

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

FEBRUARY 11, 2025

PRESENT:

**Alexis Hill, Chair**

**Jeanne Herman, Vice Chair**

**Michael Clark, Commissioner**

**Mariluz Garcia, Commissioner**

**Clara Andriola, Commissioner**

**Janis Galassini, County Clerk**

**Eric Brown, County Manager**

**Nathan Edwards, Assistant District Attorney**

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, County Clerk Jan Galassini called roll and the Board conducted the following business:

**25-0067      AGENDA ITEM 3 Public Comment.**

Mr. Terry Brooks recited an original poem about politics and employment regarding homelessness.

Ms. Maureen McElroy expressed her appreciation and support for the Washoe County Library System (WCLS). As a child, a young adult, a mother, and now a grandmother, its resources have continued to support and enhance the lives of her and her family. She said she was aware that County budget discussions were in progress and urged the Board to maintain the WCLS's funding. She recalled that one of the County's goals was to support senior citizens and noted the WCLS has supported her. She mentioned the WCLS subscribed to a learning program called *Mangled Languages*, which could be very expensive if an individual were to purchase it on their own. She explained that her library card enabled her to access the program remotely to practice her French for an upcoming trip abroad. She believed funding allowed the WCLS to provide invaluable, innovative, and free services and hoped the library system would remain fully funded.

Mr. Drew Ribar provided documents, copies of which were placed on file with the Clerk. He stated he supported funding the library and felt that having a good library, people, and services were important and brought value to the community. He believed there was a lot of waste in the library with tax dollars used for pecuniary interest. He wondered why tax dollars were spent on paying County employees to attend pride events and thought there could be Ethics Commission regulations regarding that. He thanked County Manager Eric Brown for opening the Cares Campus to allow the public to

visit the facility. He said he greatly appreciated the apology Manager Brown gave him at the Citizen's Advisory Board (CAB) meeting. He mentioned he wanted a good government without waste that was compliant with constitutional rights. He recalled that he previously spoke at a Board of County Commissioners' (BCC) meeting about librarians that altered public comment. He informed that the librarians wrote he did not want Drag Queen Story Hour (DQSH) in the library and that he wanted to ban books. He denied saying those comments and said the public record reflected the opposite of what he said. He explained that he had always said to let the drag queens read in the library, but he wanted the library to be open to the public like the law stated. He further stated that he never said to ban any books but to restrict children's access to adult books by placing them in an adult section. He believed everyone was entitled to their rights under the First Amendment and the Nevada Constitution. He felt it was important to use tax dollars for what they were intended for and not spend wastefully.

Ms. Alanna Fitzgerald thanked her commissioner from District 1 and the other Commissioners for their work. She noted budget discussions were coming up and wanted to revisit a previously discussed topic that she believed tied into the Washoe County Strategic Plan. She spoke about vulnerable populations, such as seniors, that she explained, also touched on the goal of service coordination across sectors to improve client outcomes. She addressed the memory care kits that she previously spoke about and how they helped her friend, who was in the early stages of dementia. She explained that she toured a memory care facility and shared the memory care kit information with the activity coordinator. She mentioned the coordinator was excited about the kits because many of the residents at the facility had issues with mental capacity. With the growing number of people who were aging and experiencing cognitive decline, she believed many people knew someone who could use those tools. She noted that there were a variety of kits with different subject matters across the branches of the WCLS. If a kit could not be located at a person's local library, she explained the kit could be sent there.

Mr. Oscar Williams, a resident of Reno, spoke about the appointment of the Registrar of Voters (ROV) and suggested that he wanted it removed from the consent items to allow for further discussion. He read Nevada Revised Statute (NRS) 293.387 and questioned whether the Board was informed of any clerical errors in the 2024 general election. He asserted there were 549 votes removed from candidate Sam Brown. He believed those votes were then put back by the ROV after the public discovered the votes were missing. He stated that the Secretary of State (SOS) issued a press release to explain that the error was a manual cut-and-paste error. He asked for clarification on whether the ROV had disclosed that error and how it was corrected to the Board. He thought the answer to that was important because candor and transparency were important issues. He stated he did not feel that the Deputy ROV had been transparent with the issues that had occurred.

Ms. Janet Butcher said that she had reviewed past County minutes, and although she admired Clerk Jan Galassini and her department, there have been a few entries that she did not feel were a full representation of her exact remarks. Recently, she attended a CAB meeting and listened to a presentation from Manager Brown about accomplishments, and she said he made a statement that the County was not in as bad of a

condition as the community thought. Ms. Butcher disagreed with that statement and said the County and State were in trouble and had budget issues. She stated that she had audited and reviewed several different counties from around the United States (US) a few years back. She questioned how Washoe County would sustain its current budget and whether taxes would be increased. She discussed visiting the Senior Center for lunch and said she disliked the food and would likely not return. She stated she felt that the elections were still horrible after many years. She addressed the library needing money and said the people spoke by voting no on Washoe County Question Number One (WC1).

Ms. Penny Brock displayed a document, a copy of which was placed on file with the Clerk. She mentioned that there was a new President, Donald J. Trump, and she said that he had issued executive orders, regarding Diversity, Equity, and Inclusion (DEI). She said that the President stated that DEI was dead and that it was to be removed from any federal agencies, and any entity that received federal funds would have that funding pulled, which she felt included Washoe County. She stated the Strategic Planning Meeting was held in January of 2025 and occurred after President Trump issued executive orders regarding DEI; however, DEI was mentioned throughout the new Washoe County Strategic Plan. She felt there had been time to exclude those portions of the Strategic Plan and that was evidence that President Trump and the department that handled DEI would have against Washoe County. She felt it would give them grounds to pull federal funding grants from the County. She wondered how those funds be made up in the current budget if funding were to be pulled. She said Manager Brown was asked about DEI at a South Valley CAB meeting, and he stated that DEI funding could not be pulled because it was needed for Title II and Title VI. She stated that those had nothing to do with DEI and she asked for an explanation of what the BCC was going to do about DEI. She said that Washoe County had a high-paid DEI Manager and felt that person should be let go. She wondered how the DEI Manager's salary would be paid and asked if the County would continue with DEI. She felt there could be potential lawsuits filed by residents and County employees demanding the County adhere to the federal law's DEI policies. She asked why the County was keeping DEI and recalled it was passed during former President Joseph Biden's administration in 2021. She said DEI was brought into public schools and health departments in 2021.

Mr. Steve Leddy, Vice President of the Fieldcreek Homeowners Association (HOA), expressed very strong support for the current Staff Report regarding the final resolution of the Arrowcreek sound wall. He said he spoke on behalf of the Fieldcreek homeowners and HOA board members who were in attendance, as well as those who were unable to attend. He said the matter had been ongoing for 19 years and agreed with Commissioner Clark that it was time to stop ignoring the problem. He believed it would only continue to cost the County and taxpayers more money. He expressed appreciation for Division Director of Engineering and Capital Projects Dwayne Smith, Media and Communications Program Manager Candee Ramos, and the Washoe County Engineering Department. He said their hard work and diligence resulted in the production of the Staff Report. He thanked the BCC for allowing the homeowners affected by the failures of the Arrowcreek sound wall to express their concerns. He felt the Staff Report was a fair and viable solution to close the matter once and for all, and he looked forward

to the BCC's decision. He hoped that the matter would move forward quickly toward a conclusion.

Mr. Cliff Nellis shared that there was a new administration that included President Trump. He stated the news reported that President Trump uncovered corruption in which billions of dollars were going towards Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) initiatives and kickbacks for the Democrat Party. He discussed the amount of money received by President of Ukraine Volodymyr Zelenskyy and possible kickbacks. He wondered about kickbacks in Washoe County and the rigging of elections over the past 15 to 20 years. He mentioned a concern about the need to clean up voter rolls and the importance of integrity regarding voting machines. He said he had not seen transparency within the vote counting room and did not know what occurred with the voting machines. He felt that there had been crimes committed by Nevada Attorney General Aaron Ford and the Secretary of State's Office and stated that there were threats made to local County Commissioners. He wondered what President Trump would think about that and said he had brought it to his attention. He mentioned that once local waste, fraud, and kickbacks were uncovered, people would be held accountable. He advised the Board to be careful and warned if corruption was found, it would lead to jail time. He said the public watched every move the Board made. He advised the Board to change their opinions on DEI because DEI taught children to hate white people. He mentioned the English were the ones who stopped slavery by sinking slave ships.

Ms. Trista Gomez discussed the budget and said the County was \$100 million over budget, which she believed was not a big deal to some people; however, it did not make sense to the taxpayers. She discussed the difference between a \$750 million budget and a \$1.2 billion budget and acknowledged some of that was part of the American Rescue Plan Act (ARPA) funds. She stated the capital expense had come up and there was an employee burden with funds not available anymore. She discussed the new development in the area and noted property tax was how the County received money for its programs. She thought development in the County was handled poorly. She informed that a report she received from a Public Records Request (PRR) mentioned there was not enough money for development and infrastructure. She said the report further stated that the personnel costs made up 65% of the County's budget, which she claimed were now at 80% of the budget, plus the cost of the Public Employee's Retirement System of Nevada (PERS). She stated that the individuals living in the valleys were suffering, and she did not feel that the safety of those residents was taken into consideration. She was concerned about frequent fatal accidents in those areas. She discussed the illegality of real estate comparable sales to get houses valued at a desired amount. She felt the way that Manager Brown's salary was calculated was not accurate or legal because it was calculated using salaries from California and Colorado. She mentioned that raising taxes, costs, and employee burdens made it harder for the residents and it made the County an undesirable place to live. She suggested having an agenda specifically for public comment.

Mr. Matt Hansen stated he was a Fieldcreek homeowner and submitted a document to be placed on record with the Clerk.

Ms. Pam Darr said she wanted to understand the legality of using taxpayer funds and what benefits there were for the Arrowcreek wall. She was concerned about the state of the economy and the accountability of spending. She stated that she felt that hard times were ahead, and changes were coming with a correction course. She mentioned some of her bills were at least \$300 more than the month prior, primarily the cost of her insurance due to the growth in the area and accidents. She shared that the price of gold rose to \$3,000 per ounce and thought that it was good since she had invested in it when it was low; however, it was concerning that the price of gold was that high. She recalled that before COVID-19 (C19) she had heard the County was on the verge of laying people off, but then the County received C19 money that prevented that. She believed the County should be careful and make wise decisions about where money was spent. She mentioned that she felt growth had happened quickly, and things were not kept as nice as usual. She hoped that everything would work out well for everyone.

**10:36 a.m.**     **The Board recessed.**

**11:00 a.m.**     **The Board reconvened with all members present.**

**25-0068**     **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown addressed Vice Chair Herman's and Commissioner Andriola's requests regarding horse boarding and zoning information. He indicated the Community Services Department (CSD) added the request to their workflow. He reported that Commissioner Clark's requested career training with the Reno Sparks Chamber of Commerce at the Cares Campus had been confirmed. He noted that the growth of the training program was explained after meeting with Reno Sparks Chamber of Commerce Chief Executive Officer (CEO) Ann Silver and that a suitable space had been located. He relayed that Ms. Silver was pleased with the progress. He addressed Commissioner Clark's request regarding the Volunteers of America (VOA) vehicle incident and said that staff confirmed there was not a fatality. He reported the incident occurred off County property and that information from the Reno Police Department (RPD) was limited.

Manager Brown indicated that Commissioner Clark asked about citizens' involvement when selecting a Registrar of Voters (ROV). He mentioned that staff provided information regarding community participation in recruitment and protocols. He noted that Commissioner Clark was provided with information regarding the County's work-from-home (WFH) policies and clarified that the County's policies did not fall under State or federal mandates. He disclosed that there were no plans to change the policy. He indicated that the 343 new employees that Commissioner Clark inquired about represented newly approved and refilled positions, which explained the high number. He said the hiring followed the established budget and policies. He commented that a Cares Campus tour was scheduled for Commissioner Clark the following day.

Manager Brown commented that Vice Chair Herman requested an insurance presentation following the concerns of the Los Angeles fire. He reported that a

presentation from the Nevada Division of Insurance was planned for March 18, 2025. He indicated that Agenda Item 12 pertained to the Golden Valley Artificial Recharge Program, Agenda Item 10 would discuss the Arrowcreek wall, and Agenda Item 13 regarded the appointment of the ROV. He said there were no openings on any boards or commissions. He noted that training had started for new board and commission members. He mentioned that 53 people attended training regarding the Code of Conduct and that 151 people were assigned to training for discrimination and harassment, workplace violence, and bullying. He communicated that about 37 percent had finished the training. He announced that another group of training modules would be released in March regarding ethics, Open Meeting Law (OML), and effective meeting management. He said the agenda did not support a meeting for February 18, 2025; therefore, the meeting was canceled.

Chair Hill appreciated Manager Brown's updates and asked for the whole Board of County Commissioners (BCC) to be included in follow-up emails to ensure they were all informed. She told Commissioner Clark that the discussion of BCC rules was agendaized for February 25, 2025.

Commissioner Garcia acknowledged that strategic planning and concurrent meetings had occurred, and she appreciated the staff and Clerk's Office for their hard work.

Chair Hill agreed with Commissioner Garcia's appreciation.

Commissioner Clark commended Chair Hill and Manager Brown for addressing his concerns. He noted that he had been asking for answers for two years, and he liked the new update format. He said that, in the future, he would be paying closer attention to the answers provided. He had concerns regarding radon testing at the courthouse a few weeks prior and said his question was not properly answered. He found out the radon tunnel had not been tested since 2019, and he asked for an updated test to be performed. He speculated that the test would not be time-consuming and asked if the tunnel could be tested and a follow-up report given. He hoped for detailed answers. He asked the District Attorney (DA) to give an update on the new federal guidelines, executive orders, and how it would affect the County.

Assistant District Attorney (ADA) Nathan Edwards informed Commissioner Clark that an attorney had been assigned to the request. He indicated that federal guidelines and executive orders were constantly changing.

Commissioner Clark asked ADA Edwards for an update when the information was available. He noted that Manager Brown said individuals could take a tour of the Cares Campus if requested. He mentioned that during the 83rd Session of the Nevada Legislature, Chair Hill noted an approximate reduction of homeless people in the community. He asked to see the documentation that supported Chair Hill's statement because the citizens he spoke to did not notice a decrease in homelessness. He indicated that he sent a letter regarding the delegation of \$250,000 to the Emergency Eviction Prevention Program of Nevada (EEPPN). He knew the program did great work; however, he reported that people had tried contacting the program and were met with a full voicemail

box. He was concerned that people who needed help were reaching out but not getting in contact with staff. He commented that Senior ResQ gave a regular account update and that he would like to see that done with the agencies and nonprofits the County delegated money to.

Manager Brown presented Vice Chair Herman and Commissioner Clark with certificates and pins for ten years of service.

**25-0069**      **AGENDA ITEM 5** Presentation by George Robison to briefly outline the purpose of Truckee River Flood Management Authority, their various functions and Capital Improvement Plan. (All Commission Districts.)

Mr. George Robison, Executive Director, Truckee River Flood Management Authority (TRFMA) conducted a PowerPoint presentation and reviewed slides with the following titles: TRMFA Introduction; Several Fold Mission of TRFMA; Why is there a TRFMA; TRMFA's Capital Improvements involve the Truckee Meadows Flood Project and other Targeted Projects; Riverside Area (TRFMA anticipating paying for construction costs Targeted Project; Home Elevation Areas; Wadsworth Bridge Mitigation (currently ongoing project); CIP Components Costs Forward Total; CIP Components Costs by year, and Financing.

Mr. Robison said it was discovered that there was a provision in the Interlocal Cooperative Agreement that TRFMA was supposed to annually update the Board of County Commissioners (BCC) on their Capital Improvement Plan (CIP). He apologized for neglecting to do that over the past 14 years, but it would be done going forward. He expected most of the Board knew something about the TRFMA. He mentioned the primary funding for the TRFMA, the 1/8 cent sales tax, was also used to build the Regional Emergency Operations Center and the training center by the Washoe County Sheriff's Office (WCSO).

Mr. Robison said the TRFMA had been working hard on improving the modeling and mapping of the floodplain, including updating the flood maps. He noted that the flood maps were currently with the Federal Emergency Management Agency (FEMA) and thought they would be completed the following year. Referring to the photo on the Several Fold Mission of TRFMA slide, he explained that the pictured site was located near Walmart and referred to as a risk levee and floodwall, which was used to stop breakouts and flooding in the Meadows area.

Mr. Robison reviewed the Why is there a TRFMA slide and explained that the red color showed what was removed from the floodplain by the Truckee Meadows Flood Plan, formerly known as the Local Plan. He noted that if everything in red was removed consistently, except for rare events, it could save the community over \$2 billion per flood. He mentioned the Truckee Meadows Flood Plan was the most significant work the TRFMA was involved in and said there were several studies regarding cost benefits. He informed that the Truckee Meadow Flood Plan had a positive cost-benefit, which was above one. The cost forward was around three, which he explained was very high and

meant the improvements the TRFMA made had a net economic benefit much higher than the cost of making the improvements. He stated that many projects could not make that claim.

Mr. Robison said TRFMA's capital improvements involved the Truckee Meadows Flood Project and other targeted flood-related projects with other agencies, such as the County, the City of Reno, and the Pyramid Lake Paiute Tribe. The slide titled TRFMA's Capital Improvements showed the main project, the Truckee Meadows Flood Project, which included seven projects. He noted that the Rock McCarran Project was currently being designed, and a community meeting was planned for March 12 at the McKinley Arts and Culture Center.

Mr. Robison explained that the Riverside Area slide showed a targeted project called the Riverside Area Project. He noted that the area was where the levee was not high enough, and many breakouts and flooding occurred. The project involved getting the levee to meet the Army Corp of Engineers (USACE) requirements and collaboration with the USACE, the Carson Truckee Watershed Conservancy District, and the City of Reno. He said the TRFMA was researching the possibility of funding the construction of the facilities that would keep the water out for up to a 50-year event. He explained the TRFMA did not try to go larger because it would have destroyed the continuity of the neighborhood. Mr. Robison informed there had been home elevation projects occurring in the Hidden Valley area since 2014.

Regarding the Wadsworth Bridge Mitigation slide, Mr. Robison said that the targeted mitigation project was to replace a bridge and improve its hydraulics in collaboration with Washoe County and the Pyramid Lake Paiute Tribe. He noted that the TRFMA had completed other mitigation and ecosystem restoration projects, but those were all dead costs at that point. He stated that new costs were coming in, which was typical with a CIP. He said the TRFMA wanted to keep the projects moving forward and hoped it could be done before any floods.

Mr. Robison reviewed the Financing slide and said the TRFMA had been strategically saving approximately \$62,000,000 in an investment account to minimize loan or bonding costs. He noted that a great deal of that money had been used recently, including \$17 million for a mitigation project agreement with the Pyramid Lake Paiute Tribe, design work for Vista Narrows, and the purchase of property. He said there was enough money in the investment account to cover the full cost of the Riverside Project.

Chair Hill mentioned that both she and Commissioner Andriola had the joy of serving on the TRFMA Board and shared her excitement regarding the projects that have moved forward. She asked if the TRFMA projects would be fully finished by 2028, if financing was approved. Mr. Robison stated the process was compressed due to the loan program and being deauthorized. He said the intent was to have everything finished and completely sealed off by 2030, which would be several years earlier than previously projected. He believed a potential problem that could slow the process down would be permitting; however, the team was working with the tribes, the United States Fish and



Wildlife Service (FWS), and United States Army Corps of Engineers (USACE) to speed that process up. He noted there were several productive meetings held that helped with permitting for Vista Narrows, which would benefit the rest of the project's permitting process. Chair Hill thanked Mr. Robison for his hard work on the presentation and for the updates he provided to the Board.

Commissioner Andriola thanked Mr. Robison and staff and said that the timeliness of his presentation was not indicative of the hard work that had been done. She noted that the red areas on the Why is there a TRFMA slide would essentially disappear, and the community would be protected. She stated that the project was a testament to Mr. Robison, the staff, and the community. She expressed praise to Mr. Robison for his handling of the TRFMA's financing. She noted there were often constraints with government agencies, such as the USACE, and believed he had assisted in removing those. She recalled the flood in 1998 and mentioned the community did not want to experience that again. She appreciated that the Vista Narrows project was approved for financing and would not incur a tax burden. Mr. Robison stated the importance of saving funds ahead of time so that the project used the existing budget. He believed it was important not to incur another tax or fee. He stated the TRFMA's focus was on the goal of the mitigation project. Commissioner Andriola said it was a great opportunity to help spread the information presented. She said the Board encouraged the community to understand the TRFMA's hard work and what it did to mitigate flooding, and she looked forward to future information. Mr. Robison said videos would be debuted at the meeting at the McKinley Arts and Culture Center and would appear on TRFMA's website and social media.

Commissioner Clark thanked Mr. Robison for a great presentation. He felt the public needed to be provided with the information in the presentation and hoped the County would distribute it. He stated that the presentation was filled with a lot of great information and materials, and it was important for the community to know how much hard work had gone into the project.

**25-0070**      **AGENDA ITEM 6** Presentation by Dr. Chad Kingsley, District Health Officer, to give an overview of Northern Nevada Public Health. (All Commission Districts.)

District Health Officer Dr. Chad Kingsley conducted a PowerPoint presentation and reviewed slides with the following titles: Northern Nevada Public Health Jurisdictional Presentation; NNPH: Snapshot; Amendment of Interlocal Agreement; District Board of Health; Public Health; Governance Overview; FY Strategic Priorities; 2. Healthy Environment; Recent Interventions;; Organizational Impact; NNPH Organizational Indicators; NNPH Programs & Services; NNPH Community Engagement; Fiscal Health; Budget: Snapshot; Revenue; Expenditures by Type; FTE by Division Year Over Year; Fiscal Projections; What we Know(ish); Fund Balance Projections FY 25-29; untitled document excerpt; Funding Efficiencies NNPH is implementing;; Current Funding Reduction Outcomes;; Questions?

Dr. Kingsley disclosed that he had been in his position for approximately ten months. He described that he undertook a review of the health district that he wanted to share with the Board of County Commissioners (BCC). He observed that Northern Nevada Public Health (NNPH) was a jurisdictional partner with the County pursuant to an interlocal agreement in 1958 that regionalized public health. He noted recent discussions locally about the regionalization of fire services and felt the regionalization of public health and Emergency Medical Services (EMS) were good examples of jurisdictional cooperation. He summarized that the purpose of his presentation that day was to provide a snapshot of NNPH, and he offered to present to the BCC twice each year to ensure accountability to the Board and constituents. He stated his desire to receive information from the Board about what metrics and updates they wanted from NNPH. He expressed his intention for NNPH to be accountable, resilient, collaborative, and capable of responding to public health needs in the community. He described public health as a two-sided coin of which he viewed public safety as the other side. He remarked on the importance of a good working relationship with law enforcement and fire services. He gave the example of a flood, during which the need to provide safe drinking water would arise.

Dr. Kingsley showed the *District Board of Health* slide and spoke about the structure of NNPH. He said the Office of the District Health Officer (ODHO) was his office and described that the County official on staff provided support for matters related to Nevada Revised Statutes (NRS). He said NNPH regularly undertook a Community Health Assessment (CHA), which was a three-year process. He reported that workshops were held with community partners to gather information and identify service gaps. Findings from the CHA informed the Community Health Improvement Plan (CHIP) which helped determine areas of focus for the following three years. He described the process was done in conjunction with Renown Regional Medical Center, which also undertook a CHIP every three years. He advised that the next cycle was starting. He noted that NNPH also participated in a five-year Public Health Accreditation Board (PHAB) process to ensure that they continued to meet recognized standards for the community. He said NNPH took fiscal compliance seriously and maintained operations in a low-risk environment. He explained that some divisions of NNPH oversaw services NNPH was required to provide for the community by mandate. He said there were often essential services missing from the community, and NNPH first looked to community health partners to fill those gaps. He reported that in many instances, NNPH was the last option to respond to unmet needs in the community.

Dr. Kingsley described that there were many different divisions within NNPH. He used the example of the Epidemiology and Public Health Preparedness (EPHP) division which, among other duties, processed reports on approximately 80 communicable diseases, including influenza and Respiratory Syncytial Virus (RSV), that were required to be reported by healthcare partners. He said that when a report was received, EPHP opened a case, which then had to be reviewed, inspected, and closed within 24 hours. EPHP also monitored hospitalization rates for those diseases and reported, investigated, and intervened as needed. He added that they sought to positively impact community health and reduce disease spread by providing education. He spoke about the Regional Emergency Medical Services Authority (REMSA), which he stated was a regionalized EMS system

that was distinct from fire services. He said NNPH and the District Board of Health (DBOH) had authority over EMS and helped to coordinate efforts. He said that with the regionalized method, there was one system in place, which was administered through REMSA. He revealed that the emergency preparedness focus for the year would be on earthquakes.

Dr. Kingsley spoke about inspections conducted by Environmental Health Services (EHS). He described that in addition to inspecting existing restaurants, EHS also oversaw permitting for new restaurants. He said they were involved in construction, including hotels and pools. He disclosed that there had been a 100 percent increase in the number of new pools built in the community during the prior three years. He explained the term *Vector* in his presentation referred to mosquitos, rabies, and other community health concerns EHS monitored. He said the public could seek a variance on any regulations developed by NNPH. He noted that variance requests for any State regulations had to be taken to the appropriate authority at the State level. He shared that NNPH was open to communication with any businesses or community members who felt they might need a variance from the DBOH. He mentioned other NNPH programs, including Women, Infants & Children (WIC) and Community Health Workers (CHW). He expressed his excitement about progress in the CHW program, which he described as a peer support network that was integrated within the medical care system to address the needs of individuals and groups in the community.

Dr. Kingsley outlined the scope of the Air Quality Management Division (AQMD). He said the division monitored air quality and, like EHS, was an integral part of the building process. As an example, he said the AQMD was involved anytime a building with asbestos was torn down. He advised that clean air improvements were being seen from decisions made by the DBOH approximately 20 years prior in relation to inversions that were typical for the area.

Dr. Kingsley observed that many NNPH activities, inspections, and regulations were mandated. He informed that all the mandates NNPH was subject to were unfunded, which he said was a challenge. He acknowledged the contributions of outstanding NNPH staff towards meeting that challenge. He spoke about the importance of prevention in public health and theorized that the breadth of prevention efforts was sometimes overlooked. He explained that NNPH operated from a federal, State, and County level when it came to prevention. He remarked that people never thanked NNPH for a mosquito bite that did not happen. He supposed that if people went out to eat and did not get sick, they did not associate the outcome with NNPH requirements. He emphasized the importance of upholding a standard in the community. He said that when a facility was built, established standards were in effect immediately to ensure that the facility could sustain itself and not cause harm. He described that NNPH worked with builders during construction and then oversaw all projects for the life of the building. He said each building was inspected once or twice each year, and NNPH worked with the builders as partners. He noted the positive effect of those efforts on economic stability and growth, along with longevity for County residents.

Dr. Kingsley displayed the *FY Strategic Priorities* slide and provided an overview of NNPH's governance. He showed the *2. Healthy Environment* slide as an example of the NNPH process management system and spoke about how division objectives were developed in relation to district goals. He said progress towards goals was tracked and reported at regular staff meetings. He showed the *Recent Interventions* slide and reported that improvements were being seen in community engagement, communication, and effectiveness in the environmental health domain, which he noted had been discussed a lot in the past few years. He thanked community partners for their grace and patience as NNPH implemented a new permitting process.

Dr. Kingsley showed the *NNPH Organizational Indicators* slide. He said staff were working towards making the information on the slide available to members of the public by posting it on the NNPH website. He described that each bar in the image represented a three-year trend. He noted that position vacancy was usually at 5 percent but was at 12 percent as of December 2024. He expected that rate to increase further and indicated that he would speak more about that prediction later in his presentation alongside the budget. He revealed that NNPH had initiated a 10 percent cut to help meet significant budgetary challenges. He reported they were already starting to see savings, and he projected the necessary reduction would be achieved through attrition over the next year. He disclosed that all positions that became available were evaluated to more positively and conservatively impact the budget. He affirmed NNPH was working to address and reduce the existing \$2 million shortfall in their budget. He showed the *NNPH Programs & Services* slide and spoke about trends displayed in the slide. He noted the growth that was demonstrated in the *Plan & building reviews completed* metric. He said that number represented an increase in restaurant permits and new businesses. He showed the *Budget: Snapshot* slide and explained that one side of the image depicted Community and Clinical Health Services (CCHS). He said staff divided their time among as many as seven grants and sometimes spent over an hour accounting for their time usage when filling out their timecards. He said the complicated NNPH budget mirrored the complexity of their grant funding.

Dr. Kingsley mentioned recent discussions that had been seen in the news about certain grants being paused. He divulged that NNPH would be heavily impacted by those decisions. He said the State did not have any public health funding; everything the State administered came from the federal government. He explained that if the Nevada Division of Public and Behavioral Health was not funded, County public health programs would stop. He remarked that the Nevada Governor, for the first time, put public health funding in his budget. Dr. Kingsley expressed his thanks for the recognition and inclusion and noted the funding was previously outlined in Senate Bill (SB) 118. He elaborated that the funding helped with programs, but a challenge remained if NNPH hired an employee with that money because it would create a fiscal cliff. He showed the *FTE by Division Year Over Year* slide and explained that the chart represented where NNPH staff were deployed. He reported that he used the figures to project how to properly grow and balance departments over the next five to ten years. He advised that, due to the planned ten percent reductions, decreases would be seen. On the *What we Know(ish)* slide, he noted that NNPH had sustained a flat budget of \$9.5 million since 2016. He said that, based on Cost-of-

Living Adjustments (COLA), the Korn Ferry compensation study, and inflation, there was a difference between the \$12 million expense projection and the \$9 million budget. He restated that he was working with the County towards reducing that gap. He surmised that all County departments were facing those challenges, and he stated his gratitude for the discussions that were occurring. On the *Fund Balance Projections FY25-29* slide, he pointed out that the funding decline seen in 2005-2006 was steeper than the current one. He said that just by the interventions NNPH had already done that year, they had slowed the decreasing fund balance trend depicted on his slide.

Dr. Kingsley displayed the *Funding Efficiencies NNPH is implementing*: slide and noted that staffing was already reduced by 5 percent for each department. He shared that NNPH had grant funding to perform divisional assessments about efficiencies and potential areas where cutbacks could be made. He showed the *Current Funding Reduction Outcomes*: slide and informed the Board that mosquito surveillance was discontinued to meet budget needs in other areas. He explained that the data NNPH had about previous mosquito locations would only inform trends for the next two years. He added that they still had grant funding to continue abatement efforts by helicopter but no longer had staff capacity to conduct mosquito testing. He advised that he was exploring opportunities to enlist help from community volunteers to set up NNPH mosquito traps and continue data collection.

Dr. Kingsley revealed there was 1.0 EPHP staff member for every 100,000 local residents, and opined that the ideal ratio was 1.8 staff per 100,000 residents. He said EPHP was able to respond to and track diseases within the community but did not have a strong capacity to respond to singular events. He provided the example of a bird flu case the prior day in the Fallon region that made national news. He reported that the Central Nevada Health District (CNHD) was responding well, but he cautioned that in the event of a larger outbreak, difficult decisions would have to be made about whether NNPH could loan staff to the CNHD or if they would have to stay focused on other disease management. He stated that NNPH was implementing a lean production model to help cut its budget. He elaborated that no overtime was available. He anticipated that NNPH would still be able to respond to and meet community needs but was trying to be as fiscally conservative as possible. He said CCHS had already made changes in response to the federal climate and expected more to come based on new directives from the federal government. He stated that was a challenge, but NNPH would respond appropriately. He conveyed that funding reductions would increase service time and limit the capacity of staff to respond. He revealed his concern about the ability of a reduced staff to adequately respond to singular events.

Chair Hill thanked Dr. Kingsley for his presentation, the information he provided, and his advocacy for public health. She stated her appreciation for how responsive Dr. Kingsley was to her regarding constituent concerns and questions.

Commissioner Garcia echoed Chair Hill's sentiments about Dr. Kingsley's outstanding responsiveness to constituents. She acknowledged it was sometimes difficult to navigate existing policies and practices, and she applauded his communication with

constituents and other organizations. She thought NNPH conveyed an important message about supporting the health of the entire population, not just individual constituents. She commended the work NNPH did to fill gaps in the community and discerned that it was an appropriate allocation of resources.

Commissioner Andriola thanked Dr. Kingsley for everything he and his staff did. She disclosed that she had recently replaced Commissioner Garcia on the DBOH and commended her for serving well in the role. She noted that the NNPH budget had essentially been flat since 2016 and opined that everything NNPH did was essential. She thought the entire County needed to think about what essential services were and cut back on anything that was not deemed essential. She spoke about the community impact of NNPH services like restaurant inspections. She emphasized the importance of fact-based information to prevent misinformation from taking hold. She supported leveraging volunteer groups to assist with services that were slated for reduction, like mosquito surveillance and abatement. She recommended engaging members of the Citizen Emergency Response Team (CERT) and theorized there were many other organizations that could be asked to help. She viewed mosquito abatement as important because of the disease transmission risk mosquitoes carried. She applauded NNPH staff for meeting with groups in the food and bar industry who expressed concerns about processes. She appreciated that responses to concerns shared in that meeting had already been implemented. She said that it was a testament to Dr. Kingsley's leadership and his understanding of good customer service. She believed that public health was at the top of the list of constituent expectations. She commended Dr. Kingsley on meeting with individuals in the construction industry and looked forward to learning what opportunities were found to help avoid duplicative, inefficient efforts. She asked him to speak about the Tuberculosis (TB) clinic. She noted she had heard concerns from constituents about the cost of the clinic, which did not seem to be warranted by the low number of active cases in the area.

Dr. Kingsley noted that TB was formerly called consumption and was serious enough in the past that it was included in the constitutions of Nevada, Arizona, and other Western states. He explained that the availability of different modes of transportation led to people traveling across the world and they sometimes brought back diseases that were previously assumed to be eradicated. He said the reason a new building was needed was that the TB clinic was housed in the old Medical Examiner's (ME) Office, which the County was in the process of selling. He added that the building was old and insufficient for the needs of the clinic. He described that there was only one room with the appropriate circulation conditions, referred to as negative pressure, to mitigate disease spread. He explained that American Rescue Plan Act (ARPA) funds provided the opportunity to invest in a suitable space. He understood it would be the first new NNPH building since the construction of the original building in the 1980s. He said the community need was evident and NNPH endeavored to meet that need with as little financial impact as possible. He supposed that if people were not thinking about a disease like TB, it meant NNPH was doing its job. He said a person could be exposed to TB and then carry it in an unactivated state for 40 years. He advised the disease was often activated when a person had an immunological response, severe burns, or diabetes. He informed that the County had active cases and saw an average of 5 to 7 active cases at any time. He mentioned that Kansas City

had recently experienced a major outbreak of 40 to 50 active cases and the financial impact to that community in treating the active cases was a challenge. He said treatment was slow.

Dr. Kingsley explained that in addition to active TB cases, there were latent TB cases that could be revealed through a skin test. He specified that the treatment of dormant cases took six to nine months and required daily medication. He articulated that public health undertook screening efforts to identify and treat people who were exposed to and had dormant TB. He noted latent TB was often identified in unhoused individuals. He described that NNPH was mandated to observe people taking the medication and had adopted a system to conduct those observations by phone. He mentioned that Clark County had an active case within the past two years that resulted in 300 to 400 school-age children being exposed. He recalled a similar incident during his time working in Mojave County. At that time, he said over 600 children were exposed to TB, and public health was mandated to pay for x-rays and skin tests for all of them. He cautioned that if the County did not actively monitor and address TB, outcomes could be worse. He affirmed that numbers were low locally and NNPH remained able to respond. He spoke about concerns he had about rising medication costs and provided an example of a TB medication that was \$2 per pill for each pill that was administered over six to nine months. He said those pills came from the national stockpile, but NNPH was no longer able to receive them and there were shortages coming. He remarked that he was quoted a price of \$100 per pill but had since been quoted \$6. He commented that the increase doubled the budget and observed that NNPH would not be the only health district dealing with increases. He planned to communicate his concerns to federal representatives to ensure they heard and understood the challenge.

Commissioner Andriola thanked Dr. Kingsley and asked him to share statistics on annual latent TB. Dr. Kingsley responded that there were 7 active cases the prior year and approximately 870 latent cases. Commissioner Andriola thought it was important to share that information. She thanked him for sharing and for being mission-driven and responsible from both a fiscal and customer service standpoint.

Commissioner Clark thanked Dr. Kingsley for his presentation. He speculated that when people thought about first responders and public safety, they did not usually include NNPH. He argued that NNPH was as important as any other first responder. He elaborated that monitoring water quality, air quality, food safety, and every other aspect of the work NNPH did was crucial. He approved of the old ME building being closed and he hoped money from that sale would go to the new TB clinic. He wanted to know when the County expected to close escrow on that property. He thanked Dr. Kingsley for the good work being done and theorized that NNPH impacted every citizen in the County in some way, which not every County department did. He noted that even visitors to the County who stopped to eat or get water were impacted by NNPH.

**25-0071**      **AGENDA ITEM 7** Presentation and Update on FY 25 Second Quarter Status Report for the Washoe County Regional Detention Facility to include security of the jail, conditions of confinement, staffing and medical care of inmates housed at the Washoe County Sheriff's Office and an update on the

camping ordinance, including but not limited to enforcement, outcomes, efforts to defer enforcement, and resource levels. Sheriff. (All Commission Districts.)

Washoe County Sheriff's Office (WCSO) Detention Operations Captain Andrew Barrett-Venn said there was a request the previous week for an update on the camping ordinance. He noted he had prepared a presentation for the fiscal year (FY) 2024 summary of statistics; however, he believed the camping ordinance was an important topic and said if the presentation on that went too long, he would postpone the presentation on the statistics. Chair Hill noted she would like to see how long the camping ordinance update would take. Captain Barrett-Venn recognized that when the Board of County Commissioners (BCC) and Sheriff Darin Balaam started the Homeless Outreach Proactive Engagement (HOPE) Team, Lieutenant Shatawna Daniel accepted the challenge to oversee the HOPE team and began the journey to get the ordinance passed. He noted that the message Lieutenant Daniel presented was that the WCSO understood it was asking for a new law, but it was also asking for the trust of the BCC and the public that it would use the ordinance in the spirit it was intended for. He explained that spirit was to get the resources to those who were most in need of it. He was humbled and honored that the BCC allowed the WCSO to implement the ordinance and use it for the good of the public. He introduced Sergeant Natasha Schuette, who took over for Lieutenant Daniel and currently oversees the HOPE team.

Sergeant Schuette conducted a PowerPoint presentation and reviewed slides with the following titles: 2024 HOPE Team Stats; End of World Cleanup October-November 2024; Before and After; Investigation Process; Updates; Thank you Any Questions?. She mentioned that contacts were made for the 144 housed individuals at Community Court. She indicated that diversions were at the individual's request for voluntary transport to a safe place of their choice. She noted that the Civil Section of the WCSO was responsible for evictions. She said that housing was provided to four individuals after the End of World Camp cleanup. She reported that the Community Services Department (CSD), Roads Department assisted the HOPE Team with three dump trucks, one front loader, and a crew of seven men, which removed 144 tons of debris from the End of World Camp. She communicated that the WCSO Inmate Work Program removed 7 loads of debris by utilizing their 14-yard trailer. She said the Roads Department would construct no camping signs in the area and that she was working with Call Before You Dig 811 to ensure the signs were placed in accordance with the ordinance and protected utilities.

Sergeant Schuette indicated that between steps one and two of the investigation process, there were multiple attempts to get individuals to work with the HOPE Team. She reported that the HOPE Team would contact the Detention Services Unit Deputy to coordinate with case management if arrests were made. She noted that a fire occurred in a homeless encampment that was handled by the fire department, but no criminal charges were filed. She commented that clean-up had been difficult due to access and safety concerns. She voiced that the Supplemental Security Income (SSI) Social



Security Disability Insurance (SSDI) Outreach, Access, and Recovery (SOAR) Program helped individuals apply for Social Security benefits at Community Court.

Chair Hill asked if there were any highlights regarding the jail statistics. Captain Barrett-Venn reported that there were no current quarter statistics, but their average daily population (ADP) was about 1,160. He mentioned that the ADP was 3 percent more than fiscal year (FY) 2023-2024.

Commissioner Garcia asked why the two individuals were arrested during the cleanup. She indicated constituents wanted to know if the WCSO arrested people for sleeping on the streets. Sergeant Schuette explained one arrest was made for trespassing on private property, per the owner's request, and the second for possession of stolen property.

Commissioner Andriola recognized Lieutenant Daniel for her work. She mentioned she visited the End of World Camp with Lieutenant Daniel and looked forward to visiting with Sergeant Schuette. She indicated that the End of World Camp was in her district. She believed that relationships between the HOPE Team and homeless individuals were important. She mentioned that the HOPE Team was not traditional law enforcement. She opined that the WCSO was full of trained professionals and that the traditional approach was not bad; however, the HOPE Team succeeded with their form of enforcement. She commended the work done by the HOPE Team and appreciated that choices were given to people. She looked forward to seeing the End of World Camp without devastation. She said there were petroglyphs in the area that should be preserved. She commented that Sustainability Manager Brian Beffort worked with her and the Reno Sparks Indian Colony to examine the area. She felt the discussion would not have been possible without the HOPE Team. She looked forward to seeing the upcoming trends and thought employment would be important to track. She wanted to highlight success stories because she assumed they would be beneficial.

Commissioner Clark supported the WCSO and thanked them for their good work. He referred to a report from the City of Reno that said the Reno Police Department (RPD) had made 2,658 interactions with people on the streets. He noted that 64 percent of those people declined services. He asked what it was like for the HOPE Team.

Sergeant Schuette thanked her case management team for their work. She noted that the HOPE Team tried to build a rapport with the people they interacted with. She thought their repetitive approach built a relationship and trust. She mentioned that their services were declined many times but that did not stop them from interacting with a person again. She indicated that repeat contact data was not tracked.

Commissioner Clark wanted to compare the agencies' success to understand the baseline and accuracy for the public. He wondered if the WCSO received the same level of declined interactions as the RPD.

Chair Hill believed the HOPE Team showed great work because they were a relationship-based enforcement agency. She was proud of the Hope Team's work and

wanted to ensure the BCC was not criminalizing homelessness. She noted the BCC's tribal partners appreciated the progress at End of World Camp. She indicated that everyone had the right to use public spaces; however, there had been potential risks to health and safety. She explained that the BCC was holding the HOPE Team to a high standard, and she appreciated the team taking on work with so much controversy. She asked for continued updates, so that the community understood the HOPE Team helped people. She noted that when one camp was cleaned, the people moved to another location. She wondered how the BCC could work regionally to ensure they were not impacting other communities when enforcement occurred. She noted she had attended a homeless conference a few years ago and reported that sometimes people needed a thousand contacts before they were willing to accept help.

Commissioner Clark did not wish to imply that RPD was not doing good work, but he wanted more information. He had heard that some homeless people did not want help. He mentioned that it might take many contacts for people to accept help, but he wanted to see what the community's feelings toward getting help were. He was disheartened when a large percentage of people did not want help when resources were available. He wondered how help could be made easier for people to ask for and accept.

Chair Hill looked forward to future discussions on how to support the HOPE Team. She was proud of the progress made in making people productive members of society. She was excited to take a tour of the End of the World Camp and hear additional updates.

Captain Barrett-Venn noted that it was up to the BCC if they wanted a presentation on the FY2024 jail update. Chair Hill confirmed that the jail update could be presented at another meeting since the information regarding Agenda Item 7 was in the backup material.

### **DONATIONS**

**25-0072** **8A1** Recommendation to: (1) accept various items donated totaling an estimated market value of [\$7,243.00]; and (2) accept donations from various donors to Washoe County Human Services Agency Child Protective Services Fund to support welfare activities in the amount of [\$24,396.10] retroactive for the period July 1, 2024 through September 30, 2024; and direct Finance to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

**25-0073** **8A2** Recommendation to: (1) accept various items donated totaling an estimated market value of [\$12,627.00]; and (2) accept donations from various donors to the Human Services Agency Senior Services Fund used to support seniors in our community in the amount of [\$220.55] retroactive for the period July 1, 2024 through September 30, 2024; and direct Finance to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

**25-0074**      **8A3** Recommendation to: (1) accept various items donated totaling an estimated market value of [\$17,274.00]; and (2) accept donations from various donors to Washoe County Human Services Agency Homelessness Fund to support welfare activities in the amount of [\$1,000.00] retroactive for the period of July 1, 2024 through September 30, 2024; and direct Finance to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

**25-0075**      **8B1** Recommendation to accept such generously donated funds in an amount estimated to be approximately \$32,400 from the estate of Jackie D. Diggle, to be used for the humane care and treatment of sick and/or injured, stray, abandoned, or at-risk animals; if accepted, authorize the Washoe County Treasurer’s Office to establish a temporary IRA liquidation account with U.S. Bank to receive donated funds; and direct Finance to make the necessary budget amendments. Regional Animal Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8A1 through 8B1 be accepted.

**CONSENT AGENDA ITEMS – 9A1 THROUGH 9E1**

**25-0076**      **9A1** Recommendation to approve a resolution supporting the use of State of Nevada affordable housing trust funds for a 142-unit affordable housing development identified as the “Afton Senior Housing” project within the City of Sparks. Community Services. (Commission District 4.)

**25-0077**      **9A2** Recommendation to approve an Amendment to Lease Agreement for the occupancy of Sober 24, consisting of 8,467 square feet, located at 1530 East 6th Street, Reno, Nevada, between Song Properties, LLC, and Washoe County, exercising an option to renew for a 36-month term commencing March 1, 2025, through February 28, 2028 [\$115,516.31 annually with a 3% annual increases], and adding an additional 36-month option to renew. Community Services. (Commission District 3.)

**25-0078**      **9A3** Authorize the Chair of the Board of County Commissioners to execute a Resolution declaring Washoe County’s intent to convey to Truckee Meadows Water Authority (TMWA), a joint powers authority entity created pursuant to a cooperative agreement among the cities of Reno, Nevada, Sparks, Nevada and Washoe County, Nevada, pursuant to NRS Chapter 277, approximately 479.774 acres of land commonly known as American Flats (APN 079-332-37 and 079-332-36), with a taxable total value of \$479,780, without consideration as authorized in NRS 244.284. If

ultimately approved, the conveyance would contribute to the OneWater Nevada Advanced Purified Water (APW) Facility, an initiative to diversify the region's water supply. TMWA is required to operate the property for civic purposes for the community on terms specified in the Grant, Bargain and Sale Deed and if the property ever ceased being so used, it would revert automatically to the county. Community Services. (Commission District 5.)

- 25-0079**      **9A4** Recommendation to approve an MOU that creates a framework for a cooperative effort to support common goals and interests in planning, design, and construction of the Lake Tahoe Path System (Bikeway) and associated facilities as identified in the 2019 Assembly Bill 84, Section 2.9. (AB84) and Chapter 480 of the 2019 Statutes of Nevada. This partnership will be known as the Tahoe East Shore Working Group (WG). The WG will serve to ensure coordinated planning, specifically directed towards the regional, interconnected, recreational shared-use Bikeway and associated facilities at Lake Tahoe. Community Services. (Commission District 1.)
- 25-0080**      **9A5** Recommendation to approve an agreement between Truckee Meadows Parks Foundation (TMPF) and Washoe County for the on-going upkeep and maintenance of the three disc golf courses within Washoe County Parks at Rancho, South Valleys, and Sun Valley Regional Parks in exchange for Washoe County waiving fees associated with up to six disc golf events per year, for the term of 5 years, commencing March 1, 2025 and expiring February 28, 2030, valued up to \$1350 annually (\$225/per event) and authorize the Director of the Community Services Department to sign the agreements on behalf of Washoe County. Community Services. (Commission Districts 2 and 3.)
- 25-0081**      **9B1** Recommendation to acknowledge receipt of the Interim Financial Report for Washoe County Governmental Funds for the Six Months Ended December 31, 2024 recognizing a total funds balance increase of \$31 million year-to-date and \$4 million year over year. This unaudited interim financial report is provided quarterly, in addition to the audited annual comprehensive financial report, to provide information on Washoe County's primary operating fund and accounts and identify significant variances between the years. - Unaudited Comptroller. (All Commission Districts.)
- 25-0082**      **9C1** Review and approval of revisions to the Washoe County Employee Lobbying Policy; State Legislature. The policy provides guidelines and requirements for all County officers, employees and contract lobbyists while engaged in legislative and lobbying activities with the State of Nevada Legislature and its members. The proposed revisions to the policy are intended to update the policy to conform with the requirements and definitions established in Nevada Revised Statutes (NRS) Chapter 218H - Lobbying, which has been revised several times since Board adoption of

\the current policy in October 2012. Additional revisions are recommended for form, clarity, and to remove gendered language from the policy. Manager. (All Commission Districts.)

- 25-0083** **9C2** Washoe County Federal Legislative Activity report for the fourth quarter of calendar year 2024 created in accordance with Washoe County Federal Legislative Principles and Lobbying Practices for the 118th United States Congress. This item provides a summary of federal legislative activities of county staff, contract lobbyists, and elected officials during the fourth quarter of 2024, including but not limited to contacts with the members and staff of Nevada’s congressional delegation on matters such as updates on federal lands bills, natural disaster events in Washoe County, the availability and affordability of fire insurance for Nevada property owners, the November 2024 general election, and possible requests for Congressionally Directed Spending for Federal Fiscal Year 2026. Manager. (All Commission Districts.)
- 25-0084** **9C3** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$11,325.00] for Fiscal Year 2024-2025; District 3 Commissioner Mariluz Garcia recommends a [\$10,325.00] grant to Keep Truckee Meadows Beautiful (KTMB) – a nonprofit organization created for charitable, religious, or educational purposes - for the purpose of supporting the organization’s continued partnership with HERO Environmental, who provided hazardous household waste removal for the Sun Valley Drop-Off in November 2024; and a [\$1,000.00] grant to Procter Hug High School - a government entity - to support the leadership class and their efforts to get the youth involved in the community; approve Resolutions necessary for same; and direct the Comptroller’s Office to make the necessary disbursements of funds. Manager. (Commission District 3.)
- 25-0085** **9C4** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$20,000.00] for Fiscal Year 2024-2025; District 5 Commissioner Jeanne Herman recommends a [\$10,000.00] grant to the Washoe County Sheriff’s Office (WCSO) – a government entity -- to support the North Valleys Cleanup Program and waste removal such as abandoned vehicles; and a [\$5,000.00] grant to Spanish Springs High School -- a government entity -- to support the Spanish Springs High School JROTC program; and a [\$5,000.00] grant to Truckee Meadow Fire Protection District -- a government entity – to support the cleanup of Quartz Lane and other cleanup projects; approve Resolutions necessary for same; and direct Finance to make the necessary net zero cross fund, cross function and/or intrafund budget appropriation transfers and disbursement of funds. Manager. (Commission District 5.)

**25-0086** 9D1 Recommendation to accept a Justice Assistance Grant award [amount not to exceed \$57,284.00, no County match required] as administered through the State of Nevada Department of Public Safety Office, Office of Criminal Justice Assistance, to cover the cost of ballistic helmets, ballistic plates, plate carriers and accessories for the Consolidated Bomb Squad, Special Operations Division, for the retroactive grant period of January 1, 2025 through September 30, 2025; authorize the Sheriff to retroactively execute the award document; and if approved, direct Finance to make the necessary budget amendments. Sheriff. (All Commission Districts.)

**25-0087** 9E1 Recommendation to approve the Refund of Surplus Assessment Funds pursuant to NRS 271.429 in the net amount of [\$189,491.32] for the twenty-seven (27) properties in Special Assessment District #29 - Mt. Rose Sewer Phase 1. (No Fiscal Impact to the General Fund). Treasurer. (Commission District 1 and 2.)

On the call for public comment, Ms. Penny Brock requested an explanation regarding Agenda Item 9B1. She noted that there was a budget deficit and questioned the increase of \$31 million to date and \$4 million year over year. She speculated the increase was why the Board of County Commissioners (BCC) was asking the Legislature to increase property tax caps and the consolidated tax (c-tax). She referred to Businessman Elon Musk and Dogecoin in Washington, D.C., and said Mr. Musk found fraud, waste, and abuse. She mentioned that the County was already receiving an increase of \$1.2 billion for a community with a population of less than 500,000. She referred to Ms. Janet Butcher's comments regarding researching other counties of similar sizes. She wondered if the County's Chief Financial Officer (CFO) could explain why the increase was needed when other counties were not spending as much.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 9A1 through 9E1 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 9A1 through 9E1 are attached hereto and made a part of the minutes thereof.

#### **BLOCK VOTE – 11**

**25-0088** AGENDA ITEM 11 Recommendation to: (1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the WCSO HU9 HVAC, PWP-WA- 2024-442 [staff recommends Mt Rose Heating & Air Conditioning, Inc., in the amount of \$1,629,000.00]; and (2) approve a separate project contingency fund [in the amount of \$81,450] for the total construction cost not to exceed \$1,710,450. The project is located at 911 Parr Blvd, Reno, Nevada, and the scope of the project is the selective demolition of existing HVAC equipment, ducts, controls and appurtenances and the installation of new HVAC systems equipment, devices and controls including modifications and extensions of existing utility services for

detention center housing unit 9. Community Services. (Commission District 5.)

There was no response to the call for public comment.

On motion by Chair Hill, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be awarded and approved.

**25-0089**      **AGENDA ITEM 10** Discussion and possible direction to staff regarding the disposition of a deteriorating 6-foot tall, 1,151 foot long, precast concrete-panel wall (concrete panel wall), located along the interface of the Arrowcreek Parkway within Washoe County right-of-way and along the rear-property line of 14 residential lots, beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane. The concrete-panel wall is located on Arrowcreek Parkway within Washoe County right-of-way and was constructed by Southwest Pointe Development in 1999 as part of the offsite improvements for the Arrowcreek residential development. Possible approaches include repair, replacement or removal with associated costs estimates ranging between \$75,000.00 and \$400,000.00 and considerations for the transfer of ownership from Washoe County to the abutting individual residential properties. Community Services. (Commission District 2.)

Mr. Dwayne Smith, Division Director of Engineering and Capital Projects, stated that the item was a continuation of an item from the previous year. He recalled that there were questions about the ownership of the wall as well as the development agreement with Southwest Pointe and the responsibilities that could exist within that agreement. He mentioned there was additional direction to continue to work with the abutting residents along Arrowcreek Parkway because the wall ran along the back of their lots. He explained that since then, there had been multiple meetings with representatives and the residents, and surveyors went to the site and confirmed the wall was on the County's right-of-way and belonged to Washoe County. Mr. Smith informed he spent an extensive amount of time re-reviewing the development agreement with Southwest Pointe, looking for any information that might have indicated that there was a responsibility on Southwest Pointe's part; however, that information did not exist. He said the County accepted the right-of-way and the infrastructure within the right-of-way.

Mr. Smith clarified that Washoe County did not own any sound walls in any other areas of the County, with one exception. He said the ownership was not a standard practice for the County, but the wall needed to be repaired. He believed the matter had reached a point where a resolution needed to be found to move forward. After some thought, Mr. Smith's recommendation was for Washoe County to repair the wall and transfer ownership of the wall to the abutting property owners so that the County would absolve itself from any future liabilities and responsibilities for the wall. He noted the proposed recommendation would bring that portion of the wall into conformance with the rest of the County's standard of practice for right-of-ways. If the Board chose that option,

Mr. Smith's recommendation was to bring back an agreement with the abutting property owners. He explained that, as part of the agreement, Washoe County would perform a boundary line adjustment that would move the wall onto the property owners' land and off Washoe County's right-of-way. He mentioned that the agreement would provide permanent access and would be an easement to gain access to the front of the wall so that property owners could maintain the wall moving forward. He stated the County would also include, at the request of the residents and confirmed with the legal staff, a collective covenant of ownership of the wall for all 14 abutting property owners. He clarified the covenant would be collective with each homeowner owning a 1/14th share.

Mr. Smith stated the work that Washoe County needed to do to repair the wall and bring it back to an acceptable standard would have to be done through a capital project, which meant he would return to the Board with a recommendation for funding. He mentioned that part of the agreement included a transfer of warranty, both a material warranty for the new wall panels that would be installed and a transfer of the warranty for workmanship. He informed the Staff Report was styled as a discussion in case the Board requested that the project take a different direction.

Commissioner Garcia was grateful that the presentation included all the information she needed. Although she had previously questioned ownership of the wall, after the presentation, it was clear.

Commissioner Andriola echoed Commissioner Garcia's comments. She also wanted to acknowledge the hard work and the ability to reach an agreement after 19 years. She thanked the team for navigating a challenging and complex topic and reaching a resolution.

Commissioner Clark wondered what the wall would have cost to build 19 years ago and emphasized the importance of taking care of these types of issues as soon as possible. He felt the matter should have been taken care of many years ago. Commissioner Clark wanted to let the taxpayers know that it was necessary to repair the wall because Washoe County owned the property and was responsible for repairing it.

On the call for public comment, Ms. Penny Brock asked for clarification if the wall was being repaired or replaced and wanted to know the exact cost since what was provided was a broad range and would have an impact on the taxpayers. She reminded the Board that due to the budget crisis, she felt it was important to be aware of the costs associated with the project. She asked to see any bids associated with the project since taxpayer funds were going to be used. She felt a responsible decision needed to be made.

Commissioner Clark noted that Ms. Brock brought up some important considerations and asked for additional information regarding the costs. He wanted to see the bids, options, and renderings before voting. It was understood that a fix was needed, but he requested additional information, such as how long it would take and how it would be fixed. Chair Hill explained that a portion of the motion included that it would not be decided at the current meeting, the details and neighborhood agreement would be brought



to a later meeting for further discussion. Mr. Smith stated the reason it was styled as a discussion was so that staff could return later with additional information that would include bidding and cost estimates as well as an agreement with the property owners so that a complete package could be presented to the Board. Commissioner Clark asked if the motion could be modified to reflect the information presented. Chair Hill commented that if Commissioner Clark wanted to present a modified motion, he was welcome to do so. Commissioner Clark said his concern was with the broad estimation of costs and wondered if there was any information that supported a more specific amount. Mr. Smith stated that information was brought forward in a prior presentation and the estimated cost was upward of \$400,000 to complete the appropriate repair to bring the wall back to an acceptable condition, which he explained was a condition that was reasonable to maintain and would perform as intended. He said that information was generated based on site inspections and reaching out to the material suppliers of the concrete panels. He opined the \$400,000 figure was a realistic figure. He stated that it was important to note that alternative options were investigated, and one option was to replace the concrete panel with wood panels, which was initially thought to be the lowest cost. However, based on the overall wall, the pilasters, spacing, sizing, and material types, the cost would have been more. He assured the concrete panels were the best and most cost-effective approach to repairing the wall. He clarified that the \$75,000 estimate received was to demolish the entire wall. He said the cost estimate to repair the wall, replace the panels, seal the existing and new panels, and paint the wall to bring it back to an acceptable condition for long-term durability was approximately \$380,000. Based on Mr. Smith's clarification, Commissioner Clark said he agreed with the motion.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be directed.

**25-0090**      **AGENDA ITEM 12** Discussion and possible direction to 1) affirm the November 14, 2023 adoption of Resolution R23-149 that suspended the Golden Valley Artificial Recharge Program (Artificial Recharge Program) participant fee collection from January 1, 2024, through December 31, 2033, continued minimal field activities in support of a groundwater injection permit, and required all Program participants to bring any past due accounts current through the processes identified in Ordinance 1548, or, 2) possible direction to staff to develop a plan to terminate the Artificial Recharge Program which includes consideration for monetizing and disbursement of all Program fund assets to the existing Artificial Recharge Program participants, total fund balance including water rights/credits sale estimated at \$1.2 million, and other related matters as required, or,

3) possible other direction to staff. Community Services. (Commission District 5.).

Division Director of Engineering and Capital Projects Dwayne Smith was called to speak by Chair Hill to discuss and introduce the details of the November 14, 2023,

adoption of Resolution R23-149 and the subsequent actions and results since the adoption, as well as to provide staff advice on further action for Board consideration.

Mr. Smith identified the requirements for staff stipulated within Resolution R23-149, which included implementation of a pause on all new invoicing for the Golden Valley Water Recharge Program (GVWRP) participants for ten years, continuation of limited fieldwork, which included data measurements of water levels and quality in support of a permit between Washoe County and the State of Nevada, continued maintenance of the predictive model that enabled staff to create the recommendations in support of Resolution R23-149, and coordination with delinquent property owners. He stated that the direction from the Board was clear to staff, despite concerns voiced by the community that staff had failed to adhere to Board direction. He noted there were questions from the community about the monthly fees paid prior to the approval of the resolution. Mr. Smith affirmed with the Board that no new invoicing had been conducted for any of the 598 Artificial Recharge Program participants, evidenced by the fact that the fund balance had not increased, with a slight decrease noted. He stated that field measurements had continued and were submitted to the State of Nevada as directed. Mr. Smith clarified that there had also been staff communication with participants with delinquent accounts.

Mr. Smith attested that since the most recent discussion with the Board regarding the Golden Valley Artificial Recharge Program, the initial 70 delinquent accounts had been reduced to only 28. He requested the Board choose to either affirm the direction given on November 13, 2023, provide direction to terminate the Artificial Recharge Program in its entirety through the monetization of program assets for dispersal of the fund balance to the 598 properties within the boundaries of the GVWRP, or give direction otherwise proposed by the Board somewhere in between the two previous requests. Mr. Smith clarified that the suggestion to request a new proposed direction from the Board was made in consideration of the 28 outstanding delinquent accounts. Mr. Smith explained that matters of outstanding balances would typically be submitted to the Treasurer's Office after 3 months of communication with account holders but that they had worked with the 28 delinquent account holders for over a year, making a notable effort to bring the accounts in accordance per the requirements of the program. He attested that the process had been delayed so staff could directly collaborate with the program participants with delinquent accounts, as directed by the Board. Mr. Smith attested that 570 program participants had paid all fees and were current in their payments. He reiterated his request for the Board to decide on further action and provide staff with direction.

Chair Hill opened the discussion to Commissioner Clark and noted that he had requested that this discussion be reintroduced before the Board for further consideration. Commissioner Clark recognized that most GVWRP participants had paid the owed fees and stated that those participants should not be penalized because a small portion did not pay delinquent fees. Commissioner Clark said that despite this

acknowledgment, he hoped to achieve equalization by removing late fees and issuing refunds to those who had paid the fees as requested.

Commissioner Clark stated that the previously mentioned equalization efforts would retain approximately \$600,000 to \$700,000 in the GVWRP fund, which could be utilized by Washoe County as needed for future investment. Commissioner Clark expressed that he hoped the issuance of refunds to every GVWRP participant would recompense them, as they had not received the service they paid for. He recognized that many GVWRP participants had not requested a total refund of their payments but requested an end to receiving bills associated with GVWRP, threats of late fees for delinquency, and a small refund. Commissioner Clark reiterated his desire to compensate the participants fairly by forgiving the balances of the 28 outstanding accounts and issuing refunds to all other GVWRP participants; he noted that enacting these efforts would leave half a million dollars in funds for Washoe County to utilize at a later date.

Commissioner Clark requested that Mr. Smith provide an approximate estimation of what funds would remain available after the issuance of all refunds, should that be the decision made by the Board. In response, Mr. Smith displayed a document, a copy of which was placed on file with the Clerk. He described the document and noted that it denoted the outstanding balance of all delinquent accounts. Mr. Smith identified that the account with the highest total delinquent balance had a value of \$1,022.09. In contrast, most delinquent accounts had outstanding balances of approximately \$460 or less, while several had delinquent balances under \$100.

Mr. Smith noted that he appreciated Commissioner Clark's effort to bring all accounts current. He stated that if partial refunds of up to \$1,000 were issued to the 597 program participants current on their payments, the balance in the fund account would be left at approximately \$82,000 after disbursement. He referenced the requirements stipulated in Resolution R23-149, including several research and maintenance directives that staff were committed to continuing over the outlined ten-year program duration. He noted that these directives operated at a cost of approximately \$30,000 yearly. He stated that if the disbursements of up to \$1,000 were enacted, the fund balance would not be sufficient for staff to follow the relevant directives from the Board. Mr. Smith reiterated that most program participants who had a delinquent balance owed a value of around \$465 or less. He suggested that with a reimbursement similar to that amount rather than one closer to the \$1022.09 owed by the single property owner with the highest delinquent balance, staff could maintain more accessible funds to continue necessary operational directives.

Commissioner Clark expressed his appreciation for the clarification given by Mr. Smith. Commissioner Clark attested that the money used for the refund disbursement would be money returned to participants for a service they paid for and did not receive, sourced from the program fund rather than the County's General Account. Commissioner Clark stated that he was open to suggestions from the Board for solutions that would satisfy the Program participants and leave funds for Washoe County to utilize

elsewhere. He noted that the Program may need to be reinstated in the future, but actions taken against delinquent account holders reflected poorly on Washoe County.

Commissioner Andriola requested confirmation from Mr. Smith that a disbursement to the program participants would not leave sufficient funds to provide the required services. Mr. Smith confirmed that statement to be true. Commissioner Andriola asked Mr. Smith how long the 28 delinquent accounts had retained delinquent balances. Mr. Smith responded that the term of delinquency for the account with the highest balance of \$1,022.09 exceeded multiple years but that the bulk of account holders with balances in the \$465 and lower range expressed concerns about the value of the program and reluctance to continue contribution at previous public meetings from around 2019 or 2020.

Commissioner Andriola asked if staff had communicated with the property owner with a balance exceeding \$1,000, to which Mr. Smith confirmed he had personally spoken with this GVWRP participant. Commissioner Andriola asked if there had been any indication in discussions with the property owner about whether they intended to pay the delinquent balance. She noted that the balance stuck out considerably compared to other delinquent accounts' balances. She inquired whether the homeowner had been notified that the Program had ceased. Mr. Smith stated that he could not speak about the exact thoughts of that specific property owner but noted that he had heard a wide range of discussions from program participants. Commissioner Andriola suggested that there was a cost of both time and money attributed to staff effort expended for continued communication for the collection of program fees and asked if there was any return on those costs or if it had been an effective use of taxpayer dollars.

Commissioner Andriola acknowledged that Program participants felt strongly enough about their positions not to respond to late notices for delinquent payments. She asked at what point the Board would consider forgiving the late notices without enacting refunds to ensure the fund balance remained sufficient to provide the services needed. Commissioner Andriola clarified that this was merely a thought she hoped to voice to the Board for deliberation.

Commissioner Andriola suggested that the administrative cost of overseeing the Program had likely accumulated and that there would presumably be little progress made in attempting to change the firmly held position of participants unwilling to pay fees for a service they did not feel they received. She expressed her belief that if they decided to forgive the delinquent balance of one participant, they would need to forgive all delinquent accounts. She acknowledged that forgiving balances for delinquent participants would penalize those who made consistent and regular payments and recognized that many more property owners opted to pay their fees consistently. She stated that clear boundaries would need to be set to find a solution and prevent spending more taxpayer dollars on rectifying the issue. She thanked Mr. Smith for answering her questions and said she would continue giving the issue more thought.

Commissioner Garcia read from the Staff Report submitted by Mr. Smith and mentioned the suggested termination plan outlined within the report. She asked if the

termination plan would end after the approximately \$30,000 in operational expenditures were done. Mr. Smith clarified that the recommendation for termination within the Staff Report referred to the recognition that water levels in the program boundaries had remained unchanged, particularly in areas of lower elevations. He stated that the findings within the Staff Report indicated a very low likelihood that the artificial water recharge would ever need to be resumed in the area. He attested that if recharge efforts began again, the process would need to undergo thorough reexamination to ensure equitable operations that considered the location of recharge wells and homes within the program boundaries.

Mr. Smith stated that monetizing the area's water rights and credits could be added to the fund balance. He said if these assets were monetized, the refunds to the 598 total property owners could be approximately \$2,000 each. He recalled discussions held last year where it was decided that field activities, such as taking water level measurements, would continue while water injection efforts would halt. He explained that if disbursement efforts were halted for ten years to complete the entire term of program maintenance with only the funds from monetizing water rights and water credits to cover operating and maintenance expenses, the remaining funds at the end of the term would be reduced to approximately half the current fund balance or less. He attested that it may not be as meaningful in nine or ten years when the program term ended to seek disbursement efforts.

Mr. Smith explained that during the public meetings held to discuss the Artificial Recharge Program, roughly 25 percent of residents hoped to terminate the program and receive a disbursement of funds contributed to the program. He stated that approximately 75 percent of residents wanted to keep the program operational and contribute the monthly payments or continue operations as the Board had directed. He said that discussions and time had reinforced to him the reasons for his recommendations in the Staff Report.

Vice Chair Herman asked for clarification on the program's annual operational cost, and Mr. Smith confirmed that it was approximately \$30,000 annually. Chair Herman posited that if research and maintenance efforts were conducted every five years rather than annually, the funds would likely last much longer. Vice Chair Herman remarked that the Board had yet to hear public comments.

Commissioner Andriola said she believed that the sentiment was to make things equitable for everyone. Commissioner Andriola proposed a suggestion for the Board to direct staff to develop a termination plan for the program for future consideration, which would include monetizing all Program assets for subsequent disbursement of all program funds, taking into consideration that those who were delinquent in their payments have the value of delinquency subtracted from the disbursement. Commissioner Andriola posed a hypothetical situation to demonstrate further what that action would look like in application and stated that the suggestion would provide a fair and equitable approach for both program participants who paid in full and those who owed an outstanding balance. She reiterated that the suggestion of directing staff to formulate a termination plan was made in consideration of the program's future.

Chair Hill acknowledged that public commenters signed up to speak and remarked on her appreciation for having had a robust discussion so that commenters could provide further input. She stated that she had seen many commenters online give recommendations to adhere to option one and that she looked forward to hearing the opinions of those who had shown up in person to voice their opinion.

Commissioner Clark voiced his agreement with the Board in their attempt to find a solution that would not penalize participants who had paid their bills promptly. He acknowledged the importance of similarly not punishing participants who decided not to pay in protest of not receiving the services they expected. He suggested that Washoe County should provide participants with a disbursement of \$1,022.09, with those who have outstanding delinquencies having the value of their outstanding balance subtracted from their refund. He asked Mr. Smith for clarification on how much of the \$1,022.09 owed was comprised of penalties. Mr. Smith responded that the balance of the referenced account only consisted of the delinquent monthly payments with no additional penalties or fees.

Commissioner Clark reiterated that his suggestion would be a fair solution that would leave money in the program fund for future use. He recommended those who were in favor of the program and wanted to contribute to it, could refuse the refund offered. He reiterated that those who want a refund should be offered it, and those with outstanding delinquent balances should have their disbursement refund cover the cost of their delinquency.

On the call for public comment, Ms. Elaine Hanford provided documents to be distributed to the Board, copies of which were placed on file with the Clerk. Ms. Hanford introduced herself as a retired geologist with a Doctor of Philosophy (PhD) in Geosciences. Ms. Hanford referred to the discussion made by the Board about achieving equity in Golden Valley. She stated that equity could not be achieved in Golden Valley, as geology controlled the hydrology of Golden Valley, and the local geology could not be changed. Ms. Hanford expressed her disagreement with what was indicated on the Staff Report regarding the collection of fees for the program. She referred to the flat fee structure of the program as well as the costs associated with the volume of water injected. She opined that those who failed to pay the fees throughout the program had broken their contracts with Washoe County. She said fees were suspended under Resolution 23-64 and then continued under Resolution 23-149, which also called for the continued monitoring of groundwater conditions and the maintenance of necessary permits and water rights over the next decade. She mentioned the water rights component of the program ensured water would be available for injection to respond to conditions of natural or human-induced droughts. Ms. Hanford identified droughts as a common occurrence in Western Nevada. She stated that she expected human-induced drought within southern Washoe County due to the area's rapid economic growth. She mentioned that in the previous public meetings and surveys, most program participants expressed repeated support for continuing the program. She stated that the 28 property owners with delinquent payments continued to receive the benefits of the program, such as maintaining the property value and high water quality in Golden Valley.

Ms. Laurie Rodriguez expressed frustration with the behavior of program participants who refused to pay the monthly fees associated with the program. She stated that the property owners impacted by the program had been provided opportunities to communicate, question, and clarify all concerns with Washoe County staff through presentations and regular status updates. She stated that if there had been any genuine concerns with the program, many more participants would have brought them to the attention of Washoe County and the property owners' board. She affirmed that the overwhelming majority of property owners voted to continue the program in 2023 with necessary maintenance and permits, regular system checks, and consistent well monitoring. She recalled that during many well-attended public meetings to discuss options for implementing the program, there had been only one meeting where three individuals attended to express their desire to have the program ended and refunds disbursed to them. She acknowledged that one of these participants attended Board of County Commissioners (BCC) meetings regularly. Ms. Rodriguez opined that this individual received inappropriate preferential treatment from someone on the BCC to exonerate his debt. She voiced her frustration with the refusal of some program participants to pay their debts. She stated that those who paid the monthly fees contributed the money to ensure an uninterrupted water supply, not to exonerate the debts of those who were non-compliant. She expressed disagreement with the option of selling water rights to cover participants' outstanding balances and opined that matters regarding the program should have been deferred to the representative of their district, Vice Chair Herman. She expressed disappointment in those who reintroduced the program to the Board for Commissioners to consider termination. She stated that she believed these individuals were harming the community of Golden Valley and did not represent their wishes, as indicated by how the community voted for the program in 2023. She concluded her statement with a request to leave the program unchanged.

Mr. Michael Rodriguez was called for public comment and informed the Clerk that he no longer intended to comment.

Mr. Cliff Conradt introduced himself as a lifetime resident of Golden Valley for ten years. He stated that he was a program participant who paid monthly fees on time and had voted to keep the program as it was. He affirmed that most participants had voted similarly. He opined that further deliberation on the continuation of the program had been a waste of time and that he believed the issue had already been solved.

Mr. Bruce Gruenewald stated his address in Golden Valley and noted that he and his wife were long-time residents of Washoe County. He expressed concern about the Board conducting additional meetings to deliberate on the program, as he had attended numerous meetings related to water rights, water concerns, and the Artificial Recharge Program in the past. He stated that the Board came to a decision two years ago, and two years before that decision, he had attended eight meetings run by Washoe County staff. He affirmed that these meetings had gone well and that numerous field professionals were present. Mr. Gruenewald stated that the program participants were well-informed and voted accordingly. He noted that three-quarters of the voters supported the program and paid the required fees. He referred to his previous experience on advisory panels and committees.

He acknowledged the importance of listening to meeting attendees but questioned why the Board would go so far to accommodate one individual. He stated that he viewed the program as an insurance policy for his home and would prefer guaranteed water availability in Golden Valley over a refund.

Ms. Francine Donshick stated her address in Golden Valley and informed the Board that she had been a long-time resident of the area. She noted that the program was essential and the primary reason for purchasing their property in Golden Valley. She attested that the program was an insurance policy for their home that guaranteed them an uninterrupted water source and maintained their property's value. She referred to the suggested termination of the program and the associated costs. She stated that any money saved from a program termination would not equate to the cost of infrastructure needed to replace the program should the wells no longer be satisfactory to meet the community's needs for water access. She asked the Board to consider reaffirmation of the adoption of Resolution R23-149.

Mr. Terry Donshick stated his address in Golden Valley and reflected on his experience with local water access and use in the past. He attested that if his well were to go dry because of terminating the program, he would lose access to water on his property. He referred to the depth of the well on his property and the cost associated with drilling to find alternative water sources, an option he noted he could not afford and would lower the value of property in the region. Mr. Donshick asked the Board to reconsider their options and reiterated his belief that the program termination would come at a significant cost to property owners in Golden Valley.

Chair Hill stated that she had little interest in relitigating the program and affirmed her support for the decision made by the Board in the past. She reflected on her experience living on a property in Washoe County with a well. She acknowledged that at the time, her family would have loved being a part of a similar program as water access had been a source of anxiety for her family.

Commissioner Clark acknowledged the community's concerns and attested that he, too, lived on a property supplied with water by a well. He stated that he had no intention of limiting the community's access to water and wanted to ensure program participants only paid for the services they were supposed to be provided. He recalled Mr. Smith said the wells were in the wrong place and if the program were to be done at the present time, it would not be done the same way. Mr. Smith confirmed that he would make it a requirement to conduct a rigorous study before re-initiating a new artificial recharge program that accounted for the current geology of the area. Commissioner Clark asked Mr. Smith whether the program would be conducted differently from how it was previously carried out if enacted again, which Mr. Smith affirmed. Commissioner Clark stated that the program may have made sense in the past, but it is no longer relevant or appropriate to charge for it based on the most current information provided.

Vice Chair Herman stated that she had attended many meetings with the community regarding the program. She acknowledged that most Golden Valley residents



had a lot invested in the program and viewed it as an insurance policy. Vice Chair Herman suggested that it might be best for the Board to extend the duration of the program. She mentioned that while the program may be operated differently if implemented again, it would cost significantly more to recreate. She acknowledged the work of the community and staff in creating and maintaining the program. She opined that affirming the adoption of Resolution R23-149 was the only fair option for the Board.

Commissioner Andriola expressed her appreciation for the time invested in the program and for those who attended the meeting to provide the Board with comments on the matter. She noted that the majority of the community had previously voted in support of the program.

Commissioner Andriola clarified that she did not want to waive fees for those who failed to pay what they owed. She stated that if something is owed, there should be recourse. She suggested that consideration should be given to providing staff with direction to collect payment for what is owed. She attested that the time and money spent enforcing and following up on payments was a sunk cost, and taxpayers were paying for the collection efforts. Commissioner Andriola attested that the program should stay intact, and that the money would need to be collected without expending excess resources. She stated that enforcing collection efforts without expending time and money would be difficult.

Commissioner Andriola asked Assistant District Attorney (ADA) Nathan Edwards if there was any legal recourse for the County if Program participants refused to pay their fees. Before ADA Edwards responded, Mr. Smith interjected to provide the staff's perspective on Commissioner Andriola's question. He noted staff had heard the Board affirming what the focus group presented as public comment. He reminded that staff was successful in bringing all but 28 people into conformance with the requirements of the program over the past year. He acknowledged Commissioner Clark's proposal for a disbursement of \$1,022, as well as Vice Chair Herman's belief that if that disbursement were made to all the program participants, it would significantly reduce the fund balance of the account.

Mr. Smith asserted there was a way to manage the remaining fund balance if disbursement were made to bring all participants to net zero. If the Board took that action, he noted that all participants but one would receive some level of refund, and the fund balance would be \$82,000. Mr. Smith attested that if staff significantly reduced the frequency of field activities from multiple times a year to only once per year, the cost to maintain the program would be considerably lowered. He stressed the importance of continuing to collect, monitor, and maintain the data they had collected over many years. Mr. Smith attested that the injection permit with the State of Nevada would not be continued if field activities were scheduled less frequently. He clarified that if the permit was terminated, the County could reapply and have another permit issued within 60-90 days. Mr. Smith stated that the model created for the program would be maintained. He reiterated that staff would be able to meet all stipulated program requirements for maintenance and fieldwork, which could be sustained with a decreased budget and limited

expenditure of staff efforts for re-evaluation of program operations at the end of the program term in 2033.

Chair Hill stated that she was not interested in the option of program termination but expressed consideration for the suggested comprise of adjusted efforts to monitor data, maintain the model, and continue essential program requirements to ensure Golden Valley residents would remain informed. Mr. Smith reiterated that he wanted to provide suggestions that would minimize staff time while maintaining the GVWRP and meeting the requirement of bringing equity to the program and satisfying the requests of GVWRP participants.

Commissioner Clark requested clarification on the timing of the last groundwater injection effort completed by staff in Golden Valley. Mr. Smith responded and informed Commissioner Clark that the most recent injection was done in the first quarter of 2016. Commissioner Clark asked Mr. Smith if, since 2016, there had been no need for further injection efforts, which Mr. Smith confirmed. Commissioner Clark clarified that he had no intention of dismantling program operations that would impact residents but hoped to end billing and issuing fees that charged program participants for services they had not received and had been billed for over nine years. In regard to the public commenters who voiced that he was not their commissioner, Commissioner Clark explained he was not seeking votes or pandering to any one individual. He stated he simply did not want to be associated with a county that was charging for services it was not performing. He further stated he did not want to be associated with a county that would foreclose on a person's home for \$1,000. Commissioner Clark expressed hope to put the issue behind them and move forward.

Chair Hill requested Mr. Smith help the Board craft a motion for his suggested compromise. Mr. Smith recommended, based on the input from the community and the Board, that the program stay in place as identified in the resolution from the previous year, that refunds and reimbursements be issued to bring all program account holders to zero, to terminate the recharge permit with the State to reduce staff time required to manage it, to reduce field efforts required for data collection to lessen staff time, and to minimize costs to help maintain the available fund balance after the disbursement. Chair Hill looked to the Board to confirm the staff recommendation was understood.

On motion by Commissioner Andriola, seconded by Commissioner Clark, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be directed as presented by Division Director of Engineering and Capital Projects Dwayne Smith.

**25-0091**      **AGENDA ITEM 13** Recommendation to accept the County Manager's recommendation to appoint Andrew McDonald as the Washoe County Registrar of Voters, effective February 11, 2025, with an annual salary of \$175,240; and, if approved, to direct the Washoe County Clerk within 10 days of February 11, 2025, to certify the new appointment of a Registrar of Voters to the Secretary of State's Office. This appointment is pursuant to

NRS 244.164. Voters. (All Commission Districts.)

Chair Hill asked County Manager Eric Brown if he had anything for the Board to consider for this Agenda Item. Manager Brown replied that while he did not have anything to provide for additional consideration, Washoe County Human Resources (HR) representatives were available if the Board was interested in comments on the appointment process. Chair Hill asked the Board if they had any questions or comments about the recommendation from Manager Brown.

Vice Chair Herman expressed her concern about the appointment. She reflected on the past procedure for appointing previous candidates as the Registrar of Voters (ROV). She stated that the Board of County Commissioners (BCC) had previously been given a choice to vote between three candidates after researching and interviewing them. She reiterated that the Board had previously directly voted on who was appointed.

Vice Chair Herman said that she had questioned the current procedure during the process and reiterated that the appointment procedure had been conducted differently than in the past. She stated that one Commissioner and a variable number of eight or nine County employees were involved. She affirmed that the panel agreed on one candidate in the first round of interviews. Vice Chair Herman noted that she would still vote for the candidate they had decided upon initially if the candidate was listed for the appointment recommendation.

Vice Chair Herman referred to writings from a document from Mr. Oscar Williams and stated her agreement with the contents. She reflected on spending the entire day of the election observing and watching what was happening and noted that she had continued to watch as the election proceeded.

Vice Chair Herman expressed uncertainty about whether they would need to reevaluate the current appointment procedure and return to the previous process. She expressed that she would like to see the appointment process returned to the way it was if the procedure and law allow it. She noted that she was unsure how that change could be enacted or why the decision to change the procedure had initially been made. She attested that she could not vote for the person listed for the appointment as ROV. Vice Chair Herman stated that the citizens of Washoe County deserved a very qualified candidate for the position. She expressed that she was afraid that the Board would not be doing their job properly if they did not consider the matter further for subsequent reevaluation.

Chair Hill thanked Vice Chair Herman for her comment and expressed her appreciation for Vice Chair Herman's involvement in the hiring panel. Chair Hill noted her belief that all Commissioners had previously participated in a hiring panel and asked Commissioner Garcia and Commissioner Andriola if they had. Chair Hill stated that she had also been on a previous hiring panel. She acknowledged that the Board had changed the policy for the appointment process in partnership with HR. She noted that she could not remember the exact date when the policy had changed but indicated that it occurred a few years ago. She said that previously, members of the Board were not part of the

interview processes. She stated that the Board now had a representative member from the BCC present as part of the interview process to better understand the background of things. She noted that she had desired to integrate more Board participation throughout the process, as the Board would ultimately make the appointment based on the recommendations made by the County Manager. Chair Hill reiterated her appreciation for Vice Chair Herman taking the time to participate and apologized that the panel's outcome was not what she wanted.

On the call for public comment, Ms. Penny Brock expressed her belief that the appointment recommendation was a crucial matter concerning election integrity. She emphasized that the decision would impact who was responsible for overseeing the elections in Washoe County in the coming year. She attested that a qualified candidate was needed. She noted that, based on the limited resources included in the agenda, there was little evidence that supported the ROV candidate as qualified for the position. She stated that while she was sure the candidate was nice, that did not qualify him to handle matters such as the public, budget, personnel, and State and federal election law, which require time. She reiterated that the attachment provided with the agenda was lacking and noted that she subsequently researched the candidate's previous employment background. She speculated that the candidate was likely phenomenal with information technology (IT) as the candidate obtained a degree in IT and worked in that field as an employee of the County of San Diego for 19 years. She noted that the candidate was made the Assistant ROV for the County of San Diego in 2022 and later worked for the Clark County Election Department in 2023. She noted that the candidate had worked as Chief of the Departmental Operations and Elections Division for four years before serving as the Assistant ROV for a year before serving as the Assistant ROV of Clark County. She stated that in the fall of 2024, he was hired as a part of the Washoe County elections department. She reiterated her belief that the candidate was not qualified and that there was no affirmation that the candidate had election law knowledge regarding how the elections should be run. She attested that the matter was complicated, and she had not seen anything that demonstrated that the candidate was informed of the election management guidelines or had obtained the same certification held by the Douglas County Clerk, who she noted was the only individual in the State of Nevada who held that qualification. She stated that she was tired of the chaos in the elections and wanted a qualified individual to run the elections. She recommended that Washoe County seek advice from the Douglas County Clerk and noted that she had received positive feedback regarding the operations of the 2023 elections, which she compared to those conducted in Washoe County. Ms. Brock referred to the interim ROV's compensation and ongoing litigation. She attested that things would need to be resolved.

Ms. Susie Vanness urged citizens to obtain copies of a complaint written by Mr. Williams by contacting her or their Commissioner. She stated that the complaint contained many provable violations from the previous Washoe County election. She noted that the candidate, Deputy ROV Andrew McDonald, had not addressed the violations described in the complaint. She mentioned the complex authority held by the executive branch to investigate state and local election law and attested that there would be federal oversight in Washoe County. She stated that while the United States (US) Constitution

appointed primary responsibility for election management, federal law still oversaw certain aspects. She noted the federal statutes stipulated by the Department of Justice (DOJ) that enabled them to investigate discriminatory voting practices. She elaborated that the DOJ held specific authority for investigating and enforcing federal civil rights laws that ensured equal access to the voting process and prevented voter suppression. Ms. Vanness stated that the Federal Bureau of Investigations (FBI) could investigate crimes, given there was evidence that such activities had crossed state lines and involved federal elections. She noted her mention of state lines and referred to collaboration done during classes regarding social security numbers. She stated that the Board would be hearing more about that later, as she did not have the time to elaborate on it despite her interest in telling them more. She stated that a federal investigation would be conducted in Washoe County. She suggested that the Board consider their votes carefully since their names were included. She emphasized that everyone involved in the last election, such as those who participated in the election administration, like the candidate, Mr. McDonald, were also included. She opined that the citizens should have been involved in the ROV appointment process and that an advisory board should have been held.

Commissioner Clark asked Vice Chair Herman to elaborate on the appointment process she had described to the Board while he had momentarily stepped away. He noted that she had mentioned her excitement for a prospective ROV candidate who had ultimately not received the appointment recommendation. He asked again for Vice Chair Herman to provide a further description of the process, as other members of the Board had not been allowed to attend.

Vice Chair Herman noted that the Board utilized a different process in the past ten years and that the recruitment had been the first utilization of a hiring panel. Vice Chair Herman recalled that approximately nine County employees, aside from herself, were present at the first hiring panel meeting. She noted that she had wondered how she had been the only Commissioner invited to participate, as she was unaware of the procedural changes at the time. She divulged that there had been three candidates that the panel deliberated over during the first meeting, including an unnamed candidate from Chicago with extensive experience, Mr. McDonald, and a candidate named Mr. Chris Anderson from Florida.

Vice Chair Herman stated that everyone on the hiring panel was excited about Mr. Anderson and voted unanimously to support his appointment. She noted that Mr. Anderson had received congressional awards for managing the elections he had overseen in Florida. She said she could not recall the particular county he had been involved with. She expressed her belief that Mr. Anderson had a very good understanding of what the County needed. She noted that Mr. Anderson did not belong to the political party she suspected many had sought a candidate from. She attested that after agreeing to choose Mr. Anderson as the prospective candidate for appointment, legal issues had been identified that complicated his candidacy for the position. Vice Chair Herman stated that she had been the only member of the hiring panel to uphold her vote in support of Mr. Anderson. Vice Chair Herman asserted that after discovering the presence of legal complications regarding Mr. Anderson's candidacy, the panel overwhelmingly supported Mr. McDonald's

appointment as ROV. Vice Chair Herman mentioned that comments were made about Mr. McDonald during the first meeting. She speculated that at that time, he was considered the second most qualified candidate compared to Mr. Anderson, with whom the panel had initially been very impressed.

Vice Chair Herman noted that she had likely omitted much detail from her account but was uncertain how much information was needed. Commissioner Clark confirmed that he had followed her narrative and thanked her before requesting that she continue. Vice Chair Herman reiterated that at the following meeting, all panel members, aside from herself, voted in favor of Mr. McDonald and against Mr. Anderson despite previously raised concerns regarding Mr. McDonald's qualifications. Commissioner Clark asked Vice Chair Herman to identify the other participating committee members or individuals in the room during the meeting.

Manager Brown suggested inviting HR staff to elaborate further on the hiring process. Commissioner Clark asked if the Board could not hear who participated in the committee. Chair Hill assured him that HR would address his question. She asked Vice Chair Herman if she was aware of the list of committee participants. Vice Chair Hill stated that numerous people were present, and she was unsure if she could recall the names of everyone who participated. Commissioner Clark asserted that his next question was whether the list of participants would be available for review by the Commissioners.

Ms. Julie Paholke, HR Manager, identified herself for the Board at the request of Chair Hill. She stated that she did not have the list of panel participants with her then, though she clarified that she would be happy to provide that information to Commissioner Clark. Commissioner Clark asked if the list of Washoe County staff on the hiring committee was available for public consumption for anybody to see. Ms. Paholke clarified that the list of participants was not public information. Commissioner Clark asked why it would not be made public when the committee was responsible for selecting one of the most important officers in the County. He further inquired how the committee had been comprised, selected, and who had appointed them.

Ms. Paholke stated that the second and final interview committee had been attended by Manager Brown. She stated that pursuant to the BCC's recruitment policy for appointing department heads that report to and are selected by the Board, a Commissioner had been invited to sit on the second interview panel. She stated that Vice Chair Herman participated in that interview as the Board representative. Ms. Paholke stated that HR selected individuals for participation in the panel based on their familiarity with the position or having been identified as subject matter experts. She noted that there were likely five or six other panel members.

Commissioner Clark asked if the panel members had signed non-disclosure agreements and if participants could reveal who they were. Ms. Paholke confirmed that panel members had signed non-disclosure agreements. Commissioner Clark asked if Vice Chair Herman violated the agreement by disclosing her involvement in the committee. Ms. Paholke deferred Commissioner Clark's question to Assistant District Attorney (ADA)

Nathan Edwards. Ms. Paholke noted that she had disclosed Manager Brown's involvement on the panel. Commissioner Clark asked ADA Edwards if there were any legal consequences for the disclosures made by Vice Chair Herman and Ms. Paholke.

ADA Edwards asked Commissioner Clark to clarify his question and inquired if the question Commissioner Clark had asked was if Commissioner Herman had violated the policy. Commissioner Clark confirmed his question and asked if Ms. Paholke had revealed anything by identifying Manager Brown as a participant. ADA Edwards stated that he was not prepared to conclude whether there was any violation of the non-disclosure agreement due to the information that had been divulged. He noted that it was likely less of a concern for a sitting Commissioner and County Manager to be identified than it would be for general staff. He attested that even if he had an answer to Commissioner Clark's question, he did not believe a BCC meeting was the best-suited place to provide his analysis of the situation.

Chair Hill asked Commissioner Clark to clarify the intention behind his question. Commissioner Clark noted that when he asked these types of questions, he did not expect an immediate response as there had not been a chance for them to be studied, but that they were questions that he would like to hear the answer to. He responded to Chair Hill and attested that he believed the citizens of the County deserved to understand who was responsible for selecting the ROV. Chair Hill stated that the Board had adopted a policy for hiring department heads who report directly to the BCC. She noted that the policy was public for citizens to consume.

Commissioner Clark mentioned Vice Chair Herman's account of indecision within the hiring panel and the implication that the reversal in the favored candidate resulted from partisan concerns. He thought it was important to look historically at how many times a person in a management position had made the wrong decision. Commissioner Clark indicated that he received a copy of a letter dated October 4, 2024, from the Office of the County Manager (OCM). Commissioner Clark reported that Interim ROV Cari-Ann Burgess reported to the County that her doctor assessed that she was ready to resume work. Commissioner Clark stated that the County had a long history of missteps in elections over the last four or five years regarding major national elections, which caused turmoil in the ROV Office. He urged that the Board think through decisions thoroughly before committing to them to end that cycle.

Commissioner Clark recited from a document and stated that he wanted to get the information on the record and receive an answer regarding whether it had been corrected. He stated that on September 27, the Deputy Registrar of Voters of Washoe County notified the Secretary of State that the necessary voter registration list maintenance had not been completed within the timeframe required by the law, which was contrary to what was reported to County management. Commissioner Clark stated that of the 48,205 address verification cards mailed in June of 2024, approximately 28,954 voters had failed to return the verification cards but were not designated as inactive by the statutory deadline. Commissioner Clark asked if these issues had been corrected since the election had ended. He attested that there were many cases where he asked these questions before the election

but that the constraints of federal law would not allow certain things to be done. Commissioner Clark reiterated his question and asked again if these things had been done since the election had passed. He noted that Mr. McDonald was employed with the ROV Office during that time and inquired once more whether the previously unresolved issues had been addressed. He believed Mr. McDonald was in a position to answer those questions. He stated that these were questions he wanted to have on the record.

Manager Brown requested that Chair Hill allow representatives from HR to provide the Board with an assessment of the hiring process. He stated that there was a reason why the events that had unfolded had taken place as they did. He again requested that Ms. Paholke provide the Board with a summary.

Ms. Paholke reiterated that HR had followed the BCC policy to recruit individuals who report directly to the Board. She stated that the recruitment was open for six weeks and that 36 candidates had applied for the ROV position throughout that period. She attested that of the 36 candidates, five met the qualifications for the position and were subsequently invited to the first round of interviews, pursuant to the BCC policy. She stated that one of those candidates withdrew, and the remaining four qualified candidates met with the first interview panel. She noted that following the initial interview panel, three candidates were recommended to proceed to the final interview. She attested that it was in the final panel interview that Vice Chair Herman had been invited to attend as the representative for the Board. She noted that the panel identified one candidate and proceeded to request a background investigation; ultimately, two background investigations were conducted on that candidate. Ms. Paholke stated that after a busy period surrounding the holidays, the panel reconvened to discuss the candidates further and ultimately came to the consensus to move Mr. McDonald forward as the ROV candidate.

Chair Hill suggested that if the department head recruitment policy was determined to need future alteration by the Board, consideration should be given to changing the policy so that background investigations would be conducted before interviews. She identified the failure to do so as a mistake made by management. Chair Hill mentioned that the process would require further consideration and acknowledged that, to her knowledge, Vice Chair Herman highlighted that as one of the issues that had arisen. She expressed that she believed they had been learning the importance of appointing the right candidate for high-profile positions in a large County located in a swing State with a history of swing results. She agreed with Commissioner Clark's desire to get the right candidate for the ROV position. She attested that she felt strongly that the County had made the best recommendation for Mr. McDonald as the right candidate for the position of ROV and stated her support for his appointment. Chair Hill expressed that she believed it was unfair to claim the decision had been made based on his affiliation with a political party, as Mr. McDonald had previously disclosed to the Board that he was a member of the Republican Party. She reiterated that if there were any necessary improvements to the department head recruitment policy and process, she believed that would be to conduct earlier background checks.

Ms. Patricia Hurley, Director of HR, provided background on the policy



referred to by Ms. Paholke and Chair Hill. Ms. Hurley stated that the policy that appointed new department heads went to the Board in February 2023 and attested that HR was actively involved in creating a process that further considered when background checks would be conducted during recruitment. She reminded the Board that the HR department must follow the law, which stipulated a specific period in which background investigations could be performed. She stated that HR staff would work in accordance with the law to ensure any new practices would operate in conjunction with both legal regulations and policy. She clarified that Ms. Paholke had not disclosed any sensitive information by identifying Manager Brown as a member of the hiring panel, as the department head recruitment policy publicly outlined that both the County Manager and a sitting Commissioner would be on the hiring panel.

Commissioner Clark referred to email correspondence between himself and the legal department where he inquired whether Ms. Cari-Ann Burgess, the interim ROV, was still being compensated as an employee of Washoe County. Chair Hill stated that the Board was not present to discuss that topic and requested that the Board move back to the topic of the ROV appointment. Commissioner Clark recited the response given by the District Attorney's Office, which indicated that the County could not presently comment on the matter due to an ongoing workplace investigation. Commissioner Clark questioned if appointing a candidate as the permanent ROV while the County was still compensating the interim ROV was fiscally responsible. He questioned how the County had restraints on expenditures but could afford to pay two individuals for what he stated was the same job. He noted that the response he received when he inquired about the interim ROV's compensation gave him the impression that the County was still compensating the interim ROV. He questioned how the Board could explain to their constituents the decision to approve the appointment of a permanent ROV with a significant pay raise while another individual was being compensated as the Interim ROV.

Commissioner Clark asked again whether Washoe County was still compensating the interim ROV. Chair Hill identified that ADA Edwards had requested to comment. ADA Nathan Edwards stated that the response to Commissioner Clark's question had already been given in the email correspondence, which he reiterated by saying that there was presently no comment to be provided on the matter. He elaborated on the matter and stated that there was an ongoing personnel investigation and pending lawsuit. ADA Edwards attested that if a permanent ROV were appointed, there would no longer be an interim ROV. He stated that the Board was not deliberating action on that at the current meeting. He repeated that there would not simultaneously be a permanent ROV and an interim ROV. He noted that in his experience, such a thing had never happened and that he believed it should not factor into the decision made by the Board.

Commissioner Clark thanked ADA Edwards for his response and stated that he was always looking for information to be put on the record so it could be revisited to respond to future questions if necessary.

Commissioner Clark expressed interest in making a final comment and stated that he would be unable to support Manager Brown's recommendation to appoint

Mr. McDonald as the Washoe County ROV. He clarified that he had nothing personally against Mr. McDonald. He stated that his decision was influenced by the response to his inquiry about the compensation of the interim ROV, which included mention of ongoing litigation. Commissioner Clark suggested that the response he received regarding the interim ROV's compensation indicated that the County had compensated the interim ROV since she was placed on medical leave, which continued after she had been placed on administrative leave, and that compensation was ongoing. He attested that, as a fiscal Conservative, he could not vote to support compensating a permanent ROV when an interim ROV was being compensated. Commissioner Clark stated that if the discussion were tabled until only one individual was being compensated for the role, he would support the appointment of Mr. McDonald as ROV.

Commissioner Clark mentioned the \$27 million deficit faced by Washoe County and attested that the general situation, in addition to relying on management, which he opined could not identify the right candidate for the position of ROV, was wrong. He suggested that consideration be given to choosing another individual to make recruitment determinations for the role, who could find a candidate to do the job properly with extensive experience and qualifications. He attested that over 4,000 counties in the US had an ROV and mentioned those who may be retired or second in command in other counties. He noted that he was glad somebody applied from a county in Florida. He reiterated that he wanted a candidate to be hired who was a subject matter expert with a long history of experience in the role rather than someone appointed to the role because they are well-liked.

Commissioner Andriola responded by asking HR representatives if, based on the outlined process, the three final candidates had all met the required final qualifications to be considered for the appointment recommendation in adherence with the recruitment process. Commissioner Andriola noted that she wanted to capture how HR felt about the candidates' qualifications on the record. Ms. Paholke confirmed that all three final candidates who were interviewed met the required minimum qualifications for the ROV position.

Commissioner Garcia thanked HR staff for following the recruitment process and thanked the individuals who sat on the review committee. Commissioner Garcia stated that she would like to recommend the motion.

Commissioner Andriola thanked all those involved in the recruitment and hiring process, including Mr. McDonald and the ROV staff, whom she attested had worked through many challenges. She noted their professionalism and reiterated her appreciation.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 3-2 vote with Vice Chair Herman and Commissioner Clark voting no, it was ordered that Agenda Item 13 be accepted and directed.

**25-0092**      **AGENDA ITEM 14** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, or by other entities permitted by the Nevada State Legislature to submit bill draft

requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Pending legislative bills can be located here: <<<https://www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bills/List>>>. Current bills the County is tracking that may be reported on or discussed are listed under Government Affairs at <<https://www.washoecounty.gov/mgrsoff/divisions/government-affairs/index.php>>. Due to time constraints inherent in the legislative process, a list of specific bills that staff will seek direction from the Commission on during this item will be posted on the web site under Government Affairs at <<https://www.washoecounty.gov/mgrsoff/divisions/government-affairs/index.php>> by 6:00 p.m. the Friday before the meeting. Due to the rapid pace of the legislative session, additional bills upon which comment may be sought from the Board of County Commissioners will be posted as soon as known. Manager. (All Commission Districts.).

Chair Hill thanked Government Affairs Liaison Cadence Matijevich for her work.

Ms. Matijevich indicated that specific bills had not been identified. She noted there had been a lot of media coverage during the second week of the legislative session. She mentioned that the budget process for the State had been rocky and reported that there were amendments delivered to the Governor's recommended budget, which she was still in the process of analyzing. She explained that if any possible impacts to the County were identified, they would be presented to the Board of County Commissioners (BCC). She commented that the National Association of Counties (NACO) was sponsoring Senate Bill (SB) 65 regarding medical examiners' public records. She said SB 65 had not been scheduled for a hearing. She noted that SB 73 was sponsored by NACO and pertained to the signatures of registered voters.

Chair Hill said she looked forward to Legislature updates in the coming weeks.

There was no public comment or action on this item.

**2:26 p.m.** The Board recessed.

**3:00 p.m.** The Board reconvened with all members present.

**25-0093** **AGENDA ITEM 15** Public Hearing: Master Plan Amendment Case Number WMPA24-0004 & Regulatory Zone Amendment Case Number WRZA24-0006 (Empire).

Consideration of the Planning Commission's recommendation to: (1) Adopt an amendment to the Washoe County Master Plan, High Desert Master Plan Land Use Map, to change the master plan land use designation on an ±11.55-acre parcel (APN: 071-120-11) from Suburban Residential (SR) to

Commercial (C); and if approved, authorize the chair to sign a resolution to this effect; and

(2) Subject to final approval of the associated master plan amendment and a finding of conformance with the Truckee Meadows Regional Plan, recommend adoption of an amendment to the High Desert Regulatory Zone Map to change the regulatory zone for an ±11.55-acre parcel (APN: 071-120-11) from Low Density Suburban (LDS- 1 unit per acre) to General Commercial (GC); and if approved, authorize the chair to sign a resolution to this effect.

The applicant and property owner is Joseph Rutski. The subject parcel is located at 70200 State Route 447. The Board of County Commissioners may adopt the proposed amendments, may modify the proposed master plan amendment and refer the matter back to the Planning Commission for its report in accordance with NRS 278.220(4), or may deny the proposed amendments after the public hearing. Community Services. (Commission District 5.).

Chair Hill opened the public hearing.

Community Services Department (CSD) Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; MPA Request; RZA Request; Evaluation; Availability of Facilities; Neighborhood Meetings & Public Comment; Noticing; Reviewing Agencies & Findings; Possible Motion. She believed the Board of County Commissioners (BCC) received a letter from a neighboring property in opposition to the rezoning and indicated the applicant's representative was in attendance and would give a presentation.

Juniper and Sage Consulting Principal Consultant AnnMarie Lain conducted a PowerPoint presentation and reviewed slides with the following titles: Table of Contents; Introductions; Location; Project Background; Project Request; Request; Key Insights / Concerns; Current Master Plan Proposed Master Plan; Current Zoning Proposed Zoning; Low Density Suburban Regulatory Zone; Concerns; Acreage Analysis; Letter of Support; Economic Trends; High Desert Master Plan Policy; Washoe County Planning Commission. She mentioned that applicant Joe Rustki served three overseas tours and was a Big Brothers Big Sisters of Northern Nevada Board Member. She indicated that the 11.55-acre subject site was situated five miles south of Gerlach and approximately 90 miles north of Sparks. She explained that the subject site was a vacant lot devoid of any permanent structures.

She reported that before the applicant acquired the site in 2023, the subject site was being used as an unpermitted outdoor storage facility. She commented that since the applicant took over ownership, they had invested approximately \$20,000 in labor, gas,

and landfill disposal fees to clean the site. She felt that the investment facilitated the removal of significant debris, including abandoned trailers, unused equipment, and other waste materials. She believed that the efforts substantially improved the condition of the property, and that the applicant was utilizing storage containers. She said that the applicant was working on removing a few abandoned items on the northwest side of the property. She opined the applicant's dedication to cleaning the property demonstrated a strong commitment to regulatory compliance and property revitalization, reflecting good faith efforts to enhance the area.

Ms. Lain noted that to support long-term operations of seasonal bike rentals, the property owner submitted the master plan and regulator zone request to eliminate the need for a temporary use permit and aligned the property with its commercial potential. She mentioned that the request could enhance efficiency and support the local economy. She explained that the applicant did not have any development plans at that time and said a zone change request must align with the Washoe County Master Plan to ensure the proposed zoning change supported the community's long-term goals and land use policies. She indicated that the regulatory zone request must conform to the regional plan by aligning with broader goals and policies to ensure the proposed zoning change supported coordinated development across multiple jurisdictions. She commented that the subject site had a master plan designation of suburban residential and communicated that the request for commercial master plan designation was consistent with the master plan designations west and south of the subject site. She said the subject site was designated as low-density suburban (LDS) and the requested amendment to general commercial (GC) was consistent with the regulatory zone west and south of the subject site. She pointed out that the examples of required special use permits in GC zoning included construction, sales and services, data centers, major utility services, and major public facilities.

Ms. Lain indicated that the applicant attended a pre-application meeting with the County on August 6, 2024. She explained that the County advised the applicant to contact the Gerlach General Improvement District (GID) and the Truckee Meadows Regional Planning Agency (TMRPA) for comments and preliminary plan review. She said the Gerlach GID was located five miles from the subject site and provided water disposal and sewer services to Gerlach residents. She said she was informed that the Gerlach GID did not serve the subject parcel. She detailed that in compliance with the Nevada Revised Statutes (NRS), neighborhood meeting notices were sent to adjacent properties. She demonstrated that a neighborhood meeting was held at Bruno's Country Club to inform residents about the proposed request and gather community input.

Ms. Lain voiced that one concern mentioned at the community input meeting was the timing of the meeting because it coincided with Burning Man. She explained that the meeting time was due to Washoe County's policy regarding master plan amendments only taking place three times a year and that by postponing the meeting, the

applicant would have missed the September submittal deadline. She specified that the public was informed that each master plan amendment application was subject to a thorough review process including four public hearings with the opportunity for public input. She said that individual meetings via email and the NextDoor application were made available for those unable to attend the community input meeting; however, no requests were made. She noted that 23 percent of the property owners attended the meeting. She felt that the percentage was higher than the average turnout for neighborhood meetings.

Ms. Lain clarified that a zone change granted a permanent change to the property's zoning designation, independent of future development plans. She indicated that it was unlike a site-specific process since a zoning process provided a broad framework for all permitted uses under the designation, ensuring long-term compatibility regardless of future development changes. She explained that the public felt that tourism led to an unsightly appearance of the area due to the accumulation of discarded and unused items. She voiced that any future development on the site would be subject to the Washoe County Code (WCC) and development requirements, which had a policy that handled public nuisances regarding debris, litter, and garbage.

Ms. Lain announced that there was an acreage analysis performed regarding reduced residential property. She voiced that the analysis showed a reduction of roughly 11 residential units which she felt was minimal given the demographic trends. She explained that the area had a significant decline in population which reduced the demand for residential properties. She noted the local economy was increasingly shifted towards tourism and that the transition facilitated a more robust commercial infrastructure to support visitors and enhance economic opportunities. She said the applicant received two letters of support, including one from the only resident adjacent to the site. She mentioned that a petition was submitted to the Planning Commission by the owner of the commercial property west of the site, who she said was operating without the approval of the CSD Business and Development Services. She communicated that the neighboring commercial property had contributed to the unsightly nature of the applicant's property. She indicated that the County was actively seeking enforcement on the neighboring commercial property. She reported that there was one public comment submitted from the Empire Mining Company that said the site would turn into another unsightly storage lot. She hoped that the applicant's efforts to clean the site and the County's enforcement would help address the concerns. She referenced the State of Nevada Division of Tourism's statistics regarding growth in outdoor recreation on the slide titled *Economic Trends* and said the increase in outdoor recreation demand highlighted the importance of tourism for local economies.

Ms. Lain mentioned that the request would allow for the development of businesses that are aligned with trends to foster local entrepreneurship and economic growth. She said the rezoning would provide a diverse range of businesses, enhance stability to goods and services, and promote community resilience. She explained that the

current properties were vacant or poorly maintained. She detailed that by enhancing the site's condition, the owner demonstrated commitment to improving the property and created a more attractive environment for future commercial services. She indicated that the application was unanimously approved on December 3, 2024, by the Planning Commission. She noted that if the BCC approved the amendment, it would then go to the TMRPA for a master plan conformance prior to formal adoption. She said that approval of the request aligned with the community's vision for visual improvements and commercial services by fostering a vibrant and well-maintained gateway that reflected the area's character and encouraged economic activity. She voiced that the rezoning request was crucial in establishing standards that prioritized community aesthetics and enhanced the overall quality of the area. She commented that the requests were consistent with the governing approval. She thanked Ms. Olander for her professionalism and communication.

On the call for public comment, Mr. Keith Deforest displayed a document, a copy of which was placed on file with the Clerk. He reported that his parents had given a consent letter to the applicant before they realized the applicant wanted a commercial well and to amend the high desert master plan. He referred to the document he presented and said the people who signed it wanted to protect the residential lots. He explained that there was no residential property in Empire but some in Gerlach. He noted that the high desert master plan protected the small communities in Gerlach, and if a commercial well was drilled, there was a good chance that his mother's well would be drained. He said there were many traffic control issues with the highway during Burning Man. He wanted the BCC to do more research on water rights because he did not know if there was enough water for a commercial well. He noted that amending the high desert master plan, would not benefit Gerlach or Empire. He commented that there were no employees or housing in the area and said that the community wanted to save the area.

County Clerk Jan Galassini advised the Board she received an emailed public comment which was placed on file.

Commissioner Andriola asked Ms. Olander to explain the process of a commercial well application and questioned if the applicant was requesting a commercial well.

Ms. Olander explained that water rights were managed through the Nevada Division of Water Resources, and they would confirm if the water rights impacted neighboring water rights.

Commissioner Clark asked if Gerlach residents could attend the BCC meeting that day via Zoom or if they were required to drive in for comments. Clerk Galassini noted that Zoom public comment was available for Agenda Item 3 and Agenda Item 15, but nobody requested to speak. Commissioner Clark asked if it was available at that moment for someone to make comments. Clerk Galassini confirmed public comment

via Zoom was available for the item and it was stated as such on the agenda.

Commissioner Clark asked if Vice Chair Herman had any comments on Agenda Item 15 since it was her district.

Vice Chair Herman believed that there were worries about commercial wells; however, with the State involved with the application, she felt it would be quite a process to get a commercial well placed.

On motion by Commissioner Andriola, seconded by Chair Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be adopted.

**25-0094** **AGENDA ITEM 16** Public Hearing: Appeal of the Washoe County Board of Adjustment's denial of special use permit case number WSUP24-0015 (Bryan Canyon Grading) for major grading resulting in up to 6-acres of land disturbance, 14,754 cy of cut & 14,753 cy of fill, to create a dam structure to build a pond and rectify past illegal grading.

The appellant and property owner is SC Advisors, LLC. The subject parcel is located at 0 Bryan Canyon Road (APN 055-301-38), has a master plan designation of Rural (R) and a regulatory zone designation of General Rural (GR).

The Board of County Commissioners (Board) shall consider the appeal based on the record on appeal and any additional evidence submitted at the Board's public hearing. The Board may affirm, modify or reverse the Board of Adjustment's decision. If the Board reverses the Board of Adjustment's decision, the Board may remand the matter back to the Board of Adjustment or directly grant the special use permit. Community Services. (Commission District 2.).

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Appeal of BOA Denial for WSUP24-0015 (Bryan Canyon Grading); Location; Unpermitted Grading/Background; ...cont.; Site Plan; Area of Disturbance; Subject Appeal; Public and Agency Comment; Findings; Board Options; Thank you.

Ms. Weiche described the subject parcel as being 346.48 acres and located at 0 Bryan Canyon Road in the South Valleys planning area west of Highway 395 and south of Franktown Road. She said the parcel had a regulatory zone of General Rural (GR) and was mostly undeveloped with some dirt and gravel access roads, a partially graded pond, which she noted was the subject of the request, and wells. She showed the *Unpermitted Grading/Background* slide and described that the Special Use Permit (SUP) application was in response to a Washoe County Code (WCC) enforcement violation from 2020 for unpermitted grading. She said the applicant subsequently submitted an SUP application, WSUP21-0024, to resolve the unpermitted grading at that time. She informed that the requested SUP was denied at the October 7, 2021, Board of Adjustment (BOA)



public hearing. She disclosed that in March 2023, Code Enforcement staff issued an administrative penalty notice and, in response, the property owner submitted a new SUP application with nearly half the amount of grading and a substantially smaller sized pond than their original request proposed. She clarified that request was the matter before the Board of County Commissioners (BCC) that day. Ms. Weiche showed the *...cont* slide and explained that approval of the SUP would allow the County to impose the appropriate conditions for the appellant to resolve the code violation and bring the property into conformance with WCC requirements for the previously disturbed portion of the property.

Ms. Weiche showed the *Site Plan* slide and described that approval of the SUP would allow the property owner to have a pond that would be appropriately engineered, making it safer. She said approximately 80 percent of the past grading could be remediated, leaving 20 percent for water impoundment for the pond. She showed the *Area of Disturbance* slide and advised that the applicant projected up to 6 acres of ground disturbance for a 1-acre pond that would have cuts up to 16 feet and fill up to 16 feet to even out the pond bed and adequately contain the water. She informed that the maximum depth of the pond was planned to be 8 feet and would impound 4.99 acre-feet of water at the maximum water elevation. She stated the owner had identified appurtenant water rights that they proposed to utilize for the pond. She noted water right change applications had to be approved by the Nevada Division of Water Resources (NDWR) for water rights to be usable for the pond. She clarified that while a State dam permit was no longer triggered due to the reduced scope from the previous SUP application, the Engineering and Operations Team's (EOT) Conditions of Approval reflected many of the same conditions that otherwise would have been required by the State. She said the applicant had agreed to all proposed Conditions of Approval. She displayed the *Subject Appeal* slide and clarified that because the motion to approve presented at the December 5, 2024, BOA meeting failed, the SUP application was technically denied.

Ms. Weiche showed the *Public and Agency Comment* slide and established that all applicable agencies reviewed the request and provided no opposition. She informed that the recommended Conditions of Approval were incorporated appropriately. She reported that four individuals submitted multiple comments prior to both the BOA public hearing and the appeal before the BCC that day. She said commenters predominantly cited concerns with flood potential and the adequacy of the dam structure. She added that they also demonstrated confusion over the applicability of the previously denied SUP and past actions of Code Enforcement. She explained that County staff had corresponded with constituents both verbally and in writing regarding the SUP, and those responses were included in the materials for Agenda Item 16 as Exhibit B. She showed the *Findings* slide and described that the inclusion of the Conditions of Approval presented to the BOA ensured that the property would be restored in compliance with all requirements and safety improvements. She shared that with those Conditions of Approval, County staff believed that all required findings could be made. She said staff provided their rationale for each of the findings in the BOA staff report, included as Attachment C. She displayed the *Board Options* slide and reviewed the three options available to the BCC. She noted that while the recommendations in the Staff Report were accurate, she asked that if the Board chose the second option listed, they stipulate in their motion that the approval of the SUP was

subject to the Conditions of Approval and was not an outright approval. She offered that she and County staff representing various departments were available for questions.

Resource Concepts Inc. (RCI) Project Manager Greg Stedfield conducted a PowerPoint presentation and reviewed slides with the following titles: Bryan Canyon Road and Restoration; Conditions of Approval Related to Dam Safety and the Safety of Downstream Residents; Approval of the Special Use Permit does not allow the project to move forward immediately.; Thank You.

Mr. Stedfield thanked County staff and the BCC for their time. He explained that he was there to appeal the decision of the BOA regarding WSUP24-0015. He thought there were a couple of things that probably were not thoroughly considered in the December 2024 BOA meeting. First, he said the Conditions of Approval addressed potential safety issues by requiring a breach analysis, peer review, an operations and maintenance (OM) plan, and a majority of the things the State would ask for if the project was under their jurisdiction, as Ms. Weiche mentioned. He said the threshold for State jurisdiction was 20 feet high and 20 acre feet of impoundment and noted the project was well below both of those criteria. He mentioned that there were only two ways water would make it into the pond. One was rainfall directly over the pond, and the other was wells that would provide water to it. He said there was a creek near the project location, but he clarified that the creek would be unaffected by the project and no water would be diverted from it.

Mr. Stedfield displayed the *Conditions of Approval Related to Dam Safety and the Safety of Downstream Residents* slide and spoke about some of the Conditions of Approval. He said the required OM plan outlined matters such as annual maintenance and operation of the pumps. He discerned that the third and fourth Conditions went together because they both related to an inspection program requirement. He showed the *Approval of the Special Use Permit does not allow the project to move forward immediately* slide.

Commissioner Clark remarked that because of all the recent fires experienced on the West Coast, people were thinking about fire readiness a lot. He asked if helicopters would be able to dip into the pond when it was full to fill their water buckets. Mr. Stedfield advised that he was not a pilot, but he believed helicopters would be able to dip some water out of the pond for firefighting. He added that the design process would include determination of how power would be provided to the pumps. He said the wells were already there, and pumps were in the wells, but as of that time, generators were being used when the pumps needed power. He disclosed that a more reliable and permanent power source for the project would be part of the improvement plans.

Vice Chair Herman asked if there was a home involved with the pond. Mr. Stedfield advised there was not. She questioned what the purpose of the pond was, and Mr. Stedfield informed that his client simply wanted to be able to use his property and have a pond for fishing and other recreation. He added that the pond could be a water source for area wildlife. He specified that if his client ever decided he wanted to add a structure, he would have to go through the appropriate permitting process to get a building permit. Mr.

Stedfield assured that granting the SUP, which he clarified was not a grading permit, did not automatically allow the property owner to build structures on the parcel.

Chair Hill opined that the decision was difficult for the County to make because a lot of the work had already started. She observed the neighborhood was also in a difficult situation with the differences of perspective between the applicant and the appellant. She invited Mr. Stedfield to speak to those issues. Mr. Stedfield advised that he had only been involved in the project for the past eight months and only had some of the documentation of the project's history. He said he had talked with County Planning quite a few times about the project. He noted that the Conditions of Approval included restoration of all grading that was done outside of the footprint of the pond, a revegetation plan, and lining the pond.

On the call for public comment, Mr. Stan Haskell displayed images. No copy was submitted for the public record. He described that he lived near the subject parcel and disapproved of the project. He said Mr. John Hurry, the property owner, currently had an easement through Mr. Haskell's land. Mr. Haskell explained that he had two roads that crossed Bryan Canyon Creek and indicated on his image where they were. He stated there were culvert pipes that barely drained water through a heavy rainstorm. He commented that the culverts were poorly engineered. He expressed concern that the proposed pond would not be watched by anybody during the winter and most of the summer. He supposed that because levees and dams failed, even with the best engineering, a breach was possible. He predicted that if a breach occurred, a large volume of water would collect, speed, pick up sand, rocks, and debris, take out his two roads crossing the creek, and ultimately end up in the community below. He discerned that a storm in 2017 proved his theory because a lot of rock and debris came through when the road caved in from a rainstorm. He listed the four parties he viewed as connected to the proposed project: Mr. Hurry, who Mr. Haskell said would fund it; RCI, who would engineer it; a contractor who would build it; and the BCC, who were tasked to approve or deny the SUP. He expected all four parties would blame one another if something went drastically wrong. He looked to the BCC to protect safety and the environment. He posed a question to the BCC that he felt had not been addressed in the previous hearings. He asked Assistant District Attorney (ADA) Nathan Edwards if, having heard all of the public outcry, he was prepared to assume his portion of the liability for the project if water got loose. Chair Hill advised that ADA Edwards could not provide a response to Mr. Haskell. Mr. Haskell admitted that he understood that but wanted his concern and perspective about liability to be on record.

Mr. Rod Smith displayed documents, copies of which were distributed to the Board and placed on file with the Clerk. He disclosed that his residence was next door to the subject property. He recalled a rainstorm in 2017 that created the ravine shown in the image he displayed and expressed his concern about the potential effects of a similar event being compounded by the proposed project. He described that the ravine was over six feet deep and six feet wide and was created by a single rainstorm. He predicted that a storm like that would happen again and wondered how the property owner would access his property to protect his equipment during such an event. He said roads leading to the property were impassable during a typical winter. He theorized that there was potential for

multiple problems, including pump failure and the potential for fire from diesel use. He stated the rules and regulations contained four things that had to be done before the project could be approved and noted SUP applications for the project had already been turned down twice. He expressed his dissatisfaction with what he viewed as inadequate responses to the regulations that were outlined. He said the pond was unmanned, and there were not any controls in place, which he commented could be a problem in the winter. He did not think the one-acre pond would provide much water to assist helicopters in firefighting efforts. He noted the water rights for the property were designed for irrigation, and the owner still needed to obtain approval to use the water for the project. Mr. R. Smith supposed the property owner would be able to get the water, but if not, there would not even be enough water to fill the pond. He reported there were three feet of evaporation from Lake Tahoe, and he expected there would similarly be three feet of evaporation on the proposed pond. He calculated that because the pond was only proposed to be six feet deep, the water would evaporate every year. He spoke about water conservation efforts in Nevada and remarked that pumping water out of the ground to let it evaporate did not support those efforts. He stated that the water was eventually going to work its way down to the highway and wipe it out. He theorized that the nearby infrastructure was insufficient to support the volume of water proposed in the project. He concluded that a lot of things needed to be thought about before the pond was considered.

Ms. Sharon Smith displayed a document, copies of which were distributed to the Board and placed on file with the Clerk. She disclosed the proximity of her residence to the subject property. She noted that she was downstream from the proposed dam and pond. She recalled her attendance at the BOA meeting in October 2021 when Mr. Hurry requested an SUP to build a pond with non-engineered earth and a dam so his sons could fish in it. At that time, she noticed heavy equipment going by her home and found out that Mr. Hurry had not received permits for any building. She reported that the County responded. She said that at the October 2021 BOA meeting, neighbors informed that both a large hole and a dam had been created at the subject property without any permits. She stated the BOA listened to the neighbors, denied the SUP application, and ruled that the property owner was required to restore the unpermitted grading back to the natural state and replant it with natural vegetation. She claimed that work had not begun. She described that, months later, a neighborhood meeting was held at the property owner's request during which a new engineer and his representative provided information to neighbors about revised project plans. She revealed that at that meeting, neighbors pointed out incorrect calculations and facts, which she stated the property owner and engineers did not address. She said that in November 2024, neighbors were notified that a new SUP application for the parcel would be reviewed by the BOA. She opined that Mr. Hurry had not done anything to comply with the requirements set by the BOA. She said the BOA denied the SUP at the November 2024 meeting, which led to the appeal before the BCC that day. She warned that although residents were accustomed to the effects of rain and snow in the area, the proposed project would put a man-made hazard above the homes of area residents. She observed a pattern of the property owner disregarding restrictions and regulations, and she predicted that the pattern would continue. She hoped the BCC would deny the appeal.

Mr. John Carey described his residence as near to the subject property. He remarked that the property owner would need utilities to keep the pond refreshed, and he supposed solar power was not possible because there was no house on the property. He stated diesel could not be used because there was no supervision. He calculated that the electricity supply for the property would have to travel 3,000 feet with a 600-foot elevation increase. He said it could be done if the power was available, but he was not sure where the power source would be. He suggested that it might be necessary to go all the way to Franktown Road to find that electricity. He expressed concern about liability. He noted the County wanted indemnification of liability and wondered who would be liable. He commented that if three nearby houses were damaged due to the project, the cost could be \$10 million, and he recommended that Mr. Hurry get an insurance policy if the SUP was approved.

County Clerk Jan Galassini advised the Board she received an emailed public comment which was placed on file.

Commissioner Andriola asked for clarification from County staff on a few points in the report. She disclosed that she watched the BOA meetings and read all of the backup material. She mentioned that Division Director of Engineering and Capital Projects Dwayne Smith had been very generous with his time in responding to her questions. She observed that the document the EOT submitted with the packet included many provisions. Specifically, she noted that the term *dam* was used throughout most of the document, and she wondered if Mr. D. Smith could describe whether the requirements were different depending on whether the term *dam* was included in the project description. She noted that the requirements for a dam included additional oversight and questioned if the same provisions applied to the proposed pond.

Mr. D. Smith acknowledged that WSUP24-0015 was unique. He advised that the County understood the guidelines for dams clearly and worked consistently with the NDWR dam safety group for dam permitting. He stated that Nevada Revised Statutes (NRS) established the trigger for a dam at 20 acre-feet of containment or a 20-foot elevation of an embankment. He said the proposed pond and associated berms did not meet that threshold. He noted that was not the case when the project was initially presented to the BOA after the illegal grading activities were identified. He explained it was originally envisioned as a much larger facility. Accordingly, at that time, the County directed the applicant to work with NDWR dam safety group to meet all requirements. He confirmed that although the revised project scope was much smaller, the EOT still needed to understand the impact. He assured the community of neighbors living below the subject property that the same basic NDWR dam safety requirements had been built into the Conditions of Approval for WSUP24-0015 by the EOT. He explained that the inclusion of those additional requirements was done for the community to be safe and to understand what the potential impacted areas would be through an inundation or breach analysis. Additionally, the construction work to bring the embankment to a safe condition was required to be designed by a professional engineer and inspected during construction. He described that regular inspections would need to be submitted to the EOT to demonstrate conformance. He disclosed that he expected the applicant to object to the additional

requirements, but the applicant instead accepted all of the County Conditions.

Ms. Andriola asked Mr. D. Smith to explain more about the background of the project and why it was before the BCC that day. She requested assurance that BCC approval of WSUP24-0015 would not provide automatic approval for the pond but surmised that approval was necessary to remediate the illegal grading and grant authority from the County for work to be done to restore the area. She stated that approval of the pond would be an entirely separate process which included a high level of oversight from the NDWR. She recalled remarks from a public commenter who claimed that when the SUP application was denied by the BOA, they required the grading be put back to its original state with all the landscaping, but that did not happen. She reasoned that denial of the SUP would prohibit restoration of the grading and thought that might explain why the grading had not been restored. She asked Mr. D. Smith to clarify what was before the BCC that day and explain what the BOA denied. She was not clear about what would happen if an application for the pond was denied, but she theorized that the applicant would have to regrade everything to get it back to its natural state.

Mr. D. Smith responded that all grading activity required a permit. He explained that for this project, the volume of grading exceeded the threshold for just a permit and required an SUP. He said the property owner made a mistake and graded illegally. He informed that a permit was required to restore the land back to its original condition because material would be moved again, which would create another changed condition. He stated that the applicant submitted WSUP24-0015 to be able to do two things: create a much smaller impoundment with a smaller embankment, and to revegetate and restore about 60 percent of the disturbed area. He added that a permit would still be required even if the applicant determined that they only wanted to restore the area back to the original condition and not pursue any project. He described that there was also an option for abatement exclusively undertaken by the County without cooperation from the property owner. In that scenario, he said the County would enter the site with court approval and perform work to restore the original condition. Mr. D. Smith commented that the approach of his department was to work with applicants and property owners as they moved through their projects. He theorized that as this applicant moved through their project, they realized that there was a problem that they were now trying to rectify by conforming to Washoe County Development Code (WCDC) through WSUP24-0015. He disclosed that his department worked with the applicant over a number of months on WSUP24-0015. He summarized that it made sense to take a situation where an owner was out of conformance and bring the project into conformance. At the same time, he acknowledged that property owners wanted to exercise their property rights and utilize their property how they preferred. He said the job of the County was to make sure that as property owners went through that process, appropriate conditions were applied to ensure conformance with requirements.

Mr. D. Smith confirmed Commissioner Andriola's understanding that the work outlined in WSUP24-0015 was not the final step. He said there was a series of conditions. He recalled that the applicant displayed a slide that referenced many of the Conditions of Approval established by the EOT. He stipulated that all of those activities

had to be performed prior to approval being granted for any additional action moving forward. He explained that he needed to see an inundation study to better understand what effect there might be on properties downstream from the project. He recognized that the pond was only proposed to contain five acre-feet of water, which he mentioned was about 1.6 million gallons and approximately a third of the volume of a Truckee Meadows Water Authority (TMWA) water tank. He said that even though five acre-feet was a small volume of water, the County still had an obligation to ensure conformance with WCDC and oversee additional requirements placed on the applicant. He conveyed that in addition to the inundation study, hydraulics and hydrology studies were needed to understand potential impacts if excess water flowed down through natural drainage routes in the event of a breach. He affirmed that if a problem was identified, he would not allow the project to move forward until the problematic condition was addressed. He summarized that the County had a lot of control and oversight throughout the process.

Commissioner Andriola noted that all of the information about the project was available to anyone, not just the neighbors. She added that people could submit a public records request for any building or permitted project. She supposed concerned neighbors might be interested in seeing the inundation study but could not know exactly when that was going to be completed. She said neighbors had an opportunity to follow up, more fully understand the technical details of the project, ask questions, or get additional information. She remarked that Mr. D. Smith was very helpful to constituents in the past, and she specifically recalled the opportunities he gave to Hidden Valley residents to get information and ask questions when a flood happened there the prior year.

Mr. D. Smith said he appreciated the sensitivity of the project and was happy to involve nearby residents and share the outcome of the inundation study and the County review process with them as the project moved forward.

Commissioner Andriola recalled a public commenter cautioning that approval for a one-acre pond could turn into a ten-acre pond. She wondered what assurance the County could give that that would not happen. She acknowledged that it was not possible to predict what people would do, but she noted that the County had enforcement and regulations that needed to be followed. She understood that the provisions required the owner to provide an engineering report on an annual basis if WSUP24-0015 and any other phases of the project were approved. She stated that if the engineering report proved to be of concern or out of compliance, the County had recourse.

Mr. D. Smith added that his department considered the possibility that the scope of the project could increase. In addition to requiring the annual report, he said the EOT wrote the engineering conditions to include a requirement for County access to be provided, including authorized staff or consultants to access the dam, pond, well, water diversion system, inlet, outlet, infrastructure, and any other areas pertinent to the operation and stability of the dam, which were all referred to as the embankment. He acknowledged that he could not control individual property owners, but he could, through the processes in place, help mitigate those potentials. He said if violations occurred, the County would go through another series of processes.

Commissioner Andriola stated her concern about the extent of unpermitted grading the owner did. She thought it should not be taken lightly as the first action the owner took in creating a relationship with the County. She did not feel there was any room for additional out-of-compliance actions from the property owner moving forward. She believed the heightened level of requirements was a measured response from the County to ensure future compliance. She was surprised by the significant level of investment made by the owner without approved plans and permits from the County, and she surmised that the neighbors were right to be concerned. She disclosed that she was concerned about liability and wondered what exposure the County had. She noted there was no end date included for the requirements and supposed that if, in five years, the one-acre pond was turned into a ten-acre pond, the owner would be out of compliance. She believed the absence of an end date was critical to ensure that neither the current neighbors nor any potential future neighbors had any exposure. She theorized that the property owner might have big plans. Otherwise, she reasoned the grading would not have occurred as it did. She expressed major concerns and advised putting in all possible protections but noted that what was before the BCC that day was an SUP application that would allow the grading to be restored and did not provide approval for the pond.

Mr. D. Smith said that the special use grading permit was to allow for the construction of the one-acre pond and revegetation of the disturbed areas that were part of the original illegal grading operation. He clarified that WSUP24-0015, if approved, would allow for the next steps of project design and conducting the inundation studies, after which additional permitting could be explored.

Commissioner Garcia asked if she heard correctly that only 60 percent of the area that was illegally graded would be revegetated. Ms. Weiche affirmed that was correct, and Commissioner Garcia questioned why the owner was not required to revegetate 100 percent of the illegally graded area. Ms. Weiche said the remaining 40 percent that was not required would be for the pond and any of the other components to keep the pond. Commissioner Garcia summarized that the surface area that included the pond was obviously not eligible for revegetation, but the remaining scar on the land would essentially be restored to how it was prior to the work being undertaken. Ms. Weiche affirmed that the summary was accurate and added that a pond was not a use type. She said the pond did not trigger the SUP; the extent of grading did.

Chair Hill opined that it was very strange to just have a pond and felt that it was more similar to an accessory use from a planning perspective. She found the amount of work that had already been done somewhat upsetting and noted the problems it created with neighbors and the County. She asked if this was something that had happened in the County before. Ms. Weiche replied that she could understand Chair Hill's concerns, and related that when she was assigned the project, she investigated whether or not a pond could be a primary use and found that it could. She shared that a pond on a vacant piece of property was allowed by WCC, but if there was commercial use and people were being brought on-site, that would change the use type. She said she could not speak to the question of whether something similar had occurred before.



Mr. D. Smith added that he could not immediately recall any other project where just a one-acre surface area pond was created on a vacant parcel.

Commissioner Garcia said she could understand the perspective of the residents. She imagined the massive, visible impact on the neighbors and the environment could be very alarming and jarring. She appreciated the steps being taken to rectify it but wanted to make sure that the land would eventually be restored to its original state after the process moved forward.

Chair Hill echoed the concerns of her colleagues about how the process started. She divulged some reservations and did not want the project to contribute to mudslides. She commented that the BCC and BOA were put in difficult positions because they were presented with a case in which someone had already disturbed a lot of land prior to involving the County. She felt that the BCC was being pushed into approving an SUP because of what she viewed as bad behavior, and she worried about other community impacts.

Chair Hill revealed another concern brought to her by Ms. Weiche about the potential for recreational use of the area beyond the original scope of the project for family use. She maintained that the request seemed a little strange and wondered how the County could ensure that the community was protected. Ms. Weiche advised that Code Enforcement would intervene if an illegal business was being operated. Chair Hill stated her understanding that there was no condition listed that prohibited commercial use because that prohibition was already outlined elsewhere in WCC. Ms. Weiche confirmed there were enforcement mechanisms if unauthorized commercial use was to occur that were similar to the enforcement response to any other illegal use.

ADA Edwards remarked that the issue of liability was raised multiple times during the meeting, both by public commenters and Commissioners who were concerned about potential legal exposure to the County if problems arise in the future. He affirmed his role in shielding the BCC against exposure of that type and outlined the way liability was determined in similar cases. He explained that what was being done with 0 Bryan Canyon Road was referred to by the Supreme Court of the United States (SCOTUS) as *mirror planning*, and the County was generally not liable for a *taking* in those situations. Conversely, he advised that if the County built the improvements and something went wrong, then the County was potentially responsible. He added that there was sometimes a situation termed *substantial involvement* that described involvement that was more than *mirror planning* but fell short of actual construction. He apologized for the vagueness but said that it accurately represented the state of the law as interpreted by the Nevada Supreme Court. He mentioned that the County was in a similar case within the last 6 years. He reported the case was *Fritz v. Washoe County*, and it was a flooding case in which floodwaters came down the hill from a County-approved subdivision. He informed that there was some flooding on a private parcel of land and the County was sued for a taking in that case. He revealed the County had to go to trial in that case, which they ultimately won. He added that the Supreme Court of Nevada upheld that decision. He explained that as long as the County was only doing mere planning, then it was not a liability for the

County. If the County got involved in the actual design of the project, then it entered a realm where there was potential for some liability. In response to Commissioner Andriola's mention of potential exposure for the County, he said that the legal parameters provided some guidance but, as a general matter, the County did not assume liability when it approved a project, an SUP, or a subdivision. He added that it would be untenable for local governments to assume liability for the results of private developments that happened in the community, and the degrees of involvement he delineated were what the courts arrived at to decide where the lines of responsibility were. He affirmed that the County did not assume any liability if the Board decided to approve WSUP24-0015.

Chair Hill theorized that if something happened in association with a use approved by the County, private property owners could use the court system to assign liability. She perceived that citizens were in an interesting situation because they had a lot of property rights but also a lot of liability when they exercised those rights.

Commissioner Clark commented that when he initially looked at Agenda Item 16, he thought it would be possible to simply fix some grading that was not documented. He said hearing from the neighbors changed his perspective. He disclosed that he lived in that area and theorized that heavy rain similar to what Hidden Valley experienced in 2024 could result in a breach that would seem like a small tsunami for people living downstream from the proposed project. He reported that effects from weather were obvious in that area already, and after a heavy winter, something that was a road might have become a culvert, as shown in the picture displayed by an earlier public commenter. He observed that nobody could control those circumstances, and adding hydraulic pressure by retaining water in any way could have a large effect if there was a breach. He asked if there was any kind of spillway, runoff area, or a way to channel potential overflow away from properties. He described that he had 1,000 linear feet of ditch around his house, and he built his house four feet above the height of the property in consideration of the potential for flooding. He expressed concern because that might not be possible for people who had already constructed houses downstream from the potential project.

Mr. D. Smith responded that although designs were not finalized, part of the County conditions required that the owner provide plans that included the following elements: an emergency spillway for the embankment or a low-level outlet to drain the pond in case of emergency, a full lining for the pond, and adequate freeboard to ensure that wind action did not create waves that would then cause erosion and lead to potential failures. He noted there was a series of additional requirements outlined in the Conditions of Approval. He commented that the embankment and the pond were aside and separate from the natural drainage. He said he appreciated Commissioner Clark's comment and recalled July 2024, when a large thunder cell over the top of Hidden Valley created a very damaging situation for many residents below. He theorized that a similar weather event could occur in the Bryan Canyon Road area. He stated that he had recently talked to the BCC about Federal Emergency Management Agency (FEMA) flood maps and updates, and he regularly commented that flooding could occur anywhere. He reported that 30 percent of all flood claims FEMA received annually were for areas outside of high-hazard

zones. He conveyed that the EOT would evaluate all plans to ensure design requirements were met before anything could move forward. He disclosed that the location identified in the submitted design was not associated with the natural drainage.

Commissioner Clark asserted that the BCC had to weigh the benefits of approving somebody's hobby pond or protecting somebody's home. He warned that with a storm over an area, anything could happen. He wanted to shield the people who lived there instead of someone who was going to fish there occasionally.

Chair Hill said she felt for the residents and viewed the County as being in a tough situation. She believed that if the County did not approve the SUP, it would put the community at greater risk, but she understood that it was a complicated issue.

On motion by Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that the decision of the Board of Adjustment be reversed and WSUP24-0015 (Bryan Canyon Grading) be approved, subject to the Conditions of Approval. The approval was based upon the ability to make the special use permit findings required by WCC Section 110.810.30 as outlined in the staff report based on the record and evidence presented for Agenda Item 16.

**25-0095**      **AGENDA ITEM 17** Public Comment.

There was no response to the call for public comment.

**25-0096**      **AGENDA ITEM 18** Announcements/Reports.

County Manager Eric Brown reminded everyone that the February 18, 2025, meeting was canceled; however, the Board of County Commissioners would meet on February 25, 2025. He noted that the agenda for February 25, 2025, was full, and it would include a presentation from the Registrar of Voters (ROV) Andrew McDonald.

Commissioner Clark indicated that on September 27, 2024, a deputy ROV notified the Secretary of State (SOS) that the voter registration maintenance had not been completed within the time frame required by law. He noted that the notification was contrary to what County management reported. He mentioned that out of approximately 48,205 address verification cards mailed in June 2024, 28,954 voters did not return their verification cards. He commented that those individuals were not designated as inactive by statutory deadlines. He asked if the designations had been corrected and if so, he wanted evidence of that. He said he would no longer settle for verbal responses and wanted documentation for his requests. He asked to see evidence of the reported homelessness reduction. He wished to know if the former interim ROV was still on the County's payroll. He felt the request was simple and would not enact a lawsuit or legal issues.

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**4:47 p.m.**      There being no further business to discuss, the meeting was adjourned without objection.

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**ALEXIS HILL**, Chair  
Washoe County Commission

ATTEST:

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**JANIS GALASSINI**, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:*  
*Heather Gage, Deputy County Clerk*  
*Brooke Koerner, Deputy County Clerk*  
*Lizzie Tietjen, Deputy County Clerk*  
*Jessica Melka, Deputy County Clerk*

Pending Board Approval