

EXECUTIVE SUMMARY

August 16, 2024

RE: NNPH-EHS: BLD24-00149E

No internal discrepancies were identified after the District Health Officer reviewed the Environmental Health (EH) permitting process for permit BLD24-00149E. The investigation confirmed that all fees were accurately assessed, process procedures were followed correctly, and processing times were not excessive delays. It's worth noting that the staff's conduct was consistently professional and appropriate throughout the process. The findings indicate that the permitting process fully complies with established protocols and standards. Additionally, a list of NNPH dates does not encompass the complexity of plan reviews and processes that involve a complex system of permitting agencies and business responsibilities. NNPH is open to quality improvement if a plan review process is lacking or cumbersome. Still, no clarification of deficiency was provided beyond conjecture that EH's required improvements were unnecessary based on opinion or that NNPH iterated the same adherence to the NV Administrative Code (NAC) on each plan review until it was met.

Governmental agencies in NV primarily base fees on issuing dates, not submittals. The determination of EH fees is a rigorous, publicly noticed process. The recent FY25 fee increase, effective from July 1, is a procedural process to an existing financial deficiency in supporting EH's scope of work, which is supported solely by fees and not taxpayer general funds. Unlike Reno, NNPH fees do not cover a dedicated EH plan review staff. The four different plan reviews demonstrate efficient turnaround with an average of 14 business days, with the final being 13 business days, which is acceptable to EHS's standard of 10 days +/- with notification of delays and well within industry standards (30 days SNHD). The delay notification does not constitute an at-fault situation; it was just the status of current conditions. Critiquing incomparable standards and service areas between agencies, opinions of code, not considering the workload and humane staffing practices, and indirectly disregarding other community businesses in the queue are biased comparisons. NNPH-EHS operates fiscally conservative with lean management to offer the lowest fees possible.

Sincerely,



Chad Kingsley MD MBA
District Health Officer

Overview:

Standard operating processes mean that NNPH-EH charges new fees as of July 1, the start of each fiscal year, and this includes all final map reviews that are submitted in June; each applicant is made aware that if the review cannot be completed or the plan/map cannot be picked up before the July 1 date, they will be subject to the new fee for the fiscal year. If a project crosses the fiscal year, the applicant has always been subject to the current Fiscal Year fee schedule for implementation on July 1, in accordance with the most current Board approved Fee Schedule when check-out of the building workflow occurs.

- NNPH-EH charges its fees on check-out (permit issued) based on the assessment date (input into the system). NNPH assumes liability for plan reviews without upfront payment.
- Charging fees upfront would bottleneck the intake process since NNPH would need to assess plans before fee entry- check-out assessments decrease throughput.
 - Scripting in Accela would need to be changed.
 - Making changes (e.g., charging upfront) would potentially require ARC approval or approvals from other agencies, causing further potential delays.
- NNPH does not control the building process/workflow
 - Since building projects can cross multiple years, NNPH holds the liability (don't get paid if the project never completes the building process)
- In Accela, Reno is noted as applying its July 1 fees; it's unclear if Reno increased its fees this fiscal year, but if it did, it would follow the same pattern.
- While builders and businesses have opinions on what is and is not necessary, that does not mean they are experts on environmental health sciences that influence governmental statutes, codes, and regulations. While NNPH does not hold that all statutes, codes, and regulations are infallible, it identifies the importance of professionals participating in developing or maintaining regulations.

Standard Practices in other industries (Example): Someone is building a house; the project takes (3) years. A general contractor will not purchase materials upfront until a design is approved and they are ready to build (they'll provide a quote of prices so you can estimate cost; typically, it is valid for 30 days). The client will be assessed the actual cost of the material at the time of purchase and not at the time of contract execution.

Summary of Issues of Concern:

FY 25 Fee increase:

- All July 1 fiscal increases of fees involve several months of publicly noticed meetings that include Business Impact Statements. July 1 is not an arbitrary date and is well-planned and approved by elected officials.

- NNPH-EHS provides clear messaging about fee increases and takes extra steps to notify clients. EHS cannot manage all plan submissions based on a July 1 date; they operate on a queue basis to remove bias and provide efficient services based on staffing levels.
- Any fee increase is based on studies that include the time spent by professional staff to meet demands.
- An Increase in fees demonstrates a previous deficiency in time and pay for code-mandated services.
- EHS is funded by fees, not taxpayer general funds.

Reno 3-day Comparison:

- Reno serves only Reno; NNPH EHS serves all of Washoe County.
- The City of Reno has a dedicated plan review staff whose only assignment is to review building plan submissions. EHS staff review plans, conduct routine and building plan inspections, manage department needs as assigned, and address public concerns for all permit types.

Processes & Pending Permits:

- Pool permits require a review of its plan/map and any plan in conjunction with it.
- This permit has (3) other permits still under plan review.
- While the pool company is petitioning for the fee waiver, Lepori Construction Inc. still must submit for the pool permit, which will be in FY25.

NNPH Budget & Staff:

- EHS staff has other duties and capacities that are equally important.
- Staff are allowed to take time earned on vacations, which is factored into processes. (14) business days did not demonstrate an impactful difference when an assigned staff took less than (3) personal days. No deviation of standard.

Other Considerations:

- Is it fair to other businesses in the queue if this business receives preferential treatment?
- What makes their permits more important than the success of other businesses in the same process that came before them?
- What will the other business part of these permits argue if this is granted? (sets undue precedent)

Compiled Information:

BLD24-00149E – Residence Inn Pool and Spa **Approved on July 5, 2024, after a comprehensive review process involving (4) iterations, ensuring the highest safety and quality standards.**

- Average: 14 Business Days (1-10d, 2-11d, 3-20d, 4-13d)

BLD23-06586E—Site Improvements/Hotel is progressing steadily in the plan review despite the project's complexity. They have yet to address all items but are moving forward. When approved, they will be charged current fees. **It has been Reviewed six times so far.**

BLD21-13096E—Towneplace Suites Marriot (hotel review) is still in plan review; we have yet to address all items. When approved, they will be charged current fees. **It has been Reviewed eight times so far.**

BLD22-09008E – Grading and Site Improvements – Pending issuance (approved 3/4/2024 – has not been paid to date. Health fees were assessed on the permit in March when they were ready to check out, **so they will be charged based on the previous fee schedule**). **Reviewed (5) times so far.**

Disputed Permit:

BLD24-00149E – This building permit was submitted on each of the following dates:

1. 7/25/2023 – Reviewed by NNPH on 8/25/2023 (in review for 1 month)
 - a. **10 Business Days**
2. 11/21/2023 - Reviewed by NNPH on 12/11/2023 (in review for 3 weeks)
 - a. *Took Applicant approximately (3) months to resubmit/address comments*
 - b. **11 Business Days** (Includes Thanksgiving/Family Day)
3. 4/19/2024 - Reviewed by NNPH on 5/23/2024 (in review for 1 month)
 - a. *Took Applicant approximately (4) months to resubmit/address comments*
 - b. **20 Business Days** (Received 4/19, Reno approval received 4/24, includes Labor Day)
4. 6/13/2024 - Reviewed by NNPH on 7/5/2024 (*in review for 3 weeks*)
 - a. *Final Approval w/ conditions Granted*
 - b. **14 Business Days** (Includes Juneteenth)

This plan required a review of the associated building plans BLD23-06586E, BLD21-13096E, and BLD22-09008E. These building plans have additional items allowing NNPH to permit the pool and spa. Without reviewing all the plans, the pool and spa would not have been allowed to open and operate, and it would have required additional construction, remodeling, and plan review.

To address the concerns, the NNPH-EHS pool/facilities do not have dedicated staff for plan review. During May and June of this year, staff increased capacity by demands for the VIP project for Accela as well as conducting 337 inspections for pools and spas to open for pool season, doing plan reviews, addressing community questions, education in the field, re-inspections on pools and spas, and any additional inspections and requirements based on other permits and routine work. Additionally, this review was in our office for the last round for 14 business days, while the internal goal is (10) business days. On four days, the person assigned to those plans was out of the office on approved leave (employees are allowed to take time earned).

Anyone asking for dates for the plan review receives an email notification. This response, which includes possible delays, is sent to all persons asking questions about when plans will be reviewed.

Points to consider about the NNPH-EHS plan review process:

1. EHS reviews by the date submitted and strives to meet the regional goal of 10 business days. Each jurisdiction has a different goal for all revisions; some are three days, and some are five days.
2. EHS cannot guarantee a faster revision date at the current staffing capacity, and all building divisions are informed that the Health Department's goal is a minimum of 10 business days for all plans submitted, including all revisions.
3. The EHS work submitted on this date applies to the entire region, not just a single jurisdiction (Reno).
4. Pool and Spa plans require more process time than others (through-put decreased). Additionally, the pool/spa includes a review of other plans in conjunction; this increases complexity in having to review and comment on multiple plan sets, which is very complicated. **SNHD has in regulation that they have 30 business days to complete all pool/spa construction reviews.**
 - a. EHS informs clients that pool/spa construction plans require a longer turnaround time than expected.

5. All plan reviewers are also inspectors and experts for multiple sets of regulations and inspecting permitted facilities in the field.
6. All plan reviewers must also conduct all inspections associated with plan review and construction inspections as required.
7. To date, the plan reviewers have 1,100 plans submitted for review and 1,500 EHS reviews (food / Solid waste/engineering /etc.) associated with the plans submitted.

APPENDIX**SUPPORTING DOCUMENTATION:****EMAIL CHAIN:**

Hey Frank,

Here's a log of submittals and responses from the Health Department.

Original submittal 7/7/23

1st response 7/24/23

Health hold 8/29/23

2nd response 11/17/23

Health hold 12/11/23

3rd response 4/19/24

(All approvals from City of Reno obtained 4/24/24)

Health hold 5/23/24

6/12/24 final response. (This was simply attaching a sheet showing distances from pool area to rooms which had been directly sent to Wes prior to sending it in with the final response. This was sent to Wes direct by Lei in our Office on 5/24/24. All of the information requested and that was ultimately approved was provided on this date.)

7/5/24 plans approved by health department.

What I believe Harrison and Shannon can both attest to is there were many discussions with the Health Department regarding distances which ends up being the final comment that delays obtaining the Health approval, and there was a previous consensus that had already been determined and provided on the main permit showing what they wanted and would accept.

Thank you,



www.robertallenpoolsandspas.com

Zachary Allen
President/Owner
zach@rallenps.com

1090 Kietzke Lane
Reno, NV 89502
(775) 323-7665

From: Frank Lepori <frank@leporiconstruction.com>
Sent: Wednesday, July 31, 2024 4:24 PM
To: Zach rallenps <zach@rallenps.com>; Harrison Herrera <harrison@leporiconstruction.com>
Subject: RE: Correspondence with David Kelly re: Tamarack
Hi Zach,

Can you add a little back history, when you first submitted and issues with dates that we have had

Thanks

Frank M. Lepori
1580 Hymer Avenue, Suite 100
Sparks, NV 89431
775-337-2063
775-337-2066 Fax
frank@leporiconstruction.com
www.leporiconstruction.com



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From: Zach rallenps <zach@rallenps.com>
Sent: Wednesday, July 31, 2024 2:40 PM
To: Frank Lepori <frank@leporiconstruction.com>; Harrison Herrera <harrison@leporiconstruction.com>
Subject: Re: Correspondence with David Kelly re: Tamarack

Hey Frank,

Permit number in question BLD24-00149E. Thank you for looking into this.

Here's a quick summary timeline-

1001 E. Ninth St, Bldg. B
Reno, NV 89512

7/5- Fees ready to pay to obtain permit. Lei in our office sends email questioning why such a drastic price difference from another permit we had just paid for that was like kind.

7/6- Health Department responds stating they have implemented new rates for commercial pool and spa reviews as of 7/1. Also states Wes is out until 7/10.

7/15- I have been waiting for an inspection that we get on this date for another project, at this inspection I get to meet Wes face to face and question these fees. He states it's out of his control and we need to send an email to him and he'd run it up the food chain. Email sent by Lei in our Office on this date to Wes reiterating what I had spoken to him about in the field.

7/16-7/21- No response

7/22- Lei sends another email to Wes following up on email.

7/22-7/24 -No response

7/24- Lei sends 2nd follow up email

7/26- Response from Wes as follows-

Unfortunately, the only way we can even try to make this work will be the following:

1. You will have to pay the fees through the City of Reno, since they collect all the fees.
2. Once you pay, you can then come to our office and request a refund.
3. There is no guarantee you can get a refund, as that would have to go through our Administrative side for determination.

There is no way for us to change the fee in Reno's system to allow for any other options.

I hope that helps, let us know if you have any questions. Sorry, but that is the answer I got when trying to figure out how to proceed.

Wes

7/29- I reach out to David Kelly at Health Department to see what he can do. He gets back to me stating he checked with Wes and fiscal officer and because it went into effect 7/1 and there is nothing he can do.

Please see below on the different correspondence's. In the email Harrison forwarded on to you shows the screenshot of my conversation with David Kelly explaining my request and frustration.

From: EHS Plan Review <EHSPlanReview@nnph.org>
Sent: Friday, July 5, 2024 6:07 PM
To: Lei rallenps <lei@rallenps.com>
Cc: Rubio, Wesley S <WRubio@nnph.org>; Myers, Erin D. <EDMyers@nnph.org>
Subject: RE: BLD24-00149E - Fees Due - Commercial Pool & Spa at 13109 S VIRGINIA ST RENO, NV 89511

Lei,

The \$2,884.00 is for 2 (pool and spa) originally the fee was \$1,442.00. As of July 1, 2024, we had a fee increase that was set by the Board of Health. The fee now is \$3,353.00 but for two it is \$6706.00.

I have cc'd my supervisor in this email, Wesley Rubio, and senior Erin Myers if you have any questions that I was not able to answer.

Wes will be returning to the office next week I believe on the 10th of July.

This link below is our new fee scheduled for this or any further operations.

[Environmental Health Fees \(nnph.org\)](#)



Jessi Salim
Office Specialist
Environmental Health Services

O: 775-328-2434
1001 E Ninth St. Bldg. B Reno, NV 89512

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From: Lei rallenps <lei@rallenps.com>

Sent: Friday, July 5, 2024 3:44 PM

To: EHS Plan Review <EHSPlanReview@nnph.org>

Subject: FW: BLD24-00149E - Fees Due - Commercial Pool & Spa at 13109 S VIRGINIA ST RENO, NV 89511

Importance: High

I am wondering why this permit is so expensive. It states under Pool /Spa Construction Plan Review QTY 2 - \$6,706. I think this should be a 1. I have attached a permit we just received 1 week ago on a commercial property for a pool/spa. The

I am wondering why this permit is so expensive. It states under Pool /Spa Construction Plan Review QTY 2 - \$6,706. I think this should be a 1. I have attached a permit we just received 1 week ago on a commercial property for a pool/spa. The permit total was \$4,924.22, however the permit we are discussing is \$9,082.05.

I was needing some clarification as to why, please.

Thanks,

Lei A. Trease

Bookkeeper

Robert Allen Pools& Spas, Inc.

From: noreply@accela.com <noreply@accela.com>

Sent: Friday, July 5, 2024 2:15 PM

To: Lei rallenps <lei@rallenps.com>; Lei rallenps <lei@rallenps.com>

Subject: BLD24-00149E - Fees Due - Commercial Pool & Spa at 13109 S VIRGINIA ST RENO, NV 89511

1001 E. Ninth St, Bldg. B
Reno, NV 89512

Dear Applicant,

Subject: [BLD24-00149E](#) - Fees Due - Commercial Pool & Spa at 13109 S VIRGINIA ST RENO, NV 89511

Permit fees associated with [BLD24-00149E](#) have been assessed and fees are now due. To view and pay your invoice, please [click here](#), or access your account through [onenv.us](#) and select the payment tab. Please keep in mind that additional fees may be assessed should there be changes to the information submitted and reviewed. For electronic submittals, once fees have been paid, the building permit and all associated final documents will be issued. For paper submittals, once fees have been paid, the building permit and all associated final documents will need to be picked up at the Permit Services Counter located at 1 E. First St, 2nd Floor; permits not picked up within 180 days will expire.

Thank you,
Plans Coordinator
City of Reno
eplans@reno.gov

Attendee panel closed

BLD24-00149E - Fees Due - Commercial Pool & Spa at 13109 S VIRGINIA ST RENO, NV 89511

Correspondence with David Kelly re: Tamarack

From: Rubio, Wesley S <WRubio@nnph.org>

Sent: Friday, July 26, 2024 10:44 AM

To: Lei rallenps <lei@rallenps.com>

Subject: RE: Tamarack - BLD24-00149E

Hi Lei,

Unfortunately, the only way we can even try to make this work will be the following:

4. You will have to pay the fees through the City of Reno, since they collect all the fees.
5. Once you pay, you can then come to our office and request a refund.

1001 E. Ninth St, Bldg. B
Reno, NV 89512

- 6. There is no guarantee you can get a refund, as that would have to go through our Administrative side for determination.

There is no way for us to change the fee in Reno's system to allow for any other options.

I hope that helps, let us know if you have any questions. Sorry, but that is the answer I got when trying to figure out how to proceed.

Wes



Wesley Rubio, MPH, REHS

REHS Supervisor

Environmental Health

M: 775-900-7240

1001 E Ninth St. Bldg. B Reno, NV 89512

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From: Lei rallenps <lei@rallenps.com>
Sent: Wednesday, July 24, 2024 6:17 AM
To: Rubio, Wesley S <WRubio@nnph.org>
Subject: FW: Tamarack - BLD24-00149E
Importance: High

Wes: Please give us the name of the individual or individuals who would make the decision regarding the health fee increase on this project. Zach would like to contact them directly. Thank you, www.robertallenpoolsandspas.com Lei Trease Bookkeeper/

Wes:

Please give us the name of the individual or individuals who would make the decision regarding the health fee increase on this project. Zach would like to contact them directly.

1001 E. Ninth St, Bldg. B
Reno, NV 89512

Thank you,

Lei Trease
Bookkeeper/ Office Manager
lei@rallenps.com

1090 Kietzke Lane
Reno, NV 89502
(775) 323-7665

www.robertainpoolsandspas.com

From: Lei rallenps
Sent: Monday, July 22, 2024 9:37 AM
To: Rubio, Wesley S <wrubio@nnph.org>
Subject: FW: Tamarack - BLD24-00149E
Importance: High

Is there any information on our request?

Thanks,

Lei Trease
Bookkeeper/ Office Manager
lei@rallenps.com

1090 Kietzke Lane
Reno, NV 89502
(775) 323-7665

www.robertainpoolsandspas.com

From: Lei rallenps
Sent: Monday, July 15, 2024 4:18 PM
To: Rubio, Wesley S <wrubio@nnph.org>
Subject: Tamarack - BLD24-00149E
Importance: High

Wes:

1001 E. Ninth St, Bldg. B
Reno, NV 89512

This email is regarding the conversation you had with Zach Allen today, 7/15/24.

We received a notification to pay the fees due on permit # BLB24-00149E for the amount of \$9,082.05. However, we recently paid the fees on another commercial project – BLD24-07661E, for a pool and spa and the fees were \$5,589.42. We did not know that there was going to be a price increase as of 7/1/24.

The permitting process for the Tamarack permit started on 7/6/23. We have been working on the permitting for this project for 1 year. We had differential in permit cost from the pricing in 2023 to 2024 that is well above what was budgeted for this project.

We would appreciate any consideration regarding this permit cost since it was applied for in 2023 and finally approved on 7/5/24.

Thank you,

Lei Trease
Bookkeeper/ Office Manager
lei@rallenps.com

1090 Kietzke Lane
Reno, NV 89502
(775) 323-7665

www.robertallenpoolsandspas.com

Attendee panel closed

Tamarack - BLD24-00149E



Correspondence with David Kelly re: Tamarack



Thank you,



Zachary Allen
President/Owner
zach@rallenps.com

1090 Kietzke Lane
Reno, NV 89502
(775) 323-7665

From: Frank Lepori <frank@leporiconstruction.com>
Sent: Wednesday, July 31, 2024 7:18 AM
To: Harrison Herrera <harrison@leporiconstruction.com>; Zach rallenps <zach@rallenps.com>
Subject: RE: Correspondence with David Kelly re: Tamarack

Good morning

Thanks Harrison for the email,

Zach,

If you would send me an email with permit numbers and a quick summary with dates I will see what I can do. I agree with you it not fair. The sooner the better. Just remember I think we will win this battle but my guess we will get a little blow back from the Health Department. I all for it,

Thanks

Frank M. Lepori
1580 Hymer Avenue, Suite 100
Sparks, NV 89431
775-337-2063
775-337-2066 Fax
frank@leporiconstruction.com
www.leporiconstruction.com

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From: Harrison Herrera <harrison@leporiconstruction.com>
Sent: Tuesday, July 30, 2024 4:38 PM
To: Frank Lepori <frank@leporiconstruction.com>
Subject: FW: Correspondence with David Kelly re: Tamarack

FYI.

Harrison Herrera
 Estimator/ Sr. Project Manager
 (775) 337-2063



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1001 E. Ninth St, Bldg. B
 Reno, NV 89512

From: Zach rallenps <zach@rallenps.com>
Sent: Tuesday, July 30, 2024 4:34 PM
To: Harrison Herrera <harrison@leporiconstruction.com>
Subject: Fw: Correspondence with David Kelly re: Tamarack

Hey Harrison,

Please see the attached photos showing my correspondence with David Kelly Yesterday, regarding the charges from the Health Department for Tamarack.

Thank you,



Zachary Allen
President/Owner
zach@rallenps.com

1090 Kietzke Lane
Reno, NV 89502
(775) 323-7665