action. Discussion to approve receipt of the Public Administrator's quarterly reports for the period beginning January 1, 2016, and ending March 31, 2016, and the period beginning April 1, 2016, and ending June 30, 2016. (Claudette Springmeyer)**

MOTION to approve;

**DISTRICT ATTORNEY**

**D. For possible action. Discussion to approve a Memorandum of Understanding between the Tahoe Douglas Fire Protection District and the Douglas County Redevelopment Agency regarding the Redevelopment Plan for Redevelopment Area No. 2 within the Lake Tahoe Basin area of Douglas County, and the provision and funding of reasonably necessary public services within the Redevelopment Area. (Doug Ritchie)**

MOTION to approve;

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**COMMUNITY DEVELOPMENT**

**E. For possible action. Discussion to appoint Dean Patterson, Planning Manager, to the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) and to appoint Heather Anderson, Senior Planner, as the alternate. (Mimi Moss)**

MOTION to appoint;

**COMMUNITY SERVICES**

**F. For possible action. Discussion to approve acceptance of the \$34,875 in Title III-B funds from the State of Nevada Aging and Disability Services Division for the Homemaker Program, grant number 04-000-02-BC-17. The County's grant match for the Title III-B Fixed Fee grant is \$3,425 which has previously been budgeted in the Senior Center Budget. (Travis Lee)**

MOTION to approve;

**G. For possible action. Discussion to accept the \$53,044 in Independent Living funds from the State of Nevada Aging and Disability Services Division for the Senior Transportation Program in the Valley and the Lake areas of Douglas County, grant number 04-000-10-LX-17. (Travis Lee)**

MOTION to approve;

**H. For possible action. Discussion to approve acceptance of an additional \$38,689 supplement from Nutrition Services Incentive Program (NSIP), grant number 04-000-57-NX-16, from Aging and Disability Services Division for reimbursement of food purchased through the Senior Center. (Travis Lee)**

MOTION to approve;

**PUBLIC WORKS**

**I. For possible action. Discussion to approve to abandon the Cave Rock Lake intake easement and right of way recorded in Book 496, Page 3039, Document number 385626 upon issuance of a Nevada Division of State Lands license for the Cave Rock Lake Intake. (Carl Ruschmeyer)**

MOTION to approve;

**AIRPORT**

**J. For possible action. Discussion to approve a new lease with the Carl Jefferson Kennedy, Jr./Susan Jane DeHoff Kennedy Revocable Inter Vivos Family Trust allowing the purchase of an existing land lease with hangar (LL082) from William Sanderson that will create new Land Lease 122. (Bobbi Thompson)**

MOTION to approve;

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**REPORT OF FEES**

**K. For possible action. Discussion to approve receipt of the Douglas County Constable's quarterly report of fees for April 1 thru June 30, 2016. (Paul Gilbert)**

MOTION to approve;

Zachary Wadle, Deputy District Attorney stated on Item D there was an Appendix 1 that was referred to in the MOU with Tahoe-Douglas that did not make it to the packet. That Appendix 1 was provided today. The Appendix is Tahoe-Douglas' projection of potential impacts from the RDA No. 2.

MOTION to approve the Consent Calendar with the Exhibit Appendix 1 being added to Item D; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy McDermid, Vice-Chairwoman
<b>SECONDER:</b>	Greg Lynn, Board Member
<b>AYES:</b>	Johnson, McDermid, Lynn, Penzel, Thaler

**ADMINISTRATIVE AGENDA**

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION**

No items pulled.

**FINANCE**

**1. Presentation only. Presentation of Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Award to Douglas County for its Comprehensive Annual Financial Report for Fiscal Year 2014-15. (Christine Vuletich)**

Christine Vuletich, Assistant County Manager/CFO provided some background information on the County's financing principles; she then presented the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Award to the staff in Finance.

<b>RESULT:</b>	<b>PRESENTATION ONLY</b>
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**PUBLIC WORKS**

**2. For possible action. Discussion to approve a contract with the University of Nevada for a 2-Year Cooperative Technical Assistance Agreement for Pavement Technology in the amount of \$45,000 per year, for a 2-year total of \$90,000 as budgeted in the FY 16/17 and FY 17/18 budget. (Jon Erb)**

Jon Erb, Civil Engineer explained this is the second Cooperative Agreement with the University of Nevada-Reno (UNR) for technical assistance and pavement

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management system and design. Staff is recommending approval of the contract. Mr. Erb stated this is budgeted in his 5-Year Plan.

Commissioner Penzel would like to see a Cost Benefit Analysis with the study that is being done. Mr. Erb responded it is not a study, it's technical assistance.

Vice Chairwoman McDermid commented she has seen some of the results from working with UNR and she believes it has been beneficial. She also commented UNR is coming up with a design guide for asphalt pavement that would be used by Douglas County, Carson City and Washoe County. Mr. Erb responded that is correct.

Commissioner Penzel commented he has never seen a report on the evaluation of the crack fill material, which ones were successful and which ones weren't. He was hoping to see some of the results from those endeavors.

No public comment.

MOTION to approve the contract with the University of Nevada for a 2-Year Cooperative Technical Assistance Agreement for Pavement Technology in the amount of \$45,000 per year, for a 2-year total of \$90,000; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Greg Lynn, Board Member
<b>SECONDER:</b>	Nancy McDermid, Vice-Chairwoman
<b>AYES:</b>	Johnson, McDermid, Lynn, Penzel, Thaler

**3. For possible action. Discussion to approve and ratify actions by Public Works for the submittal of the Application for Transportation Alternative Program Grant ("Application") with the Nevada Department of Transportation (NDOT) for Federal grant money to widen the bridge on SR 756 over the East Fork Carson River to include bicycle lanes. (Jon Erb)**

Jon Erb, Civil Engineer provided some background information on this particular grant and what it can be used for. Douglas County has applied twice in the past and has been successful on getting the grant. Mr. Erb commented he has applied for another grant with a maximum of \$750,000 and the application was to widen the Lutheran Bridge; NDOT will do the design work. There is a 5% match for the \$750,000 and he has that in reserves in his budget.

Vice Chairwoman McDermid asked if it would also be for pedestrians along with the bike lanes. Mr. Erb responded yes.

Commissioner Thaler asked if all three projects can be combined as one big project. Mr. Erb responded the two current projects will go out as one project.

Commissioner Lynn stated this is a worthwhile grant and this project needs to be completed.

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No public comment.

MOTION to approve and ratify the Application submitted by Public Works for Transportation Alternative Program Grant ("Application") with the Nevada Department of Transportation (NDOT) for Federal grant money to widen the bridge on SR 756 over the East Fork Carson River to include bicycle lanes; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy McDermid, Vice-Chairwoman
<b>SECONDER:</b>	Steve Thaler, Board Member
<b>AYES:</b>	Johnson, McDermid, Lynn, Penzel, Thaler

**DISTRICT ATTORNEY**

**4. For possible action. Discussion to sell the real property located at 841, 847, and 853 Oriole Way, Incline Village, Nevada at auction pursuant to NRS 244.282 for a minimum cash price of \$114,255 to the highest responsible bidder, or in the alternative, if no responsible bid is received, discussion to authorize the District Attorney's office to negotiate a sale of the properties pursuant to NRS 244.281(g) for the highest possible negotiated cash price, and to authorize the County Manager to sign all necessary sales documents on behalf of Douglas County to finalize the sale. (Doug Ritchie)**

Zachary Wadle, Deputy District Attorney stated these properties have been for sale, but they still have no bidders. Nevada Law allows the Board to direct the District Attorney's Office to sell the property on the Board's behalf.

No public comment.

Chairman Johnson calls for any bids.

No bids were made; bid process is closed.

MOTION to authorize the District Attorney's Office to negotiate the sale of real property located at 841, 847, and 853 Oriole Way, Incline Village, Nevada pursuant to NRS 244.281(g) for the highest possible negotiated cash price, and to authorize the County Manager to sign all necessary sales documents on behalf of Douglas County to finalize the sale; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy McDermid, Vice-Chairwoman
<b>SECONDER:</b>	Steve Thaler, Board Member
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**COUNTY MANAGER**

**5. For possible action. Discussion on providing staff with direction for establishing a stormwater management program. The history of recommendations from prior citizen groups, suggested annual costs for a fully implemented stormwater management program (approximately \$1,900,000), and methods for funding will be presented. Funding options include general revenues, special assessments and utility fees. (Lawrence Werner)**

Larry Werner, County Manager explained this item is to get direction from the Board on what we do with the Stormwater Management Program. He provided a presentation on the Stormwater Management Program. He discussed the Program Element Needs and that most of the presentation is based on a breakdown of what has happened over the past 24 years. He explained the Field Operations is the biggest part of this project. This large expense needs to be done to maintain the roadside ditches, drainage pipes, inlets and manholes, ponds and response to emergencies. It has mostly been done by the Public Works Road Crew. Mr. Werner went on to discuss the Capital Programs. The Stormwater Program is a moderate program based on the size of the County. We would need to generate approximately \$2 million a year.

Commissioner Thaler asked who is responsible for the drainage ditches/culverts; the homeowners or the County? Mr. Werner responded right now the culvert portion is the homeowner's responsibility. The County did a one-time cleanup after the flooding. The Stormwater Program deals with County culvert and ditches only.

Commissioner Thaler asked if the calculations for the Field Operations included the Towns and the GID's. Mr. Werner responded no it did not.

Chairman Johnson asked if the County is paying about \$450,000 of the \$1.9 million. Mr. Werner responded that is correct.

Mr. Werner explained the County has a policy for creating a stormwater fee to address some of the problems. You would generate a fee like you would for a utility.

Vice Chairwoman McDermid asked how the fee would be assessed. Mr. Werner responded there are multiple ways of doing it. The most successful ones have been assessed against properties that "generate stormwater flows higher than what was naturally there". Mr. Werner explained the assessment of the fee is based on roofline and driveway; anything that won't absorb water. This fee can be included on a tax bill or can be billed as a separate fee on a separate bill. It ends up being approximately \$40 annually.

Commissioner Thaler asked what about ranchers that have raw land? Mr. Werner responded you can develop a credit program that would address those kinds of issues.

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Mr. Werner spoke about the Funding Options. We can keep things the same; create a flood control district; or create a fee. We have very few options available to us.

Commissioner Lynn commented if we are talking about using General Funds on revenues then we aren't distributing them equally across the county if we aren't taking GID's and Towns into account. Mr. Werner responded he looked at what the County's proportion is not the total amount available to the GIDs. Commissioner Lynn commented in the past everybody was considered guilty. You were either uphill and contributed to the downhill flow, or you were downhill and received the flows. Commissioner Lynn believes we should be considering everyone, not just individuals.

Mr. Werner suggested we create a Citizens Stormwater Committee. He also discussed what you would have to do if it was decided to fund through the General Fund.

Commissioner Penzel thanked Mr. Werner for bringing this issue to the forefront. He thinks there is a fundamental issue; citizens think that by paying taxes they are already funding this program. We should look at Priority Based Budgeting (PBB); get rid of some programs and bring others forward. Commissioner Penzel discussed creating a utility district that has seven priorities within it and believes we could generate power and sell it to California. He suggested this could be done at China Springs Youth Camp and pay for their fees. He also discussed in the short term, we could look at what a utility district would look like and look at various ways of collecting fees.

Commissioner Thaler stated we are going to either have to find the money from within or find another revenue source outside of the taxpayers. The Board needs to set the priority and then staff needs to sit down and figure out where the money is coming from. Mr. Werner responded staff can make recommendations on what to cut and what needs to stay but the final decision will be the Board's. Commissioner Thaler commented the \$1.9 million just barely gets us to where we need to be and doesn't really fix anything. Mr. Werner responded that is correct. This will become a multi-year program and as you begin to identify and commit resources you can start looking at the issues. Commissioner Thaler believes we need to get everybody together; staff, the Towns, the GID's, the Pool District, and the Sewer District and get them on board with this program. Mr. Werner responded he doesn't want to do this program without all others on board because without them on board, the problem still remains.

Vice Chairwoman McDermid stated it is not OK to take money from the Towns, GIDs and roads and use it for stormwater problems. Mr. Werner has identified this as a problem. She thinks we should take the step of creating a taskforce and then move forward.

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Commissioner Lynn stated you cannot ask Douglas County residents to pay for this program. There is a huge maintenance backlog and that's where that \$1.9 million will be going. We are talking about stormwater flooding and if the residents want security from that they are going to have to help pay for it.

Chairman Johnson commented he was leaning with Commissioner Lynn in that there will be a huge citizen upheaval where funding is concerned. He doesn't want to be sued for any other issues. He discussed the Conservation Bill and TMDL. Chairman Johnson mentioned the one thing they haven't discussed is the grant opportunities. He also mentioned if they set up a taskforce it will need to be noticed and have public hearings.

Commissioner Penzel commented FEMA does give grants. He also mentioned he attended the South Shore Chamber of Commerce meeting this morning. He reported that the South Shore business community is against any tax increase.

Erik Nilssen, County Engineer wanted to pass along some recent developments. They are getting ready to enter into their second 5 year interlocal agreement with NDEP for the Lake Tahoe TMDL. The first five years of the TMDL stormwater monitoring was paid for by grants. Mr. Nilssen explained how the next 5 years will be paid for since there is no grant to cover them. The next project for TMDL is the Upper Kahle Basin and the cost will be high. He discussed the MS4 – Municipal Separate Storm Sewer System Permit. It's only for the North County at this time. He also discussed the recent culvert blow out at Tramway Drive which has led to funding obligation. He commented history shows that we don't really have funding mechanisms even though they've been committed to.

PUBLIC COMMENT

David Goetsch commented his HOA requested a one-time payment and then increased their HOA fees. They fixed the culvert with the money. If values are affected, people will pay.

Steve Teshara, Sustainable Community Advocates asked to see Commissioner Penzel's proposal. He also mentioned the value of the Tahoe Douglas Area Plan; it would capture inventory of projects so people could see what's on the list of projects and gage a cost from that.

Public comment closed.

Commissioner Thaler mentioned he pays \$150 a year to California for fire protection on a home he owns in Tuolumne. He saw the benefit of this cost when his house has been saved twice from wild fires. He believes a yearly fee paid by all Douglas County residents would be a good way to go.

Vice Chairwoman McDermid stated it's her opinion this isn't about the money; it's about doing the right thing.

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Chairman Johnson asked what the cost is to provide the options. Mr. Werner responded enter into contract with Jeff to add to the scope from 2009; implementation could happen before end of calendar year. If we get to the end and find out there is no interest in this, we can stop the process.

Chairman Johnson commented Mr. Werner has two examples of success and we know that people don't want to pay any more fees or taxes.

MOTION to direct staff to pursue the implementation of a Stormwater Management Program funded through a utility fee which would also update the 2009 Plan with Jeff House and bring back a detailed implementation plan to the Board of Commissioners for approval; carried

<b>RESULT:</b>	<b>APPROVED [4 TO 1]</b>
<b>MOVER:</b>	Nancy McDermid, Vice-Chairwoman
<b>SECONDER:</b>	Greg Lynn, Board Member
<b>AYES:</b>	Johnson, McDermid, Lynn, Thaler
<b>NAYS:</b>	Penzel

Commissioner Penzel asked if this motion means there will be no review of tax increment funding. Mr. Werner responded by providing an example of what might happen if we tried reallocating some of the tax increment.

**6. 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. These boards/commissions/meetings include but are not limited to the: Nevada Association of Counties; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, and the Debt Management Commission. There will be no discussion or action taken on these reports/updates.**

Commissioner Penzel stated at the Carson Water Subconservancy meeting last night they received a report from USGS on a two year study on arsenic levels and it was inconclusive. They want more money to study it longer.

**CLOSING PUBLIC COMMENT (No Action)**

John Erb wanted to inform the Board on the projects in the Valley right now. He commented Jacks Valley Road has been pulverized and they will start paving on Monday. The Buckeye project will start work on August 9, 2016 and the Warrior Way multi use path has been paved, however, it's not open to the public yet.

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Courtney Walker, Stormwater Program Manager wanted to let everybody know they did get some signage donated from the National Weather Service. It's for flooded dip sections in the road. Those have been installed in different areas on the east side of the Valley. There will be photo op on Monday at 11:00 a.m. on Johnson Lane at the Johnson Lane Wash.

Bob Cook commented he missed some of the conversation on Item 5 but he was part of the Roads Funds Taskforce. He stated the Taskforce made recommendations and none were adhered to. He believed the Board should have paid attention to those recommendations.

Public comment closed.

**ADJOURNMENT**

MOTION to adjourn; carried

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Doug N. Johnson, Chairman
<b>SECONDER:</b>	Nancy McDermid, Vice-Chairwoman
<b>AYES:</b>	Johnson, McDermid, Lynn, Penzel, Thaler

There being no further business to come before the Board, the meeting adjourned at 3:50 p.m.

Respectfully submitted:

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Doug N. Johnson, Chairman  
Douglas County Board of Commissioners

ATTEST:

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

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