

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

TUESDAY

10:00 A.M.

NOVEMBER 12, 2019

PRESENT:

**Vaughn Hartung, Chair**

**Bob Lucey, Vice Chair**

**Marsha Berkgigler, Commissioner**

**Kitty Jung, Commissioner**

**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**

**Dave Solaro, Interim County Manager**

**Paul Lipparelli, 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, the Clerk called the roll and the Board conducted the following business:

**19-0839      AGENDA ITEM 3** Appearance: Chief Deputy Greg Herrera, Washoe County Sheriff's Office, Presentation and update on Illegal Dumping.

Washoe County Sheriff's Office (WCSO) Chief Deputy Greg Herrera conducted a PowerPoint presentation and reviewed slides with the following titles: Illegal Dumping; Illegal Dumping and Vehicle Abandonment; Illegal Dumping Hot Spots in Sun Valley; 2019 Success Stories (10 slides); Illegal Dumping Statistics; Abandoned Vehicle Statistics; Contributing Factors / Challenges; Issues with Abandoned Vehicles; Current Collaboration (4 slides); and Steps Forward.

Mr. Herrera spoke about the growing illegal dumping epidemic in Washoe County and ways it affected residents' quality of life. He explained illegal dumping and vehicle abandonment occurred frequently in Sun Valley, likely due to easy access to unpaved roads and nearby trails, but the problem was not isolated there. Other sites had been discovered in areas such as Cold Springs, Washoe Valley, in the hills above Spanish Springs and Golden Eagle Park, and across Washoe County.

Mr. Herrera noted the waste at one illegal dump site contained garbage bags with envelopes and other identifying information. When contacted by deputies, the owner said he was not aware his belongings had been dumped illegally and claimed he had paid two individuals to remove and dispose of the items. Ultimately, he was required to drive out and clean up the site. Mr. Herrera urged the public to hire only licensed junk removal contractors and warned that citizens could be held responsible for materials disposed of illegally on their behalf.

Mr. Herrera advised that an investigation into a September 13, 2019 incident involving three stripped-down vehicles dumped on East 6<sup>th</sup> Avenue in Sun Valley was ongoing. He said a photo of the stacked vehicles received national attention in a joke on the Late Night with Seth Meyers show, but the danger these vehicles posed to the community and especially to children playing in the area was serious. Mr. Herrera explained vehicle abandonments had increased dramatically in recent years, possibly due to decreases in scrap metal prices. The Cities of Reno and Sparks also reported major increases in abandoned vehicles, and tow lots across Washoe County were filling up.

Mr. Herrera detailed recent efforts to educate the public and deter illegal dumping, including the use of social media posts, public service announcements, and press releases. He encouraged citizens to report illegal dumping and vehicle abandonment through the non-emergency hotline at (775) 785-WCSO or the WCSO smartphone app.

Commissioner Herman mentioned negotiations with Waste Management (WM) and said she had requested an agenda item for the Board to discuss availability of land for an additional dump site where residents could legally bring unwanted items instead of abandoning them in the desert.

Chair Hartung suggested the WCSO create a show to publicly shame those caught dumping illegally or abandoning vehicles, including publication of names and mugshots, which he felt would be an added deterrent to others. He believed most of the community did not participate in illegal dumping but the impact of those who did was significant. Mr. Herrera noted the WCSO had increased efforts to publicize illegal dumping arrests and public engagement and response to success stories posted on social media sometimes exceeded that of the popular K9 unit's posts. He felt this was a clear indicator people were fed up with illegal dumping and appreciated the efforts to combat it.

Vice Chair Lucey spoke about the resources needed to combat the problem and also recalled the WM contract negotiation. He believed part of their franchise fee was intended to help augment the cost of illegal dumping cleanup in Washoe County and asked whether the WCSO had been able to secure any of those funds. Mr. Herrera said staff was working with the County Manager's office on this but they had some difficulty determining an appropriate price point to offer towing contractors. Vehicles abandoned on private properties, for example, could not be towed away as easily as those left on public roadways, and in some cases additional costs had to be factored in. He noted Patrol Captain Don Gil could explain further.

Captain Gil mentioned a property off Highland Ranch Parkway where several vehicles had been abandoned. WCSO staff wanted to remove them but the process was complicated by the fact that they were on a private property with three different owners located in three different states. Captain Gil also said there were now so many vehicles abandoned throughout the County that it had become difficult to address them all. He opined the issue had become almost commonplace.

Vice Chair Lucey said he agreed with Commissioner Herman and requested the Board have a more robust discussion regarding the utilization of WM's franchise fees as well as what more could be done to address illegal dumping throughout the community. Undersheriff Wayne Yarbrough noted he had already spoken to the County Manager's office that morning to request the franchise fee topic be added to a future agenda.

**19-0840**      **AGENDA ITEM 4** Appearance: Heather Korbulic, Executive Director, Nevada Health Link, Presentation on Silver State Health Insurance Exchange/Nevada Health Link.

Heather Korbulic, Executive Director of the Silver State Health Insurance Exchange, conducted a PowerPoint presentation and reviewed slides with the following titles: Who We Are/What We Do; Our Mission Statement; What's New for Plan Year 2020; Benefits of a State Based Exchange; Year-Over-Year Enrollment; Plan Year 2020 Open Enrollment; Why We Are Here Today; We Need Your Help to Reach Our Goals; and Questions.

Ms. Korbulic explained Nevada Health Link was the online marketplace for income-based qualified health insurance plans through the Affordable Care Act. She noted Nevada Health Link targeted individuals who were not insured through their employers and not on Medicare or Medicaid. Open enrollment for plan year 2020 began on November 1 and would close December 15, 2019, and Ms. Korbulic said the program was transitioning away from the Healthcare.gov website to NevadaHealthLink.com. She also explained enrollment had declined in the past year, possibly due to uncertainty around the future of the Affordable Care Act, but added there were still over 100,000 individuals without a qualified health plan in Nevada.

Ms. Korbulic asked for assistance spreading the word about Nevada Health Link before the December 15 deadline, and believed that connecting the uninsured to qualified health plans would be good for the economy, public health, and the community. She noted stand-alone dental plans were available that did not require an individual to first purchase a qualified health plan and she announced Anthem had rejoined the network for the 2020 plan year.

Commissioner Berkbighler said she would like to see Nevada Health Link listed on the County website and asked Communications Director Nancy Leuenhagen to work on this. Vice Chair Lucey wanted to know if the figure showing 83,449 individuals for plan year 2019 was a statewide total or for Washoe County only; Ms. Korbulic said the total was for the entire state. Vice Chair Lucey agreed Nevada Health Link should be featured on the County's website and said there was still time to reach the uninsured before the December 15 deadline. Chair Hartung asked Interim County Manager Dave Solaro to add Nevada Health Link's website and contact information to the Washoe video channel.

**19-0841      AGENDA ITEM 5 Public Comment.**

Ms. Sue Wolcott-Whitten said Washoe County faced a crisis situation and, according to the Nevada Early Childhood Advisory Committee, 70 percent of children entering kindergarten in the state had not been to preschool. She stated Nevada had the second-fastest growing population in the United States and the ninth-fastest job and economic growth, yet ranked 50th in education. She felt access to affordable preschool was imperative. According to trends documented in June 2019, she said, the number of children in need of care far exceeded the number of childcare spaces available in the County. Ms. Wolcott-Whitten claimed 10,000 new spaces would still not be enough. She said there were only three childcare centers in the North Valleys area, and she attributed this to the high capital expenses needed to open them as well as special use permit (SUP) requirements. She noted she had been working to open a new preschool, Saving Grace Academy, for two years, but had been forced to seek alternative locations outside of Washoe County after discovering the SUP required extensive landscaping which would cost thousands of dollars.

Keep Truckee Meadows Beautiful Executive Director Christi Cakiroglu thanked the Washoe County Sheriff's Office for their efforts to combat illegal dumping, which cost more than half a million dollars annually to clean up, created fire hazards, and reduced property values. She believed the threat of being caught, cited, and prosecuted was an important deterrent, and businesses caught dumping illegally could also lose their business licenses. Ms. Cakiroglu encouraged the public to continue reporting illegal dumping activity to the Sheriff's Office at (775) 785-WCSO, and said it had been the dream of the task force to publicize the mugshots of those caught dumping illegally.

Mr. Wayne Ford said he had seen the County provide some of the things it had promised over the years, while other promises never came to pass. He spoke about work on a community plan which he anticipated being approved next year. He described an issue with plans being submitted to the Planning Department by unlicensed individuals; he believed an unlicensed individual who had been fined by the Board in the past was still submitting new plans. Mr. Ford claimed a discussion regarding a memorandum of understanding was supposed to have occurred in February, but never actually took place. He mentioned the appeal listed on the Board's agenda and said there had already been many legal delays in the case. He said residents were still waiting for signs on Incline Way. Finally, he expressed concerns that residents who lived next to short-term rentals (STRs) would not receive the enforcement they needed and wondered if problems would be left up to them to resolve. Mr. Ford said he and his daughter had to deal with issues the previous summer which may have contributed to the death of at least one bear. He said none of his other neighbors experienced these problems. He spoke of the importance of STR regulations and encouraged Commissioners to put into place whatever was necessary to enforce them.

Mr. Michael Pitkin spoke in support of harm reduction and believed the legalization and regulation of street drugs could disrupt cartels and mafia. He discussed housing, criminal justice reform, and human rights, and opined the government should

declare a national housing emergency. He suggested the creation of tent cities to allow those who used drugs to do so safely and with dignity. He said service providers did not follow through and opined there was a local system set up for the intentional entrapment of drug users. He described the instability in the lives of drug users in the area where he lived. He also reviewed principles of harm reduction and opined abstinence-only programs were unrealistic.

Ms. Marika Moore of Puppy Mill Free Reno said the group had been working with the Reno City Council since 2014 to have puppies removed from sellers who mistreated them. She said sellers were still bringing puppies in from a mill in Iowa and sick animals were put in nebulizers to make them look healthy enough to sell, but many of them died within a year. She noted the puppy stores were still open for business despite the charges against the owners and expressed concern that sales would increase with the approaching Christmas season. She implored the Board of County Commissioners (BCC) to direct Animal Control to remove mistreated puppies from the stores, at least until the owners' trial, and give them proper medical care.

Ms. Elise Weatherly spoke about the story of Noah, illegal dumping, homelessness, and the treatment of workers at the Eldorado Resort Casino. She opined that law-abiding citizens had to pick up after lawbreakers. She mentioned Sparks Justice Court Judge Chris Wilson, spoke about poor customer service at a Popeye's restaurant, and noted that she would release a new song soon. She also spoke about communication and Nevada Health Link.

Mr. Alex Christopher suggested the BCC hold off on the appeal for Item 29 until new County Manager Eric Brown had some time to review the issues. Mr. Christopher thought Mr. Brown might be able to negotiate the issue and help the County avoid further litigation. He said many people would be happy to have the case resolved.

Mr. Sam Dehne said he liked Chair Hartung's idea about creating a show highlighting the illegal dumping epidemic. Mr. Dehne also spoke about his time in the Air Force Academy, taxes, the Economic Development Authority of Western Nevada, and Wildcreek Golf Course.

Ms. René Johnson stated she was a multi-generation native Nevadan who lived in Sparks. She said members of the community went before the BCC in December 2015 to request that stores selling live animals, particularly those selling puppies, be shut down. Now, nearly five years later, she pointed out the owners of Puppies Plus and Puppy Love had been indicted on felony animal cruelty charges. She asked why Commissioners had not been involved in helping the Reno City Council draft language to keep stores from selling live animals. Chair Hartung advised her that the Board could not respond during public comment. Ms. Johnson said she lived in Chair Hartung's district and requested a meeting. She expressed frustration at the BCC's lack of involvement.

**19-0842      AGENDA ITEM 6 Commissioners’/County Manager’s announcements, reports and updates to include boards and commissions updates, requests for information or topics for future agendas.**

Interim County Manager Dave Solaro reminded the audience the November 26 meeting was cancelled due to the Thanksgiving holiday and the next meeting would be held in December. He said County staff was currently participating in statewide counterterrorism training activities and referenced a document titled “Emergency Management”, copies of which were provided to Commissioners and placed on file with the Clerk. He thanked the Board of County Commissioners (BCC) for supporting emergency management as a critical public service in Washoe County.

Referring to public comments about animals being sold at local stores, Commissioner Berkgigler requested Assistant District Attorney Paul Lipparelli research whether the BCC was legally able to direct Animal Services to remove the canines. She stated she was unsure whether this was something over which the Board had authority. She noted one of the stores in question was located within the footprint of the City of Reno and the BCC could not tell the City how to write their own regulations. She said she would be happy to discuss the issue with concerned citizens.

Commissioner Berkgigler requested Human Services Agency Director Amber Howell research the issues mentioned by Ms. Sue Wolcott-Whitten regarding preschool facility licensing, and she suggested the two have a conversation. She spoke about the importance of preschool for children, but acknowledged it could be expensive and difficult to find spots.

Vice Chair Lucey reiterated the BCC needed a more robust discussion about the use of franchise fees to combat illegal dumping and he requested information from staff on how those fees were being allocated. He agreed with Commissioner Herman’s comments about satellite dump sites and suggested this could be done once a year in rural areas. He noted there were also free dump events held throughout the year and additional opportunities to dispose of extra green waste in the spring and fall. Mr. Solaro clarified Waste Management customers could set out up to six bags of extra waste on the curb for collection during the month of November, and he noted this would also be offered again in the spring.

Vice Chair Lucey spoke regarding issues of cleanliness throughout the County and opined that illegal dumping was not the only problem. At the recent Community Homelessness Advisory Board meeting, the Truckee Meadows Water Authority had shared a presentation highlighting several issues occurring along the Truckee River, which was an important source of drinking water for the region. Vice Chair Lucey said it was disheartening to see the river contaminated by dangerous waste such as used needles and human feces. He called for more Board discussion and action on this and other issues related to community cleanup, the Sheriff’s Office Mobile Outreach Safety Team, homelessness outreach, and possible additional bathroom sites along the river.

Commissioner Herman expressed sympathy regarding the difficulties Ms. Wolcott-Whitten experienced while trying to open her preschool. She requested staff research whether the landscaping requirements could be waived for Saving Grace Academy.

Commissioner Jung said she and Commissioner Herman had attended the Sun Valley General Improvement District Veterans Appreciation Breakfast where a Veteran Service Officer (VSO) said staff had advised her the BCC would no longer fund her position. Commissioner Jung acknowledged there could have been miscommunication but asked staff to check into the situation. She said she had fought hard to get funding for the VSO during the recession and spoke about the many ways the position benefited the community. She believed cuts made to the program's funding would first need to be approved by the BCC.

Commissioner Jung also said she had attended the Understanding Mental Health and Depression event with Sue Klebold, organized by the Entrepreneurs' Organization Reno-Tahoe. She thought the talk must have taken a lot of courage on Ms. Klebold's part and noted the presentation had been very respectful. She expressed appreciation for those who helped coordinate the event. She noted Nevada had very high rates of suicide, especially among teenagers and elderly adults, and she believed many adults over the age of 80 feared outliving their retirement savings. Finally, Commissioner Jung wished her father and her husband a happy Veteran's Day.

Displaying a photo with a message of support for veterans, Chair Hartung shared that he had attended a Veterans Breakfast on Saturday and a ribbon cutting ceremony at the Nevada Veterans Memorial Plaza on Monday. He noted Vice Chair Lucey had attended the parade where there was a reenactment of the flag raising at Iwo Jima. He thanked all veterans, past, present, and future, who put their lives on the line for America.

Referring to Ms. Wolcott-Whitten's comments, Chair Hartung wondered why landscaping would be required for a special use permit on an existing building; he suggested this might be something to discuss with the Planning Division. He asked Mr. Solaro and Dwayne Smith, Director of Engineering and Capital Projects, to follow up on Mr. Wayne Ford's comments about unlicensed individuals submitting plans to the State Board of Architecture.

Chair Hartung requested more information from Mr. Lipparelli about Nevada Revised Statute 574.055, which Ms. Marika Moore cited during public comment. He spoke about the varying roles and responsibilities of the different levels of government, which had their own sets of laws, codes, and regulations. He noted that the case against the recently-indicted animal store owners was ongoing and he was waiting for the outcome. Chair Hartung asked staff to make sure that Shyanne Schull, Director of Regional Animal Services, reached out to Ms. Moore and Ms. René Johnson.

Chair Hartung shared that he had received complaints about speeding on various streets in the Spanish Springs area. He believed the 4-way stop at Cordoba

Boulevard and East Sky Ranch Boulevard helped reduce speeding near the school, but more still needed to be done. He acknowledged speeding issues were not isolated to the Spanish Springs area and said he was aware the Sheriff's Office was inundated with other requests, but he asked Mr. Solaro and Mr. Smith to work with them to address this issue. He expressed frustration that those exceeding speed limits were residents of the area, many of whom did so while taking their children to school.

Commissioner Jung announced the National Organization for the Reform of Marijuana Laws had asked citizens to contact local representatives in support of the Veterans Medical Marijuana Safe Harbor Act. She said many veterans were returning from service severely addicted to opioid pain medications due to injuries, and although medical marijuana was a proven and effective treatment to help stop opioids, these individuals were being threatened with the loss of their veterans' benefits for using cannabis. Commissioner Jung suggested constituents contact their representatives whether they agreed with the Veterans Medical Marijuana Safe Harbor Act or not, and opined that medical marijuana was an effective and data-supported treatment for opiate addiction.

In reference to the earlier discussion regarding Waste Management (WM), Mr. Solaro clarified that WM customers in unincorporated Washoe County would be eligible to set out up to six additional bags each trash day for collection during November. He also noted households throughout the County with WM service were eligible to take four loads of trash to the dump or local transfer station for free each year.

**19-0843**      **AGENDA ITEM 7A** Proclamation. Proclaim the week of November 11-17, 2019 as National Apprenticeship Week.

Commissioner Berkbighler said she wished to honor the local construction trades industry for their training and apprenticeship programs, which were vital to the growing community. She read the Proclamation and presented it to Mr. Randy Canale, Apprenticeship Coordinator for UA Local 350 Plumbers, Pipefitters, and HVAC Technicians, and President of the Northern Nevada Apprenticeship Coordinators Association, along with several apprentices and program graduates.

Mr. Canale thanked the Board for the Proclamation and spoke about the similarities between 4-year degrees and apprenticeships, noting that apprentices could receive college credit and immediately become journey-level workers upon graduation from their programs. He said they also received a livable wage with benefits and insurance, which covered both the apprentices and their families. He opined the construction industry was extremely important to Nevada's growth and it was vital to keep training qualified workers.

Mr. Travis Mullins, a second-year apprentice with the pipefitters' union, expressed appreciation for the training he had received, saying it allowed him to take care of his family with excellent benefits and an opportunity to save for retirement.



Mr. Victor Amezcua said he had enjoyed his apprenticeship because it allowed him to go to school and maintain a work visa while also providing insurance for his family.

Mr. Denver Hughes, a pipefitter and native Nevadan, expressed gratitude for the safety training provided by his union, saying his previous work environments had been dangerous and unhealthy. He also appreciated being able to take part in the building of local infrastructure and the growth of Nevada. He stated it was nice to go home each day knowing he had put in a good day's work while providing for his family. He thanked the BCC for their support of local apprenticeship programs and unions.

Mr. Christian Wright identified himself as a veteran who had lived a complicated life, and one of his goals was to be a good father and husband. He said the Joint Apprenticeship Training Committee allowed him to enter a professional career where he could build on and learn skills that would help him for the rest of his life. He expressed pride that he had been able to provide for his family and noted they had just moved into a new home in Spanish Springs. He said he had learned skills he could pass on to future generations and felt the training he received had been life-saving and transformational.

Mr. Josh Morrow, Training Coordinator for the Northern Nevada Sheet Metal Workers Apprenticeship program, spoke about the quality education apprentices received and said the training helped them enter craftsman-level careers. He noted there had been discussion earlier in the meeting about healthcare issues and suicide rates in Nevada, especially amongst the elderly population. He said apprenticeship programs provided healthcare for members and their families as well as pensions that would help provide for them later in life.

Mr. Rob Benner of the Building and Construction Trades Council of Northern Nevada advised that the construction industry faced a shortage of qualified workers, but registered apprenticeship programs helped meet those needs. He noted such programs were free to both participants and taxpayers and were effective private-industry solutions to job training.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7A be adopted.

#### **CONSENT AGENDA ITEMS – 8A1 THROUGH 8F3**

**19-0844**      **8A1** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners. Clerk. (All Commission Districts.)

**19-0845**      **8A2** Approval of minutes for the Board of County Commissioners' special meeting of September 30, 2019. Clerk. (All Commission Districts.)

- 19-0846**      **8B** Recommendation to acknowledge receipt of the Interim Financial Report for Washoe County Governmental Funds for the Three Months Ended September 30, 2019 - Unaudited. Comptroller. (All Commission Districts.)
- 19-0847**      **8C1** Recommendation to acknowledge the Board of County Commissioners quarterly dashboard report. Manager's Office. (All Commission Districts.)
- 19-0848**      **8C2** Recommendation to approve a FFY19 Department of Homeland Security (DHS) grant passed through the State Homeland Security Program (SHSP) awarding [\$125,000.00 (no County match required)], for a Continuity of Operations and Continuity of Government project; authorize food purchases for Planning and Training events; retroactive from September 1, 2019 to August 31, 2021; If approved authorize the County Manager or his designee to sign the grant award documents when received; and direct the Comptroller's Office to make the necessary budget amendments. Manager's Office. (All Commission Districts.)
- 19-0849**      **8C3** Recommendation to approve Sub-Grant Agreements between Washoe County and the North Lake Tahoe Fire Protection District [\$1,936.00], Pyramid Lake Paiute Tribe [\$1,680.00], Regional Emergency Medical Services Authority [\$6,000.00], City of Reno [\$19,728.00], the Reno Sparks Indian Colony [\$1,680.00], the City of Sparks [\$13,879.86], the Truckee Meadows Fire Protection District [\$6,507.86], and the University of Nevada, Reno [\$3,720.00] to support participation in the Silver Crucible Complex Coordinated Terrorism Attack Exercise (CCTA); approve Resolution necessary for same. The funds provided by the sub-grants are pass through funding from the Supplemental FFY17 Department of Homeland Security grant. Grant terms are retroactive to July 1, 2019 through December 31, 2019. If approved authorize the County Manager or his designee to sign the grant award documents when received. Manager's Office. (All Commission Districts)
- 19-0850**      **8C4** Recommendation to approve a 2019 Homeland Security Grant Program (HSGP) Award stating that the Nevada Division of Emergency Management is awarding [\$91,158.00] retroactively for the period September 1, 2019 through August 31, 2021; authorize the creation of 1.0 FTE Program Assistant position as evaluated by the Job Evaluation Committee and authorize Human Resources to make the necessary staff adjustments and as such, if grant funding is reduced or eliminated, the positions hours will be reduced and/or the position abolished accordingly; [\$91,158.00; no County match required]; and authorize the Comptroller's Office to make the necessary budget amendments. Authorize the County Manager or his designee to sign the grant award documents. Manager's Office. (All Commission Districts.)

- 19-0851**      **8D1** Recommendation to accept a Nevada Division of Emergency Management grant award [amount not to exceed \$42,035.00, no County match required] as administered through the State of Nevada, Department of Public Safety, Division of Emergency Management, Federal FY 2019 project number 19-3000, to the Washoe County Sheriff's Office Special Operations Division Cyber Crimes Unit for the purchase of equipment and forensic software for the retroactive grant term of September 1, 2019 through August 31, 2021 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 19-0852**      **8D2** Recommendation to accept a Nevada Division of Emergency Management grant award [amount not to exceed \$103,399.00, no County match required] as administered through the State of Nevada, Department of Public Safety, Division of Emergency Management, Federal FY 2019 project number 19-3000, to the Washoe County Sheriff's Office Bomb Unit for the purchase of equipment for the Consolidated Bomb Team for the retroactive grant term of September 1, 2019 through August 31, 2021 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 19-0853**      **8D3** Recommendation to accept a Nevada Division of Emergency Management grant award [amount not to exceed \$84,135.00, no County match required] as administered through the State of Nevada, Department of Public Safety, Division of Emergency Management, Federal FY 2019 project number 19-3000, to the Washoe County Sheriff's Office Community Emergency Response Team (CERT) for payment of two intermittent positions as well as equipment and supplies for the retroactive grant term of September 1, 2019 through August 31, 2021 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 19-0854**      **8D4** Recommendation to accept a Nevada Division of Emergency Management grant award [amount not to exceed \$53,358.55, no County match required] as administered through the State of Nevada, Department of Public Safety, Division of Emergency Management, Federal FY 2019 project number 19-3000, to the Washoe County Sheriff's Office Northern Nevada Regional Intelligence Center - FUSION (NNRIC) for the purchase of equipment for the retroactive grant term of September 1, 2019 through August 31, 2021 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

- 19-0855**      **8D5** Recommendation to approve the Forensic Support Services Agreements between Washoe County on behalf of Washoe County Sheriff's Office and various Local Law Enforcement Agencies: Carlin Police Department \$6,151; Carson City Sheriff's Office \$98,980; Mono County District Attorney's Office \$30,000; Sparks Police Department \$539,500; State Gaming Control Board \$2,237 for Forensic Laboratory Analysis Service fees for the retroactive term of July 1, 2019 to June 30, 2020 with a total income of [\$676,868.00]. Sheriff. (All Commission Districts.)
- 19-0856**      **8D6** Recommendation to accept an Amended Notice of Subaward for the 2020 Victims of Crime Act (VOCA) program in the total amount of [\$4,988] (25% cash match required) as administered through the State of Nevada Department of Health and Human Services Division of Child Family Services, to be utilized for the WCSO Victim Advocate, and to provide emergency housing and emergency services such as food and shelter for victims of domestic violence, for the retroactive grant period of July 1, 2019 - December 31, 2019, and if approved direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 19-0857**      **8E1** Recommendation to approve retroactive authorization to travel and travel reimbursements for three non-County employees (foster youth advocates) in the approximate amount of [\$2,645], to attend the California College Pathways (CCP) 2019 Blueprint conference in Los Angeles, CA , October 28-29, 2019 using grant funds provided by the Walter S. Johnson Foundation (WSJF). Human Services Agency. (All Commission Districts.)
- 19-0858**      **8E2** Recommendation to approve an Interlocal Agreement with Storey County for the purpose of providing a Senior Nutrition Program through the Human Services Agency retroactive October 1, 2019 to September 30, 2021; and if approved authorize the Chairman to sign the agreement. Human Services Agency. (All Commission Districts.)
- 19-0859**      **8E3** Recommendation to accept a subaward from the State of Nevada Department of Health and Human Services, Division of Child & Family Services in the amount of [\$8,590; no County match] retroactively from July 1, 2019 through June 30, 2020 to provide public awareness and education on youth suicide; ratify the authority of the Director of the Human Services Agency to execute the subaward and related documents; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 19-0860**      **8E4** Recommendation to approve increase in hours from 25 to 40 per week for the vacant part-time, benefited Human Services Caseworker III (0.63 FTE, pay grade II, Position # 70001100) to a full-time benefited Human

Services Caseworker III (1.00 FTE) with a net fiscal impact of [\$41,916]; and if approved direct Human Resources to make the necessary adjustments. Human Services Agency. (All Commission Districts.)

- 19-0861**      **8E5** Recommendation to approve the Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Division of Child and Family Services (DCFS) and Washoe County through their CrossRoads Program to provide a sober living environment with supportive services to youths [no cost to County]; effective December 13, 2019 through November 30, 2023; and if approved, authorize Chairman to execute Contract. Human Services Agency. (All Commission Districts.)
- 19-0862**      **8F1** Recommendation to approve a Grant of Easement between Washoe County (Grantor) and Sierra Pacific Power Company d/b/a NV Energy (Grantee) for the construction, maintenance and repair of utility facilities, over, under, across and through a portion of Washoe County property APN 530-931-13, located between the end of Calle de la Plata Road and Sha Neva Road in Sparks, Nevada. Community Services. (Commission District 4.)
- 19-0863**      **8F2** Recommendation to approve a Grant of Easement between Washoe County (Grantor) and Sierra Pacific Power Company d/b/a NV Energy (Grantee) to construct, operate, add, modify, maintain and remove communication facilities and electric line systems for the distribution and transmission of electricity consisting of poles, cables and other appurtenances (Utility Facilities) and service boxes/meter panels, equipment and fixtures (Additional Utility Facilities) upon, over, under and through Grantor's property, a portion of APNs 027-011-07 and 035-080-04, more commonly known as the Wildcreek Golf Course in Sparks, Nevada. Community Services. (Commission District 3.)
- 19-0864**      **8F3** Recommendation to approve a Grant, Bargain and Sale Deed between Washoe County (Grantor) and the City of Reno (Grantee) conveying a 1.5 acre parcel (APN 088-201-47) from Washoe County to the City of Reno [at zero cost] pursuant to NRS 277.053, to allow replacement of the Golden Valley Lift Station serving both City of Reno and Washoe County customers. Community Services. (Commission District 5.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Commissioner Berkbighler, seconded by Vice Chair Lucey, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 8A1 through 8F3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 8A1 through 8F3 are attached hereto and made a part of the minutes thereof.

## **BLOCK VOTE – 9 THROUGH 27**

- 19-0865**      **AGENDA ITEM 9** Recommendation to approve the Professional Services Agreement between Washoe County Health District and Keep Truckee Meadows Beautiful in the amount of [\$180,000] for the period January 1, 2020 through June 30, 2021 in support of the Recycling and Solid Waste Plan program activities. Health District. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be approved.

- 19-0866**      **AGENDA ITEM 10** Recommendation to approve new position and reclassification requests of a vacant Wastewater Collections Systems Supervisor, pay grade K, to a new job classification of Utility Systems Supervisor, pay grade N (Community Services), a vacant Human Services Program Manager, pay grade P, to a new job classification of Human Services Property Manager, pay grade M, two (2) new full-time Mental Health Counselor positions, pay grade P (Human Services Agency), a Library Assistant I, pay grade E, to Library Assistant II, pay grade G (Library), a vacant Account Clerk II, pay grade H, to Office Support Specialist, pay grade H, one (1) new full-time position for a new job classification of Chaplain, pay grade N, one (1) new part-time benefited position (.6 FTE) for a new job classification of Chaplain Assistant, pay grade K, one (1) new part-time benefited position (.6 FTE) for a new job classification of Detention Library Aide, pay grade A, and a new intermittent hourly Office Assistant III position, pay grade G (Sheriff's Office), and a change in pay grade for Lead Programmer Analyst from YPP to YOP to reflect premium pay (Assessor's Office) as evaluated by the Job Evaluation Committee or Korn Ferry (Hay); and authorize Human Resources to make the necessary changes. [Net annual fiscal impact is estimated at \$500,750]. Human Resources. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be approved and authorized.

**19-0867**      **AGENDA ITEM 11** Recommendation to approve a FFY19 Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management (NDEM) awarding [\$170,877.00 (\$170,877.00 County match required)] including funds to be used for travel; retroactive from October 1, 2018 through September 30, 2020; if approved authorize the County Manager or his designee to sign the grant award documents when received; and authorize the Comptroller's Office to make the necessary budget amendments. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be approved and authorized.

**19-0868**      **AGENDA ITEM 12** Recommendation to approve the reimbursement of costs incurred by the City of Reno, the City of Sparks, and departments of Washoe County for expenses related to and in support of the Enhanced 911 Emergency Response System and portable event recording devices, and recommended by the 911 Emergency Response Advisory Committee, in an amount not to exceed [\$719,183] as specified within the adopted Enhanced 911 Fund's operating budget. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be approved.

**19-0869**      **AGENDA ITEM 13** Recommendation to accept sub-grant awards from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Representative Payee [\$31,218; County match of \$5,510 from ad valorem tax], Case Management [\$156,249; County match of \$27,577 from ad valorem tax] and Homemaker Services [\$72,200; County match of \$12,743 from ad valorem tax]; and the following State of Nevada Independent Living Programs: Homemaker Services [\$57,400; County match of \$8,610 from ad valorem tax] and Adult Day Care [\$66,070; County match of \$9,911 from ad valorem tax], retroactive from July 1, 2019 through June 30, 2020; ratify the authority of the Director of the Human Services Agency to execute the Sub-grant Awards 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 motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be accepted, ratified, and directed.

**19-0870**      **AGENDA ITEM 14** Recommendation to accept a subaward from the State of Nevada Department of Health and Human Services, Division of Welfare and Supportive Services, Child Care Licensing in the amount of [\$415,470; no County match] retroactive to July 1, 2019 through June 30, 2020 to provide child care licensing and monitoring within Washoe County; ratify the authority of the Director of the Human Services Agency to execute the 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 motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be accepted, ratified, and directed.

**19-0871**      **AGENDA ITEM 15** Recommendation to accept a partial FY20 Victims of Crime Act (VOCA) sub-grant award from the State of Nevada, Division of Child and Family Services in the amount of [\$557,904; \$139,476 County match] retroactive for the period of July 1, 2019 to December 31, 2019; ratify the authority of the Director of the Human Services Agency to execute the sub-grant award and related documents; and approve the final year of the VOCA Victim's Services Coordinator Professional Services Agreement with Megan Lucey, Esq. retroactive for the period of July 1, 2019 - June 30, 2020 in the amount of [\$95,000]. Human Services Agency. (All Commission Districts.)

Vice Chair Lucey announced that, on the advice of the District Attorney's office, he would abstain from voting on Agenda Item 15, per NRS 281A.420. He disclosed he was married to Megan Lucey, Esq., and therefore had a personal financial interest in this item.

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Vice Chair Lucey abstaining, it was ordered that Agenda Item 15 be accepted, ratified, and directed.



**19-0872**      **AGENDA ITEM 16** Recommendation to approve change order #2 to the Agreement for Construction Services with Southern Folger Detention Equipment Co., LLC. [increasing the contract amount by \$41,269.50 for a total contract amount of \$334,607.50] for the Washoe County Jail - Slider Door Actuator Replacement Project. Community Services. (Commission Districts 3.)

There was no response to the call for public comment.

On motion by Commissioner Berkgigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 16 be approved.

**19-0873**      **AGENDA ITEM 17** Recommendation to approve a change order to the Agreement for Construction Services with RaPiD Construction, Inc., [increasing the contract amount by \$136,147.20 for a total contract amount of \$426,129.20] for the Lemmon Valley Estates Drainage Channel Improvements Project. Community Services. (Commission District 5.)

There was no response to the call for public comment.

On motion by Commissioner Berkgigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 17 be approved.

**19-0874**      **AGENDA ITEM 18** Recommendation to award Washoe County Bid No. 3099-19 and approve the Agreement for Janitorial Services for Washoe County Libraries to the lowest responsible and responsive bidder, [staff recommends Qual-ECON U.S.A., in the amount of \$18,004.20 per month]; and authorize the Purchasing and Contracts Manager to execute a three year agreement effective December 1, 2019, with two additional one year renewal options at the discretion of Washoe County [an annual amount not to exceed \$216,050.40, plus call-back services]. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkgigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 18 be awarded, approved, and authorized.

**19-0875**      **AGENDA ITEM 19** Recommendation to approve the Owner-CMAR Construction Agreement between Washoe County and Q&D Construction, LLC, for Guaranteed Maximum Price #3 for Buildings 600/601, 602 and 605 of the Northern Nevada Adult Mental Health System Homeless Housing Project [in the amount of \$3,397,658.00]. Community Services. (Commission District 3.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 19 be approved.

- 19-0876**      **AGENDA ITEM 20** Recommendation to award Bid No. 3109-20 for the purchase of three replacement 66,000 GVWR Truck Cab/Chassis with dump body, sand spreader and snow plow to the lowest responsive responsible bidder, per NRS 332.065, [staff recommends Velocity Truck Centers, 1550 E. Greg Street, Sparks, NV 89431 in the total amount of \$776,553.00] for the Community Services Department Operations Division. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 20 be awarded.

- 19-0877**      **AGENDA ITEM 21** Recommendation to award Bid No. 3110-20 for the purchase of one replacement 33,000 GVWR Truck Cab/Chassis with Fuel and Lube Body to the lowest responsive responsible bidder [staff recommends Velocity Truck Centers, 1550 E. Greg Street, Sparks, NV 89431 in the amount of \$218,368.00] for the Community Services Department Operations Division. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 21 be awarded.

- 19-0878**      **AGENDA ITEM 22** Recommendation to: 1) Approve an Agreement Regarding November 2002 State Question 1: Parks and Open Space Bond Issue - Truckee River - One Truckee River Restroom Project Implementation Funding [\$286,937 - State Question 1 Truckee River Bond Funds] between Washoe County and Truckee Meadows Water Authority; and 2) authorize Interim County Manager Dave Solaro to execute the agreement and related documents. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 22 be approved and authorized.

- 19-0879**      **AGENDA ITEM 23**    Recommendation to approve a Right of Entry Agreement retroactive to November 4, 2019, between Washoe County and the Washoe County School District for the relocation and reconstruction of the existing Orr Ditch located on a portion of the Wildcreek Golf Course [Washoe County School District to pay Washoe County \$240,000 for restoration of the property]; and, if approved, authorize the Community Services Department Operations Division Director to sign the Right of Entry Agreement. Community Services. (Commission District 3.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 23 be approved and authorized.

- 19-0880**      **AGENDA ITEM 24**    Recommendation to accept receipt of a direct grant award [\$204,799.00, no County match required] from the Bureau of Justice Assistance (BJA), State Criminal Alien Assistance Program (SCAAP), FY2018, Project number 2019-AP-BX-0804, to the Washoe County Sheriff's Office, Detention Bureau. Beginning date of the grant term is retroactive to October 1, 2019, with no end date. If approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 24 be accepted and directed.

- 19-0881**      **AGENDA ITEM 25**    Recommendation to accept a Nevada Division of Emergency Management grant award [amount not to exceed \$190,160.00, no County match required] as administered through the State of Nevada, Department of Public Safety, Division of Emergency Management, Federal FY 2019 project number 19-3000, to the Washoe County Sheriff's Office Bomb Unit for the purchase of equipment for the Consolidated Bomb Team for the retroactive grant term of September 1, 2019 through August 31, 2021 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 25 be accepted, authorized, and directed.

**19-0882**      **AGENDA ITEM 26** Recommendation to award Request for Proposal (RFP) No. 3108-20 for Forensic DNA Casework Analysis on behalf of the Washoe County Sheriff's Office, Forensic Sciences Division to the lowest, responsive, and responsible bidder, [staff recommends Bode Cellmark Forensics, Inc., 10430 Furnace Road Suite 107, Lorton VA 22079 for a cost of \$895.00 per kit for approximately 500 to 1000 kits, estimated total amount between \$447,500.00 up to \$1,000,000.00 (funding permitting)], and authorize the Purchasing and Contracts Manager to execute a two year agreement, for the period of November 13, 2019-November 12, 2021 with the option of two one (1) year extension options, at the discretion of the County. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbighler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 26 be awarded and authorized.

**19-0883**      **AGENDA ITEM 27** Recommendation to accept grant award from the National Institute of Justice (NIJ) FY 19 DNA Capacity Enhancement and Backlog Reduction (CEBR) Program, Project No 2019-DN-BX-0100 [amount not to exceed \$378,706.00, No County match required], to cover costs related to the DNA backlog reduction, for the grant term of January 1, 2020 through December 31, 2021 and if approved, direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Berkbighler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 27 be accepted and directed.

**19-0884**      **AGENDA ITEM 30** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and/or Truckee Meadows Fire Protection District per NRS 288.220.

There was no public comment on this item.

On motion by Commissioner Herman, seconded by Vice Chair Lucey, which motion duly carried on a 5-0 vote, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**11:49 a.m.**      **The Board recessed.**

**1:30 p.m.**      **The Board reconvened.**

**19-0885**      **AGENDA ITEM 28**      Discussion and possible action on staff recommendations for the regulation of short-term rentals within unincorporated Washoe County, including either confirming the policy recommendations or providing additional policy direction prior to staff bringing back specific ordinance language. Short-term rentals are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals that are generally booked for fewer than 28-days. And, pursuant to Washoe County Code (WCC) Sections 2.030 and 110.818.05, possible action to initiate amendments to Chapter 110 (Development Code), Chapter 25 (Business Licenses, Permits and Regulations) and Chapter 125 (Administrative Enforcement Code) to create the necessary code language to facilitate the Board's policy direction. This includes, but is not limited to, the establishment of definitions, standards, location limitations, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, county staffing levels, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, as well as the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language. Community Services. (All Commission Districts.)

County Clerk Nancy Parent noted the Community Services Department (CSD) had provided a printout of their PowerPoint presentation during the recess. A copy had been distributed to each Board member, along with copies of correspondence submitted to the CSD by members of the community after publication of the staff report for Agenda Item 28. Ms. Parent said copies of these items were available if anyone wished to view them.

CSD Senior Planner Kelly Mullin conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: Policy Discussion: Short-Term Rentals; Today's Discussion; What is a Short-Term Rental; Board Direction in Feb. 2019; Project Baseline (2 slides); Mission Statement; Public Engagement: Process; Public Engagement: Results; Benefits of STRs; Impacts/Concerns; Staff Recommendations (8 slides); Next Steps; Requests to the Board; and Questions.

Ms. Mullin clarified the Board of County Commissioners (BCC) was not being asked to adopt staff recommendations at this time, but rather to review the CSD's progress and provide feedback. She noted the "Staff Recommendations" slides contained questions for the BCC to consider or provide direction on. She spoke about the history of short-term rentals (STRs) in Washoe County, and the diverse perspectives and feedback staff had heard from the community. She said staff had begun the project with the

understanding that there were many differing perspectives regarding STRs in the community, consensus would be unlikely, and compromise would be needed. She also noted any standards put in place would likely evolve over time and might need fine-tuning later. She discussed the extensive public outreach process staff had undertaken to gain feedback from the community, and spoke about the wide range of benefits and concerns residents had identified.

Ms. Mullin noted the initial staff report had recommended each applicant be required to attest that their STR would not violate any Covenants, Conditions & Restrictions (CC&Rs) applicable to the property. However, the District Attorney's office had voiced concerns about potential liability for the County if the issuance of STR permits was based on what was essentially a civil agreement between neighbors. The District Attorney's office had recommended staff clarify that the issuance of an STR permit would not supersede any applicable laws, regulations, or CC&Rs. Ms. Mullin said staff agreed with these legal recommendations but also sought direction on the Board's policy preference for this issue.

Ms. Mullin noted STR noise issues were a frequent cause of complaints as well as one of the more difficult problems to address. Staff recommended quiet hours from 10:00 p.m. to 7:00 a.m. daily and suggested the BCC consider requiring decibel-monitoring devices for problem STRs or those with higher occupancy limits. Ms. Mullin also noted a hotline could be established for noise complaints if the Board desired.

Vice Chair Lucey asked Ms. Mullin for clarification on how staff would implement the recommendation to prohibit advertisements for STRs without permits. Ms. Mullin stated there would be a grace period before the requirement was implemented, and staff would use that time to do outreach and make sure owners were aware of the new standards. She said a company called Host Compliance, LLC, could be utilized to help identify STRs advertising without permits, and those owners could then be contacted. Ms. Mullin suggested continued violators could be referred to Code Enforcement.

Vice Chair Lucey inquired about the cost of decibel-monitoring systems. Ms. Mullin responded the cost could vary depending on how many devices were needed. She said a service called NoiseAware was utilized in the City of Henderson, and she estimated the annual cost to STRs was less than \$500 plus an annual subscription fee. Vice Chair Lucey asked if all STRs would be required to implement decibel-monitoring technology. Ms. Mullin replied that staff suggested applying the technology to problem STRs at first, or tier 2 and 3 properties with higher occupancy limits.

Vice Chair Lucey asked how the terms 'occupancy' and 'occupant' were defined. He wanted to know if long-term tenants or owners were considered occupants. He also noted that some properties, such as those used for weddings, might have many individuals coming in for a short time or for day use only. Ms. Mullin clarified that no differentiation had been made between daytime and nighttime occupancy as staff felt the impact would be the same to the surrounding property owners.

Commissioner Jung noted some members of the community had expressed a desire for separate standards to be applied in different areas of the County, such as in Incline Village and Crystal Bay. She wondered if this was legally possible, recalling an instance where the BCC had been unable to address clutter problems with certain nuisance properties or particular areas within the County because of spot zoning issues.

Ms. Mullin acknowledged there was a section in the Development Code that went along with each of the area plans and was applicable to each distinct area within Washoe County, which allowed for some deviation from standards within the code. She said it allowed for more flexibility, whether more restrictive or less, but it would be applicable within that area most of the time. Commissioner Jung asked if this was spot zoning; Ms. Mullin responded she would not call it spot zoning, but said it was certainly something that could allow for additional flexibility. She said many residents had expressed a desire to have separate STR standards implemented at the lake, but because more than 90 percent of Washoe County's STRs were concentrated in that specific area, staff expected any regulations to be applicable and make sense for residences at the lake as well as across the rest of the County.

Commissioner Jung suspected STRs might be the new normal for homeowners due to the growing housing crisis and wages which were not keeping up with the rising cost of living. She urged the Board to be cautious and wondered why STR issues were not being addressed by property managers instead of local governments. She thought it was a good idea for the BCC to reevaluate STR guidelines in 12 to 18 months to see what had worked and what needed to be changed. She also noted there had been a coordinated effort to reduce the number of vehicles in South Shore, Lake Tahoe, out of concern for the lake's fragile environment, and she opined those who visited without bringing cars should be rewarded or incentivized. She wanted to know why property managers were not more involved in cases where younger people visited Lake Tahoe to party without a good sense of the rules.

Commissioner Berkbigler said she would hold most of her questions and comments until after public comment, but she wanted to address the issue of parking. She believed vehicles parking on impervious surfaces disturbed soils and particulates, and caused runoff which contributed to lake pollution. She said parking and vehicle traffic at the lake had been an ongoing concern for decades, but she hoped progress might be made on some of the issues soon. She noted County management was working with different agencies and stakeholders including the Tahoe Transportation District (TTD), the Nevada Department of Transportation, and the Regional Transportation Commission, to coordinate locations for buses, shuttles, trolleys, and carpool parking to reduce traffic. She also mentioned 'No Overnight Parking' signs would be put up in several places and the Sheriff's Office was considering reduced speed limits in certain areas; Interim County Manager Dave Solaro could provide more detail if needed. Commissioner Berkbigler felt that implementing STR regulations and guidelines would allow the County to resolve some of the problems for residents in Incline Village.

Chair Hartung questioned whether alternative housing opportunities for seasonal employees were really a function of STRs. He opined this was more an issue of housing and asked about the definition of a short-term rental. Ms. Mullin explained staff had included that as a benefit because STRs might be more accessible to seasonal employees than some units requiring longer lease terms. She also noted STR rules would not apply if a tenant rented a property for a longer term. Chair Hartung wondered whether renting out a bungalow located on his property would fall within the STR category; Ms. Mullin responded any bungalow or even just a room in a home that was offered for short-term rental use was considered an STR.

Chair Hartung reminded the audience the Board's intent was to revisit the STR guidelines again in a year or so. He noted permits were required to park in residential neighborhoods in the vicinity of the University of Nevada, Reno, and asked if staff had considered implementing a similar requirement for STRs. Ms. Mullin replied staff had considered this and other options to reduce or prevent street parking for STRs, but she said additions to the County Code would be necessary to allow enforcement of these new regulations. She noted the discussion regarding potential STR parking issues had led to additional suggestions, such requiring that a certain number of parking spaces tied to the allowed number of occupants be developed within each property's boundaries, and requiring all STR advertisements to list the number of available parking spaces. Staff hoped these requirements might help reduce the impact of STRs in areas such as Incline Village.

Chair Hartung wanted to know who would be responsible for enforcing STR parking rules and noise restrictions, referencing the potential impact on local police and sheriff personnel. Ms. Mullin said the hope was that introducing a 24/7 hotline through Host Compliance, LLC, paired with requiring a local responder for each STR, would reduce impacts on the Sheriff's Office and the non-emergency line. She said Code Enforcement staff would also be involved and she believed at least one position would need to be added for this purpose. Finally, she said there would always be some residents who chose not to use the hotline and would just call the Sheriff's Office, who would respond just as they would to any other complaint of a similar nature.

Ms. Mullin explained some property managers and STR owner/operators wanted to know why the proposed regulations should apply only to STRs. Staff had responded that, while STRs were still a type of residential use, they were also a specific use type with neighborhood and community impacts beyond those of most residential properties. Additional rules and regulations could help ensure STRs remained compatible with their surrounding neighborhoods.

Chair Hartung expressed opposition to the requirement that STR permit applicants attest to compliance with CC&Rs. He spoke about property managers dealing with tenants who violated special use permit (SUP) regulations, and noted he had heard Airbnb.com might have a new hotline. He also asked how staff had decided to recommend one parking space be provided for every three STR occupants. Ms. Mullin said the number of people in a vehicle coming to STRs could vary widely, but the Incline Village General Improvement District had recently done a study which found an average of 2.5 people per



vehicle visited the area in the winter season and an average of 4 people per vehicle visited in the summer. She said staff had decided to go with a figure in the middle of those estimates.

Chair Hartung wanted to know how occupancy limits would be enforced, and Ms. Mullin replied this was another area where additions to the County Code would be needed, such as requiring every advertisement to clearly state the maximum occupancy for each unit and requiring operators to post exterior signage with these limits on each STR for the benefit of first responders.

On the call for public comment, Mr. Wayne Ford summarized a letter he had submitted to the CSD, opining STRs would lead to building and planning code conflicts and result in some eventual bans. He noted hotels and motels were required to provide parking spaces based on the number of bedrooms they offered, plus a certain number of spaces for employees. He said he did not agree with the proposed tiers and noted other vehicles such as jet skis and boats needed to be considered. He spoke about the use of pavers to address off-street parking needs, site congestion, bringing larger parcels into Tahoe Regional Planning Agency (TRPA) compliance, and the usefulness of floor plans to first responders. He believed on-street parking caused problems with road sweeping and interfered with TRPA goals and bus routes. He urged the BCC to adjust the proposed tiers based on the number of bedrooms.

Mr. Mike Hess expressed gratitude for the proposed regulations on STRs but said they would add confusion if they were not linked to the zoning use or permitting process. He said issuance of an STR permit did not supersede private certificates of restrictions. He brought up three legal issues: the County needing to ensure CC&Rs were not violated by STR permits, the legal requirement for real estate agents to disclose that CC&Rs were legally recorded and binding, and homeowners defending their CC&Rs in court being able to sue the County, real estate agents, and the STR homeowner. He asserted the proposed regulations required clarity. He opined building and use codes needed to be updated if STRs were to supersede residential use.

Ms. Rhonda Tyner submitted a document for the Board, a copy of which was placed on the record. She said the proposed policy recommendations focused on nuisance and safety but did not address two of the most important negative effects of STRs: the character of residential neighborhoods and the effect on affordable housing in the community. She asserted the only way to address these was to limit the number and density of STRs. She said TRPA's best practices suggested limiting STRs. She wondered why many major cities were banning or restricting STRs if they were so economically beneficial. She suggested the Board put a strict cap on STRs, prohibit them in deed-restricted areas, and ensure density controls.

Ms. Sarah Schmitz acknowledged it was difficult to set regulations for an industry that operated for years without oversight. She lived adjacent to a large home that operated as an STR year-round even though the CC&Rs forbade businesses. She said the home had a high occupancy rate which was often exceeded, generated an excessive amount

of garbage, and often had a large number of vehicles parked in the driveway. She argued the proposed regulations would not fix those issues. She recommended the County require SUPs for STRs as was done for bed and breakfasts, which would keep neighbors informed and educate absentee owners on use restrictions. She noted the number of STRs in a neighborhood was not addressed by the proposed regulations and she felt occupancy limits needed to be decreased per TRPA guidelines.

Nancy Parent, County Clerk, stated she had received email correspondence from Ms. Carol Black, a copy of which was placed on the record. Ms. Black also submitted a document for the Board, a copy of which was placed on the record. She stated STRs did not limit residential use. She provided a list of lodging types as characterized by the County. She said season rentals were long-term rentals and vacation rentals had changed in the prior decade; STRs resembled transient lodging. The renters were unvetted, unknown to property owners, and unfamiliar with the area. She believed STRs fit the definition of commercial use as defined by Nevada Revised Statutes (NRS) and should require SUPs. She thought the proposed regulations were a start but needed to be more aggressive.

Chair Hartung reminded public commenters with documents for the Board to provide them to the Clerk prior to speaking.

Ms. Diane Heirshberg displayed a document, a copy of which was placed on the record. She was told by staff that a disclosure of CC&Rs stating STRs were not permitted would be required for all condominiums and planned unit developments. She said most developments in Incline Village had rules prohibiting STRs. She noted NRS 116.340 stated properties with CC&Rs limiting use to residential could be used for transient commercial use only if it was not prohibited by the governing documents of the association. She read the City of Henderson's STR statute and the City of Las Vegas' regulations for STRs. She said Douglas County suggested all homeowner associations (HOAs) send a letter notifying owners of restrictions. She provided the Code to Assistant District Attorney Paul Lipparelli and submitted a list of TRPA neighborhood compatibility guidelines not included in the proposed regulations.

Mr. Richard Miner stated the regulations suggested by planning staff would primarily be borne by the Incline Village and Crystal Bay communities, but staff did not make recommendations about the appropriateness of STRs for those communities. He compared STRs in residential areas to the invasive quagga mussels that threatened Lake Tahoe. He urged the Commissioners to recognize that enforcement would be paramount to the regulation of STRs and planning staff had no evidence of the effectiveness of Host Compliance, LLC. He said TRPA had not established a list of regulatory options for jurisdictions.

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

Mr. Scott Minick recalled the Constitution mentioned domestic tranquility. He noted renters of STRs were predominantly young and partied during their stay. He thought staff's goal of fairness was noble but did not believe all parties were equal because

there were more residents than STR renters. He said democracy was about the will of the majority and he believed STRs needed to be banned or heavily regulated to preserve the nature of residential areas. He requested that staff add light pollution to the list of regulations.

Ms. Linda Newman opined the number of STRs needed to be limited to protect health and safety, as well as the clarity of the lake; and a maximum population density needed to be established to ensure sustainable infrastructure. She stated STRs exacerbated staffing and funding challenges for schools, fire and police departments, and other critical agencies. She thought STRs needed to meet the same standards and permitting requirements as hotels, motels, and bed and breakfasts. She thought STRs needed to be banned if the County did not have the resources to enforce regulations for them, since it was not the responsibility of residents to patrol STRs. She believed a separate tier of regulation was necessary for property owners who relied on STR income to remain in their homes.

Ms. Judith Miller spoke about a shooting that occurred in a California STR on October 31, 2019. She opined the residents of Incline Village would fare worse because the Sheriff's Office was often unable to respond to noise complaints. She said many communities only permitted STRs that had on-site hosts. She requested the Board require an on-site manager since they would not ban STRs completely. She noted there were limited exit routes in the Tahoe basin and the additional traffic from STRs would impede evacuations. She asked the Board to limit STR permits.

Mr. Michael Abel submitted a document for the Board, a copy of which was placed on the record. He stated the Sheriff's Office struggled with the current workload and asked how it would have the staffing to enforce STR regulations. He suggested the Board ban STRs to prevent future issues. He expressed concern about the availability of affordable housing for resident workers in Incline Village. He said STRs might be possible if the County funded an agency to redevelop aging infrastructure into higher density affordable housing, since taxes collected by the Reno-Sparks Convention and Visitors Authority (RSCVA) were not used to fund Tahoe infrastructure. He said workers commuting to the Lake Tahoe area would exacerbate traffic, air pollution, and parking concerns.

Mr. Blane Johnson indicated that properties managed by a licensed Nevada property manager did not experience the same issues as properties managed by individuals out of the area. He thought a local representative would be helpful to respond to issues at an STR, and suggested a different fee structure for an STR managed by a licensed property manager. The lower fee would encourage owners to use a local representative. He mentioned property managers worked with seasonal employees who rented vacation rentals by devising a more affordable monthly rate. He noted licensed property managers operated under State-level guidance.

Ms. Diane Brown, Chair of the Incline Village Realtors (IVR) Public Policy Committee, said IVR supported private property rights, the ability to rent, and the health

and safety of all residential properties. She indicated that IVR performing more than one inspection was costly, could be redundant, and inspections needed to be limited to life and safety. She said parking issues in Incline Village were not necessarily attributable to STRs so vehicle limits needed to be reasonable and enforceable for all properties. She expressed concern about a 30-minute response time and suggested using a local licensed property manager.

Ms. Erika Lamb, President-Elect of the Reno/Sparks Association of Realtors (RSAR), said a homeowner had the right to own, sell, or rent their property. She mentioned the RSAR did not defend bad tenants and they supported the enforcement of nuisance ordinances. She complimented County staff for making the effort to seek public input from all individuals interested in STR regulation. She expressed concern about the 30-minute response time because the County was large. She understood additional occupancy during daylight hours was generally accepted, and nationwide limits typically allowed increased occupancy for children and infants. She felt older homes should not be subject to newer building codes. She noted exterior signage at STRs might create safety issues.

Mr. Pete Todoroff submitted documents for the Board, copies of which were placed on the record. He said safety issues were not included in the STR regulations. He noted he corresponded with North Lake Tahoe Fire Protection District (NLTFPD) Chief Ryan Sommers regarding safety and the cost of annual inspections for STRs. He thought the fire department should do annual inspections and issue permits, which would be paid by those collecting fees on the properties. He mentioned a news article about a 19 year old who passed away in a fire in a loft bedroom in Incline Village.

Mr. Andy Chapman said STRs in Lake Tahoe had been in use for decades and conjectured many residents of Lake Tahoe had first been visitors to the area. There was no development of new hotels so he felt accommodations for visitors needed to be addressed. He stated how STRs were addressed in other jurisdictions had varying degrees of success. He said the commonsense regulations that were being developed were appreciated, though some elements needed additional work. He noted the annual occupancy over the prior five years was 63.3 percent according to the RSCVA tax authority, so STRs were not at capacity.

Ms. Margaret Martini asked how a single-family residence could be rented to multiple people for various periods of time without being considered an investment property. She expressed concern about the inconsistency of legal definitions used by staff and the District Attorney to justify the hotel-type use of single-family residences. She believed the ordinance did not address several issues concerning STRs. She said the County would need to find funding or hope the fines were sufficient to cover the cost of enforcement. She asserted NLTFPD Resolution 17.1 needed to be included in the STR ordinance.

Mr. Frank Wright assumed the Commissioners would not want a party at a rental home in their neighborhood every other weekend. He told a story of an 800-square

foot home that was rented out for a 3-day weekend and more than 150 people arrived. He did not believe having a license would prevent this type of behavior in STRs as more people than expected tended to show up. He indicated Incline Village and Crystal Bay residents were told they did not have the power to enforce STRs. He thought commercial businesses needed to be in commercial areas.

Mr. Thomas Bruce stated he was a resident of Spanish Springs and had no current rental properties. He displayed a publication from the Internal Revenue Service (IRS) related to residential rental property, a copy of which was placed on file with the Clerk. He read from the document and said the use of a home or rental for less than 15 days was not considered to be a rental and the income was not required to be reported to the IRS. He stated this was clearly an STR. He indicated the people in Montreux may have taken advantage of this practice during the Reno-Tahoe Open. He did not see any indication that this IRS publication had been taken into consideration.

Commissioner Jung said she was impressed with Ms. Mullin's professionalism and subject matter expertise throughout the STR project, and thought she had done a great job confronting a difficult issue. Commissioner Jung wondered if an issue in South Lake Tahoe had been resolved yet; she believed the answer was no. She said the Board should watch the issue very closely as it would be going to the higher courts.

Responding to citizens who opined the Board did not have to listen to the District Attorney's advice, Commissioner Jung disagreed and said the DA and his team were subject matter experts who advised what was legal and what was not. She reminded constituents this was what the DA had been elected to do.

Commissioner Jung spoke about vacation rentals surrounding Lake Tahoe and asked Ms. Mullin to determine how many of the complainants were full-time residents of Incline Village. She believed occupancy rates should be based on square footage rather than the number of bedrooms in each unit. She clarified that when she spoke about a local responder being available to address STR issues within 30 minutes, she meant by phone, not in person. She also stated STRs managed by licensed property managers should be under a different tier or removed from the County's purview; she believed the property managers would take on the legal, financial, and judicial responsibilities for those units. She opined they were the most qualified to deal with STR issues.

Finally, Commissioner Jung believed many of the citizen activists present who insisted they wanted SUPs might not fully understand their implications. She expressed concern that the County could be sued for interfering with private property owners' rights. She opined these rights distinguished the United States from other nations; she said she would fight against anyone who tried to tell her what to do with her own home. She reiterated Ms. Mullin and staff had done a great job maintaining neutrality and arguing for both sides of a very personal issue.

Chair Hartung asked Deputy District Attorney Nathan Edwards to discuss some of the legal issues. He noted a commenter had cited NRS 116.340 and he believed

other pieces of legislation were relevant to the issue. Mr. Edwards said he thought Chair Hartung referred to CC&Rs on property, also known as servitudes. He noted CC&Rs were discussed at the meeting, amongst staff, and during community outreach events. He said one issue discussed was whether the County should require a certification from an applicant for an STR. The advice given by the DA's Office was that it was outside the scope of what the County did in regard to land use planning. He spent a significant amount of time looking into the history of CC&Rs and found it would fall outside.

Mr. Edwards quoted a Law Review article about the challenges and difficulties of interpreting CC&Rs and he discussed some of their history. He said one of the most recent publications from the American Law Institute noted that servitudes were private law devices and public law doctrines for regulating use of law such as zoning did not apply in those contexts; CC&Rs permitted the creation of neighborhoods restricted to particular uses. He summarized that CC&Rs historically provided a mechanism of private enforcement, not one of public enforcement. The issue of certification was that an applicant would certify they were not violating CC&Rs, a neighbor would counter they were in violation, and the County would be in the middle deciding which party was right. He indicated the wiser answer was for the CC&Rs to be treated like the private law restrictions they were. The County could put a notification in a permit saying they did not override the CC&Rs and it would be up to the neighbors and the HOA to enforce them.

Commissioner Berkbigler expressed appreciation for Ms. Mullin's efforts. She noted Ms. Mullin spent most of the summer holding meetings and working on the issue, and was the subject matter expert on the regulation of STRs. Commissioner Berkbigler said she usually supported less government, but she thought regulations were needed to address issues created by STRs. She believed much of the blame STRs received was undeserved. She observed many homeowners had parties, broke the laws, and behaved badly, even in good neighborhoods. She opined regulations were necessary and believed a ban would not work largely because the community was unique. Many of the residents lived there only part of the year and opinions differed on whether they should be able allowed to rent out their property.

In response to a comment about STRs being loud at all hours, Commissioner Berkbigler noted the regulations would attempt to address that issue, adding that Ms. Mullin mentioned the regulations clearly prohibited noise after 10:00 p.m. She stated Lake Tahoe was an internationally treasured vacation community, but one disadvantage was any regulations put in place for STRs would limit all residents, including owners. She noted comments were made about increased traffic and parking issues. She agreed traffic was a significant issue. She mentioned the TTD was on the third stage of a traffic study which attributed the increased traffic issues to day-trippers. She said there would continue to be an increase in traffic from day-trippers as the surrounding areas grew. She concluded the traffic issues had nothing to do with STRs. She thought it was important to think globally and consider the best way to address STRs and the traffic issue simultaneously.

Commissioner Berkbigler asked whether licensing fees would be sufficient to pay for enforcement. She thought the key would be enforcement, which included paying

for additional deputies, code enforcement, and fire district personnel. She was aware staff was working on issues with redirecting the existing Transient Occupancy Tax to funding additional support. She said residents who attended the Incline Village/Crystal Bay CAB meeting in October offered to form a volunteer group to photograph vehicles parked illegally and email the photos to the proper authority. She summarized her goal was to put together a program that would benefit the community. She acknowledged it would not fix all the issues immediately and it would be a work in progress. She suggested changing one of the staff recommendations to allow one parking space for every four people. She expressed concern about whether occupancy should be limited by the number of bedrooms or whether it should be based on square footage.

Vice Chair Lucey referenced the tier permitting system and asked whether any Tier 2 properties, allowing between 11 to 20 occupants, had been identified within Washoe County. Ms. Mullin shared that a recent staff search of active listings on Airbnb.com revealed 40 or 50 properties that allowed 11 to 20 occupants, and a handful that allowed 21 occupants or more. She cautioned the numbers were captured at a specific point in time and might change. She noted staff had reviewed listings on Airbnb.com as it was the most popular platform and, at the time of the search, they had not yet received complete information from Host Compliance, LLC. She clarified the search had been for listings within the Incline Village and Crystal Bay zip codes. Vice Chair Lucey asked whether any of those listings had ever actually hosted the maximum number of occupants. Ms. Mullin did not have information on actual versus advertised occupancies, but thought staff might be able to track these types of details once a system and permits were implemented. She noted the Airbnb.com search results had included listings ranging from a three-bedroom home, whose host claimed it could sleep 25 to 30 people, to four-bedroom homes which self-limited to lower occupancy levels. Vice Chair Lucey expressed some reservation about allowing STRs with occupancy limits greater than 21. Vice Chair Lucey also mentioned the possibility of distinguishing between adults and children when determining occupancy limits.

Vice Chair Lucey spoke about homeowners who might need to rent out rooms in their homes for short periods of time, as well as true investment properties which were rented on a short-term basis. He asked whether staff considered these STRs in both scenarios; Ms. Mullin confirmed this was correct. Vice Chair Lucey noted there were cases currently in the California Supreme Court which challenged the definitions of home-sharing and STRs. He described some ways in which the proposed STR regulations would impact a retired veteran and homeowner on a fixed income in his district who relied on renting out a room in his home. He opined more definition was needed for STRs regarding home-sharing versus investment properties, and remarked a host compliance individual would not be needed in cases where the owner was on site.

Vice Chair Lucey wanted to continue to consider STR safety issues and inspections, and said he was worried about fire danger and defensible space. He felt every residence, whether occupied by owners or tenants, represented an evacuation concern. He thought development needed to be stopped if there were evacuation issues in a particular area, and said the County should not implement ordinance-based rules that would end up

being challenged in court. He opined the requirements for STR permits and occupancy limits to be posted outside each unit seemed somewhat overbearing. He also thought many visitors chose to stay at STRs rather than hotels to see if they might want to relocate to Washoe County, and limiting that ability by banning STRs would be short-sighted.

Vice Chair Lucey mentioned parking issues in areas such as Gonowabi Road in Crystal Bay, a one-way street which was home to some very large residences. He believed telling private homeowners what they could and could not do with their homes based on STR parking restrictions could result in lawsuits. He also spoke about noise restrictions and said this was a good-neighbor issue. He explained how he and his family rented a home in a vacation town to relax, but experienced frustration with neighboring homeowners who partied almost every night. He opined the BCC could not write ordinances at the dais just to make one bad actor stop. He felt there should be some basic regulations for STRs, but too many limitations would lead to issues with enforcement.

Vice Chair Lucey shared some examples of annual permit fees ranging from \$80 in Los Angeles County to \$200 in New York. He did not feel the total revenue the County generated from permit fees would be sufficient to enforce the proposed STR regulations, and noted that the more onerous the restrictions became, the more challenging and costly they would be for the County to enforce. Regarding fines, he liked what had been implemented in Los Angeles County: owners were fined \$500 for every day they advertised a unit without proper STR permits, and these fines increased over time if noncompliance continued. Vice Chair Lucey believed there should be some basic regulation and good-neighbor policies regarding STRs, and said STRs should continue to be allowed in Washoe County. This would require an understanding and an amicable discussion of the impacts they would have on owners and tenants across the County, not just in Incline Village.

Mr. Lipparelli noted he and Mr. Edwards had worked together on the STR issues and Mr. Edwards attended many staff meetings and had immersed himself in the law on the subject. He wanted to assure Commissioners the DA's Office had examined the laws cited by some citizens and, while their ideas were well-intentioned, he recommended the County not become involved in the issue of private covenants. Mr. Lipparelli noted the association statute previously referenced did contain a provision related to transient lodging, but counsel believed this provision authorized private homeowners associations and private property owners to regulate themselves; nothing in that chapter placed the County or even a city in the role of enforcing those rules. When the County issued licenses or permits, he noted, it had to apply its own standards for the issuance of those permits. Similarly, when the DMV issued driver licenses, it applied governmental standards to the issuance of those licenses. He felt the County getting into a role where it attempted to apply standards people had written for themselves could be troublesome. Even though it might seem convenient because some rules were already in place, Mr. Lipparelli continued, the rules needed to be enforced by the parties who had a right to enforce them, and that did not include the County. He assured any Commissioners who might not have been included in the email conversations regarding this subject that these issues had been considered by the County's legal staff.



Chair Hartung said one commenter brought up the issue of deed restrictions and asked how such restrictions might apply to STRs. Mr. Lipparelli responded deed restrictions were a form of a servitude in some instances, and could either be imposed from the time a property was first sold by a developer and apply throughout the chain of title through subsequent property owners, or they could be something an individual owner did within their own chain of title. Either way, he felt deed restrictions were a private property owner's tool rather than a government tool. He explained that writing regulations at the County level was a form of police power and opined the County should keep that separate from the rights which private individuals used to enforce their own private rules.

Chair Hartung said he was fearful of trying to condemn anyone's property rights. He noted one commenter had opined the majority should rule, but Chair Hartung felt this implied minorities had no rights. He said the County could attempt a complete ban on STRs, but opined that wars had been fought over prohibition and even caused some to go underground, leading to even more difficulties with enforcement. He clarified he did not mean STRs did not need any rules or boundaries.

Chair Hartung asked Ms. Mullin about SUPs. Ms. Mullin responded staff had discussed the use of SUPs, and STRs were an allowed use at Tier 1 occupancy levels. At Tiers 2 and 3, with higher numbers of occupants, a discretionary permit process would come into play. She noted staff was actually steering away from the SUP process and considering something which might be a little more streamlined, such as an administrative process similar to what was used for detached accessory dwellings. In that process, plans were sent to agencies for review, neighboring owners were notified and their comments considered, and then everything was sent to a director for final determination. She said the process was faster because it did not require a public hearing, and additional conditions of approval could be imposed above and beyond the required basic standards in the code if needed. A process such as this would allow staff to consider the specifics of each STR property and any potential impacts which might need to be mitigated, as well as how each STR would fit into the surrounding neighborhood or community.

Chair Hartung said another speaker had mentioned limiting the number of permits by the population and density of each neighborhood, but he could see the County going to court if such limitations were imposed. Ms. Mullin responded staff had also discussed that possibility and had decided not to include it as part of the proposed solutions.

Chair Hartung liked the idea of having an inspection checklist. He also said there was not one BCC member who was not deeply concerned about citizens' safety, whether in STRs or residential properties. He discussed noise restrictions and opined that imposing restrictions on STRs would eventually lead to the same restrictions being imposed on homeowners as well. He thought bear boxes might be necessary in certain areas, saying short-term renters from out of the area might not realize the danger and needed to be educated. He liked the idea of using a property manager or local representative. He thought staff had sufficient direction and said the legal team also had notes.

Ms. Mullin requested clarification on the direction regarding STR parking restrictions. Vice Chair Lucey reiterated his concern about imposing restrictions on certain areas which might not be suitable for other areas in the County. He spoke about parking challenges in Incline Village but indicated this was not a new problem nor was it limited to STRs. He expressed uncertainty regarding staff's suggested parking space requirements and occupancy limits.

Commissioner Jung spoke about considering complaints on a case-by-case basis and suspected many would be driven by the same bad actors. She thought incentives should be provided for STRs managed by licensed property managers, and she appreciated that some owners promoted the use of public transportation, carpooling, and other methods of travel which reduced vehicle traffic in Lake Tahoe. She did not believe the County had the right to tell private property owners to pave over their landscaping in order to provide more parking spaces for their STRs. She opined some of the complaints sounded like elitist arguments and believed there were a few vocal minorities making a big deal out of the issue. She looked forward to finding out how many complainants actually lived in Incline Village year-round.

Commissioner Jung also thought many STR issues should go through a property manager rather than County staff, and expressed concern that the discussion had become too detail-oriented. She reminded constituents the Board intended to eventually reevaluate any regulations implemented and said a specific date should be set for doing so. She respected the rights and concerns of those opposed to STRs, but believed judges would always uphold private property owners' rights if the issues went to court. She suggested constituents contact her in situations where they wished to file a complaint but did not want their name on the report for fear of causing a dispute with their neighbor. Commissioner Jung stated she would put her own name on a complaint if needed.

Commissioner Berkgigler suggested basing parking on the number of paved-surface parking spaces at the property instead of square footage or the number of bedrooms. Her biggest concern was that parking in unpaved areas would contribute to runoff and lake pollution.

**19-0886**     **AGENDA ITEM 29** Recommendation to consider authorizing an appeal to the Nevada Supreme Court of the District Court's granting of a petition for judicial review in Village League to Save Incline Assets, Inc., et.al. vs. State of Nevada, et.al., Case No. CV03-06922, a case involving the State Board of Equalization's November 30, 2017 equalization decision regarding residential property valuations in the Incline Village/Crystal Bay area of Washoe County; and authorize the Washoe County District Attorney to engage special outside counsel for the appeal. District Attorney. (All Commission Districts.)

Assistant District Attorney (DA) Paul Lipparelli summarized that the District Court had issued a decision in October 2019 which voided the State Board of Equalization's decision and ordered the payment of refunds and rolling back of property

tax values for the parcels in question. He noted there had been some concern over which parcels this would apply to. Mr. Lipparelli explained Nevada rules required that a Notice of Appeal be filed within 30 days of the District Court's decision, so the Board of County Commissioners' (BCC) needed to direct staff whether or not to file an appeal. He mentioned a Nevada Supreme Court case, Nevada Commission on Ethics v. Hansen, which set a precedent that a public body must take action in a public meeting to authorize the filing of an appeal. Mr. Lipparelli said the BCC's authorization was necessary for the District Attorney to engage outside counsel. He also noted there was potential for a lengthy litigation process, saying the issue was very complex with significant controversy. He welcomed the Board's direction.

On the call for public comment, Mr. Todd Lowe said he submitted a letter to the BCC which he would not be able to read in three minutes, and noted he had provided a copy to County Clerk Nancy Parent. Ms. Parent stated the letter would be placed on the record. Mr. Lowe opined the staff report underserved the BCC and Washoe County, and should not be the sole basis on which the decision to appeal was made. He believed an appeal would cost over \$5 million dollars and it would be without merit. He offered three suggestions: the Board read the 57-page opinion issued by Judge Drakulich; independent counsel be engaged not to pursue an appeal, but to evaluate and advise the BCC on the likelihood of prevailing should they choose to appeal; and the Board consult with County Assessor Michael Clark. He concluded the BCC would be better served and better prepared to make a decision about how to proceed by following these suggestions.

Ms. Rhonda Tycer stated she had been a resident of Incline Village for 25 years. She opined it was never wrong to turn back no matter how far one had gone down the wrong road, and said the Board should turn back.

Chair Hartung asked Mr. Lipparelli how much time remained before a decision was needed. Mr. Lipparelli advised the deadline for filing an appeal would be November 21, 2019.

Vice Chair Lucey, responding to Mr. Lowe, said he had read Judge Drakulich's order and spent a lot of time looking into it. He noted the case began long before his tenure with the BCC, but he felt it was something the Board had worked on continuously; he opined that foregoing the opportunity to appeal would be unwise. With multiple parties involved, Vice Chair Lucey continued, more discussion was needed regarding the Judge's order, but he believed the specifics of the judgement were challenging and the requirement to issue refunds within a year was unrealistic. He explained it would be a significant challenge just to evaluate how to issue repayments and what that would mean for the County as a whole.

Chair Hartung asked Mr. Lipparelli if there was information available regarding the exact number of repayments the County would need to make within a year, or if staff knew how to locate the individuals who might qualify but were no longer be property owners in Washoe County. Mr. Lipparelli responded that the State Board of Equalization's order was not clear, but the last time the County had been ordered to pay

refunds, it took the Treasurer more than two years to determine who would receive them and to calculate amounts. He explained the entire process had to be done by hand and County staff had struggled to comply with the order, even with several people working full-time on the issue. Mr. Lipparelli also said clarification was needed as to how many would qualify and the amounts owed to each property owner.

Chair Hartung wanted to know what consequences the County could face if staff was unable to calculate totals and issue refunds within a year, and asked whether the appeal would give the County more time to consider all options. Mr. Lipparelli responded that it would but that was not the reason staff recommended Washoe County file the appeal; staff believed clear legal errors had been made by the District Court.

Chair Hartung asked whether individual litigants had ever appealed over the course of the case. Mr. Lipparelli said the staff report cited some history where both taxpayers and the County had seen fit to appeal decisions they did not agree with.

Vice Chair Lucey noted that, although the DA's Office had worked on the case for a long time, hiring outside counsel would give the County an ability to present their arguments to the Supreme Court. Mr. Lipparelli noted the BCC would need to authorize another attorney to carry out what would normally be the DA's role. Mr. Lipparelli explained he had conferred with the DA, who felt the magnitude of this particular lawsuit warranted an independent look at its merits which might cast new light on the case. Mr. Lipparelli also noted filing an appeal did not mean the County would be locked into proceeding; if outside counsel later advised the case was not worth pursuing, the County could withdraw.

Chair Hartung asked the DA's office to bring back a list of costs associated with the case, and Mr. Lipparelli responded the legal team had already begun exploring options with appellant lawyers prepared to provide more information if the Board chose to pursue the appeal.

Commissioner Berkbigler said she had expressed previous concerns about throwing good money after bad and she had the same concerns about this case.

Commissioner Herman said the case had gone on for many years but the County still did not know the full extent of its liability. She opined that seeking another opinion and filing an appeal would give the County more time to consider the case and make the best decision possible.

Commissioner Jung said the County had worked on the issue for many years and she felt authorizing an appeal would be the best option to protect taxpayers.

Mr. Lipparelli advised that legal staff would likely need BCC authorization for the outside attorney's fees. He confirmed legal staff understood the Board's direction and would act on it.

On motion by Commissioner Jung, seconded by Vice Chair Lucey, which motion duly carried on a 4-1 vote with Commissioner Berkbigler voting “no”, it was ordered that Agenda Item 29 be authorized.

**19-0887      AGENDA ITEM 31 Public Comment.**

There was no public comment on this item.

**19-0888      AGENDA ITEM 32 Commissioners’/County Manager’s announcements, reports and updates to include boards and commissions updates, requests for information or topics for future agendas.**

There were no Commissioner announcements.

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**4:51 p.m.**      There being no further business to discuss, the meeting was adjourned without objection.

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**VAUGHN HARTUNG**, Chair  
Washoe County Commission

ATTEST:

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**NANCY PARENT**, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:  
LJ Burton, Deputy County Clerk, and  
Carolina Stickley, Deputy County Clerk*