

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

TUESDAY

10:00 A.M.

MARCH 22, 2022

PRESENT:

Vaughn Hartung, Chair
Alexis Hill, Vice Chair
Bob Lucey, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Dave Solaro, Assistant 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:

Chair Hartung asked for a moment of silence for County Manager Eric Brown's son who passed away the previous Friday.

Commissioner Lucey noted that many people were present to speak about Agenda Item 7. He recommended Agenda Item 7 be heard first. Chair Hartung said it was in his purview to move items around and Agenda Item 7 would be heard first.

Assistant County Manager Dave Solaro said Agenda Items 15 and 17 had been removed from the agenda and would be brought back to the Board at a later date.

22-0198 **AGENDA ITEM 7** Discussion, possible approval, and possible direction to staff concerning Commissioner Herman's proposed election integrity resolution. This item may include consideration of any of the 20 items proposed for adoption in the proposed resolution, including items concerning voter registration requirements by verification through various databases dealing with things like residency and citizenship, ballot forms, mailing requirements for ballots including possible use of "return receipt requested" service for all mailed ballots, National Guard and/or Sheriff's Office deputies being present at polls, reviews and possible changes to voter rolls and statewide voter registration list, staffing matters for all aspects of election operations within the county including use of bipartisan teams where possible and use of only Washoe County residents as poll workers, requiring approval by central committees of political parties for membership on these bipartisan teams, determining shifts for bipartisan

teams and other workers in connection with elections, procedures and measures for scanning and entering mail ballots into the system upon receipt, use of different colors or watermarks for ballots, use of “stealth paper ballots” including use of carbon-copy paper for ballots, limiting the amount of private contributions that can be accepted by the county for use by the Registrar of Voters in connection with elections operations, quarterly reporting by the registrar on election security and related matters, ensuring ballot counting is public and continues unabated when counting starts and when polls are closed, requiring provisional ballots for same day voter registrations and/or possibly using different colors for those ballots, purging voter registration records by putting an expiration date on registrations 5 years after original registration, requiring renewal notices for registration records that are up for expiration if the previous item is adopted, setting a blanket 10 year retention requirement for election records, and other additional measures to ensure security in connection with the elections processes of the county. This discussion and possible action on this item will also involve consideration of the legal analysis and authorities for the county to address election matters, as well as limitations on the county’s powers, and will involve consideration of factual, practical, and financial considerations connected with possible implementation of any of the proposed items in the resolution. Possible action may include approval or denial of the resolutions, with or without appropriate modifications, based on the information received during the item’s presentation in the meeting. Manager's Office. (All Commission Districts.)

Chair Hartung asked for decorum during public comment and reminded everyone it was a business meeting. He noted Commissioner Herman asked for the item to be placed on the agenda, and he asked if she would like to speak about the merits of the resolution.

Commissioner Herman gave a history of her personal experiences regarding elections, which led her to question the integrity of the elections. She believed that elections should be fair, honest, transparent, and constitutional for every legal citizen in America; she opined it was her duty as a commissioner to provide this for her constituents. She noted that she had brought election questions, concerns, and complaints to the Board. She believed that during her seven and a half years as commissioner, she had yet to receive a complete answer regarding her election concerns.

Commissioner Herman said it had become apparent that citizens were not happy with the way the County was handling elections, so she worked with the District Attorney’s (DA) Office and learned how to write a resolution. She worked with a friend who was knowledgeable about elections to perfect the resolution. While she was drafting the resolution, she met with Mr. Robert Beadles who had drafted his own 95-item resolution; however, she was unable to get Mr. Beadles’ items included because of time constraints.

On the call for public comment, Mr. Pablo Nava Duran said the government should be of the people, by the people, and for the people. He believed democracy would prevail. He said it was a sacred duty of every president to preserve the union. He expressed frustration with the incident at the U.S. Capitol on January 6, 2021. He noted he did not support Joey Gilbert for Governor. He opposed the resolution.

Mr. Edmond Buddy Miller stated he opposed the proposed changes to the election system, particularly item 15 regarding the hand counting of ballots. He did not believe it would be feasible to hand count all the ballots in Washoe County within the time frame to report the election results and certify the vote. He thought it would cause delays statewide and across the country. He noted the County would participate in a pilot risk-limiting audit and he doubted the County would meet its deadlines if the ballots were hand-counted. He said the research done by the DA's Office and the Research Division of the Legislative Counsel Bureau stated item 15 could conflict with the Nevada Voter Bill of Rights, which was part of the Nevada Constitution. The Voter Bill of Rights provided every voter with the right to have a uniform statewide standard for counting and recounting all votes accurately. He said the State used machines to count votes and Washoe County would be the only county that did not. He believed hand counts were prone to human error. He urged the Board to reject the proposed resolution, especially item 15.

Ms. Sara DeAngelo strongly opposed the resolution. She shared that her husband had Parkinson's, noting the proposed changes to the election system would place an undue burden on him. She believed the democratic process was meant to be a competition of ideas and not a means of putting up roadblocks to prevent people from voting. She thought people should be encouraged to vote and access to voting should be increased.

Ms. Val White requested the Board approve the resolution. She believed the Dominion voting machines were untrustworthy, and that this was proven in a Mesa County, Colorado report published by Mesa County Clerk Tina Peters, titled "Mesa County Forensic Report and Analysis." She quoted an article by Eryn Hurley, Director of Government Affairs for the National Association of Counties, titled "All Elections Are Local: The County Role in the Elections." According to the article, each state shaped its own election laws, which determined the roles counties played. She opined elections were a County issue and not a State issue. She thought the current election system was defective and urged the Board to fix it.

Mr. Marc Colosimo believed the resolution was based on false claims and misrepresented data. He urged the Board to honor its pledge and the Constitution and reject the resolution.

Ms. Karen Serink noted there were many new people in attendance. She opined there was no voter suppression problem in Washoe County. She believed the resolution intended to ensure elections were fair and just for all voters. She said the people wanted honesty and transparency in the electoral process. She urged the Board to support the resolution and restore trust in the election system.

Ms. Penny Brock displayed documents, copies of which were placed on file with the Clerk. She spoke about Dillon's Rule, noting home rule legislation in Senate Bill 29 was passed in 2015, which gave more power to the Board of County Commissioners (BCC). She referenced page eight of the Nevada County Commissioner Handbook. She believed Washoe County could decide to get rid of Dominion voting machines, vote by paper ballot, and hand count ballots. She urged the BCC to support the resolution and restore fair and honest elections to the County.

Dr. William E. Miller said he was in attendance to defend the right to vote because he believed it was under attack. He opined the former president could not win an election legitimately. He expressed frustration with the data presented by Mr. Beadles. He thought the resolution would create voter suppression.

Ms. Gail Anderson supported the resolution. She requested that fraudulent vote-counting systems be removed from the County. She believed everyone should live honestly.

Ms. Margo Piscevich stated everyone was entitled to their opinion, but she thought they should have facts to support those opinions. She noted she had worked as a poll watcher and did not think there were many issues with the current voting system. She believed it would cost \$4.9 million to make all the changes proposed in the resolution, and that was without court appeals. She referenced the report provided by the DA's Office, which stated most of the items in the resolution were not matters of local concern. She said she had to go through training to be a poll watcher.

Ms. Deborah Achtenberg opined the resolution was a voter suppression proposal not a voter integrity proposal. She believed its two goals were to make voting more difficult and to intimidate people by having armed guards at each polling location. She said voting was sacred and should be for everyone. She urged the Board to vote against the resolution.

Ms. Nancy Podewils-Baba said she was impressed with how the election process worked. She thought the resolution was unrealistic and would cause voter disenfranchisement. She believed there should be additional machines at polling locations to avoid long lines. She opined having armed guards at locations would be intimidating and hand-counting votes would be time-consuming. She asked the BCC to reject the resolution.

Ms. Natalie Handler stated she opposed the resolution. She believed it would cause voter suppression and lead to lawsuits. She asked the Board to reject the resolution and protect the people's freedom to vote.

Ms. Kris Engstrom said she worked as an election employee in 2020 and was impressed with how the election was run. She spoke about her assignment working the dropbox. She opined there was no evidence of election fraud, and she believed her ballot was counted and received.

Mr. Nicholas St. Jon referenced Dillon's Rule and wondered about the definition of a "significant impact." He believed many people had lost faith in the election process, noting they had been asking for a forensic audit of the election for 16 months. He opined there was overwhelming evidence of voter fraud, but a hearing had not been conducted.

Mr. Richard Smith shared that he was a 40-year transplant to the State of Nevada and had voted in every election. He supported the resolution and thought it was fair, reasonable, just, and right. He said he was a minister of the gospel and ministered to individuals of all backgrounds and statuses. He remarked no one had expressed frustration to him about their inability to vote in Washoe County. He thanked Commissioner Herman for her proposal.

Ms. Sequila Angkratok opposed the resolution. She voiced concern about the direction of the County and the country. She believed the resolution would cause voter suppression. She said the Nevada Legislature passed Assembly Bill (AB) 431 in 2019 to re-enfranchise approximately 70,000 formerly incarcerated voters. She thought the resolution would deter these individuals from exercising their fundamental right to vote. She opined the items proposed in the resolution would be time-consuming, costly, and illegal. She urged the BCC to reject the resolution.

Ms. Betty Thiessen shared that she had been working with Mr. Beadles for five months and believed she had seen fraud. She asked the Board to support the resolution.

Ms. Tracey Hilton-Thomas quoted James 1:12 from the Bible. She said she had worked as an election employee for 20 years and believed she had witnessed fraud. She opined she had more knowledge of elections than anyone else in the room or currently employed by Washoe County, and voiced frustration that no one had reached out to her regarding the resolution. She said the resolution was not intended to create law, but to provide direction to staff. She encouraged the Board to support at least some of the measures included in the resolution.

Ms. Kathleen Bohall urged the BCC to reject the resolution. She thought having armed guards at polling locations would intimidate voters. She believed the concerns regarding duplicate votes should be resolved by the Registrar of Voters (ROV) Office. She opined standard auditing procedures could be implemented to ensure the integrity of the vote. She again urged the Board to reject the resolution.

Ms. Jan Hilton displayed documents, copies of which were placed on file with the Clerk. She thought each of the 20 items in the resolution should be reviewed and taken into consideration individually. She spoke about the United States Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) program, noting it did provide verification of citizenship. She said six states used USCIS to verify voter registrations. She opined the resolution was not about creating laws or mandates, but about providing direction to staff. She urged the BCC to direct staff to clean

up the voter rolls. She requested that the ROV send data daily to the Secretary of State (SOS) and certify that it was accurate and complied with State and federal laws.

Ms. Katie Freeman thought Agenda Item 7 should not have made it as far as it did and believed it would cause voter suppression. She opined it would disenfranchise the poor, the disabled, and the elderly. She opposed the resolution.

Mr. William McLean said he had not missed an election in the past 48 years, noting he took the obligation to vote seriously. He believed the ROV was professional, timely, and secure. He thought the resolution would undermine the work of the ROV. He opined there was no fraud in the last election and thought hand-counting of ballots was outdated and prone to error. He believed having the Washoe County Sheriff's Office (WCSO) at polling locations would be intimidating. He expressed frustration with the resolution, noting it would require him to re-register to vote.

Ms. Jasmin Margarita Tobon opposed the resolution. She thought it was an attempt to suppress voters and contained illegal and unconstitutional measures. She said there was no evidence of election fraud according to the SOS. She opined minorities would be disenfranchised by the resolution and urged the BCC to vote against it.

Ms. Briana Escamilla opposed the resolution. She believed it was unlawful and violated State and federal laws and the U.S. Constitution. She said the Board lacked the authority to implement most of the measures in the resolution. She spoke about item 7 of the resolution regarding stealth voting. She opined stealth paper ballots would make voting more difficult for voters, stating they were time-consuming and waiting in line was not feasible for all voters. She thought hand-counting would result in later election results and electronic voting machines ensured accuracy. She referenced an article in the Reno Gazette-Journal which addressed claims of vote inaccuracies and believed this was due to a data file error. She urged the Board to vote no on the resolution.

Ms. Hailey Lindsley agreed with many of the speakers and opposed the resolution. She supported the statements of the SOS that there was no evidence of voter fraud during the last election. She believed several components of the resolution were unconstitutional and unnecessary. She spoke about the certification of ballots via the United States Postal Service (USPS), noting that those who benefit from mail-in ballots were often not able to sign for certified mail. She believed it would be costly and would disenfranchise individuals.

Ms. Lindsey Harmon opposed the resolution. She expressed frustration with several items proposed in the resolution: certification of mail-in ballots, requiring taxpayers to cover the cost of mail certification, armed guards at polling locations, and expiration dates for voter registration. She encouraged the Board and the attendees to read the numerous reports that stated there was no evidence of voter fraud in Nevada. She urged the BCC to vote against the resolution.

Ms. Daela Gibson believed that voting evolved because good governance required participation in electoral and democratic processes. She thought the BCC should work to remove barriers to voting. She opposed the resolution and opined its measures would lead to voter suppression. She remarked steps should be taken to increase access and ensure individuals were able to exercise their right to vote.

Mr. Doug Jalen supported the resolution. He said that Nevada was ranked 50th in voter integrity. He stated that polls showed most people supported voter identification. He did not believe the resolution would lead to voter suppression. He noted the WCSO was present at the meeting, and no one appeared to be intimidated. He urged the Board to support the resolution.

Mr. Bill Sims did not believe the election system was an issue and trying to fix it would be a waste of taxpayer money. He thought having the National Guard or the WCSO at polling locations would intimidate voters. He said people could not pick and choose which candidates were decertified in an election. He voiced concern that the resolution would disenfranchise voters and asked the Board to vote no.

Ms. Barbara Twitchell remarked that over 60 state and federal lawsuits alleging election fraud had been dismissed due to a lack of evidence. She noted recounts and audits had occurred in several states, but no evidence of fraud had been identified. She said Nevada's SOS and ROV had certified the election as fair and accurate. She believed the resolution was inconvenient and expensive and opined it was a solution to a nonexistent problem.

Ms. Jennifer Parlane said she had voted many ways over 33 years and never had any issues. She noted she had also served as a poll worker. She shared that her father was a resident of the new veteran's hospital facility along with 94 other veterans. She believed the resolution would have unintended consequences, such as the removal of her father's right to vote. She did not think mailed ballots should have to be signed for.

Ms. Laurie Owen opposed the resolution. She believed more people should be encouraged to vote. She did not think the National Guard or the WCSO should be present at polling locations. She noted that voting by mail was done in several states and had been done that way for decades. She urged the BCC to vote no on the resolution.

Ms. Mary Anne Galperin opposed the resolution and thought it was a smokescreen. She did not think it would help the people and believed it would suppress voters. She thought the resolution was a poor attempt to fix a problem that did not exist, and she urged the Board to vote no.

Mr. Tom Daly disclosed that he was a candidate for Nevada Assembly District 26. He wanted the voter rolls to be accurate. He urged the Board to engage a forensic audit firm to conduct a point-in-time random sample audit of the voter rolls. He believed it would be the first step in restoring the credibility of the BCC.

Ms. Christiane Brown opposed the resolution and did not believe there was any evidence of voter fraud in Washoe County in the 2020 election. She thought the allegations were debunked and the 2020 election was the most secure in history. She expressed frustration with the claims of voter fraud. She demanded the Board oppose the resolution.

Ms. Pam Roberts believed every eligible voter should be able to vote and that every lawful vote should be counted. She opposed the resolution and thought it created barriers to voting. She spoke about the U.S. Constitution and the history of the right to vote. She requested that Commissioner Herman withdraw the resolution and urged the other members of the Board to vote no.

Mr. Robert Beadles displayed documents, copies of which were placed on file with the Clerk. He referred to information from the ROV. He noted that Ms. Hilton-Thomas had tried to report activity she believed to be fraudulent to both law enforcement and the BCC, but nothing had been done. He opined the changes proposed in the resolution would only cost \$1.5 to \$2.5 million. He wondered about the voter data from the 2020 election. He believed there was a lack of transparency in the election system.

Ms. Janet Butcher displayed documents, copies of which were placed on file with the Clerk. She reminded everyone that the U.S. was a constitutional republic, not a democracy. She shared that she was a poll watcher and believed she had witnessed fraud. She thought paper ballots were important and were not susceptible to being hacked like voting machines. She said she was placed on an inactive voter roll during the last election.

Mr. Tom Lenz supported the resolution. He opined there were two groups of people present at the meeting, and one group believed lies. He thought most people wanted former President Donald Trump to win the 2020 election. He asked the Board not to spend money on lies.

12:00 p.m. **The Board recessed.**

12:45 p.m. **The Board reconvened with all members present.**

Ms. Kimberly Clark requested the Board support the resolution. She opined that voter fraud had gone on for a long time. She asked the Board to seek another way to make elections fair if it voted no on the resolution.

Mr. Alan Jordan wanted a fair, equitable, safe, and accurate election, but did not believe the resolution was the way to go about it. He urged the Board to vote no. He thought the resolution was an attempt to fix a problem that did not exist. He opined the cost of the changes was not being taken into consideration. He claimed he did not see evidence that the resolution would have a positive impact on the community.

Mr. Ed Goodrich encouraged the BCC to oppose the resolution. He believed the resolution would undermine the voting system and lead to voter suppression. He said

he had participated as a partisan observer of elections in Nevada for the past 25 years and opined he had not witnessed any illegal behavior. He remarked that the Washoe County election system was not broken. He again asked the Board to oppose the resolution.

Ms. Amy Akao opposed the resolution and thought it would be harmful to her and other Asian American and Pacific Islanders (AAPI) in Washoe County. She shared that the right to vote was important to her and her family. She spoke about the USCIS SAVE program, noting it was not a real-time database and USCIS did not consider it appropriate for the identification of U.S. citizens. She believed AAPI individuals would be disproportionately affected by the resolution. She thanked Washoe County Registrar of Voters, Deanna Spikula, for her commitment to the community. She urged the Board to vote no on the resolution.

Ms. Tina Nappe was not present when called to speak.

Ms. Janice Jones asked the BCC to support the resolution. She wanted a fair election system the people could trust. She said she no longer trusted the Board's vote and thought Commissioner Herman was the only member of the Board who listened to the constituents. She noted she met with two BCC candidates over the weekend. She asked the Board to do something good for the people and secure elections.

Mr. Derreck Sadjoeri opposed the resolution. He shared that he was from South America and had experienced voter suppression and intimidation. He voiced concern about the proposal to have armed guards at polling locations.

Ms. Lilith Baran noted everyone in attendance was passionate and applauded them for coming out to protect their rights. She believed the voting machines were secure and efficient. She opined the resolution would disenfranchise many Washoe County residents and would be costly to taxpayers. She urged the BCC to reject the resolution.

Ms. Sarah Mahler shared that she was the volunteer Chair of the Democratic Party of Washoe County. She believed the resolution was costly and would lead to voter suppression. She spoke about item 11 of the resolution, noting the Democratic Party of Washoe County believed the election process should be nonpartisan. She remarked that she respected the work of Ms. Spikula. She opined item 11 would disenfranchise voters. She asked the Board to reject the resolution.

Ms. Pam Alvey shared that she was a 30-year veteran teacher at the Washoe County School District (WCSD) and a retired special education teacher. She thought that for an election to be fair it required fairness for every person who was eligible to vote. She opined the resolution could have a negative impact on many individuals. She said it was up to the people to make sure every eligible voter had the access to vote.

Mr. Michael Phillips opposed the resolution. He referenced the Heritage Foundation, a conservative think tank, which found that only one person had been

convicted of voter fraud in Washoe County in the last 40 years. He said Washoe County had conducted a financial impact study, and he believed the expenditures in the resolution were proposed to solve a problem that did not exist. He discussed each of the expenditures and noted they would be a waste of taxpayer money.

Mr. Johnnie McGee asked the BCC to reject the resolution. He thought the Board should focus on increasing voter access. He shared that he was not comfortable with the presence of armed security at the meeting and would be uncomfortable with the National Guard or the WCSO being present at polling locations. He said County and State laws already provided functional election protections. He again urged the Board to reject the resolution.

Ms. Jill Dobbs agreed with the previous speakers in opposition to the resolution. She asked the Board to listen to facts, not fears. She believed the resolution would disenfranchise many voters and be a waste of money. She asked the Board to uphold the State and federal constitutions and vote no on the resolution.

Ms. Cynthia Strand-Smart opposed the resolution. She believed it was built on lies and did not think significant voter fraud had occurred throughout the country. She opined the resolution would increase barriers to voting. She shared that her children were unable to vote due to voter suppression. She urged the Board to vote no on the resolution.

Mr. Adrian Lawry opposed the resolution. He thought the measures in the resolution were based on false claims that the 2020 election was stolen. He voiced concern that the resolution would suppress the rights of minorities. He spoke about the Jim Crow era. He said people should be encouraged to vote. He opined the presence of law enforcement or the National Guard at polling locations could intimidate individuals and deter them from voting.

Ms. Susan Hansen referred to a study conducted by the Heritage Foundation. She displayed a document, a copy of which was placed on file with the Clerk. She spoke about the document, noting it was an election integrity scorecard. She said the red states on the card had experienced the most election fraud, and Nevada was one of those states. She encouraged the Board to do something to get Nevada out of the red zone. She urged the Board to support the resolution and protect her vote.

Ms. Gaia Brown said she had been voting since 1968 and could not think of a primary or general election she had missed. She thanked the Board members for their service. She thought the resolution would disenfranchise voters of all political parties. She believed it would decrease access and intimidate voters. She opined there was no evidence of election fraud. She shared that she was a poll watcher for the 2020 election and believed the process was professional and the results were reliable.

Ms. Denise Miller was not present when called to speak.

Ms. Diana Berlin-Smith thought the resolution would lead to voter suppression. She said she listened to Mr. Beadles' podcast the night before, noting he said people would not vote if the process was too difficult. She opined that Mr. Beadles wanted to suppress the vote. She voiced concern about several items proposed in the resolution, particularly the use of the USCIS SAVE program and change of address forms. She urged the Board to vote no on the resolution.

Ms. Marianne Denton opposed the resolution. She believed it was based on misinformation, fraud, and manipulated data. She thought the resolution was an attempt to suppress voters. She voiced concern with the proposed measure to have the National Guard or law enforcement present at polling locations. She urged the Board to reject the resolution and ensure voting in Washoe County remained free and fair.

Mr. Eric Denton requested that the Board reject the resolution. He did not believe any voter fraud occurred during the 2020 election. He opined the allegations were based on conspiracy theories. He said the SOS found ten possible cases of mail-in votes from deceased individuals and ten possible cases of double voting. He noted there was only one confirmed case of voter fraud in Nevada and the individual was convicted. He again asked the BCC to vote no on the resolution.

Mr. Edwin Lyngar expressed frustration with the resolution. He believed the allegations of voter fraud had been debunked. He disclosed that he had filed candidacy for the BCC in District 5.

Ms. Mary Richardson displayed a document, copies of which were placed on file with the Clerk. She shared that she was a member of Indivisible Northern Nevada, a nonpartisan grassroots group. She referred to the document, stating it was a white paper on the election process in Washoe County, created by Indivisible. She stated she had participated in training to be an election worker. She believed the voting system did have integrity and was a nonpartisan process. She voiced concern about the resolution and asked the Board to vote no.

Ms. Laynette Evans opposed the resolution. She displayed a document, copies of which were placed on file with the Clerk. She referred to the document mentioned by Ms. Richardson, noting she had also worked with Indivisible Northern Nevada. She thought all citizens wanted fair elections. She said Indivisible took months to review public information and interview elected officials from both parties. She opined the election system in Nevada was among the most secure in the country, and there were no credible reports of voter fraud in the midterm elections. She believed the resolution would suppress voters. She asked the Board to vote no.

Mr. Chip Evans thanked the BCC and the DA's Office. He referred to the memo from the DA, noting it questioned the Board's authority to pass several items within the resolution. He believed the resolution would affect local, State, and federal elections. He opined it would lead to litigation and would be costly to taxpayers within the County. He urged the Board to reject the resolution and focus on problems that needed to be solved.

Mr. Thomas E. Wicker was not present when called to speak.

Ms. Robbin Palmer was not present when called to speak.

Ms. Renee Rezendes displayed a document, copies of which were placed on file with the Clerk. She said she had called Chair Hartung's office and the DA to ask questions about the meeting processes and procedures. She expressed frustration about the way the last meeting had been conducted. She believed Mr. Beadles and others had provided facts regarding election integrity and thanked them for their work. She noted Ms. Spikula had been asked if she received money from private companies during the last meeting and she responded that she did receive money from non-profits. Ms. Rezendes noted the names of the non-profits were not provided and she would like that information. She thought the Dominion voting machines were a problem and a waste of money.

Mr. Clint Fries thought the ROV and the poll workers did an excellent job. He believed parts of the resolution were questionable, particularly having law enforcement or the National Guard at polling locations and requiring return receipt requests for mail-in ballots. He noted the paper in the voting machines was there for backup. He urged the Board to vote no on the resolution.

Ms. April L. Sovey believed the voting machines were unreliable and led to corrupt elections. She said election integrity was not a party issue. She referenced the Heritage Foundation study, stating Nevada was ranked last in the country for voter integrity. She spoke about Dominion and opined it had been involved in fraud. She voiced concern about mass mail-in ballots and Nevada's voter rolls. She thought Washoe County residents should be hired to clean up and maintain the rolls.

Ms. Amy Powell stated she was a poll observer and a resident of California. She noted she had observed the voting process in five different states and seven different counties within Nevada. She opined she did not see anything suspicious while she observed. She asked the BCC to vote no on the resolution.

Ms. Monica Jaye displayed an image on her phone. She said she had dealt with the issue of voter fraud for approximately 20 years. She informed that Washoe County used to have an ordinance that disallowed voting for individuals who had just moved to the area. She said she wanted her taxpayer dollars to go towards election integrity. She did not believe Mr. Beadles or Commissioner Herman were spreading lies. She thought the Board should vote for individual items proposed in the resolution, particularly voter identification. She asked the BCC to make a difference.

Ms. Heather Carpenter said she was not concerned about voter fraud. She thought it was attempted by less than 1 in 1 million registered voters. She did not believe it posed a significant enough threat to the voting process to justify the expenditures within the resolution. She opined it was a voter suppression resolution. She expressed frustration about having to attend the meeting in person to voice her concerns. She asked the members of the Board to vote no on the resolution and to resign.

Ms. Maureen Kane was not present when called to speak.

Ms. Elvira Diaz shared that she was the Senior Civic Engagement Organizer for the Progressive Leadership Alliance of Nevada (PLAN). She said PLAN believed everyone's voice was valuable and every eligible voter should have the opportunity to participate. She opined the resolution was dangerous and would lead to voter suppression. She thought the claims of voter fraud were false. She voiced concern about several of the measures in the resolution and believed they would create barriers to voting for seniors, the disabled, and people of color. She thought having the National Guard or law enforcement at polling locations would intimidate voters. She urged the Board to vote no on the resolution.

Mr. Matthew Fonken said he was the Executive Director of the Nevada State Democratic Party. He opposed the resolution and asked the Board to vote no. He believed the resolution would make elections less accessible, less accurate, and less neutral. He noted the resolution eliminated nonpartisan oversight of ballot collection and result counting, electronic voting machines, placed law enforcement at polling locations, and allowed for the correction of voting records outside current parameters. He thought the resolution would be costly to taxpayers and lead to intimidation and disenfranchisement. He opined it would not protect democracy and urged the BCC to vote no.

Mr. Dan Landon thought everyone at the meeting wanted free and fair elections and did not want to disenfranchise anyone from voting. He believed the system and Dominion were the problems, noting he did not think any individuals were responsible for committing voter fraud. He thought the voter rolls needed to be cleaned up and the machines should be eliminated. He opined that if a few of the items in the resolution were approved it would show the people that something was being done about the issue of election integrity. He urged the Board to consider each of the items in the resolution individually and rate a score for each item.

Mr. Robert (Nick) Martin remarked that there were two distinct groups present at the meeting, those for the resolution and those against. He opined that the individuals against the resolution would not attend any other meetings. He supported the resolution and thought it contained reasonable checks and balances on the election system. He wanted every legal citizen to be able to vote.

Ms. Arlene Wasserman opposed the resolution. She thought it was a good faith effort to improve the security, accuracy, and integrity of the election system. She supported voter identification and asked that it be made clear to the public which types of identification would be accepted and thought they should be easy to obtain for eligible individuals who did not already have them. She requested that polling locations have more than one electronic voting kiosk for ADA-qualified voters. She thought that if the presence of the National Guard was necessary, they should receive training to avoid intimidation of voters. She believed it would be difficult for some voters to receive their ballots by certified mail and that mail-in ballots be counted three to four days before the official day of the election to keep the timeline on track.

Ms. Mary Anderson believed it should be one vote per citizen and voter identification should be required. She wondered about the purchase of new Dominion voting machines and thought they could be hacked. She questioned why the voter rolls were not cleaned every year. She thought same-day registration should be eliminated.

Ms. Debbie Tayler was not present when called to speak.

Ms. Amber Falgout shared that she was the Northern Nevada Manager with Institute for a Progressive Nevada, and she opposed the resolution. She expressed frustration about the claims of voter fraud and did not believe it had occurred. She believed it should be easy for all eligible Washoe County voters to exercise their right to vote. She thought the resolution was a solution to a problem that did not exist and opined it would create barriers to voting. She urged the Board to vote no.

Ms. Meghan Archambault stated she was in attendance on behalf of the Nnedi for Nevada Campaign, and she opposed the resolution. She shared that she had voted in every election in Washoe County since 2014. She believed the resolution was costly, would disenfranchise voters, and was written based on false allegations of voter fraud. She thought it violated State law and the Voting Rights Act. She said a mail-in ballot was a paper ballot. She thanked Vice Chair Hill and other elected officials, on behalf of Nnedi for Nevada, for speaking out against the resolution.

Ms. Caryn Neidhold shared she was a teacher and was in attendance on behalf of her students' future voting rights. She asked the Board to vote no on the resolution. She quoted Commissioner Herman, that the people needed to have a voice to be heard. Ms. Neidhold said the Board needed to listen to all the constituents, not just those who had the time to attend meetings at 10:00 a.m. She thought the term "purity" in the resolution implied racism and staffing polling locations with law enforcement would intimidate voters. She opined the expenditures in the resolution were wasteful and should be put towards education instead. She urged the Board to vote no.

Ms. Maxine Bradshaw believed voter fraud was real and that it had been going on even before the 2020 election. She said that was why a recall had been started against Governor Steve Sisolak in 2019. She claimed the group Fight for Nevada had presented documents that Governor Sisolak had lost by 80,000 votes in Clark County but were told the information had been provided too late. She believed Commissioner Herman was the only one standing up for the people of Washoe County. She asked the Board to discuss the resolution.

Mr. Eugene Gerscovich wondered if anyone present knew of a country in which people could vote without identification. He did not think the resolution was costly and claimed it paled in comparison to the budgets of the City of Reno and Washoe County. He said police protection made him feel safe and not threatened. He encouraged the Board to pass the resolution.

Mr. Al Pixton shared that he moved to Washoe County approximately four years ago from California. He did not think he had a voice in California and did not believe his vote counted. He requested hand-counted paper ballots. He said he did not trust electronic voting machines and believed they could be hacked and connected to the internet. He opined voter fraud occurred during the 2020 election. He supported voter identification and wanted voting to be safe and secure for every legal citizen. He believed trust in the election system should be the first priority.

Ms. Candy Halbig opposed the resolution. She noted that she had been a poll worker in many capacities. She said she became an absentee or mail-in ballot tracker once the COVID-19 pandemic began. She remarked that people had to show identification and proof of residency to register to vote in Washoe County. She believed the ROV already checked signatures, identification, and residency for registration. She noted four people reviewed ballots that were rejected by electronic voting machines, and the individuals were bipartisan. She did not believe voter fraud had occurred.

Ms. Holly Welborn stated she was the Policy Director for the American Civil Liberties Union (ACLU) of Nevada, and she opposed the resolution. She said the ACLU submitted a letter with its legal analysis of the resolution. She displayed the letter, copies of which were placed on file with the Clerk. She noted the ACLU ran an election protection program every election cycle and assisted voters in accessing the polls. She remarked the ACLU had disagreed with Ms. Spikula on several occasions but believed she was a dedicated servant who upheld the rule of law. Ms. Welborn thought items in the resolution were redundant, unnecessary, or illegal. She opined the Board had no authority to implement most of the measures proposed in the resolution. She urged the Board to reject the resolution.

Dr. Layne Linebaugh quoted the Bible. She requested the Board consider the individual items in the resolution separately and vote yes on items such as the requirement for voter identification. She said the presence of law enforcement at the meeting made her feel secure. She said everyone knew when election day was and could plan for childcare and other accommodations as necessary. She asked the Board to do what was right.

Ms. Erin Massengale was not present when called to speak.

Mr. Benjamin Challinor was not present when called to speak.

Ms. Pauline Gerscovich shared that she came to the U.S. from Latin America where she had seen many elections but had never seen one that did not require voter identification. She remarked that people in Haiti who did not have voter identification had to have their fingers dipped in paint when they voted so they could not vote more than once. She voiced concern about electronic voting machines. She urged the Board to vote yes on the resolution.

Ms. Selena La Rue Hatch opposed the resolution. She thought the last election was legitimate and widespread voter fraud did not occur. She noted the SOS certified the election results and had continued to stand by them. She believed the items proposed in the resolution were costly, unlawful, and would be dangerous to the future of democracy. She demanded the BCC reject the proposal.

Mr. Dwight George opposed the resolution. He believed the measures in the resolution were proposed due to fear. He said fear should never be used as a replacement for freedom. He thought the 2020 election was the safest in U.S. history. He opined the resolution would lead to voter suppression. He stated true freedom was participation for every American.

Ms. Karen Stephens thanked Commissioner Herman for standing up for the people. She supported the resolution. She thought Nevadans should know their votes counted, and it should be one vote per person. She believed the voter rolls were a mess which led to fraud. She voiced concern about mail-in ballots. She urged the Board to vote yes on the resolution.

Mr. David Chamberlain supported the resolution. He urged the Board to publish the voter data provided by the ROV. He opined Washoe County elections had been corrupt for decades. He opposed the use of electronic voting machines, mail-in ballots, out-of-state poll workers, acceptance of money from Mark Zuckerberg, drop-boxes, and ballot-harvesting. He supported citizen-only voter identification. He played a video about a man who had not voted but it appeared that he had. He urged the Board to vote yes on the resolution.

Mr. Mark Leonard was not present when called to speak.

Ms. Mary Lamb suggested the individuals who did not believe voter fraud occurred should do a ride-along with those who had been out canvassing. She expressed frustration that there was only one metal detector present at the meeting despite the number of attendees. She wondered if the people who said they did not have issues with electronic voting machines had ever tracked their votes. She said the ROV could not tell her who she voted for. She asked the Board to vote yes on the resolution.

Ms. Erika Minaberry stated she was present on behalf of Care in Action, an organization dedicated to amplifying the voices of women of color. She opposed the resolution and thought it would silence and disenfranchise women of color. She opined the resolution was not a matter of local concern and therefore violated Dillon's Rule. She spoke about Jim Crow laws and Black Springs, Nevada. She expressed frustration about the current election system in Nevada and urged for fair and equitable elections. She asked the Board to vote no on the resolution.

Mr. Pete Todoroff thanked Commissioner Herman for bringing up the issue of election integrity. He shared that he had to show identification to check out a book from

the library and he believed people should have to show identification to vote. He asked the Board to support the resolution.

Mr. Alex Flangas believed hand-counted elections would produce more errors than voting machines. He opposed having armed guards at polling locations and purging voter rolls every five years.

Ms. Lindsey Moser said she supported most of the resolution but thought the individual measures should be considered separately. She spoke about item 13 of the resolution, noting she did not believe it was voter intimidation. She thought it would ensure safety and was a necessary safety precaution. She referred to the legal analysis from Deputy District Attorney Nathan Edwards, stating it was lawful to have law enforcement at polling locations.

Ms. Julie Osburn expressed pleasure regarding the work Commissioner Herman had done. She shared that she was a retired firefighter paramedic and was happy to have law enforcement at polling locations to ensure safety. She thought everyone should take the issue of election integrity seriously and believed everyone in the room wanted fair and free elections. She said she did not have confidence in voting machines. She requested the Board discuss each item in the resolution individually and then vote yes. She said she wanted her vote to count.

Ms. Kim Brant was not present when called to speak.

Ms. Julia Uren was not present when called to speak.

Ms. Karen Lind was not present when called to speak.

Mr. George Lee wondered about the chain of custody of ballots. He opined that sending out mail-in ballots was equivalent to losing the chain of custody. He suggested that people be required to apply for a mail-in ballot if they needed the accommodation. He did not think the resolution would suppress voters. He asked whether individuals who sent in emails as opposed to attending in-person received the same hearing.

Mr. John Hervey was not present when called to speak.

Ms. Darla Lee was not present when called to speak.

3:29 p.m. **The Board recessed.**

3:45 p.m. **The Board reconvened with all members present.**

Mr. Jim Bratcher apologized for referring to the members of the Board as snakes during the last meeting. He shared a story about his time as a paramedic in the City of Reno when he and his partner witnessed a man go into cardiac arrest. He said his partner had questions about why the man went into cardiac arrest, and Mr. Bratcher told him all

that was needed at that time was to give the man CPR. He related the story to the election system and the resolution. He wanted the BCC to require voter identification, limit private contributions, scan ballots when submitted, require ballot counting in public view, hand-counting of ballots, and ensure there were discernible differences in provisional ballots.

Ms. Karen Bennett was not present when called to speak.

Mr. Grant McBeth opposed the resolution. He believed it would lead to voter suppression. He urged the Board to vote no.

Mr. Roger Scime spoke about item 8 in the proposed resolution related to certified mail. He thought it was ill-conceived and the numbers provided by Mr. Beadles were inaccurate. He noted certified mail was restricted delivery and if a person was not home to accept the mail a slip would be left for them to pick up the ballot. He thought this would involve many steps and would be time-consuming.

Mr. William Newhall stated integrity of elections was critical but believed the election processes were already accurate and secure. He opined there was no credible evidence that voter fraud had occurred. He thought imposing new strict guidelines was unnecessary, and that the resolution would have a negative impact on many voters. He asked the Board to preserve democracy and the constitutional right to vote by rejecting the resolution.

Dr. Ingrid Lubbers voiced concern about the voter rolls and the mass mailing of unrequested ballots. She believed voter fraud was rarely prosecuted. She supported voter identification and thought absentee ballots should be sent out only upon request. She did not think the items in the resolution would cause voter suppression or negatively impact minorities. She supported accommodations for individuals in need.

Mr. Tom Dunn believed elections in Washoe County were fair and secure. He opposed the resolution and thought it would disenfranchise many voters, including his parents who were disabled. He thought the item regarding certified mail would place an undue burden on the County's citizens. He opined the budget figure was inaccurate and did not include legal fees due to potential litigation. He asked the Board to vote no.

Ms. Kelly Hill said she was at the meeting because she had the ability to do so. She asked the BCC to vote no on the resolution. She thought many people did not have the time or the ability to attend the meetings, wait in lines to vote, or wait for certified mail to be delivered.

Ms. Diane Craig supported the resolution. She noted it was not perfect, but she thought something needed to change. She believed the Board was wasting money on the issue of homelessness and it would be better used on the issue of election integrity. She did not think the resolution would suppress anyone's right to vote. She supported voter identification and the presence of law enforcement at polling locations to ensure safe and

fair elections. She wanted the voter rolls to be cleaned up, noting her deceased father-in-law had received a ballot.

Ms. Victoria Myer wondered why some of those in attendance did not want the voter rolls to be cleaned up. She thought the voter rolls should be cleaned and an audit should be conducted. She commented that she and the other supporters of the resolution wanted free and fair elections. She asked the Board to open up the resolution for discussion.

Mr. Kenneth Hansen displayed a document, copies of which were placed on file with the Clerk. The document listed 24 things that required identification. He believed the primary issue was how to determine who was a valid voter, noting proof of identification should be required to vote. He referred to the document, stating having an ID was a basic requirement to live in the County and the country. He asked the BCC to require voter identification even if it voted no on the resolution.

Mr. Paul Larson opined that no one in support of the resolution wanted to dilute democracy, rather they wanted to secure it for all people. He believed every person's vote was suppressed when voter fraud existed. He stated America was an outlier because it did not require voter identification. He did not think it was a barrier to voting. He believed people needed to prove citizenship to vote. He opined there was nothing more important than securing democracy so the cost should not be an issue.

Mr. William Mantle said he agreed with the ACLU. He encouraged the Board to advocate for public elections, which he believed was a more critical issue than the resolution. He stated no one wanted to be disenfranchised. He wondered if there was anything the Board could do to respond to those who wrote in regarding the resolution. He wondered where the money would come from to pay for the proposed expenditures. He urged the BCC to vote no on the resolution.

Mr. Bill Neill stated anger did not accomplish anything. He noted he was curious about some of the things he had heard from the opposition and would do research and give thought to them. He agreed that the item in the resolution regarding certified mail was a waste of money. He did not think supporters of the resolution wanted to disenfranchise or suppress voters, rather they were looking for accountability in the election system. He expressed frustration about the inconveniences people had spoken about such as lack of transportation or the ability to take time off to vote in person. He believed people had advanced knowledge of elections and should be able to plan accordingly.

Ms. Susan M. Sanders said she had been an absentee ballot voter for approximately 20 years. She stated she could call the ROV and was able to receive confirmation that her ballot was received. She remarked that there was a barcode receipt on mail-in-ballots that served as a paper trail. She displayed the receipt and her Nevada registered voter card. She said everyone on the voter rolls had provided identification.

Mr. Ethan Pettipiece opposed the resolution and urged the Board to vote against it.

Mr. Nathan Noble shared that he was a student senator at the University of Nevada, Reno, and he opposed the resolution. He said he voted for the first time in the 2020 election. He believed the allegations of voter fraud were inaccurate. He stated the people had been taught that their vote was their voice, and he did not think anyone's voice should be silenced. He opined students already struggled to vote and it was more complex to cast a ballot now than it had ever been before. He asked the Board to oppose the resolution if it valued the people's voices.

Ms. Jeanne Quintana was not present when called to speak.

Mr. Donald Fossum wondered about those in opposition to the resolution who were present at the meeting. He displayed a document, a copy of which was placed on file with the Clerk. He opined the pandemic was fake and was created to send out mail-in ballots and destroy the order of elections. He noted the Emergency Order was still in place. He asked the Board to support the resolution.

Ms. Joy Trushenski said she agreed with Commissioner Herman and everyone who supported the resolution. She opined there was massive voter fraud in the 2020 election and voting machines could be hacked and reprogrammed to change votes. She wondered why forensic audits of the voting machines were not allowed in Nevada and expressed concern about the voter rolls. She said many of those present at the meeting supported voter integrity and asked the Board to investigate.

Ms. Ariel Van Cleve was not present when called to speak.

Mr. Gary Schmidt disclosed he was a candidate for Nevada Assembly District 40. He stated there were multiple violations of the Open Meeting Law during the meeting, including the restriction of applause. He referred to Schmidt vs. Larkin (2008), noting applause was a form of public comment. He said the security guards had restricted people from bringing in signs but not buttons, stating it was a violation of the Open Meeting Law as well as the 14th Amendment. He shared that a friend of his in California found out his parents had voted for President Joe Biden in the election but were deceased and had been Republicans throughout their lives. He supported suppressing the votes of non-citizens, deceased individuals, felons who had not had their voting rights restored, and non-Nevada residents. He urged the Board to support the resolution and asked that it discuss and vote on each proposed item separately.

Ms. Cindy Martinez noted there was significant opposition to the resolution. She supported discussion and debate on the item even if she did not agree with the opinions of others. She believed the primary issue was election management corruption. She asked the Board to consider voter identification and banning outside monetary contributions.

Ms. Mary Barrett was not present when called to speak.

Ms. Anne Buja opposed the resolution and thought it was brought about based on a lie. She believed the election system worked and there was no voter fraud. She noted that voter disenfranchisement was real. She shared a story about her Navajo heritage, stating her relatives would not disclose their ancestry because they feared losing their right to vote. She urged the Board to vote no on the resolution.

Mr. Oscar Williams thanked Commissioner Herman for bringing the resolution forward. He said there were two systems of voting in Nevada, in-person and remotely. He believed many people wanted to return to in-person voting because a ballot could not be hacked. He shared that in 2008 the Supreme Court determined it was not a substantial burden to the voter to ask for identification. He thought it would be sufficient to have one drop-box outside the County offices with 24-hour video surveillance. In relation to the reapportionment of districts, he proposed that there be a citizens' committee. He supported the resolution.

Mr. John Davis supported the resolution and thought it was the best thing for the people. He agreed with the items regarding voter identification and the presence of law enforcement or the National Guard at polling locations. He noted he was the subcommittee chairman for his district, and he often had meetings with individuals in his community. He said he would drive people to polling locations if needed. He did not think he was disenfranchised. He requested the use of paper ballots.

Mr. James M. Benthin was not present when called to speak.

Ms. Hope Backman wondered about all the people present at the meeting who she had never seen before. She believed they represented the National Domestic Workers Alliance and took on voting issues throughout the country. She said the organization was owned by Alexander Soros and was related to Care in Action. She voiced concern about the organization and its travel requirement for employees. She believed the Colorado Secretary of State was found guilty of election crimes. She did not think requiring voter identification was racist.

Ms. Cathy Reyes expressed appreciation for Commissioner Herman and law enforcement. She supported the resolution and thought its individual items should be considered separately. She agreed with the item that would require voter identification. She opined if people did not make time to vote then they did not care. She believed voting was sacred. She noted she was working on the recall for Chair Hartung.

Mr. Kevin Dixon shared that his family had lived in Northern Nevada since 1873. He said that just because something was on the internet did not make it true. He believed taxation was theft, every citizen should be armed and proficient in the use of firearms, and there was no voter fraud. He thought the resolution would cause voter disenfranchisement.

Mr. Derek Sonderfan opposed the resolution and thought it would suppress voters. He shared that more than 50 cases of alleged election fraud had been dismissed due to a lack of evidence. He believed the State had disproved that voter fraud had occurred in Washoe County. He agreed some changes could be made to improve the election system, but he thought the resolution was proposed to solve a problem that did not exist. He asked the Board to follow the facts.

Ms. Valerie Fiannaca said the U.S. had sent soldiers to foreign countries to guard elections and wondered why anyone would have a problem with law enforcement at polling locations in this country. She thanked everyone for attending the meeting and speaking up. She said all Americans had to have faith in the election system. She referenced Jesus' last words. She said the people were the checks and balances and they had the power to abolish a government that had become tyrannical. She thanked Commissioner Herman for bringing the resolution forward.

County Clerk Jan Galassini stated 292 emails were received, noting 291 opposed the resolution and 1 was in support.

Commissioner Herman said voter identification was at the top of her list of concerns, but it had been removed because it was illegal for the County to ask voters for identification. She informed that one of the biggest concerns people had regarding the resolution was the National Guard's presence at the polling locations. Due to this, she changed the resolution to have deputies from the Washoe County Sheriff's Office (WCSO) at the polling location instead of the National Guard. She noted the WCSO was short-staffed; however, a previous conversation with Sheriff Darin Balaam indicated a special unit could be available to go to the different polling sites if there was a problem. She explained she had many people call her over the years and say they were mistreated at the polls. Commissioner Herman insisted there was a reason for every item in the resolution and the items were a result of information she had collected throughout the years.

Vice Chair Hill stated she was ready to make a motion to deny the resolution. She believed the items in the resolution would put the election in jeopardy. The Board's job was to assist the Registrar of Voters (ROV) Office with the resources needed to conduct a fair and safe election. She believed the resolution would limit access to voting, create chaos, and put the voting tallies into question.

Commissioner Lucey thanked the public for their participation and passion regarding the agenda item. He believed that every election should be fair, transparent, and equitable. He noted there were items in the resolution that were outside the power of the Board. He opined faith in the integrity and fairness of elections was critical to everything the government did. He was prepared to use his seat on the Board to ensure elections were as fair and secure as they could be. He noted a group of passionate people had used their time and money to push for change; he believed that to be democracy in action.

Commissioner Lucey thought Commissioner Herman's heart was in the right place in her drive for clear and resolute elections for the people who felt there was

fraudulent activity; however, he felt the way the matter was constructed was inappropriate. He believed Commissioner Herman had the opportunity to work with the Board and the County to put forth an initiative that was legal, moral, and fiscally sound. He opined the resolution had many flaws and challenges.

Commissioner Lucey stated ballot harvesting was corrupt and should be a crime; however, those laws were put forth by the Legislature. He said political force-feeding to make radical negative changes to the State election laws in the middle of a pandemic was wrong because the actions could not be properly checked. The Board represented the people of Washoe County and had worked together to deal with many critical issues, sometimes with disagreements. He noted that Commissioner Herman had not discussed the election issues with him, and he believed she had not discussed them with any other member of the Board.

Commissioner Lucey opined the way Commissioner Herman presented the resolution had not given elected officials and advisors an adequate opportunity to provide advice and counsel on the impacts and measures. Any changes to the election system that the County could legally make had to be rigorously vetted, debated, and decided; this was the process other important issues had gone through in the past. He was in favor of having discussions with any member of the Board and staff regarding election staffing, colors of ballots, and poll worker scheduling. He supported having a discussion with the Board and staff regarding those issues to create a fair and vetted resolution. He noted he had never seen as much public comment and passion on one issue as he had seen that day; consequently, he believed the issue needed to be fully and adequately vetted. He stated he would have to vote to deny the resolution in its current form.

Commissioner Lucey said he would like to discuss voter rolls and maintaining an accurate record of eligible voters if the Board was to move forward with any type of resolution. He noted that voter identification was not part of the proposed resolution, and a change would need to be enacted by the State Legislature before the Board could discuss it. He mentioned he would like to have further discussions regarding poll workers, polling location managers, poll shifts, the chain of custody, and machine audits. After looking at the numbers in the last two elections, he could not see that a tremendous amount of fraud had occurred. He was willing to look at data that showed election fraud if it was provided to him.

Assistant County Manager Dave Solaro read a letter from Washoe County Sheriff Darin Balaam, a copy of which was placed on file with the Clerk.

Chair Hartung commented Sheriff Balaam had said the WCSO was unable to assist at polling locations and Mr. Solaro replied that was correct. Chair Hartung asked if Sheriff Balaam was in Chambers and Mr. Solaro said he was not.

Chair Hartung believed the resolution contained some items that were not unreasonable, such as the cleaning of voter rolls. He opined the voter rolls should be cleaned constantly. He discussed a personal story in which his father had passed away and

was removed from the voter rolls after the ROV was contacted. He noted that was his personal experience and he heard from some public commenters about people who had passed away and not been purged from the voter rolls. He believed the cleansing of the voter rolls could be done better and thought it was paramount for fair elections. He wanted to understand how the process of cleansing voter rolls worked and asked to hear from staff.

Government Affairs Liaison Jamie Rodriguez asked whether Chair Hartung wanted her to get Deputy Secretary of State for Elections Mark Wlaschin on the phone. Chair Hartung said yes.

Ms. Rodriguez said the voter rolls were updated daily and there was a multitude of sources and ways to get data to update the rolls. She said people went to the ROV to update information or inform of a family member that had passed away. The ROV received death records from the State Vital Statistics Office. The ROV regularly sent out mailers to ensure people still lived where they were registered. She explained when someone got a new driver's license, registration cards were sent to them. She said registration drives were held by different political parties. The ROV also received information from the National Change of Address Program and the Electronic Registration Information Center (ERIC) Program.

Deputy Secretary of State for Elections Mark Wlaschin gave his consent to be recorded.

Assistant ROV Heather Carmen said voter list maintenance was done every day and the voting rolls were uploaded to the SOS every night to be cross-checked for duplications, errors, and people who had passed away. In addition to that process, the ROV's participation in the ERIC Program allowed for cross-checking voter registration with other states. She noted that address confirmation cards were sent to registered voters. If the ROV did not receive those cards back, the voters became inactive. If the ROV sent mail and it came back as undeliverable, they took action. She said a voter notification card was sent out if someone changed their voter registration record at the Department of Motor Vehicles (DMV). She explained these were all actions the ROV did to ensure the voting list was in the best shape it could be in.

Chair Hartung asked for an explanation of the ERIC Program. Mr. Wlaschin explained the ERIC Program was a multi-state collaboration that allowed for voter registration information to be shared in a secured manner. Normally, states did not collaborate with other states to share voter registration data; however, if a voter moved from one state to another, the ERIC Program would allow a duplicate registration to be caught. The intent behind the ERIC Program was to support cleaner voter rolls across the country. At that point, the Clerk or Registrar in both states reached out to the individual to confirm where they were located. He noted there were approximately 33 states involved in the ERIC Program.

Chair Hartung asked how the State ensured someone who registered to vote was a legal citizen. Mr. Wlaschin said the voter registration form asked the individual to

identify and confirm, under penalty of perjury, that they were a U.S. citizen. He acknowledged that many people had expressed concerns regarding that self-opting process; however, it was what they were able to do under existing federal and State law. He explained there was a process to challenge voter registration if a person suspected a voter registration was invalid and had information to prove the registrant was not a citizen.

Mr. Wlaschin stated that after every election, there was an investigation process that was done to ensure that only eligible voters voted. During the process, information was gathered from the DMV to identify individuals who had gone through the Automatic Voter Registration Process and used an immigration document. If anomalies were found, the information was gathered and referred to law enforcement for investigation.

Chair Hartung said he was uncomfortable with that process. He noted the ROV used the USCIS and the SAVE Program for verifications. He asked if USCIS and SAVE were approved through the SOS.

Mr. Wlaschin noted he had gotten nothing but negative feedback regarding the SAVE Program from his counterparts in other states. He said SAVE was well run and intended to do certain things regarding entitlements but was not a tool that could be used for day-to-day verification of citizenship. He explained the SAVE database was not updated frequently and tended to create false positives. He commented that in some cases it did not capture individuals who had received citizenship through their parents or other adoption naturalization processes. Due to these issues, SAVE was not considered a reputable method for validating citizenship for election officials across the country.

Commissioner Herman addressed Commissioner Lucey's comments and said she had brought election information to the Board for the past seven years. She explained there was a lack of interest in the information she took to the Board, which caused her to proceed with the resolution the way she did. She said the Board directions were that a commissioner could go through the County Manager or through the Chair. She said she did not appreciate being told she did something illegal because she had not.

Vice Chair Hill noted there were additional agenda items to discuss and said she was making a motion to deny the resolution. Chair Hartung responded that there were other commissioners signed in to speak. Commissioner Jung commented that the issue had been fully vetted over two years and there was zero evidence of the claim of voter fraud in Washoe County. She believed it was time to move on with County business and called for a vote on the matter. Chair Hartung noted there was a motion and a second.

Commissioner Lucey said that his previous statements had not said Commissioner Herman had broken the law, but simply that some of the items were not in the purview of the Board. He explained the Board could advocate at the State Legislature regarding the items in the resolution; however, the changes in the resolution could not be made by the Board. He stated that he would work with Commissioner Herman regarding the three items in the resolution that he felt were adequate to work with.

Chair Hartung said many of the citizens were seeking legislative changes at the commission level. He noted that he agreed with many of the comments against same-day registration but explained that was not a law the Board could change. He said there were items in the resolution that he could support; however, he could not support the resolution as a whole.

On motion by Vice Chair Hill, seconded by Commissioner Jung, which motion duly carried on a 4-1 vote with Commissioner Herman voting no, it was ordered that Agenda Item 7 be denied.

5:51 p.m. **The Board recessed.**

6:30 p.m. **The Board reconvened with Commissioner Jung absent.**

22-0199 **AGENDA ITEM 4** Announcements/Reports.

Assistant County Manager Dave Solaro read an email from County Manager Eric Brown, a copy of which was placed on file with the Clerk.

Chair Hartung noted the day had been difficult and stressed his desire for decorum. He thanked the public for their participation and their conscientious behavior.

22-0200 **AGENDA ITEM 5** Recommendation to accept a donation of two Commander 3400 Mobile Surveillance Trailers valued at [\$163,238.00] from the Washoe County Honorary Deputies Association through a gracious donation from the E. L. Wiegand Foundation to the Washoe County Sheriff's Office Special Operations Division. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 5 be accepted.

CONSENT AGENDA ITEMS – 6A1 THROUGH 6H1

22-0201 **6A1** Approval of minutes for the Board of County Commissioners' regular meetings of February 8, 2022; February 15, 2022; and February 22, 2022. Clerk. (All Commission Districts.)

22-0202 **6A2** Acknowledge and approve correction to the Board of County Commissioners meeting minutes of December 14, 2021 to include the approval of Agenda Item 9. Clerk. (All Commission Districts.)

- 22-0203** **6B1** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2020/2021 and 2021/2022 secured and unsecured tax rolls 2) authorize Chair to execute the changes described in Exhibits A and B and 3) direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$61,273.40]. Assessor. (All Commission Districts.)
- 22-0204** **6C1** Recommendation to: (1) adopt a Resolution of Intent (R22-47) to execute the following right-of-way acquisition deeds and easement deeds between Washoe County and the Regional Transportation Commission to support the Sky Vista Widening Project: a right-of-way acquisition totaling ±18 square feet and a temporary construction easement totaling ±445 square feet on APN 550-020-19; a temporary construction easement totaling ±48,364 square feet, a drainage easement totaling ±2,553 square feet, and a public use easement totaling ±276 square feet on APN 550-020-21; a right-of-way acquisition totaling ±14,458 square feet, a temporary construction easement totaling ±22,549 square feet, a drainage easement totaling ±10,770 square feet, and a public use easement totaling ±2,737 square feet on APN 550-020-22, part of North Valleys Regional Park [at the appraised value of \$38,980.00 or through a transfer of land valued equal to or greater than the appraised value that meets Land and Water Conservation Fund grant criteria and is approved by Community Services Department staff]; and (2) set a public hearing on the matter for ps April 12, 2022. Community Services. (Commission District 5.)
- 22-0205** **6D1** Recommendation to approve budget amendments totaling an increase of [\$101,635.00; \$11,874.00 county match] in both revenue and expense to the FY22 Centers for Disease Control and Prevention (CDC) Public Health Preparedness BP2 Carryover Program Grant Subaward retroactive to July 1, 2021 through June 30, 2022 and direct the Comptroller's Office to make the appropriate budget amendments. Health District. (All Commission Districts.)
- 22-0206** **6E1** Recommendation to approve a Public Service Intern classification to be titled Public Service Intern (M) (salary range: \$15.00 - \$18.00) effective retroactively to February 23, 2022 - March 27, 2024 to respond to the current labor market, to provide the flexibility for Washoe County departments to attract top talent for Public Service Intern positions; and authorize Human Resources to make the necessary changes. [No fiscal impact] Human Resources. (All Commission Districts.)
- 22-0207** **6F1** Recommendation to approve the appointment of Charlene R. Hart on the Washoe County Internal Audit Committee to fill a vacancy for a remaining term starting on March 22, 2022 and ending on June 30, 2024 or until such time as a successor is appointed. Manager's Office. (All Commission Districts.)

- 22-0208** **6F2** Recommendation to approve, pursuant to NRS 244.1505, a Community Support grant award to Artown, a nonprofit corporation organized for charitable, religious, or educational purposes, in the amount of \$25,000 to support the month-long summer arts festival, approve the resolution necessary for same; and direct Comptroller's Office to make the appropriate disbursement. Manager's Office. (All Commission Districts.)
- 22-0209** **6G1** Recommendation to approve acceptance of the 2020 High Intensity Drug Trafficking Areas (HIDTA) Northern Nevada Major Crimes/Regional Narcotics Unit funding G20NV0001A [amount not to exceed \$110,000.00, no County match required] for the retroactive period of January 1, 2020 to June 30, 2022 to be used for overtime, and investigative expenses from HIDTA as administered through Las Vegas Metro Police Department, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 22-0210** **6H1** Recommendation to accept a FY22 Nutrition Services Incentive Program (NSIP) subgrant award from the State of Nevada, Aging and Disability Services Division (ADSD) in the amount of [\$129,515.00; no county match] retroactive from October 1, 2021 to September 30, 2022 to supplement food costs for the Older Americans Act Title III congregate and home-delivered meal programs; and authorize the Director of Human Services Agency to retroactively execute the grant subaward and related documents; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment on the Consent Agenda Items listed above.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Consent Agenda Items 6A1 through 6H1 be approved. Any and all Resolutions pertinent to Consent Agenda Items 6A1 through 6H1 are attached hereto and made a part of the minutes thereof.

22-0211 **AGENDA ITEM 3** Public Comment.

Ms. Cindy Martinez spoke about the 740-day State of Emergency. She voiced concern that the Washoe County Health District was still pushing vaccines and COVID-19 (C19) testing and Anthony Fauci had spoken about a new variant that would lead to shutdowns. She demanded the Board ban mask mandates, vaccine mandates for employees, vaccine mandates to engage in travel and commerce, and vaccine passports. She believed the Board needed to take action to protect the citizens of Washoe County. She displayed a document, a copy of which was placed on file with the Clerk.

Ms. Janet Butcher stated the U.S. was not a democracy, it was a constitutional republic. She wondered about hand-counting ballots. She opined that she had witnessed election fraud and it did exist despite allegations being dismissed in courts across the country. She displayed documents, copies of which were placed on file with the Clerk.

Ms. Karen Serink shared that she was not asked to prove citizenship when she registered to vote; all she needed to provide was her driver's license and social security card. She believed it was the Board's job to uphold the Constitution. She supported Ms. Martinez's comments regarding C19, noting it was time for the State of Emergency to be over. She wanted the children to stop suffering.

Ms. Betty Thiessen read the definition of "integrity" and believed only Commissioner Herman understood its meaning. She thought the meeting had been attended by many people who were offended by Chair Hartung, and she supported the recall efforts.

Ms. Susie Van Ness voiced concern about the armed security present at the meeting. She believed they were there to intimidate the public and had been hired by out-of-state meeting attendees. She supported the presence of law enforcement at meetings and polling locations to ensure the safety of the people. She referenced Operation Sunlight. She wondered about the number of people registered to vote in Chair Hartung's district. She wanted the voter rolls to be cleaned up.

Ms. Julie Osborn expressed disappointment that Agenda Item 7 was not approved. She believed four members of the Board had decided election integrity was not important. She opined the people who opposed the resolution had not presented factual statements. She asked the Board to call for a forensic audit of the 2020 election.

BLOCK VOTE – 8 THROUGH 13

22-0212 **AGENDA ITEM 8** Recommendation to approve the creation of one new full-time Facility Technician position, pay grade K; and one new full-time Maintenance Worker-Facilities, pay grade C (Community Services Department - Facility Operations) as reviewed and evaluated by the Job Evaluation Committee (JEC); and authorize Human Resources to make the necessary changes. [Total fiscal impact \$ 164,379.00 annually.] Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 8 be approved and authorized.

22-0213 **AGENDA ITEM 9** Recommendation to: (1) approve a Boundary Line Adjustment (BLA) Purchase and Sale Agreement outlining the terms of a Boundary Line Adjustment between Washoe County and River Bend

Mobile Home Park and Storage, LLC, to exchange the inland portion of a Washoe County property (currently identified as Assessor's Parcel Number 038-100-34 and commonly known as the Riverbend Property) located along old US Hwy 40 in Verdi, NV for the riverfront portion of the adjacent properties (currently identified as Assessor's Parcel Numbers 038-112-01, 038-112-02, 038-112-03, 038-112-04, and 038-112-12) owned by River Bend Mobile Home Park and Storage, LLC; (2) approve the associated BLA Deed; (3) approve a Declaration of Restrictive and Affirmative Covenants ensuring that the County's new parcel resulting from the BLA would be managed pursuant to Washoe County Code and only open for public use during daylight hours; (4) approve a Utilities, Drainage, Pedestrian Access and Trail Access Easement, which would result in (A) Washoe County granting the following easements across the County's new property to River Bend Mobile Home Park and Storage, LLC, to support a future development project on River Bend's new property resulting from the BLA: (i) two twenty-five-feet-wide, non-exclusive, relocatable utilities easements totaling no more than 15,138 sf for the purpose of constructing underground utilities; (ii) a blanket stormwater easement to allow for the conveyance of stormwater; (iii) two twenty-five-feet-wide, non-exclusive, relocatable drainage easements totaling no more than 13,358 square feet for the purpose of constructing underground stormwater facilities, including piping and channels; (iv) two fifteen-feet-wide, non-exclusive, relocatable, pedestrian access easements totaling no more than 17,164 square feet for the purpose of providing pedestrian access from the adjacent property to the County's new property; and (B) River Bend Mobile Home Park and Storage, LLC granting Washoe County two fifteen-feet-wide, relocatable, non-exclusive trail access easements across River Bend Mobile Home Park and Storage, LLC's new property resulting from the BLA for the purpose of accessing and maintaining a future trail system on the County's new parcel; (5) if approved, authorize the Chair to execute the aforementioned agreements and deeds on behalf of the County; and (6) authorize Assistant County Manager, Dave Solaro, to execute any and all other required documents necessary to complete the BLA. Community Services. (Commission District 1.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 9 be approved and authorized.

22-0214 **AGENDA ITEM 10** Recommendation to retroactively approve contracts and purchases that have exceeded and are expected to exceed [\$100,000.00] that include emergency purchases in response to COVID-19 pandemic, homeless services and necessary goods and services for all County departments. A full list of specific contract, vendors, and amounts is

viewable in the staff report. The aggregate amount of known expenditures under these contracts to date is \$21,418,019.64. Comptroller. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 10 be approved.

22-0215 **AGENDA ITEM 11** Recommendation to approve an Interlocal Contract between the Department of Health and Human Services (Division of Health Care Financing and Policy) and the County of Washoe to authorize Human Services Agency to participate in claiming allowable reimbursements covered under Federal Title XIX of the Social Security Act, for activities performed for Medicaid Targeted Case Management (TCM) Services, Adult Day Health Care Direct Services, and Medicaid Administrative Services, July 1, 2022 to June 30, 2026 for approximately [\$7,526,000.00] for SFY 2023, [\$7,902,300.00] for SFY 2024, [\$8,297,416.00] for SFY 2025, and [\$8,712,286.00] for SFY 2026 with a total reimbursement not to exceed [\$32,438,002.00] for the term of the contract; and if approved, authorize Chairman to execute Contract. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 11 be approved and authorized. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

22-0216 **AGENDA ITEM 12** Recommendation to approve an Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities retroactive to July 1, 2021 to June 30, 2023 in total amount not to exceed [\$13,152,047.50 (\$6,525,162.00 for FY22; \$6,626,885.50 for FY23)]; and if approved authorize the Chair to execute the Contract. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 12 be approved and authorized. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

- 22-0217** **AGENDA ITEM 13** Recommendation to retroactively approve an amendment to an Agreement for Professional Services between Washoe County and the Housing Authority of the City of Reno for payment processing services in support of the County's Emergency Rental Assistance 2 allocation from the U.S. Department of the Treasury for a period retroactive from February 22, 2022; to extend term of agreement from June 30, 2022 to December 31, 2022 and increase the cap of emergency rental assistance funds to be disbursed from \$1,525,000 to \$4,300,000 [administrative cost billable at 1.6% remains unchanged]; authorize the Purchasing and Contracts Manager to execute the amended agreement. Item supports Washoe County residents facing possible eviction and/or experiencing housing instability during the COVID-19 pandemic. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 13 be approved and authorized.

- 22-0218** **AGENDA ITEM 16** Public Hearing: Appeal of the Washoe County Board of Adjustment's approval of: Special Use Permit Case Number WSUP21-0035 (Resort at Tahoe and Residences) to approve a special use permit for major grading of the project site and connector roadways to prepare for the redevelopment of the Tahoe Biltmore property. The applicant is also seeking to vary the following standards from Article 438; Section 110.438.45(a); 110.438.45(b); 110.438.45(c); 110.438.45(f); and 110.438.45(i). The applicant is proposing the excavation of 197,500 cubic yards of material, and 42,000 cubic yards of fill material, and exportation of 155,500 cubic yards of material. The applicant for the special use permit is EKN Development Group, owner of 47 Reservoir Road, 101 Lakeview Avenue, 0 Wassou Road, 5 SR 28 and 0 SR 28. (APN: 123-071-04; 123-054-01; 123-053-04; 123-053-02; 123-052-04; 123-052-02; 123-052-03; 123-071-35; 123-071-36; 123-291-01).

There are three appellants: (1) North Tahoe Preservation Alliance (NTPA), represented by Ann Nichols; (2) Doug Flaherty, a resident of Incline Village; and (3) Granite Place Owners Association, represented by Justin Townsend.

The Board of County Commissioners (Board) may affirm, reverse or modify the decision of the Board of Adjustment. The Board's analysis may also include a finding on the issue of standing to bring the appeal in the first

place. If the Board modifies or reverses, it may remand the matter back to the Board of Adjustment with instructions. Community Services. (Commission District 1.)

The Chair opened the public hearing.

Assistant County Manager Dave Solaro conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Resort at Tahoe and Residences; Vicinity Map; History; Special Use Permit; Overview; Resort at Tahoe; Major Grading SUP; Authority; Overview of the Development Review Process; Three Appellants; and Determining Standing.

Mr. Solaro said this item involved a series of appeals for a major grading special use permit (SUP) that was heard by the Board of Adjustment (BOA). He noted the BOA most recently approved an SUP for this project. He mentioned the consistency finding was how the project met the intent of the Area Plan and the Master Plan. He said the project had been reviewed by County staff and several conditions were associated with the SUP, as included in the packets provided to the Board. He stated the purpose of the SUP was for a preliminary review of the grading plans, which would be a 30 or 60 percent design review allowing for the agencies to provide initial feedback and conditions to mitigate any inadvertent effects of the grading. He noted an SUP was not necessarily a permit allowing construction to begin. He clarified that an SUP was a land entitlement offering a preliminary review of the grading strategy to include mitigations. In this case, the applicant was requesting additional variances to the development code. He said the Washoe County SUP was one step in the local review process and one of the many requirements for future associated building permits. He indicated this item would determine whether the issuance of an SUP could be met with the findings as determined by the review of the BOA. He noted future actions included an application for actual grading permits to ensure the conditions of the SUP were met such as approvals by other agencies. He said the SUP did not guarantee or grant the ability to start work on the site. He reviewed the basis for the three appeals received for the SUP.

County Clerk Jan Galassini distributed a document submitted by North Tahoe Preservation Alliance (NTPA) President Ann Nichols, a copy of which was placed on file with the Clerk.

Ms. Nichols said the NTPA was a non-profit organization that represented over 400 residents who signed the petition regarding concerns about the Boulder Bay Project. She stated the community was very motivated to see a new, appropriately sized, development of Boulder Bay. She said the community had tolerated dilapidated buildings, trash, and piles of dirt for years. She noted that only 18 condos had been built due to a lack of financing. She mentioned the development had been sold to EKN Development Group, but they had not hosted any community meetings to allow residents to ask questions about the project. She observed the project had changed although no details had been shared with community members. She noted two site plans had been included in the application, one was the approved project of 2011, and one was the newly changed version. She opined that

EKN had not elaborated on the new version because they did not want to trigger a new environmental review by the Tahoe Regional Planning Agency (TRPA). She said EKN had failed to acknowledge the TRPA permit from 2014 until she pointed it out. She noted EKN had received approval to move 200,000 cubic yards of dirt and they planned to take away one of the four exits out of Crystal Bay with their phased abandonment. She believed expecting the project to be done in one season was unrealistic. She noted the community appealed to the Board in 2008 and got a fourth exit; it retained the exit in June 2021 when the developer tried to take it away. She expressed distress because the community had spent thousands of dollars and 15 years working to maintain an evacuation route. She objected to the 500-foot proximity requirement for anyone objecting to the project because traffic, safety, and evacuation access affected individuals who lived further abroad. She believed the mass grading permit was premature and reckless and she noted the developer had not fully disclosed what they would be doing. She reiterated that residents wanted a safe exit out of the community in case of fire and urged the Board to continue its commitment to protecting residents.

Granite Place (GP) Owners Association President Earl Nemser mentioned GP was the direct neighbor of the proposed project. He said Washoe County Code 110.810.30 indicated the BOA needed to make five specific findings, the fourth of which was that the permit would not significantly be detrimental to the public health, safety, or welfare of property or improvements of adjacent properties. He asserted the project would adversely affect GP and be detrimental to the character of the surrounding area. He said the current developer and the previous developer had not drawn the boundary lines of GP and they wanted to perform grading on what he conjectured was part of the GP property, effectively encroaching on GP's property. He believed the proposal to grade on GP's property without permission was sufficient reason to send the proposal back to the BOA. He questioned why the developer had not informed the BOA that the grading would encroach on an adjacent property. He said the grading would adversely impact GP including grading in anticipation of a road that would have unsafe conditions, a steep decline where cars could run into GP's property, a public road that could go within six feet of GP's front doors, light pollution, noise pollution, exhaust pollution, dirt and debris, and extended construction hours from 7:00 a.m. to 7:00 p.m. He believed the issue was comprised of two things, the application that was approved in 2007 and the SUP. He thought the changed circumstances required a re-examination of the conditions of the predicate permit. He said GP had been carved out of the project plan, so the circumstances of the predicate application had changed and needed to be re-examined. He thought the Board had an obligation to protect public safety and the neighboring properties, and Engineering and Capital Projects would merely implement the decisions of the Board and the BOA. He mentioned he heard that GP waived rights in the purchase agreement which he asserted was not the case because that would entail waiving the protection of zoning laws. He asked the Board to ponder encroachment, safety, and reasonable hours of operation rather than only considering a finding of no adverse impact when reviewing this permit. He said the integrity of the approval process needed to be protected, and he believed the BOA was unable to consider everything because the developer had not disclosed everything.

County Clerk Jan Galassini distributed a document submitted by Mr. Doug Flaherty, a copy of which was placed on file with the Clerk.

On behalf of Mr. Flaherty, Attorney Stephen Silva said the merits of the SUP had been discussed by prior speakers so he would address the issue of standing. He noted an individual needed to be an aggrieved person to challenge something in Washoe County; an appellant had certain procedural protections and rights, so the first step was to determine whether a person had standing. He said the staff report included a good analysis of standing which referenced a City of North Las Vegas case and it explained how the Nevada Supreme Court (NSC) looked at standing for local land-use decisions. He asserted the North Las Vegas case was different from this item. He said North Las Vegas codes and ordinances only authorized standing as an appellant if a person could demonstrate injury to their property, but Washoe County Code also allowed a person standing as an appellant if they could illustrate the damage to their personal rights. He said the four factors Mr. Solaro suggested the Board review were useful. He stated the nature, extent, and likelihood of harm identified by the appellant could stand independent from proximity. He said the appellant did not need to be within 500 feet if they could show a reason why the proximity factor should be expanded. He indicated the proximity of the property, and the identification of harm were two separate and independent areas of consideration. He noted Mr. Flaherty lived in the area, his real property was not within 500 feet of the project, but he identified a distinct harm to himself due to the approval of the SUP in his appeal.

Mr. Silva said the grading had impacts on roadways and circulation elements of Lake Tahoe because it was a closed system in which roads ran into each other with frequent traffic gridlocks. He stated that a project affecting circulation elements would inevitably impact the people who utilized those roads. He noted the SUP was predicated on prior approvals, which had previously been explained, but there had been a significant change in circumstances from the time of the prior approvals. He said three distinct things had changed which could give rise to an injury sufficient to provide standing for Mr. Flaherty's appeal. He noted the roads had changed so the prior traffic analysis underpinning the permit on which the SUP was layered had changed. Secondly, he said, traffic had increased so there would need to be another traffic study. He said the third change was the significant increase in wildfires getting closer to Lake Tahoe over the past five years. He noted the NSC previously ruled that traffic safety concerns could be sufficient to deny a SUP when making land-use decisions. He stated the NSC's identification of a particular factor for consideration meant it was the sort of right that a person could assert, and it was the basis for Mr. Flaherty's appeal. He outlined that the basis for the appeal was that, in the absence of the Memorandum of Understanding (MOU), the changed circumstances could not be fairly considered by the BOA, particularly because the amount of material being moved had changed considerably from 2011 to the current plan. He acknowledged the process would include additional layers of protection and review, but he thought that did not excuse the lack of particularized findings concerning consistency with the Tahoe Regional Plan which required an MOU. He said this was the time to condition permissions instead of deferring issues to the future.

Commissioner Lucey observed that in past years the Board allowed applicants time to speak if they wished. Mr. Solaro said he was unsure whether it would be appropriate for the applicant to speak at this point. He said the Board needed to address the standing issue first and then they could address the SUP.

Commissioner Lucey asked whether the SUP under consideration was to identify and review the plans for potential future permits. Mr. Solaro said that was correct. Commissioner Lucey asked for confirmation that this item was not an issuance of the actual grading permit; it was an evaluation of the proposal as it related to local code and mandates, to plans and area structure, where it fits within County Code, and how it related to the ability for staff to interact with the developer on future permitting needs. Mr. Solaro said that was correct, the process allowed staff and the Board to condition the SUP to ensure that any conditions were taken care of before moving forward with the project.

Chair Hartung asked whether the property boundaries would be identified before a grading permit was issued. Mr. Solaro said the boundaries would need to be identified before grading took place. Chair Hartung asked about the 7:00 a.m. to 7:00 p.m. operating hours. Mr. Solaro said the hours were a condition placed on the project, but the Board could amend them as part of the process if it felt the hours were an issue.

Vice Chair Hill opined that the NTPA and GP had standing for an appeal, but she did not see that Mr. Flaherty had standing for this particular grading SUP. Commissioner Lucey agreed with Vice Chair Hill regarding GP's standing but felt neither Mr. Flaherty nor the NTPA had standing. He noted this item was a review of the plan, so standing required impact and detriment and he did not see those for Mr. Flaherty or the NTPA. He said he failed to see that the BOA made any errors with regard to its review of the case.

Chair Hartung asked whether this had to go through the TRPA. Mr. Solaro said the SUP itself did not, but the grading permits would need to have the TRPA's review.

Vice Chair Hill said she agreed with Commissioner Lucey's statements, but she thought there might be an opportunity for the Board to place a condition on this SUP to ensure a fourth exit was retained as requested by the NTPA appeal from 2009.

Assistant District Attorney Nathan Edwards said this item was styled so the Board's analysis might also include a finding on this issue of standing. He said it would make sense for the Board to vote on the issue of standing separately since it was discussed as a preliminary matter; the Board could then proceed with the rest of the item.

Commissioner Lucey moved to dismiss standing for Mr. Doug Flaherty and the NTPA.

Vice Chair Hill asked whether the condition to have a fourth exit could be added even if the NTPA was found to have no standing for an appeal. Mr. Solaro said the Board could amend the conditions associated with this project with the caveat that conditions to a project or variance previously approved could not be changed.

Chair Hartung asked whether any changes made by the Board would need to go back to the BOA. Mr. Edwards replied no.

Vice Chair Hill seconded Commissioner Lucey's motion.

Mr. Edwards clarified the following public comment would pertain to standing.

On the call for public comment, Ms. Ellie Waller expressed disagreement with the motion. She thought the project would be of detriment to any member of the public and anyone who visited Lake Tahoe. She believed the Las Vegas case cited by Mr. Silva was fundamentally different from this project. She spoke about the need for emergency response to have access to Lake Tahoe. She said this project would affect tourists, residents, and much of the local workforce.

Mr. Ron Volle said he and other residents of Crystal Bay relied on the NTPA to represent them. He believed the NTPA should have standing for this appeal.

Mr. Scott Tieche was called but he asked to defer his public comment to the next vote for this agenda item.

Mr. Omar Rains said his property was adjacent to the proposed development, and his house was designated a Nevada State Preservation Area. He said his house was grandfathered in and was the only house between Reservoir Road and Tuscarora Road. He believed he had standing on this issue because the additional traffic would directly affect him. He thought the additional 3,985 estimated cars resulting from the proposed plan would create gridlock. He mentioned the excavation would create an estimated 7,000 loads of dumped material, which was originally going to be put at Sierra Park, but would no longer be placed there because of a condition imposed by the TRPA. He expressed concern about emergency vehicle access being impeded by the grading project.

Ms. Ann Nichols thought the Board had confused the standing of a variance in which only people who lived adjacent to the property would be involved. She said the complaint was regarding the material change in the conditions of abandonment from June 2021 to March 2022. She noted the prior plan was for phased abandonment and the new plan was for the immediate takeover of Wassou Road west of Reservoir Road, which would mean residents would no longer have access. She said the previous abandonment had indicated the developer would not take title until replacement roads were built. She asserted the NTPA had standing and noted the Board had protected residents when they came before the Board in 2009.

Commissioner Lucey said he understood Mr. Rains' situation, but he clarified that only the standing of the three appellants would be considered in this matter. He believed the time period to appeal had expired, so the Board would only be able to

discuss the three existing appellants. He acknowledged Ms. Nichols' concerns, noting those issues would be discussed in the remainder of the item and this vote was for the issue of standing as it pertained to the County Code and the Board's findings. He mentioned State Route 28 was currently under construction, with the Nevada Department of Transportation making improvements, so the impact on roads would present additional challenges in the future.

On motion by Commissioner Lucey, seconded by Vice Chair Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that the standing for Mr. Doug Flaherty and the North Tahoe Preservation Alliance be dismissed.

Mr. Solaro continued the presentation and reviewed slides with the following titles: Local Review; Vicinity Map: Resort at Tahoe; Resort at Tahoe: Major Grading; Project: Grading Scope (2 slides); Standards to be Varied; Overview Request: Vary Standards; Exhibit: Varied Standards; Exhibit: Retaining Walls; Conditions Summary; SUP Conditions of Approval (5 slides); Resort at Tahoe: Major Grading; Major Grading SUP; Special Use Permit Findings; Possible Motions Special Use Permit (3 slides); Thank You; Reference Slides for Q & A; Grading Phasing Strategy; Phase 1; Phase 2; Phase 3; and Phase 4.

Mr. Solaro reviewed the location of the project. He said many of the abandonments had already been taken care of through the Planning Commission and the Board, so this discussion was simply to consider whether the merits of the overall site grading met with the intent of the code with the inclusion of the conditions by County staff. He reviewed standards that the applicant requested be varied based on the scope and size of the project. He said part of the reason for the retaining walls was to prepare the site for underground parking, but the deep slopes would be backfilled to a suitable grade at the completion of the project. He stated all the reviewing agencies had reviewed the proposal against County Code; he summarized the conditions they provided. He noted the condition limiting construction hours from 7:00 a.m. to 7:00 p.m. was a standard condition that was applied to SUPs across the County. He said the Board could change those hours if it chose to do so. He reiterated the SUP for major grading was a preliminary review of the grading plan, but it was not necessarily a permit; it was a land entitlement offering a preliminary review of the grading strategy. In this case, the applicant was also requesting the variance to the development code for constructability as they phased and constructed their project. He explained the findings the Board was being asked to consider and the possible motions.

Vice Chair Hill wanted some clarification from staff about the grading strategy on the SUP versus the bigger project. Mr. Solaro explained the developer needed to understand whether they could make changes to the development code, which was the variance portion of this item, to understand how they would construct the project. He said staff generally had an understanding of how much grading would be needed for the project. The project would be evaluated for any detrimental items and mitigation options for conditions placed on the variance. He indicated the full construction drawings submitted for a permit were created if the variance was granted. He said this was not about the project itself, it pertained to the general nature of the project. He stated the Board had the ability

to condition the project at this stage to allow the developer to create plans that would then be checked and verified by staff as part of the process of finalizing those plans with variances and conditions. He said staff would check the permit documents for conformance with approvals by the Board and the BOA. He summarized that this item was a preliminary way for the developer to be able to understand the parameters they could work with as they developed construction plans for their project.

Vice Chair Hill asked for confirmation that 100 percent of the plans would be required before any major grading happened. Mr. Solaro said that was correct. He noted Lake Tahoe had a limited window of constructability each year so the project would take several seasons. He noted the County would receive various sets of plans as the developer progressed through the project including foundation plans and structural plans for buildings.

Vice Chair Hill mentioned the public concern about the project being different from what was preliminarily approved based on the documents included with the SUP. She asked whether this was the project that had been approved, and whether or not the pads on the SUP request were different. Deputy District Attorney Michael Large said the grading SUP submitted to Washoe County went under the previously approved project from 2009 and the land entitlements. He said staff knew that there might be a project which could change in the future, but the land entitlements themselves that Washoe County reviewed were based on the prior approved project. Chair Hartung asked for confirmation that the Board needed to honor the previous project. Mr. Large said yes noting the developer had property rights in that project which the Board must honor.

Vice Chair Hill mentioned concerns about half-finished roads and asked what the developer was required to submit to the County to ensure road work was completed. Mr. Solaro referred to the conditions associated with the project where the requirements for financial assurances to be provided to the County for the estimated amount for full engineering design, testing, and inspection were listed. He said that condition would ensure the roadways would be completed if construction stopped for any unforeseen reason.

Regarding the 7:00 a.m. to 7:00 p.m. construction and grading times, Vice Chair Hill asked how staff would ensure GP was taken care of. She asked whether grading had been performed so close to a property in the past and how those circumstances had been mitigated. Mr. Solaro said grading adjacent to residential properties had been performed in the past and there were many different ways to mitigate those situations. He suggested the developer and GP discuss the project schedule. He said the owners of GP had been provided with contact information for the County for any situation that might arise. He mentioned that inspections would be performed once construction began and inspectors usually formed relationships with the contractor so they could reach out to the contractor if necessary. He said the project could go through the code compliance process just like any other code compliance issue within the County.

Vice Chair Hill asked whether the appellant being deemed to have standing would make a difference in the construction hours and in working with the developer. Mr. Solaro said the issue of standing only allowed the process to continue for the Board to hear the remainder of the item. He indicated the Board could give direction to staff to change the hours as a condition.

Commissioner Lucey observed this item provided the Board the opportunity to look into the SUP on behalf of the general public and the adjacent landowners to ensure safety was maintained during the construction process. He noted the SUP was the conduit for the Board to evaluate the full set of plans prior to construction. He asked for confirmation that the Board would be allowed to ensure certain phasing before construction to safeguard emergency vehicle access and road availability for property owners during the process. Mr. Solaro said that was correct.

Commissioner Lucey asked whether the timelines would be described in the next step. Mr. Solaro said staff had some preliminary phasing plans for roadway construction based on the variance request received with the SUP. He noted some conditions were included in the documentation to ensure that certain roads were open. He said staff was also relying on the testimony that occurred with the Board when Wellness Way was created, which included some conditioning associated with that specific abandonment and variance process.

Commissioner Lucey asked whether the next step would be to go to the TRPA even if the Board placed certain conditions. He asked whether those conditions could be altered by the TRPA and whether they would supersede the conditions of the Board. Mr. Solaro said the TRPA would review the grading permits much like the Board reviewed the grading permits. He stated the TRPA would review the grading permits based on the approved project, so if the developer produced something different from the approved project the TRPA would not approve the permit to be released to the developer.

Commissioner Lucey asked whether any further conditions could be placed on the project by the TRPA. Mr. Solaro said the TRPA could place conditions specific to this SUP for major grading.

On the call for public comment, Mr. Scott Tieche said the applicant purchased the property with reservations around its design and had not approved or signed the permit awarded to the previous investors until earlier in the day. He understood the challenging conditions to the permit, but he thought the neighborhood should not have to wait while the developer figured out what to do. He asked how public roads could be taken in major earthworks without the applicant disclosing the final design. He noted the SUP asked for a five-year permit instead of the standard two-year permit. He expressed gladness about the bond to guarantee in case the development stopped. He asked the Board to deny the grading permit until the applicant submitted a complete plan.

Ms. Ellie Waller requested the Board reverse the decision of the BOA and deny the SUP based on the Board's inability to make all findings. She spoke about findings

for consistency as outlined in Washoe County Code 110.810.30. She disagreed with the statement about the intent of consistency being to ensure that discretionary projects were consistent with the Master Plan. She asked why consistency was not applicable to a specific project. She opined that approving grading or any SUP without proof of concept did not make sense. She inquired about the permit approved by EKN earlier in the day. She spoke about her concerns relating to access for evacuation and emergency response.

Mr. Ron Volle said he did not oppose the project, but he wanted to understand what the project was. He referred to a previous statement made by Commissioner Lucey about vigorously vetting details and facts, stating this was the time to do so. He mentioned a Zoom meeting he attended during which the developer spoke about the project but did not provide information about the height, exterior look, elevations, occupancy level, or parking spaces. He spoke about the traffic on Wassou Road, particularly during the summer, and asked about a new traffic study for this project. He believed the bond should be posted for the entire project not only for the roads. He asked for traffic calming and reduced construction hours.

Mr. Omer Rains stated work had already begun and it had affected the electricity in his home. He said people had been evicted because the developer purchased property on both sides of State Route 28. He stated Lakeview Avenue was the most pedestrian-oriented place anywhere in North Tahoe; it was used by several hundred people per day. He thought that deferring issues with the project would lead to National Environmental Policy Act and California Environmental Quality Act concerns in the future. He believed the County would become involved in litigation for this project in the future.

Mr. Earl Nemser stated GP had a very narrow interest; they applauded and encouraged the project, but they wanted to prevent encroachment onto the GP property. He reiterated his concern about the extended construction hours and suggested they be limited from 9:00 a.m. to 5:00 p.m. Monday through Friday. He understood extended hours had been used for other projects in the County, but he believed the closeness to the GP property and the downhill slope would have significant adverse effects. He asked the Board to amend the conditions to prevent encroachment and to provide a zoning setback for a public road as it related to the GP property line. He said the reason there was an error at the BOA was because they did not have specific findings related to the adverse impact on the GP property.

Mr. Doug Flaherty said he would submit an appeal to the TRPA on the following day since he exhausted his appeal process with Washoe County. He believed the Board missed an opportunity to work with the appellants by denying them standing. He contended that substantial changes to the 2011 TRPA-approved project were apparent to County staff. He believed the County varied the 2011 Environmental Impact Statement when it varied the 2011 TRPA approved project. He acknowledged the SUP had been

presented to the fire district for review, but he said the SUP information had not included the Emergency Management Office (EMO) which was responsible for evacuation plans. He believed the oversight was significant when considering the wildfire situations encountered in the community. He thought the Board should not approve the SUP until the County EMO reviewed the project.

Ms. Ann Nichols was called but was not present to speak.

County Clerk Jan Galassini advised the Board she had a list of 12 people signed up for public comment, but they had to leave due to the time. She noted she received emailed public comments from Ms. Peggy McKee, Mr. Justin Townsend, and Ms. Kara Thiel, which she placed on the record.

Vice Chair Hill wanted to add to condition 3.i. under Washoe County Engineering and Capital Improvement Projects the final location of Wellness Way and the associated legal description to be consistent with the Board's 2009 action and be approved by Engineering prior to approval for construction. She requested the developer work with GP and the community on the location of the fourth exit. She thought it was a good opportunity to work with the community. She said she wanted to add notifications and acceptable alternative routing for the residents to condition e. under Traffic and Roadway. She indicated community members expressed concerns about notifications of street closures. She suggested the condition should say "Construction activities that impact public access, mandatory fire access, and emergency medical services will require the applicant to provide adequate advanced warnings, notifications, and acceptable alternative routes to the affected residents." She thought a condition should be added to restrict the construction schedule to 8:00 a.m. to 5:00 p.m. Monday through Friday.

Commissioner Lucey asked whether a member of EKN could be asked to discuss potential additional conditions with the Board.

Chair Hartung mentioned the request for a traffic calming condition, noting a developer had been conditioned to provide speed bumps in a past neighborhood development of which he was aware. He asked whether the Board could make a condition to require posting a bond for the entire project. Mr. Large said the only issue before the Board was the grading SUP, so the bonding would only be for that component.

Vice Chair Hill acknowledged the concerns about traffic because it was an issue throughout her District, but she thought the Board could not put a traffic condition on this permit which was just for grading. She believed funds were available for additional studies and suggested the Engineering Department consider the community traffic needs holistically outside of the meeting.

Commissioner Lucey indicated he toured the property with the previous owner and agreed with Vice Chair Hill's statement about the challenges of imposing traffic conditions at this point. He knew the larger project would be presented to the Board in the future. He asked the developer to work with the community to divert any traffic away from the existing residents on Lakeview Avenue and the surrounding streets. He observed those streets were narrow and very challenging to navigate for emergency vehicles and the general public. He noted that adding certain types of traffic calming at this point could add to drainage issues in the community, but he suggested having the developer work with community members through the phasing of the project.

In response to Commissioner Lucey's question about asking a member of EKN some questions, Mr. Edwards said that was allowable.

Commissioner Lucey asked EKN Chief Executive Officer Ebbie Khan Nakhjavani whether he understood the conditions Vice Chair Hill stated on the record. Mr. Nakhjavani agreed to work with members of the community, noting EKN had taken steps to reach out to community members, Board members, and some GP residents. He said EKN held a Zoom call and drafted several versions of an agreement to install traffic calming devices. He mentioned GP raised other issues such as headlights on Wellness Way, so EKN was working to implement those types of mitigation measures.

Commissioner Lucey observed the amount of grading would be substantial and expressed concerns about the construction window because traffic was high during the summer in the Lake Tahoe Basin. He suggested the construction be limited to the hours of 8:00 a.m. to 5:00 p.m., allowing assembly to take place from 7:00 a.m. to 8:00 a.m. He knew that assembling people and getting equipment ready was challenging so the hour prior to 8:00 a.m. could be used for that purpose. Mr. Nakhjavani commented that limiting the construction hours would extend the amount of time it would take to accomplish the grading. He said EKN would be able to work with the suggestions made by the Board.

Commissioner Lucey acknowledged the construction hours would affect the length of the project, but he also understood that GP experienced a significant amount of construction on that site. He reiterated that he previously toured the property, and he was aware of the dilapidation and disrepair of roads and infrastructure. He wanted to ensure the developer would adhere to the code as outlined in the plans and through the TRPA planning process, as well as be cognizant and address the issues that surrounding neighbors would experience. Mr. Nakhjavani asserted EKN worked with the community, noting multiple community meetings had been scheduled. He said EKN had just acquired this property and getting to the point where plans could be submitted had been a lot of work. He asserted EKN worked with neighbors on all their past projects because the last thing they wanted was a negative mark for not working with community members.

Vice Chair Hill asked whether a motion needed to reiterate the decision on standing. Mr. Edwards replied the Board had already ruled on standing; the staff report pointed out another possibility for the final motion which was whether the Board would uphold or overturn the decision of the BOA. He said the Board could include a provisional ruling on the other two appellants who did not have standing, meaning if they had had standing the Board would have ruled one way or another. He said the inclusion of the provisional ruling would become relevant in court down the road if a court disagreed with the standing conclusion in the future.

Vice Chair Hill asked whether she would add the two parties who had no standing to the motion. Mr. Edwards said she could make that provisional ruling if she wanted to do so.

Vice Chair Hill moved to modify the decision of the Board of Adjustment and modify the Special Use Permit case number WSUP21-0035 (Resort at Tahoe and Residences) in the following manner. She asked staff to refer to the three conditions she stated on the record. The modification was based on the Board's ability to make all the findings required by Washoe County Code section 110.810.30. She added a provisional ruling that had the other two parties had standing she would have made the same motion with the same changes of conditions. Commissioner Lucey seconded the motion.

Chair Hartung asked Mr. Solaro whether he understood the modifications and requested he repeat them. Mr. Solaro said yes and repeated the modifications. First, under Washoe County Planning and Building Division 1.f., "Construction hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday." Second, under Washoe County Engineering and Capital Projects condition 2.i., a number 3. would be added with the language regarding the location for Wellness Way as stated by Vice Chair Hill. Third, under Traffic and Roadway item e. the word "notice" would be added after "...advanced warnings..." and that same piece would be duplicated under North Lake Tahoe Fire Protection District for changes to emergency vehicles.

Chair Hartung noted the applicant agreed to do some traffic calming.

Commissioner Lucey mentioned the agreement for light construction to be allowed between 7:00 a.m. and 8:00 a.m., and 5:00 p.m. and 7:00 p.m. Vice Chair Hill asked for clarification of the hours and what would be allowable. Commissioner Lucey said it would allow for set up between 7:00 a.m. and 8:00 a.m. and takedown of equipment from 5:00 p.m. to 7:00 p.m. Vice Chair Hill asked whether that condition could be enforced through code enforcement. Mr. Solaro said staff would find a way to enforce that if it was a condition associated with this SUP. Commissioner Lucey indicated this had been done for other projects in the past. Vice Chair Hill asked for confirmation that no construction would take place on Saturday.

Chair Hartung asked for further clarification. Commissioner Lucey explained that workers would normally be unable to assemble at the site prior to construction hours. He said the condition modification would allow workers to assemble at the site and have access to the site during the extended hours, but actual construction would only occur during the designated construction hours.

Vice Chair Hill asked whether stating “set up and takedown” would provide clarity to staff, or whether staff had a clear way to present it to the community. Mr. Solaro indicated light construction would include taking workers to the site, having safety meetings, potentially fueling vehicles, setting up traffic control, and everything short of actually moving dirt or heavy construction. He noted there were also cleanup activities that would need to occur after construction was finished for the day. Vice Chair Hill said she agreed with that revision.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that the motion as discussed be approved.

22-0219 **AGENDA ITEM 18** Public Hearing: For possible action to conduct a Public Hearing under the Tax Equity Fiscal Responsibility Act ("TEFRA") and adopt a resolution approving the issuance by the Arizona Industrial Development Authority (Arizona) of not to exceed \$30,000,000 of education revenue bonds on behalf of Pinecrest Academy of Northern Nevada Foundation for purposes, and as required by Internal Revenue code of 1986 section 147(f), as amended. The bonds or a portion thereof will be “private activity bonds” and “qualified 501(c)(3) bonds” for purposes of the Internal Revenue Code of 1986, as amended (the “code”). The revenue from the bond issuance will be used to finance, from time to time, pursuant to a plan of finance (1) existing charter school facilities located at 1150 silent sparrow drive, sparks, in Washoe county, Nevada (the “facilities”); (2) the funding of a debt service reserve fund for the bonds; and (3) the payment of certain costs of issuance of the bonds. the bonds are not a debt or obligation of the county, the county is not a party to the financing and bears no risk in this transaction, either financial or reputational, and has received a letter of indemnification from the borrower, which was prepared by the county’s bond counsel firm, Sherman & Howard, LLC. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

Chief Financial Officer Christina Vuletich explained the bonds were not a debt of the County and would bear no financial or reputational risk in the transaction. She mentioned the Board had taken similar action in March of 2021. She said a letter had been received to indemnify the County.

Chair Hartung clarified that there was no debt or risk to the County. Ms. Vuletich said that was correct. Pinecrest Academy would issue bonds through the Arizona Financing Authority. She said the Internal Revenue Service required that the County hold a public hearing and adopt the resolution.

Commissioner Lucey said the County was acting as a conduit in the matter. Sherman and Howard Attorney Kendra Follett explained the conduit issuer was the Arizona Industrial Development Authority. She said the County was simply holding the public hearing and approving the project under the tax code.

On motion by Commissioner Lucey, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 18 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

22-0220 **AGENDA ITEM 14** Introduction and first reading of an ordinance amending Washoe County Code Chapter 5- Administration and Personnel, Chapter 490, Office of the Public Guardian- Retention of Attorney, authorizing the Washoe County Public Guardian to obtain the assistance of the Washoe County District Attorney's Office for the proper administration of guardianship cases. Approval shall not be construed to authorize the Washoe County District Attorney's Office to represent protected persons directly, including but not limited to any ancillary matters of a private nature such as divorce, trust or estate administration, bankruptcy, criminal defense, civil suits such as breach of contract or tort, or otherwise. Approval shall apply retroactively to any representation heretofore provided by the Washoe County District Attorney's Office to the Washoe County Public Guardian, and for other matters necessarily connected therewith and pertaining thereto; and set a public hearing for possible adoption of the ordinance, for April 12, 2022. Manager's Office. (All Commission Districts.)

Janis Galassini, County Clerk, read the title for Bill No. 1873.

There was no response to the call for public comment.

Bill No. 1873 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

22-0221 **AGENDA ITEM 19** Public Comment.

Mr. Doug Flaherty said findings one and four from the Washoe County Board of Adjustment were incomplete, not thoroughly substantiated, arbitrary, capricious, selective to the desired outcome, and controversial. He said the findings were based on insufficient evidence versus substantial evidentiary support as required by the Bi-State Contract. He opined the Board of Adjustment and the Board of County Commissioners practiced prejudicial abuse of discretion.

22-0222 AGENDA ITEM 20 Announcements/Reports.

The Board had no announcements or reports.

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9:15 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Carolina Stickley, Evonne Strickland, & Lauren Morris, Deputy County Clerks