



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 19, 2018

DATE: May 25, 2018

TO: Board of County Commissioners

FROM: Dave Solaro, Arch., P.E., Assistant County Manager
Community Services Department, 328-3600, dsolaro@washoecounty.us

THROUGH: John Slaughter, County Manager

SUBJECT: Approve a waiver of fees [\$6,000] for security services provided by the Washoe County Sheriff's Office for Red, White and Tahoe Blue's 2017 Festival; and if approved, authorize the Comptroller's Office to remove the uncollectible account. (Commission District 1.)

SUMMARY

The Board of County Commissioners (Board) is being requested to review the potential of waiving fees associated with the Red White and Tahoe Blue 2017 event held in Incline Village.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

On August 12, 2014, the Board approved Washoe County Sheriff's Security Agreement between Red, White, and Tahoe Blue, Inc. for the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security during the festival. The agreement is for the years 2014 through 2018.

BACKGROUND

Red, White and Tahoe Blue is a community event held in Incline Village, Nevada and includes a series of multiple events spanning four days surrounding the 4th of July holiday. The event began in 2006 as a smaller, local community series. The number of participants and smaller activities included in the event, increased between 2011, 2012 and 2013 and the event grew with combined activities exceeding 2,000 participants. In 2014, event organizers were notified that events larger than 2,000 participants require additional local resources to maintain public safety and an outdoor festival business license permit would be required.

In 2014, Red, White and Tahoe Blue entered into an agreement with Washoe County Sheriff's Office to provide security and law enforcement options at various activities related to Red, White and Tahoe Blue events. The agreement was signed by the Sheriff's

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Office on June 30, 2014 and approved by the Board on August 12, 2014. The terms of the Sheriff's Office Security Agreement were for events held by Red, White and Tahoe Blue beginning July 4, 2014 and ending December 31, 2018. In the agreement, Red, White and Tahoe Blue assumed responsibility for reimbursing Washoe County for the cost of providing necessary Deputy Sheriffs and vehicles. Conditions of the agreement give the Sheriff's Office the authority in determining the number of officers necessary to secure the event (Sheriff's Security Agreement, Article II), sets rates (subject to change) for officer rates per hour and use of vehicles, and provides for billing following the event (Sheriff's Security Agreement, Article VI).

Under the terms of the Sheriff's Security Agreement the Red, White and Tahoe Blue event organizers remitted payment on the following schedule:

- 2014 billed \$2,328.00 and paid in full
- 2015 billed \$5,685 and paid in full
- 2016 not billed
- 2017 billed \$6,000 for July 2017 event on August 17, 2017, provided second notice on August 28, 2017 and third notice on October 18, 2017.

Due to lack of payment for services provided at the 2017 event, Washoe County District Attorney Christopher Hicks provided written notice on behalf of Washoe Sheriff's Office to terminate the Annual Security Agreement between Washoe Sheriff's Office and Red, White and Tahoe Blue (February 1, 2018). The 90 day notice ends the agreement prior to the 2018 event. The delinquent account has been forwarded to Washoe County's Comptroller for processing through the Division of Collection.

In response to the letter terminating the agreement, Red, White and Tahoe Blue provided written contest to the payment invoice with the following arguments:

- Unawareness of the contract for 2017 calendar year.
- Current contract was not made with present Red, White and Tahoe Blue board.
- Verbal assurance from Sheriff's Office on zero charge for 2017 year.
- Understanding that the intent of the contract was to provide a "safe guard for the WCSO in the event Red, White and Tahoe Blue produced an excessive or out of control event that required unreasonable demands on their department."

For events that have more than 2,000 participants in unincorporated Washoe County, an outdoor festival business license is required and includes and is a conditional approval by the Board (Washoe County Code, Chapter 25). Washoe County Code 25.291 requires:

"A Licensee must employ sheriff's deputies or other police protection, to include private security firms or agencies, as necessary for the public health, safety and welfare. The sheriff shall determine the numbers and types of officers or security personnel necessary to preserve order and protect persons and property in and around the place of the festival."

FISCAL IMPACT

For the 2018 application, the applicant provided the required non-refundable \$1,000 application fee [WCC section 25.273(1)(a)] upon submission of the application. The application fee was deposited to the County's General Fund Business Licenses revenue account (Account Number 105402-421101). The daily business license fees of \$1,750 (\$350 x 5 days) [WCC section 25.273(b)] are still required to be paid prior to the issuance of the business license.

Based on past years performance and estimates for providing only the necessary staffing and equipment to cover the events listed in the Red, White, and Tahoe Blue (RWTB) application, the Washoe County Sheriff's Office estimates their 2018 cost at \$11,099.00. As a condition of approval for the 2018 business license, RWTB must prepay for Sheriff's services in the amount of \$4,000 by June 1, 2018, to be deposited into cost center C150830, account-460162 (Patrol Division – Services to other agencies). In addition, Washoe County Sheriff's Performance Security will be in the amount of \$5,000 deposited in Account Number F1001-240130 (General Fund – Pending Dev Fee).

Costs for the 2017 event that have been billed and are currently uncollected in the amount of \$6,000.00 would need to be absorbed in the current fiscal year budget of the Sheriff's Office if the Board approves the waiver of fees.

RECOMMENDATION

It is recommended the Board of County Commissioners approve a waiver of fees [\$6,000] for security services provided by the Washoe County Sheriff's Office for Red, White and Tahoe Blue's 2017 Festival; and if approved, authorize the Comptroller's Office to remove the uncollectible account.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve a waiver of fees [\$6,000] for security services provided by the Washoe County Sheriff's Office for Red, White and Tahoe Blue's 2017 Festival; and if approved, authorize the Comptroller's Office to remove the uncollectible account."