

APPROVED FEBRUARY 4, 2016

The Regular Meeting of the Douglas County Board of County Commissioners was held on January 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:

Christine Vuletich, Assistant County Manager/CFO
Doug Ritchie, Chief Civil Deputy District Attorney
Cynthia Gregory, Deputy District Attorney
Zachary Wadle, Deputy District Attorney
Ron Pierini, DCSO
Sgt. Pat Brooks, DCSO
Scott Morgan, Community Services Director
Bobbi Thompson, Airport Manager
Mimi Moss, Community Development Director
Carl Ruschmeyer, Public Works Director
Lisa Granahan, Economic Vitality Manager
Wendy Lang, Human Resources Manager
Hope Sullivan, Planning Manager
Nick Charles, Civil Engineer III
Erik Nilssen, County Engineer
Tammy James, Technology Services Manager
Ted Kozack, Planning Associate
Laure Penny, Clerk to the Board

PLEDGE OF ALLEGIANCE

Doug Johnson led the Pledge of Allegiance

PUBLIC COMMENT (No Action)

Cheryl Bricker, Director of the Partnership of Community Resources thanked the Commissioners for providing the Partnership with some funding. She uses the funding to leverage other dollars. She recently wrote a competitive grant and they will be receiving some funding from that. She has received money from the State Mental Health and Substance Abuse Block Grants to fund the Community MOST Program and with the other funding received they will be releasing an RFA to

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other nonprofits; agencies within the County and tribal organizations to fund primary substance abuse prevention dollars in the community.

Bob Cook wanted to let everybody know the Senior Center Annual Health Fair is tomorrow from 8:00 a.m. to 12:00 p.m.

Terry Faff wanted to speak on the storage treatment plant/gravel pit. He wanted to encourage the Commissioners to go out and visit the area to get a feel for it. He also suggested they go see the Bing Pit and drive out the road to Hwy 88 and look at some of the most beautiful homes in the County that were built after the Bing Pit.

Tammy James wanted to let everybody know that we are now successfully live streaming from Tahoe.

Public comment closed.

APPROVAL OF AGENDA

Motion to approved Agenda with Items F and G being moved to the Administrative Calendar under Item 5 and Item I being pulled for further discussion;

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Vice-Chairwoman
SECONDER:	Barry Penzel, Board Member
AYES:	Johnson, McDermid, Lynn, Penzel, Thaler

APPROVAL OF PREVIOUS MINUTES

Board of County Commissioners – Work Shop – December 29, 2015

MOTION by McDermid/Penzel to approve the Minutes; carried unanimously.

PRESENTATION

For presentation only. Presentation on a general Federal update by U.S. Congressman Mark Amodei. (Congressman Amodei)

This item was pulled as Congressman Amodei was ill and could not attend the meeting.

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CONSENT CALENDAR

FINANCE

A. For possible action. Report on general ledger cash balances through January 5, 2016 per NRS 251.030. (Vicki Moore)

MOTION to approve;

B. For possible action. Discussion to authorize the Chairman to sign the Proposed Plan of Correction letter to be submitted to the State of Nevada, Department of Taxation regarding potential instances of non-compliance with Nevada Revised Statutes, as reported by Douglas County's independent auditors in Note 2 of the financial statements for the fiscal year ended June 30, 2015. (Marcie Schurke)

MOTION to approve;

CLERK-TREASURER

C. For possible action. Discussion to approve receipt and filing of cumulative voucher sheets for checks issued for the 12/18/15, 12/24/15, 12/28/15 and 12/31/15 Payables and 12/24/15, 12/28/15 and 1/8/16 Payroll. (Kathy Lewis)

MOTION to approve;

DISTRICT ATTORNEY

D. For possible action. Discussion to approve a second Memorandum of Understanding between the East Fork Fire Protection District ("East Fork") and the East Fork Professional Firefighters Association ("Association") to delay the implementation of the new Engineer job classification until no later than June 30, 2016. (Tod Carlini)

MOTION to approve;

E. For possible action. Approve acceptance of a \$22,050 grant award to the East Fork Township Justice Court to administer a Sobriety Court for FY 2015-16 and authorize the Honorable Thomas E. Perkins to execute all documents related to the management of the grant. No matching funds are required for this grant. (Judge Perkins)

MOTION to approve;

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DOUGLAS COUNTY LIQUOR BOARD

F. For possible action. Discussion regarding the possible imposition of liquor license sanctions on licensee Golden Gate Petroleum of Nevada LLC / Golden Gate Gas located at 1485 Grant Avenue Gardnerville, Nevada 89410 for a second violation of selling alcohol to a minor within a two-year period. (DCSO Sergeant Pat Brooks)

Moved to Administrative Calendar under Item 5.

G. For possible action. Discussion regarding the possible imposition of liquor license sanctions on licensee Walgreen's located at 1342 N. Hwy 395 Gardnerville, Nevada 89410 for a second violation of selling alcohol to a minor within a two-year period. (DCSO Sergeant Pat Brooks)

Moved to Administrative Calendar under Item 5.

COMMUNITY SERVICES

H. For possible action. Discussion to approve the donation of Vehicle #680-218, a 2003 E-450 Ford Bus, at an appraised book value of \$4,300, previously used in DART Transportation to Young at Heart. (Travis Lee)

MOTION to approve;

PUBLIC WORKS

I. For possible action. Discussion on the implementation of improvements to the Cave Rock/Skyland Lake Tahoe Intake for the estimated cost of \$240,000 and authorizing the County Manager to sign the final contract documents and the Public Works Director to sign change orders of up to ten (10) percent of the final contract award amount. (Carl Ruschmeyer)

Pulled for further discussion.

Motion to approve Consent Calendar with Items F & G being moved to Administrative Calendar under Item 5 and Item I being pulled for further discussion;

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Vice-Chairwoman
SECONDER:	Barry Penzel, Board Member
AYES:	Johnson, McDermid, Lynn, Penzel, Thaler

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ADMINISTRATIVE AGENDA

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION

I. For possible action. Discussion on the implementation of improvements to the Cave Rock/Skyland Lake Tahoe Intake for the estimated cost of \$240,000 and authorizing the County Manager to sign the final contract documents and the Public Works Director to sign change orders of up to ten (10) percent of the final contract award amount. (Carl Ruschmeyer)

PUBLIC COMMENT

Ralph Miller believed the proposal was outdated and completely unnecessary. He provided information from updated forecasts from various government agencies. Mr. Miller believed staff was making a decision in a vacuum.

Public comment closed.

Carl Ruschmeyer, Public Works Director commented what they are looking at is risk management. It is unknown what this weather pattern will produce but we need to plan for similar droughts in the future. There is still a concern about meeting peak summer demands or having to issue severe drought and watering restrictions. This project will add an inline booster pump into the lake and it will give us more flexibility and robust intake and water supply system. The inline booster pump will help protect us from drought conditions and be able to meet demands under low water conditions. But it can also be used for water quality and operational improvements in the system.

Commissioner Lynn commented we may be ahead of last year but what about next year. He understands the rational.

Commissioner Penzel asked if they were ready to go now. Mr. Ruschmeyer responded yes, we are nearing completion of the design. Mr. Ruschmeyer also stated it has to be done before summer. Commissioner Penzel asked if they are on schedule to be shovel ready by February/March. Mr. Ruschmeyer responded yes.

Vice Chairwoman McDermid commented they are also replacing damaged pipe as well. Mr. Ruschmeyer commented that is correct. Vice Chairwoman McDermid stated they are being proactive instead of reactive. Mr. Ruschmeyer responded yes.

MOTION to implement the improvements to the Cave Rock/Skyland Lake Tahoe Intake for the estimated cost of \$240,000 and authorize the County Manager to sign the final contract documents and the Public Works Director to sign change orders of up to ten (10) percent of the final contract award amount;

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

AIRPORT

1. For possible action. Discussion to approve the 2016-2021 Minden-Tahoe Airport 5-year Capital Improvement Plan as presented. (Bobbi Thompson)

Bobbi Thompson, Airport Manager discussed the Airport's 5-year Capital Improvement Plan and the three projects they will be working on for 2016: fencing around the airport; Airport lighting; and the Glider Staging Apron. They will be getting the funding for these projects through FAA grants. The Airport's portion for the 6.25% comes from its reserves.

Commissioner Penzel suggested looking at the badging system used by the County for security. Ms. Thompson commented security is coming down the line. The new gates will record the time and who goes through them.

No public comment.

MOTION to approve the 2016-2021 Minden-Tahoe Airport 5-year Capital Improvement Plan as presented;

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Vice-Chairwoman
SECONDER:	Barry Penzel, Board Member
AYES:	Johnson, McDermid, Lynn, Penzel, Thaler

HUMAN RESOURCES

2. For possible action. Discussion to approve hiring Sherri McGee as the new Chief Technology Officer at an annual salary of \$102,450, which is \$2,651 above the mid-point of the salary range. (Wendy Lang)

Wendy Lang, Human Resources Manager stated this position is the top leadership position in the Technology Services Department. There have been several weaknesses identified in our system by audits. Ms. Lang described the hiring process and then provided Ms. McGee's background, education and achievements.

Vice Chairwoman McDermid asked what the previous Chief Technology Officer was making when he left and if he would have received a merit. Christine Vuletich, Assistant County Manager/CFO stated Mr. Betts (the former Chief Technology Officer) was making the mid-point of the salary range and as his direct

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supervisor Ms. Vuletich stated he would have received a merit increase and would have been making approximately \$102,400.

Commissioner Thaler asked how we have gotten into the mode of negotiating a salary with prospective employees. Ms. Vuletich stated Ms. McGee is currently making mid-point with the State so this salary would be about \$2600 above that. Doug Ritchie, Chief Civil Deputy District Attorney stated the extra money is to help offset the additional cost the potential candidate will incur for insurance. Commissioner Thaler asked how we stop this. He felt we are sending the wrong message to employees. Mr. Ritchie commented all he can say is the issue is insurance costs and the County is trying to address that issue.

Commissioner Lynn is uncomfortable with the message we are sending. He felt it shows we value newcomers more than current employees.

Commissioner Penzel is also concerned about the message to employees. He doesn't believe it is the correct way to go about this.

PUBLIC COMMENT

Terry Faff asked why we aren't looking at current employees for these positions.

Tony Prestigiacommo also believed it is important to look from within first.

Public comment closed.

Chairman Johnson stated he didn't want this to fail so he asked the Board if they would be comfortable bringing her in at mid-point.

Vice Chairwoman McDermid asked if there was anybody internal to fill the position. Ms. Lang responded in the first recruitment there were internal candidates. One of the major things to consider is the qualifications of the person and Ms. McGee brings the experience that Douglas County's needs to move forward.

Chairman Johnson asked Mr. Ritchie if they could vote down the salary but show her we want her. Mr. Ritchie responded yes the Board can do that.

Mr. Ritchie asked that the Board give some direction to Ms. Lang and if candidate insists then they can bring it back.

MOTION to deny the hiring of a new Chief Technology Officer at an annual salary of \$102,450 which is \$2651 above the mid-point of the salary range and direct staff to go back and negotiate a new salary;

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RESULT:	DENIED [UNANIMOUS]
MOVER:	Steve Thaler, Board Member
SECONDER:	Nancy McDermid, Vice-Chairwoman
AYES:	Johnson, McDermid, Lynn, Penzel, Thaler

DISTRICT ATTORNEY

3. For possible action. Discussion to approve submission of the Redevelopment Plan for Redevelopment Area No. 2 within the Lake Tahoe Basin area of Douglas County and the accompanying report and proposed redevelopment rules from the Douglas County Redevelopment Agency pursuant to NRS 279.578. (Zach Wadlé)

Zachary Wadlé, Deputy District Attorney provided background information on this item. This is the next step in forming the Redevelopment area. Mr. Wadlé explained that under Nevada Law there needs to be findings of blight to create a Redevelopment Area. He asked the Commissioners to review the Blight Study; Economic Feasibility Study; projections of possible tax increment the project could generate and what future projects could come about. Mr. Wadlé discussed the Tahoe Douglas Fire District's concerns about not having enough additional tax revenue to cover increased public service costs. County staff and property representatives in the RDA have discussed this concern with Tahoe Douglas Fire. There are mechanisms under Nevada Redevelopment Law to address this issue. One possibility is the RDA paying money to taxing agencies in lieu of property taxes for property the RDA owns; another possibility is to require purchasers or lessors of property within the RDA to pay for increased public service costs created by redevelopment projects through purchase or lease conditions that would be negotiated through the Redevelopment Agency. County staff and property owners within the RDA are committed to dealing with the issue.

Commissioner Lynn asked about the language on page 217 of the packet regarding building permits. Commissioner Lynn wanted to know if the Redevelopment Agency would have to approve any remodels done. He asked if this was standard Redevelopment Agency language or a caveat we are imposing ourselves. Mr. Wadlé responded he will look into language and if it's over broad and can be narrowed down they will take care of that.

Commissioner Penzel commented the big issue is the tax increment. He felt it is not well defined. He asked if the tax increment was only on new properties; rebuilt or remodeled properties or is it on all buildings in the RDA. Mr. Wadlé responded the tax increment is on all properties within the RDA to the extent that any property within the RDA that appreciates in property value once the RDA is formed. That increment above the base value will go to Redevelopment Agency for redevelopment purposes.

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Vice Chairwoman McDermid asked Mimi Moss, Community Development Director if the Board looks at building permits in the Valley. Ms. Moss responded no you do not. Vice Chairwoman McDermid commented most of the RDA No. 2 is in the South Shore Area Plan. Ms. Moss responded yes that is correct. Vice Chairwoman McDermid asked hasn't that already been approved by TRPA. Ms. Moss responded TRPA reviews certain projects and Douglas County reviews certain projects based on whatever the Regional Plan requires in the Code.

Chairman Johnson asked Mr. Wadlé if they could remove that section on page 217 regarding building permits. Mr. Wadlé responded he wants to research it first and if it's not required they will remove it.

PUBLIC COMMENT

Mike Bradford, STAR Representative stated STAR is interested in transformation of the Tahoe region. From what has been a gaming driven economy to an outdoor recreational tourism economy there are two important projects: The Loop Road and the other is a year round entertainment venue. They are concerned about keeping all the services in place and well-funded. Mr. Bradford explained STAR recognizes that the Redevelopment Plan could have an economic impact on Tahoe Douglas Fire which in turn could affect public safety. STAR is committed to working with Douglas County and other stakeholders to insure that Tahoe Douglas Fire receives sufficient funding to pay for additional or increased services and that public safety is not compromised. He urged the Commissioners to support the RDA.

Public comment closed.

MOTION to approve the submission of the Redevelopment Plan for Redevelopment Area No. 2 within the Lake Tahoe Basin area of Douglas County and accept the accompanying report and proposed redevelopment rules with the exception of looking at building permits or anything that is not required by NRS that might be onerous to the Redevelopment Area from the Douglas County Redevelopment Agency pursuant to NRS 279.578; carried

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

4. For possible action. Discussion to Introduce Ordinance 2016-1456 approving and adopting the Redevelopment Plan for Douglas County Redevelopment Area No. 2 (1st Reading). (Zach Wadlé)

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Zachary Wadlé, Deputy District Attorney explained the last step in creating an RDA is the Board's adoption of an ordinance formally creating the area adopting the Redevelopment Plan. The content of the ordinance is dictated by Nevada Law and the ordinance that is before the Board complies with all State Laws.

No public comment.

MOTION to Introduce Ordinance 2016-1456 approving and adopting the Redevelopment Plan for Douglas County Redevelopment Area No. 2; carried

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Greg Lynn, Board Member
SECONDER:	Nancy McDermid, Vice-Chairwoman
AYES:	Johnson, McDermid, Lynn, Penzel, Thaler

DOUGLAS COUNTY LIQUOR BOARD

F. For possible action. Discussion regarding the possible imposition of liquor license sanctions on licensee Golden Gate Petroleum of Nevada LLC / Golden Gate Gas located at 1485 Grant Avenue Gardnerville, Nevada 89410 for a second violation of selling alcohol to a minor within a two-year period. (DCSO Sergeant Pat Brooks)

Sergeant Pat Brooks, DCSO provided some background information on the alcohol compliance checks done with businesses that have current liquor licenses within Douglas County. Golden Gate Petroleum was subject to two alcohol compliance checks on September 25, 2014 and October 6, 2015 at that time the employees responsible for selling alcohol to a minor were issued citations. They went through court process and they either pled or were found guilty. After that process that's when the Sheriff Department subjects the business to some type of sanctions.

Zachary Wadlé, Deputy District Attorney stated under County Code the process for the Liquor Board to review these types of violation is for the Sheriff's Office to present the violation but they cannot recommend any type of sanctions. What the Liquor Board has done is set a policy on possible sanctions. Sanctions on a second violation are have sales clerks get recertified within 30 days from the date of the sanction by the Board.

No public comment.

Commissioner Lynn commented the list of business with violation is large. Sheriff Ron Pierini, DCSO responded there are a lot of violations this time.

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Jeff Kutz, District Manager of Golden Gate Petroleum stated they have already re-certified employees; replaced the cashier that sold the alcohol; the store manager and the district manager.

Sheriff Pierini explained to Mr. Kutz it is critical to not have another violation within the next two years.

MOTION to have all the employees of the Golden Gate Petroleum of Nevada LLC/Golden Gate Gas located at 1485 Grant Avenue Gardnerville, Nevada 89410 be certified within 30 days and to have proof of that recertification of all employees for the Sheriff; carried

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

G. For possible action. Discussion regarding the possible imposition of liquor license sanctions on licensee Walgreen's located at 1342 N. Hwy 395 Gardnerville, Nevada 89410 for a second violation of selling alcohol to a minor within a two-year period. (DCSO Sergeant Pat Brooks)

Sergeant Pat Brooks, DCSO provided some background information on the alcohol compliance checks done with businesses that have current liquor licenses within Douglas County. Walgreen's was subject to two alcohol compliance checks on September 25, 2014 and October 6, 2015 at that time the employees responsible for selling alcohol to a minor were issued citations. They went through court process and they either pled or were found guilty. After that process that's when the Sheriff Department subjects the business to some type of sanctions.

Zachary Wadlé, Deputy District Attorney stated this is the same situation as the previous item.

No public comment.

Debbie Tyse, Walgreen's Store Manager stated they already have multiple policy and procedures in place including a two and a half hour alcohol on line training and a supplemental half hour training. Sheriff Ron Pierini, DCSO stated its important all new employees go through the training and if they need help the Sheriff's Office is there help. Ms. Tyse explained they are implementing a new procedure that all new employees will be employed for at least 30 days before being allowed to sell alcohol.

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MOTION to have all the employees of Walgreen's located at 1342 N. Hwy 395 Gardnerville, Nevada 89410 be recertified within 30 days and the certification be given to the Sheriff's Office; carried

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

5. For possible action. Discussion to approve the imposition of liquor license sanctions on licensee Minden Gas LLC / Arco AMPM located at 1676 US Hwy 395 Minden, NV 89423 for a third violation of selling alcohol to a minor within a two year period. (DCSO Sergeant Pat Brooks)

Sergeant Pat Brooks, DCSO provided some background information on the alcohol compliance checks done with businesses that have current liquor licenses within Douglas County. AMPM was subject to three alcohol compliance checks on April 24, 2014, March 3, 2015 and October 6, 2015 at those times the employees responsible for selling alcohol to a minor were issued citations. They went through court process and they either pled or were found guilty. After that process that's when the Sheriff Department subjects the business to some type of sanctions.

Zachary Wadlé, Deputy District Attorney provided information on the sanctions imposed in the past on a third violation. Those sanctions are recertifying all clerks; 7 consecutive days within the next 30 days of no alcohol sales; and a \$2000 fine.

PUBLIC COMMENT

Carlo Luri is outraged as a parent that this is happening. He felt businesses selling alcohol should be held to a higher standard.

Cheryl Bricker, Director of the Partnership of Community Resources stated the Partnership has been involved for many years with the Sheriff's Department and the STOP Team to discourage underage drinking. One of the things they partner with the Sheriff's Office annually is a free opportunity for training to retrain or remind Retail Sales and Restaurants the importance of not selling to underage drinkers. Availability is the number one issue with underage drinking.

Public comment closed.

Sheriff Ron Pierini, DCSO explained they are trying to keep businesses in compliance. And they only way to do that is to continue doing the alcohol compliance checks.

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Ajay Goel, Owner of the Arco AMPM stated they try to stand to the highest standards. They have never had this problem before and they are doing their best to not let it happen again.

Commissioner Thaler asked Mr. Goel what he has done since the sting and up to today. Mr. Goel responded they trained their employees before this last incident and then they retrained them. The clerks now have to take an oath before they get to the register that they will not sell any alcohol without checking IDs and the clerks seem to be adhering to the oath.

Commissioner Thaler commented he believes the only thing that will affect change is the Board taking this seriously.

Vice Chairwoman McDermid asked Sheriff Pierini if the computer training was the same as the Sheriff's training. Sheriff Pierini responded they are very similar. Vice Chairwoman McDermid asked if having the training done by the Sheriff's Office is better than by computer. Sheriff Pierini responded he would like to see more people take the Sheriff's Office training but understands financially it is not always feasible.

Commissioner Penzel commented we are only attacking half the problem. There needs to be some education for kids and parents. Commissioner Penzel suggested closing businesses down for a day to retrain employees on selling alcohol to minors. Sheriff Pierini responded the best they can do is continue to do alcohol compliance checks quarterly. For years the Sheriff's Office received grant money to help pay the deputies overtime. The grants are no longer available so the money is being taken out of the Sheriff's Office budget. Sheriff Pierini felt this is such an important issue that they will continue doing that. The Sheriff commented they try not to hit the same places all the time.

MOTION to sustain the finding of a third violation of selling alcohol to minors by Minden Gas LLC/Arco AMPM located at 1676 US Hwy 395 Minden, NV 89423 and impose all employees be recertified by the Sheriff's Office and in conjunction with the Sheriff a seven consecutive days of no alcohol sales in the next 30 days be identified and a \$2000 fine; carried

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

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COMMUNITY DEVELOPMENT

6. For possible action. Discussion and update on the Burke Creek Restoration Project. (Erik Nilssen)

Erik Nilssen, County Engineer provided background information on the Burke Creek Restoration Project. Mr. Nilssen stated the project is a great project but it's all on property the County doesn't own. The County has worked with Mr. Bluth, owner of the Nugget to obtain some of his parking lot. The County is receiving Total Maximum Daily Load (TMDL) credits for this part of the project because they will discontinue allowing the parking lot to drain into a catch basin that connects to Burke Creek. Mr. Nilssen went on to explain that Burke Creek currently crosses property owned by Sierra Colina and the County needs to enter that property to restore the Creek to its more natural flood plain. The County has been working with Sierra Colina to acquire an easement. In the easements proposed by Sierra Colina there is some language that is risky for the County (Mr. Nilssen outlined the language in a Memo to the Commissioners included in their packets). Mr. Nilssen discussed the conditions set forth by Sierra Colina to obtain the easements. Mr. Nilssen understands why Sierra Colina is asking for these sign offs, they are protection they need but they are also protections that put the County at risk. Mr. Nilssen explained with or without Sierra Colina he can still get the TMDL credits however without Sierra Colina he wouldn't be able to do the stream restoration. The County has reached out to the Nevada Division of State Lands (NDSL) and the Forest Service. NDSL is in agreement that the draft easement language contains conditions that are burdensome and pose risk to the project. NDSL does not support moving forward with the part of the project that will require easements from Sierra Colina. The Forest Service didn't seem to have the same concerns as NDSL and they recommended to enter into the easement agreements with Sierra Colina. Mr. Nilssen stated if the County and Sierra Colina could not come to an agreement on the design then NTCD could not deliver the project and might have to return the money they have already received.

Vice Chairwoman McDermid asked if the County can do what they need to do without the easements. Mr. Nilssen responded for lake clarity yes but for the stream restoration no. Vice Chairwoman McDermid stated she is not willing to agree to all the conditions Sierra Colina is asking for. These conditions are: 1) final approval of the design to Sierra Colina; 2) anything that says they may revoke the easement; and 3) will defend Sierra Colina in a lawsuit. She stated she would agree to 4 and 5 if Sierra Colina is willing to drop 1, 2 and 3.

Commissioner Penzel disclosed for the record he is on the Board for NTCD; he has met with Jason Drew and he is familiar with the owners of Sierra Colina. Commissioner Penzel stated he understands both sides but he supports what Vice Chairwoman McDermid stated above.

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Commissioner Thaler also wanted to disclose for the record that he had met with Jason Drew.

Vice Chairwoman McDermid disclosed for the record she has been working on this project for a very long time so she is familiar with everybody and she is an alternate on the NTCD Board.

Jason Drew, NCE Engineering Firm stated Sierra Colina has been actively involved in looking at and proposing restoration on Burke Creek. They have been involved in negotiations regarding the easements with the County and the District Attorney's office. From Sierra Colina's perspective there are benefits in the full implementation of this project. Sierra Colina is open to discussing any objections the County has to the language regarding the easements but there needs to be an understanding the County is asking to come onto private property and construct improvements and its appropriate the property owner is protected. There needs to be equal risks.

Vice Chairwoman McDermid stated the language regarding being able to revoke the easement at any time jeopardizes the project and the County is not going to jeopardize the Burke Creek portion that provides us with TMDL credits. Vice Chairwoman McDermid wants this project done and if it's only on County land then it's only on County land.

Commissioner Thaler asked Mr. Drew if he thought they could work this out. Mr. Drew responded yes it is possible to work it out. If the County wants to make improvements on private property then the property owner needs to have some involvement in what's going to happen on the property.

Mr. Nilssen commented he thinks it can be worked out also but he can't risk the TMDL credits. It was Mr. Nilssen's understanding that Sierra Colina has been in agreement on what's going to happen to Burke Creek on the property.

Cynthea Gregory, Deputy District Attorney stated this is now a policy decision rather than a legal decision. Is the Board willing to accept the conditions as part of the risk for going forward with the project? Ms. Gregory commented both sides have worked diligently to try and come to an agreement.

Vice Chairwoman McDermid is concerned that if Sierra Colina stops project then NTCD loses money and the County loses their TMDL credits. The NDSL has said they do not support moving forward with the project that will require easements from Sierra Colina. She believes it makes the most sense at this time to proceed with the project on County land only and if Sierra Colina decides to agree to the language our District Attorney and County Engineer thinks is appropriate then we can move forward with the rest of the project.

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Commissioner Penzel wanted some clarification on the letter from NDSL. He asked if NDSL would fund the project if we got the easements.

Elizabeth Kingsland, NDSL stated if the easement issue could not be worked out NDSL will not ask for the money already received back. The County can move forward with the smaller project. NDSL will support a full project if the easement issues are resolved.

PUBLIC COMMENT

Andy Chisari commented his involvement with the County goes back about 20 years. He was on the Board of Directors and wrote the proposal for the first EIP. His proposal was accepted and ready to go until the lawyer and the County said it was illegal. The lawyer said you can't get public monies and projects on private land. Mr. Chisari became a Lobbyist and got the law passed that said they can do it. He believed this project needs to move forward.

Michael Pook, Project Manager for NTCD stated NTCD would prefer to implement the project working with Sierra Colina. Mr. Pook provided some alternative wording for the easement conditions. He believes this project needs to move forward and the sooner the better.

Public comment closed.

A short recess was taken to allow the parties to discuss the language and see if they could come to an agreement.

Doug Ritchie, Chief Civil Deputy District Attorney stated they had a productive discussion. Mr. Ritchie recommended the Board put in the Motion to allow the project to move forward as presented subject to the negotiations with the District Attorney's Office and staff. If they can't come to an agreement then the County will go forward just on County land. Mr. Drew confirmed Sierra Colina is in agreement with that.

Ms. Gregory stated she believes that summarized the discussions and they were looking for acceptance to be shown by a signed negotiated easement by January 31, 2016.

MOTION to give staff direction allowing the project to go forward on Burke Creek subject to negotiations with the District Attorney's Office and Sierra Colina that by January 31, 2016 there is a signed negotiated agreement on the easement and if not, then the project would go forward on County land only; carried

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

7. For possible action. Discussion on a request for a Planned Development Application (PD 15-002) for the following: 1) a Planned Development Overlay Zone; 2) a Tentative Subdivision Map to subdivide 18 +/- acres into 47 parcels for multi-family residential development, the smallest being 1,546 square feet in area and a 15.1 acre common open space lot; 3) a request for approval of a private road; 4) DA 15-083, a variance to improvement standards for the road right-of-way width (less than 60 feet) and roadway width (from 24 feet to 20 feet); 5) DA 15-082, a variance to improvement standards for intersection spacing; and 6) DA 15-084, a variance to reduce the useable open space. The subject property is located approximately 750 feet from the southeast corner of U.S. Highway 50 and Lake Village Drive within the R-073 SA1 (Special Area 1 of the Lake Village Area Plan) zoning district in the Tahoe Basin. The applicant is Steve Kenninger, manager, Sierra Colina, LLC. APN 1318-23-301-001. (Ted Kozak)

Ted Kozak, Associate Planner provided background information on the application; vicinity map; area map; proposed project; map of Proposed Planned Development; existing and proposed easements; onsite phasing plan; layout plan; home designs; requirements; proposed subdivision map; findings and recommendations; variances and site constraints; open space; Variance findings and recommendations along with the new conditions recently added.

Hope Sullivan, Planning Manager stated at the Planning Commission meeting there was a focus on the improvements at U.S. Hwy 50 and Lake Village Drive. Since the Planning Commission meeting staff has found out that TRPA can change their conditions without a public hearing which means staff using the TRPA conditions in effect today may not be the conditions in effect at a future date without staff knowing. The parties agreed that the improvements to the road would be done prior to recordation of the final map for Phase 2 (this has been recommended as a new condition). Ms. Sullivan went on to discuss the last condition concerning the trail easements. Ms. Sullivan read the TRPA conditions into the record. Ms. Sullivan listed the Plans that show the trails. Ms. Sullivan went through the staff report and the applicant's application pointing out all wording and conditions that relate to the trails. Staff is recommending its own independent condition rather than rely on the TRPA's conditions of approval because the easement is critical to implementation of the South Shore Area Plan Transportation System and it's on the Transportation 2015 Plan.

Jason Drew, NCE Engineering Firm provided some information on the project history. He then provided a site plan; diverse designs; design considerations;

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Phasing plan; PD findings; discussed timing of road improvements; open space and road width variances; intersection spacing variance; the prior Sierra Colina approvals and actions; summary of public benefits; and additional conditions that are not wanted.

Vice Chairwoman McDermid stated in order for the residence of Sierra Colina to be able to have access to the Transit Center there is going to have to be some kind trail; to be able to get up to the Kahle Community Center there is going to have to be some kind of trail access and one thing that is important in the Transportation Plan is identifying where those trails might be. The project was done at the Administrative level of TRPA. There was no public hearing where trail easements were called out as a condition of approval. Since it didn't go through a public hearing it puts it in a different category.

Ms. Sullivan stated staff did talk to TRPA to make sure they weren't inconsistent in terms of timing. Staff believes this condition is important to the implementation of the South Shore Area Plan Transportation components and it is in the Douglas County 5-Year Plan.

Cynthea Gregory, Deputy District Attorney stated she spoke with Mr. Marshall, attorney for the TRPA. This project went before the TRPA in 2009. It did not come in front of Douglas County. When the applicant said the trails were voluntary they were until it became a condition. Since that time the County has adopted the trails into the South Shore Area Plan Transportation Elements. Therefore to make the findings for a PD the first finding complies with the Master Plan. The County relied on the representation to the dedication in making Findings 1, 11 and 17. If the applicant goes back to the TRPA and request to modify the TRPA plan revision; TRPA is bound by the code that was in effect in 2009. Ms. Gregory apologized for the late introduction of this issue but she wanted to address the offer to dedicate now rather than come back in two years and have to address it then.

Ms. Sullivan commented the staff did utilize the dedication of that easement in make the findings.

PUBLIC COMMENT

John Porter thinks the project is wonderful and asks the Commissioners to embrace the project.

Bob Cook supports the project. It will help with fire hazards; storm water; increase assessed valuation; environmental and economic benefits. He hopes they can figure out the issues with the trails.

Andy Chisari stated Sierra Colina is trying to do everything right and he supports the project.

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Pat McCulla supports the project; likes the location and thinks it's worthwhile.

Erik Gavon, Fire Marshall stated they have worked with Sierra Colina on fire requirements and they support project.

Ron Blum believed the project has sustainability and is a good project. He supports project.

Public comment closed.

MOTION to approve the Planned Development (PD 15-002) for the following: 1) a Planned Development Overlay Zone; 2) a Tentative Subdivision Map to subdivide 18 +/- acres into 47 parcels for multi-family residential development, the smallest being 1,546 square feet in area and a 15.1 acre common open space lot; 3) a request for approval of a private road; 4) DA 15-083, a variance to improvement standards for the road right-of-way width (less than 60 feet) and roadway width (from 24 feet to 20 feet); 5) DA 15-082, a variance to improvement standards for intersection spacing; and 6) DA 15-084, a variance to reduce the useable open space based on the discussion and findings in the staff report subject to the recommended conditions but leaving out new condition 29; carried

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Vice-Chairwoman
SECONDER:	Barry Penzel, Board Member
AYES:	Johnson, McDermid, Lynn, Penzel, Thaler

COUNTY MANAGER

8. For presentation only. Presentation on a brief update by the Tahoe Prosperity Center on the Alert Tahoe Project and Tahoe Basin Indicators Report. (Heidi Hill Drum)

Heidi Hill Drum, Executive Director for the Tahoe Prosperity Center discussed the Tahoe Prosperity Center on the Alert Project and Tahoe Basin Indicators Report. She talked about some initial conclusions and rebuilding the Tahoe region.

Presentation only.

9. For presentation only. Presentation regarding the annual economic development performance indicators report. (Lisa Granahan)

Lisa Granahan, Economic Vitality Manager discussed the annual economic development performance indicators report. All categories are up; highlights; unemployment rate 2009-2015 is down; employment in DC continues to increase; since 2011 added 9 businesses; annual wages by industry; 11 new business in

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Main Street Gardnerville; Property crimes have decreased; building permits have increased; building permit values have increased; residential building permits have decreased slightly; graduation rate have increased. Expand business outreach.; how to help entrepreneurial enterprises.

Presentation only.

10. For possible action. Discussion to approve a Voluntary Separation Agreement with James R. Nichols, the current County Manager, for gross compensation of \$115,346.00, effective January 29, 2016. (Doug Ritchie)

Doug Ritchie, Chief Civil Deputy District Attorney explained that Mr. Nichols did not resign but provided notice of his intent to resign as County Manager. Mr. Nichols felt he was ineffective as the County Manager. Mr. Ritchie explained the Voluntary Separation Agreement. Mr. Ritchie thinks this is in the best interest of the County.

No public comment.

Commissioner Lynn commented the key phrase was in the best interest of the County.

Vice Chairwoman McDermid commented she would add by mutual agreement it was in the best interest of the County.

MOTION to approve the Voluntary Separation Agreement with James R. Nichols; carried

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

11. For possible action. Discussion on the possible selection of an interim County Manager, initiation of a search for a new County Manager, and confirmation of the range of compensation that will be acceptable to the Board of County Commissioners. (Wendy Lang)

Wendy Lang, Human Resources Manager stated she was seeking direction to initiate a search for a new County Manager and the possible selection of an Interim County Manager.

Vice Chairwoman McDermid suggested directing Ms. Lang and Doug Ritchie, Chief Civil Deputy District Attorney to contact Larry Werner and negotiate a contract for one year. Vice Chairwoman McDermid commented she is proposing Mr. Werner because he has institutional knowledge; he was the Interim County Manager; has

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experience and knowledge of the area and a vested interest. She'd like to see a one year commitment for stability reasons.

Commissioner Lynn commented not only does Mr. Werner have a vested interest, he's a known quantity. Commissioner Lynn suggested the negotiation be capped at a salary no greater than the one offered to Mr. Nichols.

Commissioner Penzel stated he does not support bringing Mr. Werner back. He believed we need to bring somebody up from within the County. Commissioner Penzel believes there are numerous people within the County they can look at. Commissioner Penzel was unhappy with the interim time Mr. Werner was here before. He'd like to see Ms. Lang put out a call to the County employees and see if anybody would like to apply.

Commissioner Thaler commented he thought it's going to be hard to find a permanent replacement within the next eight months because of all the changes coming at the end of this year. Commissioner Thaler stated he believed the County can do the hiring itself and not go with a headhunter this time.

Vice Chairwoman McDermid stated that is why she wanted a one year contract negotiated. It will give them time to get through the elections this year and to find a permanent replacement.

MOTION to direct Human Resources, Doug Ritchie and whomever else to reach out to Larry Werner to negotiate a contract for at least a year; not go above the previous County Manager's salary, if possible have it lower. **(This Motion was amended below)**

Commissioner Penzel thought having a one year contract is a waste of money. He suggested using the amount left from Mr. Nichol's pay to supplement the additional requirements of a current county employee. Commissioner Penzel believed it is important to show our current employees there is a road up and vetting can be done by a good Human Resources person.

Commissioner Thaler believed there is a systematic problem with what Commissioner Penzel said. He doesn't know if somebody would want to leave their current position on the off chance of getting the County Manager job. Commissioner Thaler is not opposed to Larry Werner. He commented the next phase of the search is to look internally.

Chairman Johnson recommended bringing Mr. Werner in at less than before. He felt Mr. Werner would understand because he knows how the employees feel right now.

Commissioner Penzel still believes a current employee is best.

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Commissioner Thaler asked Commissioner Penzel if Ms. Lang was to go out and query current employees to see if they are interested in the interim position and she finds nobody who is ready to do that would Commissioner Penzel agree to Mr. Werner.

Chairman Johnson asked if we need to have a Motion for an Acting County Manger until an Interim County Manager can be approved.

Mr. Ritchie stated the agenda item is fairly open. We do have an Assistant County Manager but because the budget is coming up the Board could select somebody for that short period time. Mr. Ritchie commented if the Board is inclined to have the County approach Mr. Werner that could probably be put on the first agenda in February.

Commissioner Thaler felt we could do both. Direct our Human Resources Manager to informally ask any current County employees if they are interested and approach Mr. Werner.

AMENDED MOTION to direct Wendy Lang, Human Resources Manager, Doug Ritchie and whomever else to reach out to Larry Werner to negotiate a contract for at least a year, not to exceed the previous County Manager's contract; carried 3-2

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

Vice Chairwoman McDermid recommends Mimi Moss, Community Development Director as the Acting County Manager.

MOTION to have Mimi Moss as the Acting County Manager, effective January 24, 2016, until a County Manager is under contract. Ms. Moss assumes both the responsibilities and authority of the County Manager including signature authority up to \$50,000; carried

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

No public comment.

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12. For presentation only. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended. 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 Thaler commented if anybody is interested in seeing the condition of the Carson-East Fork River please call Gary Iazi. He will provide a tour of both sides of the river.

CLOSING PUBLIC COMMENT (No Action)

No public comment

ADJOURNMENT

MOTION to adjourn;

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

There being no further business to come before the Board, the meeting adjourned at 6:31 p.m.

Respectfully submitted:

Doug N. Johnson, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer

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