

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

TUESDAY

10:00 A.M.

MARCH 23, 2021

PRESENT:

Bob Lucey, Chair
Vaughn Hartung, Vice Chair
Alexis Hill, Commissioner
Kitty Jung, Commissioner (via telephone)
Jeanne Herman, Commissioner (via telephone)

Janis Galassini, County Clerk
Eric Brown, County Manager
David Watts-Vial, Assistant District Attorney (via Zoom)

The Washoe County Board of Commissioners convened at 10:01 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:

Chair Lucey reminded the audience that the meeting would be conducted as a business meeting. He asked for decorum and respect, and for masks to be worn unless speaking during public comment.

Chair Lucey announced Agenda Items 3 and 12 would be pulled from the agenda. He noted Congressman Mark Amodei was detained in Washington D.C. but said he would be at a future meeting to provide an update.

21-0190 **AGENDA ITEM 4** Appearance by Susan Fisher, Senior Vice President of McDonald Carano to present Human Services Director, Amber Howell and Human Services Coordinator Kim Schweickert with the Cashman Good Government, Honorable Mention Award for their entry, "Our Place Women and Family Shelter."

Susan Fisher, Senior Vice President of McDonald Carano, said this award originated in 1997 to recognize extraordinary public service efforts that made a difference in shaping Nevada's future. She indicated the Cashman Good Government Award recognized public servants each year who went above and beyond to promote efficiency and timely delivery of services to all in a fiscally responsible manner. She said these were public servants who worked not for accolades but with the understanding that society benefited when citizens had access to a good education, clean water, safe neighborhoods, and essential services. This year, 16 nominations were received and the task of choosing nominees for recognition was not easy. She explained each entry was scored by her and fellow judges individually, who then convened as a panel to discuss them and make

recommendations for awards. The committee members consisted of Tim Cashman, Guy Hobbs, Former Senator Ann O'Connell, Sharon Rigby, Claude Sed, and Tom Sheets, all of whom were proud of the applicants and applauded their efforts. It was her honor as a resident of Washoe County and a judge on the committee to recognize the Washoe County Human Services Agency (HSA) for honorable mention in the 23rd Cashman Good Government Award for its work in creating the Our Place Women and Family Shelter. The work of Our Place impacted many lives in Washoe County and provided resources to help people help themselves. She congratulated the entire HSA staff and thanked them for the work they continued to do in the community.

HSA Director Amber Howell thanked the Commissioners for the trust they put in her two years ago to do something different in the community. She asserted this project changed her life. She explained the process was very difficult at times and many times she wanted to give up, but she realized it was not her story they were trying to change; it belonged to the 250 women and children at the campus. The project gave hope to so many people. She expressed appreciation for the trust and resources provided to the HSA team, saying the facility had expanded twice since opening and the outcomes showed the incredible progress being made.

HSA Coordinator Kim Schweickert expressed gratitude for the recognition. She explained the real gift was seeing how Our Place was changing the lives of the guests it served daily, and she was honored to help design the facility in way that guests could call home. She told a story about a guest at Our Place who said she never knew what a home looked like and would never allow her son to live in a place like the one she grew up in. She thanked the Commissioners for their trust and support.

Chair Lucey thanked the Cashman Good Government Committee for this honor and award. Our Place had been a massive undertaking for the County that reflected a pivotal change in how vulnerable citizens in the community were addressed. She thought this was a path to recovery for so many individuals that were forgotten for so long.

There was no public comment or action taken on this item.

21-0191 **AGENDA ITEM 5** Public comment.

Ms. Carole Fineberg provided handouts which were distributed to the Board and placed on file with the Clerk. Included in these was a resolution signed by more than 100 Washoe County residents. She urged that voter rolls in Washoe County be purged of certain types of voters, which she listed. She mentioned belonging to a women's organization and offered volunteer hours to assist the Registrar of Voters' (ROV) Office in updating the database. The Secretary of State's Office received the same offer but declined because civil servants were required to complete those tasks.

Ms. Sue Walton urged the ROV to clean up the voter rolls and have honest and fair elections where each citizen was allowed one vote.

Ms. Susan McMurray expressed concern about fair elections and undeliverable ballots. She urged the Board to direct the ROV to clean up voter rolls. She spoke about her previous bouts with cancer and feared her chances of dying from cancer were higher than dying from COVID-19 (C19). She opined C19 rates were low and wanted businesses to be reopened.

Ms. Cindy Martinez expressed concern about the Board not doing the right thing with C19 and wanted a resolution declaring an end to the public health emergency placed on an agenda. She supported the cleanup of the election rolls.

Ms. Ann Sweder asked for an item ending the public health emergency to be placed on an agenda. She expressed concern about the economic impacts the emergency had created, and she wanted it to stop.

Mr. Karl Sweder wanted a discussion and resolution to remove Washoe County from the state of emergency directive. He opined the directive clearly violated the public's constitutional rights. He asked the Board to reopen Washoe County as other counties had.

Ms. Jan Hilton asked the Board to have the voter roll cleaned up to reflect correct information in the electronic registration information center (ERIC), used by 30 states and Washington D.C. to improve the accuracy of voter rolls. She wanted the Board to investigate using software that could be audited. She expressed concern about the policies and procedures enacted since C19, which she thought affected the transparency of elections. She wanted the County to fix the issues so voters could regain confidence in the elections.

Ms. Susan Howell expressed frustration that vaccines were being pushed to prevent C19 instead of other ways to stop the virus such as losing weight, taking vitamins, and getting sunshine. She said death rates were the same every year from 2017 through 2020 and opined political propaganda was occurring. She wanted the Board to do what they were hired by the people to do.

Ms. Nicol Herris read the mission statement of Washoe County. She expressed concern about election fairness and said citizens were concerned regardless of political affiliation. She thought an ad hoc citizen commission was needed for accountability, and a Commission District could be formed based on the districts with that Commissioner reporting to their constituents. She recommended the use of thumbprint verification to identify voters.

Ms. Janet Butcher expressed frustration about the voting system software, adding an auditable system would be better for accuracy. She asserted wearing a mask was unhealthy and she was tired of wearing them. She spoke about price gauging in downtown Reno and wondered whether anyone noticed.

Ms. Lynn Gillespie agreed with the statements made by Ms. Fineberg and Ms. Herris.

Ms. Rebecca Degn expressed concern that the behavior of Reno's leadership was becoming similar to that of southern California.

Ms. Kathy Vineyard spoke about the previous election and said there were simple things that could fix the issues. She expressed concern about the chain of command for ballot submission and counting. She wanted the ROV to secure better software and a process to positively identify voters. She opined citizens had lost faith in the elections.

Ms. Patricia Toone expressed frustration about being required to wear a mask in the building when she had an exemption from Governor Steve Sisolak to not wear one. She spoke about citizens' concerns related to the Governor's directives for lockdowns and wanted the Board to represent the people by taking action to ease restrictions.

Mr. Anthony Gazzigli was not present when called to speak.

Mr. George Lee spoke about issues related to inaccurate voter rolls and areas with more registered voters than actual residents. According to an investigation in New York, 61 out of 63 attempts to fraudulently vote were successful, making him believe it was easy to exploit a voting system. He believed the ROV in northern Nevada did a better job having a fair election than the ROV in southern Nevada.

Ms. Darla Lee spoke about Assembly Bill (AB) 4, which passed in August 2020 and significantly changed election rules only a few months before the 2020 election. AB321 of the current legislative session would codify the errors in AB4. She expressed concern about the rules for mail-in ballots and thought citizens in Nevada were convinced it was not a fair election. She opined a better system to positively identify voters was necessary.

Ms. Katherine Snedigar turned in a handout, copies of which were provided to the Board and placed on file with the Clerk. She expressed concern about mask mandates and who they applied to, opining she should not be forced to wear a mask. She spoke about the documents provided to the Board which she filed with the Community Development Department on February 18, 2020, asserting the County had no authority over her private property.

Ms. Debra Yates expressed concern about the fraud that occurred during the last election. She joined the Election Integrity Project and worked with the group to follow up on the incidents of concern, collecting more than 100 sworn testimonies of errors. She asserted investigations took place and it was determined some people had never lived at their registered addresses and others had not lived there in many years. She asked the Board to direct staff to clean up the voter rolls.

Ms. Vicki Carlson agreed with the statements made by Ms. Fineberg and Ms. Herris. She wanted the public emergency to be declared over and staff to clean up the voter registration rolls.

Mr. James Benthin provided handouts that were distributed to the Board and placed on file with the Clerk. He spoke about the handouts, which discussed incorrect voter roll information being provided to the federal government. He opined thumbprint identification would provide accountability. He said voter confidence was down and he wanted the issues resolved.

Ms. Patricia Morris spoke about the previous election creating a lack of voter confidence. She wanted the voter registration rolls to be cleaned up so the information was valid, and asked for paper and electronic votes to be audited.

Ms. Yolanda Knaak said she made calls for a candidate in October and spoke to a man who received two ballots to vote in Nevada, but he did not live in Nevada. She expressed concern about this issue and wanted it fixed.

Mr. Doug Jalen echoed the comments of previous speakers, adding voter integrity was important and the voter rolls needed to be cleaned up by the ROV. He opined people who voted illegally should be punished by law.

Mr. Ray Carlson expressed concern about incorrect voter rolls and thought the ROV should utilize free help from volunteers to clean up the information. He spoke about the restrictions to enter a federal building without proof of identification and wanted changes made to ensure people were positively identified before voting. He asserted the County needed to remove the mask mandate.

Via the Zoom app, Ms. Annemarie Grant noted the Sheriff's Office testified for the Assembly Committee on Government Affairs about the inevitability of asphyxiation deaths at the jail. She expressed disgust and said the issue needed to be addressed. She stated law enforcement did not understand that people on whom prone restraints were used would die when multiple grown men got on top of them. She added the legislative hearing allowed for Zoom participants to make public comment.

Mr. Jimmie J. Bratcher, via Zoom, spoke about changes the Governor would make effective May 1 regarding what was going to happen with the lockdown; he wanted to see a plan developed. He expressed concern that the short-term rental (STR) modifications would apply to the entire County, but he wanted to see that denied as rules were already in place for STRs.

Via the Zoom app, Mr. Nicholas St. Jon indicated he was one of the people who volunteered to assist in cleaning up the voter rolls. He asserted he was not supportive of the STR item because he thought it only involved a small group of people in Incline Village. He spoke about conventions and seminars starting again and opined people liked to stay at STRs rather than in hotels. He asked for a resolution making Washoe County a

Second Amendment County to be placed on the agenda. He requested a plan from the County to relax standards effective May 1.

Mr. Dan Purdy, via the Zoom app, wondered whether law enforcement officers received training on restraints and opined they should be required to take a minimum 30-day course on using restraints along with understanding how to work with the mentally disabled. He opined it was necessary for law enforcement to recognize signs of autism and know how to approach individuals.

Mr. Chris Toliver, via Zoom, expressed concern about purchasing a home in Incline Village without knowing if he could rent it out to help with the mortgage until he could retire. He asked the Board for its consideration.

21-0192 AGENDA ITEM 6 Announcements/Reports.

County Manager Eric Brown announced the public could go online to www.covid19washoevaccine.com for information about how to get vaccinated. He stated the 7-day rolling average for new COVID-19 (C19) cases had increased from a 5 percent infection rate to a 5.2 percent rate. He urged individuals to stay diligent, wear masks, practice social distancing, and avoid crowds. He noted Washoe County had vaccinated nearly 22 percent of residents, with 15 percent receiving the second dose. Governor Steve Sisolak recently announced additional age groups that could register to receive the vaccination. He said the number of vaccines needed to accommodate the increase in vaccinations had not arrived, and he asked the public to be patient. He explained the process to get registered for a vaccination appointment had caused some confusion. He noted pharmacies were beginning to administer vaccines more broadly to people 50 and older. He said the Health District was focusing on vaccination efforts for the essential worker categories, public safety and security, support and frontline workers, supply chain and logistics staff, and adults 65 and older.

Commissioner Hill said people who were looking for a job or to change careers could attend a virtual job fair on March 25. Registration would be open until noon on March 24 at www.nevadacareercenter.org/jobfair2021.

Vice Chair Hartung wanted to know when the Registrar of Voters (ROV) would be ready to talk about voter rolls. Mr. Brown indicated the ROV was planning to address the Board at the April 13 meeting. Vice Chair Hartung wanted staff to reach out to Ms. Fineberg because the County should never turn down an opportunity to have people volunteer.

Vice Chair Hartung asked about the process for removing large carcasses from roadways. He thought Regional Animal Services could partner with the Nevada Department of Transportation (NDOT) or the Nevada Department of Wildlife (NDOW) for an old piece of equipment to assist with carcass removal. He understood it could be an issue to get NDOT, NDOW, or the Washoe County Roads Department to remove carcasses.

Vice Chair Hartung stated he looked forward to hearing from staff about the process for Commissioners to request stop signs and speed bumps in neighborhoods.

Commissioner Herman thanked the people who came to the meeting to speak, and she was proud of the eloquent and patriotic commenters.

Chair Lucey said many individuals talked about a plan for reopening at a public meeting of the C19 Task Force. The County was currently working on a plan with regional stakeholders from restaurant, retail, casino, and large event industries throughout the community to address concerns that businesses might have, and the impact of authority being turned over to counties on May 1. He said that plan would be presented to the C19 Task Force on April 15.

Chair Lucey addressed public comment about C19 restrictions to wear masks, saying he shared the same concerns and frustrations about masks, social distancing, and the effects it had on the community. However, this was still an emergency that needed to be addressed. He felt the measures taken were effective and the County had done a phenomenal job providing vaccines for those who wanted them. He thought an adequate amount of testing had been done for people to make the choice about getting vaccinated. He reviewed the Centers for Disease Control and Prevention (CDC) recommendations and thought Washoe County would be within the five percent rate very soon. He noted staff was working with regional counties to ensure everyone was focused on the same goal. He felt the Governor would see there would no longer be a need to maintain the emergency directives and allow the counties the ability to do as they saw fit for residents if all regional counties were at or below the recommended infection rate. He thought significant changes would be made and hoped everyone would work together for all to feel safe.

Chair Lucey looked forward to the presentation from the ROV on April 13 and hoped they could utilize the volunteers who offered assistance.

Chair Lucey expressed interest in receiving clarification about the administrative hearing issues Ms. Katherine Snedigar brought up during public comment.

Chair Lucey recently spent time in Wyoming and Idaho and said there were many different ways the cities across those states were handling C19. He wanted to work with staff to address outreach and process options.

Vice Chair Hartung wanted to see what Arizona was doing for C19 as his sister had mentioned to him their approach seemed to be effective. He thought simple solutions were easy to follow. He asserted people did not need to go to places they did not feel safe.

Chair Lucey thought C19 restrictions should be supported by data including transmission rate, hospitalization rate, and hospital staffing levels. C19 did not end at the Washoe County line; there was a need to be respectful of neighbors and continue to work with surrounding counties to ensure a cohesive approach going forward.

21-0193 **AGENDA ITEM 7** Appearance by Washoe County Sheriff's Office Chief Deputy, Jeff Clark to provide a presentation and update on FY 20-21 Second Quarter Status Report for the Washoe County Regional Detention Facility to include security of the jail, conditions of confinement, staffing and medical care of inmates housed at the Washoe County Sheriff's Office; acknowledge receipt of Report. Sheriff. (All Commission Districts.)

Chief Deputy Jeff Clark thanked the Commissioners for their recent visit to the Washoe County Jail. He hoped his presentations would keep the community more informed of the conditions at the facility and the welfare of the inmate population.

Chief Deputy Clark conducted a PowerPoint presentation and reviewed slides with the following titles: Welfare of the Inmates; Welfare of Inmates COVID-19 Update (2 slides); Washoe County Detention Facility COVID-19 Update; Welfare of the Inmates; NaphCare Medical Data (2 slides); Welfare of the Inmates – Medical; FY 20/21 2nd Quarter Average Daily Population; FY 20/21 2nd Quarter/Bookings; FY 20/21 2nd Quarter Average Length of Stay; FY 20/21 2nd Quarter Jail Data; FY 20/21 2nd Quarter DSU Stats; and Washoe County Detention Facility Food Services Division (3 slides).

Chair Lucey thanked Chief Deputy Clark for the update.

Commissioner Hill thanked the Chief Deputy and said she felt the passion he shared for taking care of the inmate population. She enjoyed the tour of the jail. She thought the referrals Chief Deputy Clark was doing were cutting edge and supported the decrease in recidivism. She thought this item was important as it provided the community with an update about what the County was doing to keep people safe.

Chief Deputy Clark said the majority of people in jail were neighbors, family members, and friends who had made a mistake. The ones who were in for lengthy periods of time were a risk to community, which was why the jail was there. He indicated Sheriff Darin Balaam's goal was to ensure people were treated with respect and dignity while they were in jail and educated about available services.

Commissioner Hill said she spoke to the female population at the jail and they conveyed they were well cared for and appreciated the relationships with the deputies.

Commissioner Jung reminded the public that most of the people who were incarcerated had not gone to trial yet and were innocent until proven guilty. The idea that the jail needed to be a punishing place was completely wrong for the majority of the people there. The burden was on the government to prove them guilty. She said a recent finding through NaphCare was that most inmates had major nutrition deficiencies, so creative chefs had tried to do things to improve inmate behavior and mental states. She was proud of the work done at the detention facility and thought the improvements made should be submitted for awards. She expressed appreciation that Sheriff Balaam had been at the forefront of the movement to treat inmates better.

Chair Lucey said Chief Deputy's promotion from Lieutenant showed how committed he was to the detention center and ensuring people were treated well. Part of what staff learned during sensitivity training was to treat inmates well while they went through the court process. He said it was a difficult balance for individuals who were committed to law enforcement but also had to protect the civil rights of everyone, but he thought they did a great job. He thanked them for their hard work.

Vice Chair Hartung thanked Chief Deputy Clark for the presentation. He toured the jail many times and agreed food was important. He said it was called a detention center and not a retention center for a reason: they wanted to get people moved out as quickly as possible. He commended Sheriff Balaam and his executive staff for understanding how difficult it was to run a detention facility. He wanted a conversation this year about how things could change in the future and about a different regional approach.

Commissioner Herman thanked Chief Deputy Clark for the excellent report and the good work.

On the call for public comment, via the Zoom app, Ms. Annemarie Grant opined extensive isolation was detrimental to inmates, and they had longer processing times due to court delays. She encouraged people to do an internet search for NaphCare lawsuits and check out the documentary *Sick Inside*. She expressed concern that campaign contributions to Sheriff Balaam from NaphCare were enough to sway his decision to retain them as the medical services provider.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be accepted.

PROCLAMATIONS

21-0194 **8A** Proclaim March 31, 2021 as César Chávez Day.

Commissioner Jung thanked Mr. Andrew Barbano for his years of service and read the Proclamation to him.

Mr. Barbano, via the Zoom app, thanked Commissioner Jung for the Proclamation. He referenced two portraits behind him: Don Quixote de la Mancha by Picasso and César Chávez. He spoke about Ms. Dolores Feemster, a matriarch of the National Association for the Advancement of Colored People. He reminisced about Ms. Feemster's tenure, which including her role as a counselor at Proctor Hug High School for 37 years. He recalled a statement Ms. Feemster made to him about emotional situations, softening her voice when others raised theirs. The County Commissioners, especially Vice Chair Hartung, had received heat from him in the past year regarding the Regional Transportation Commission. He noted a virtual event would be held the following Wednesday, César Chávez's 94th birthday, at Truckee Meadows Community College where he and other individuals would speak to students. He said the event was public and

people could participate via Zoom. He mentioned an upcoming column in the *Sparks Tribune* about the RTC bus system which invoked César Chávez's activism. He spoke about changes to the California Farmer Laborer Act passed in the 1970s that allowed union organizers to talk to workers in the fields about their working conditions. He mentioned people who spoke during public comment wore masks and wondered how many people who traveled to the meeting by RTC bus wore a mask or not. He asserted C19 safety had become a political issue. He urged people to talk to the teamster union and find out bus drivers' opinions about conditions on the buses.

Commissioner Jung requested Mr. Barbano continue his comments during public comment to save time.

21-0195 8B Proclaim April National Donate Life Month.

Vice Chair Hartung spoke about a donor experience that occurred in his immediate family. He read the Proclamation and presented it to Monica Myles, Community Development Manager for the Nevada Donor Network (NDN), and Justin Norton, Operations Manager for the Medical Examiner's (ME's) Office.

Ms. Myles thanked Vice Chair Hartung for the Proclamation. She thanked Mr. Norton and the staff at the ME's Office for their partnership, which allowed the NDN to honor the wishes of more registered donors and families than ever before. She expressed appreciation for the efforts of the ME's Office and Washoe County in educating the community about the importance of organ and tissue donation. She encouraged everyone to register at www.registerme.org or www.nvdonor.org/washoecounty to get on the national donor list.

Mr. Norton said the partnership with the NDN started four years ago and, in that time, the ME's Office made thousands of referrals for people who died in the jurisdiction, of which hundreds had been able to donate tissue. Those people would not have been able to make donations otherwise. He explained these were people dying outside of a hospital setting who were not able to get a quick turnaround. The partnership with the NDN saved and changed thousands of lives in the area. He asserted calling this a success was a great understatement. He thanked the NDN for being phenomenal partners and the Board of County Commissioners for being supportive in the process and providing the freedom to execute the agreement. He thanked ME's Office staff and acknowledged 2020 was a rough year for everyone. His group worked 24/7 in one of the most difficult fields and they worked hard to ensure the partnership moved forward because they believed in donating lives.

Chair Lucey thanked Mr. Norton. He acknowledged the wonderful relationship with the NDN and said it was not only important for donors, but for those receiving donations. The process was so unique, and Washoe County had been recognized nationally. He thought it was important to put on record the impact of the work the ME's Office and the Medical Examiner had done.

David Estorga, Northern Nevada Supervisor for the NDN, thanked the Board and County Manager Eric Brown for the Proclamation honoring Donate Life Month in Washoe County. He told a story about having a one-week-old son that needed a heart transplant, happily announcing that his son was now seven months old and doing well. He was proud to be a donor recipient dad. He expressed appreciation for the support from the County. He mentioned Ms. Myles sent out sympathy cards and added a more personal touch to donor families. He hoped the Board would visit the opening of their expanded office later in the year.

21-0196 **8C** Proclaim the week of April 4-10, 2021 as National Library Week.

Commissioner Hill read the Proclamation.

Via the Zoom app, Emily Reed, Assistant Court Administrator for the 2nd Judicial Justice Court, thanked the Board for the warm welcome. The Washoe County Law Library (WCLL) was one of three teams she oversaw, and she was very proud of her team. She expressed appreciation for the Proclamation recognizing the importance of all libraries, including law libraries. She explained the WCLL provided access to legal materials and information to all members of the community. She noted the support of the Board of County Commissioners, the WCLL Board of Trustees, and County judges gave them the opportunity to grow the virtual and digital offerings over the past year. She said the Lawyer in the Library program was still available via the Zoom app, which worked out better than they expected. She encouraged people to reach out to them for more information.

Chair Lucey thanked Ms. Reed for her work with the WCLL and all they offered to the community. He expressed appreciation to Ms. Reed for accepting the Proclamation and noted Library Week was important as it highlighted all the services they provided. He said this was an institution for the community, not only as a place to inquire and gather knowledge through books and different forms of media, but one which allowed people to come together.

12:29 p.m. **Commissioner Jung' was disconnected from the meeting at some point between Agenda Item 8A and this vote.**

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Items 8A through 8C be approved.

DONATIONS

21-0197 **9A** Recommendation to accept donations to Washoe County Regional Animal Services in the amount of [\$15,230.00] retroactive for the period October 1, through December 31, 2020, to be used for the humane care and treatment of sick and/or injured, stray, abandoned or at-risk animals; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to make the necessary budget amendments. Animal Services. (All Commission Districts.)

21-0198 **9B** Recommendation to accept one-time appreciation gift donations [estimated value of \$1,175.00] from private citizens to the Washoe County Sheriff's Office. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Items 9A and 9B be accepted.

CONSENT AGENDA ITEMS – 10A1 THROUGH 10H

21-0199 **10A1** Approval of minutes for the Board of County Commissioners' regular meetings of February 9, 2021, February 16, 2021, and February 23, 2021. Clerk. (All Commission Districts.)

21-0200 **10A2** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Monthly Statements/Reports. Clerk. (All Commission Districts.)

21-0201 **10B** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2019/2020 and 2020/2021 secured and unsecured tax rolls 2) authorize Chair to execute the changes described in Exhibits A and B and 3) direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$324.46]. Assessor. (Commission Districts 1, 3, 5.)

21-0202 **10C1** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 2021/2022 Encroachment/Excavation Repair Project for Incline Village to perform street cut pavement repairs as needed in Incline Village pursuant to Washoe County's Street Cut Ordinance at WCC 85.058, et. seq., [staff recommends West Coast Paving, in the amount of \$118,000.00]. Community Services.

- 21-0203** **10C2** Recommendation to approve a construction change order exceeding 5% or \$25,000 to Sullivan Structures in the amount of [\$84,404.00 for the District Court, 75 Court St. COVID Court Room]. Community Services. (Commission District 3.)
- 21-0204** **10D** Recommendation to abolish two vacant, part-time, non-benefited Court Master positions to fund the reclassification and pay rate change of six District Court Clerk positions to District Court Clerk Trainer positions, effective 03-23-2021 and approve the new classification and salary band of those reclassifications; and authorize Human Resources to make the necessary changes. Net Impact [\$-0-]. District Court. (All Commission Districts.)
- 21-0205** **10E** Recommendation to accept a private grant from the Non-Profit Organization Water In Motion, in the amount of [\$5,000; no County match] retroactive from February 16, 2021 with no expiration date to assist clients with water and sewer bill needs; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency.
- 21-0206** **10F1** Recommendation to approve Commission District Special Fund disbursement in the amount of [\$20,000] for Fiscal Year 2020-2021; District 1 Commissioner Alexis Hill recommends a [\$5,000] grant to the Downtown Reno Partnership through their fiscal agent the Community Foundation of Western Nevada for a Bigbelly trash receptacle along Virginia Street, a [\$5,000] grant to Nevada Tahoe Conservation District to implement conservation-related projects in Washoe County/Lake Tahoe, a [\$5,000] grant to The Reno Initiative for Shelter and Equality (RISE) to support the Living Room community living program, and a [\$5,000] grant to Tahoe Prosperity Center to support AlertTahoe, Connected Tahoe, Measuring for Prosperity, Tahoe Workforce Housing, and Tahoe Economic Resiliency and Recovery Plan; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager. (Commission District 1.)
- 21-0207** **10F2** Recommendation to approve a FFY20 Homeland Security Grant Program (HSGP) Award stating that the State of Nevada, Division of Emergency Management (NDEM) is awarding [\$92,000.00, no County match required] retroactive from October 1, 2020 through September 30, 2022; If approved, authorize the County Manager or his designee to sign the grant award documents; if grant funding is reduced or eliminated, the positions hours will be reduced and/or the position abolished accordingly unless additional funding is secured; and direct the Comptroller's Office to make the necessary budget amendments. Manager's Office. (All Commission Districts.)

- 21-0208** **10G1** Recommendation to acknowledge Receipt of Status Report of Commissary Fund set up per NRS 211.360 to be utilized for the welfare and benefit of the inmates for items such as counseling, chaplaincy services, vocational training and certifications programs for inmate in the jail, submitted by the Washoe County Sheriff's Office Commissary Committee for Second Quarter for Fiscal Year 20/21. Sheriff. (All Commission Districts.)
- 21-0209** **10G2** Recommendation to approve increase in hours from 30 to 40 per week for the vacant part-time, benefited Program Assistant (0.75 FTE, Position #70005844) to a full-time, benefited Program Assistant (1.00 FTE); and if approved direct Human Resources to make the necessary adjustments. Sheriff. (All Commission Districts.)
- 21-0210** **10G3** Recommendation to approve Sheriff's Security Agreement between Incline Village Crystal Bay Visitor Bureau (IVCBVB) and the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security at events being held in Incline Village, Nevada for various functions for the retroactive period of March 1, 2021 through December 31, 2023; reimbursement by IVCBVB to the Sheriff's Office for all costs associated with such services as described in the Security Agreement, and direct Chair Lucey and Sheriff Balaam to sign the agreement. Sheriff. (Commission District 2.)
- 21-0211** **10G4** Recommendation to approve the creation of a full-time equivalent (FTE) Mental Health Counselor for Washoe County Sheriff's Office effective April 1, 2021 with a fiscal impact of [\$31,250.00] for the time period of April 1, 2021 - June 30, 2021 pending JEC review and if approved; direct Human Resources to create 1.0 FTE Mental Health Counselor II position. Sheriff. (All Commission Districts.)
- 21-0212** **10H** Recommendation to approve the purchase of two (2) L3Harris Symphony radio dispatch consoles as recommended by the 911 Emergency Response Advisory Committee on March 18, 2021, in an amount not to exceed [\$120,725]. Technology Services. (All Commission Districts.)

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

On motion by Commissioner Hill, seconded by Vice Chair Hartung, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Consent Agenda Items 10A1 through 10H be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 10A1 through 10H are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 11, 13, 15, 16, and 18

- 21-0213** **AGENDA ITEM 11** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 2021/2022 Encroachment/Excavation Repair Project for Truckee Meadows to perform street cut pavement repairs as needed in the Truckee Meadows pursuant to Washoe County's Street Cut Ordinance at WCC 85.058, et. seq., [staff recommends West Coast Paving, in the amount of \$231,000.00]. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 11 be awarded and approved.

- 21-0214** **AGENDA ITEM 13** Recommendation to approve an Interlocal Contract Between Public Agencies, Nevada Department of Health and Human Services Division of Health Care Financing and Policy and Washoe County, in total amount not to exceed [\$3,000,000.00] for the period July 1, 2021 through June 30, 2023 for the Disproportionate Share Program for certain indigent services. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 13 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

- 21-0215** **AGENDA ITEM 15** Recommendation to accept a FY21 Family First Prevention Services Act Transition subaward from the Nevada Department of Health and Human Services, Division of Child & Family Services (DCFS) in the amount of [\$231,525; no county match] retroactive from October 1, 2020 to September 30, 2021 to provide services that prevent entrance into the child welfare system as well as improve outcomes for children and families affected by trauma in the child welfare system; authorize the Director of the Human Services Agency to retroactively execute the grant award; 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 Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 15 be accepted, authorized, and directed.

- 21-0216** **AGENDA ITEM 16** Recommendation to approve retroactive and future expenditures for purchases that have exceeded [\$100,000] in the aggregate to the contract awarded to American Comprehensive Counseling Services (awarded Informal Invitation to Bid (ITB) #3122-20) retroactive April 1, 2020 through March 31, 2021, and approve expenditures in excess of [\$100,000] in the aggregate on subsequent renewals should the need arise in any of the up to four (4) additional one (1) year periods permitted in the contract with the understanding all such expenses will remain within available adopted budget funding. If approved, all purchases remain subject to compliance and accordance with the provisions of the Local Government Purchasing Act. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 16 be approved.

- 21-0217** **AGENDA ITEM 18** Recommendation to approve agreements between Washoe County and Carson City, Humboldt County, Lassen County, and Nye County for forensic pathology services provided by the Washoe County Regional Medical Examiner's Office for a period of up to three years effective retroactively on July 1, 2020. Regional Medical Examiner. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 18 be approved. The Interlocal Contracts for same are attached hereto and made a part of the minutes thereof.

12:39 p.m. **The Board recessed.**

1:35 p.m. **The Board reconvened with Commissioner Jung absent.**

* * * * *

AGENDA ITEM 14 Recommendation to: (1) approve Amendment #4 to the contract currently awarded to Reno Initiative for Shelter and Equality (RISE) (awarded Request for Proposal (RFP) #3130-20) for Facility Operator of Our Place Women and Family Shelter on the Our Place campus, which (a) authorizes an increase for hotel cost reimbursements in the amount up to [\$200,000] retroactive for the term of March 1, 2021 through June 30, 2021, (b) authorizes an increase in the amount of [\$60,000] for a total not to exceed [\$2,313,333] retroactive for the term of March 1, 2021 through June 30, 2021 to support additional RISE staffing needed in Building 8C on the Washoe County Human Services Agency's Our Place Campus, (c) authorizes an increase in the amount of [\$180,000] for a total not to exceed [\$2,300,000] to the four (4) renewal periods to support RISE staffing on the Washoe County Human Services Agency's Our Place Campus; (2) authorize the Purchasing and Contracts Manager to execute the amendment and revise the Purchase Order; (3) approve the use of General Fund Contingency in the amount of [\$260,000.00] for unbudgeted expenditures for Fiscal Year 2021 and if approved, direct the Comptroller's Office to make the necessary budget appropriation transfers. Human Services Agency. (All Commission Districts.)

Chair Lucey indicated staff's recommendation was to amend the contract and allow for extensions. He invited Human Services Agency (HSA) Director Amber Howell to provide an overview of the item. Since opening the women's and family shelter at Our Place in the summer of 2020, Ms. Howell stated, there had been an ongoing waitlist. She noted the HSA received a \$162,000 grant to remodel a vacant home, Building C, which was within the scope of the lease; that opened up 10 additional family rooms. Around the same time, the County implemented a motel voucher program to ensure unsheltered women had a safe place to reside, but it cost an average of \$160,000 a month. 412 women were placed through this program, showing a need to provide an additional building at Our Place.

Ms. Howell said Building C had been renamed Hope Home, a women's risk reduction sober living building accommodating 36 women; this nearly tripled the capacity of the original Record Street location. The number of women using the motel voucher program was reduced from 105 to 2 after these steps were taken. She announced there were currently no women or families on the waitlist. The approval of the RISE amendment would continue the motel voucher program on a smaller scale and increase staffing needs to address the 36 additional beds. The plan was to discontinue the voucher program once the Nevada Cares campus opened and a safe camping location became available. She added the HSA would make a presentation in May to discuss how decisions were made to place people in the Crossroads and Sober 24 programs versus at Our Place.

Vice Chair Hartung inquired about a timeframe for individuals to go through the County system, resulting in a warm handoff to programs like Step 2. Ms. Howell replied that allowing people to stay in the system for six months instead of three had created a significant difference. She spoke about how integrating the Temporary Assistance for Displaced Seniors program and Crossroads into the system resulted in the

same number of people exiting the system as the number who entered. She anticipated making a presentation showing how many people were expected to exit the program over the following three months. Opening the two extra homes created stability, and she emphasized the significance of no longer having a waitlist. Vice Chair Hartung thought a six-month timeframe to get people rehabilitated and established in the community was reasonable. He praised the HSA and expressed his support.

Chair Lucey lauded RISE as a partner and operator during the pandemic, along with Ms. Howell and Human Services Coordinator Kim Schweickert. He expressed support for the item, which would allow RISE to continue helping Our Place evolve while moving away from the voucher program.

County Manager Eric Brown commended Ms. Howell and her team, saying the County would continue to learn more about managing these populations. He said Ms. Howell continually stepped up to all challenges, especially since she had responsibilities other than just Our Place. Chair Lucey concurred, adding she was the director of the County's second-largest department, and the HSA was pioneering new ways to approach this issue.

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 14 be approved, authorized, and directed.

21-0219 **AGENDA ITEM 17** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County.

County Manager Eric Brown said an updated document of notable bills had been distributed to the Commissioners and a copy was placed on file with the Clerk. He pointed to a list of new bills being tracked on page 2, and a different list of the original bills being watched. He said the County learned Assembly Bill (AB) 363 and Senate Bill (SB) 322 both pertained to short-term rentals (STRs) which, if passed, could have an impact on what the County would be able to do.

Commissioner Hill noted she read the STR bill briefs and looked forward to a discussion on Friday to determine staff's opinion of how these bills would affect the County.

Chair Lucey indicated AB1 was passed out of the Legislative Operations and Elections Committee and would go to a floor vote, hopefully moving on to the second house. AB33 was amended and passed out of the judiciary. He reminded the Board that the

County supported both bills. He anticipated AB3 and AB106 would have hearings soon, and AB110, which would revise the Nevada lobbying disclosure, was signed by the Governor on March 18. He brought up SB111, which was being tracked, as it would revise the Education Board of Trustees.

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 17 be accepted.

PUBLIC HEARINGS

21-0220 **AGENDA ITEM 19** Public hearing: Recommendation to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Events) for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)(2) and (3) of the Washoe County Code. Community Services. (Commission District 5.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against revocation of Special Use Permit (SUP) Case Number SB13-008. There was no response to the initial call for public comment. Vice Chair Hartung asked for a brief summary of this item's history.

Planner Chris Bronczyk conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed the first eight slides entitled: Request, SB13-008, and Condition Violations (5 slides). He indicated some plans were delayed when submitted and others were received within 24 hours of the horse racing event. Condition 1(i) was imposed a year after approval when the item came to the Board of County Commissioners for a status update. Regarding date changes, he remarked some agencies were not even made aware of the new dates.

Chair Lucey noted most of the information in the presentation was already in the staff report and he asked whether Mr. Bronczyk had additional insight not included in the staff report. Mr. Bronczyk said he did not and asked if anyone had questions.

Commissioner Hill recalled her time working in special events with the City of Reno where they had to revoke permits for lesser violations.

Commissioner Herman indicated there was a language barrier involved and wanted confirmation that every effort was made to ensure the applicants understood everything. Mr. Bronczyk acknowledged there was a language barrier since he did not speak fluent Spanish, but he did correspond by phone and email.

Chair Lucey pointed out there had been issues with these events dating back to 2009, continuing all the way through the pandemic. He noted the applicants hosted an

event in 2020 when none were listed, which increased the County's liability. He felt staff had reached out to the applicants several times, but the applicants were never in compliance.

Vice Chair Hartung brought up that these events often put undue stress on surrounding property owners because of their impacts on roads and how late they went. He felt revocation was appropriate. He asked whether there would be a cooling off period before the applicant could reapply for an SUP. Mr. Bronczyk responded they could reapply for an SUP right away, but staff looked into any applicant's history when considering them for a permit. Additionally, revocation would not prohibit the applicant from applying for single-day event permits; it simply removed the blanket approval for 20 one-day events.

Commissioner Hill asked about Mr. Bronczyk's ability to communicate with the applicant given the language barrier. Mr. Bronczyk said there was no one within the planning department who spoke Spanish, but he was able to effectively communicate with Ms. Sandy De La Luz.

Chair Lucey permitted a second round of public comment to be heard at this time. Mr. Larry Chesney, Vice President of the Palomino Valley General Improvement District (PVGID), spoke via the Zoom app. He stated the event organizers did not meet the condition of having water trucks water down the roads, putting pressure on the roads. He expressed concern about their failure to clean access areas as it strained the PVGID's budget. He expressed support for revocation of the SUP.

Ms. Sandy De La Luz spoke via Zoom on behalf of the owner. She disputed the claim that there was no cleanup after each event, saying the road between Grass Valley Road and the property was cleaned. Additionally, she said roads were watered, though she admitted they might have failed the prior year. She noted they had invoices showing how much they spent to have the roads watered. She indicated her sister used to run the business, but she had taken it over. She agreed there were failures with due date compliance in 2020 as she learned the business.

Regarding a possible language barrier, Chair Lucey remarked Ms. De La Luz demonstrated the ability to have conversations with staff and noted she admitted events were held in 2020 that should not have occurred under the SUP. He reiterated Mr. Bronczyk's point that Ms. De La Luz could apply for one-day permits for future events.

Commissioner Herman asked about the possibility of working with Ms. De La Luz to resubmit the proper documentation and to reconsider the revocation in the fall if problems persisted. Chair Lucey opined that could not happen because this item was already noticed. He suggested they could apply for one-day permits or reapply for a new SUP. He felt the Board needed to move forward based on the history provided.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 3-1 vote with Commissioner Jung absent and Commissioner Herman voting no, it was ordered that Special Use Permit Case Number SB13-008 (De La Luz Horse Racing) be revoked based on the following findings: one or more of the conditions upon which such development approval was granted had been violated, and the use or facility for which the development approval was granted was so conducted or maintained as to be detrimental to public health or safety, or as to be a public nuisance.

2:17 p.m. **The Board recessed.**

2:18 p.m. **The Board reconvened with all Commissioners present.**

21-0221 **AGENDA ITEM 20** Public hearing pursuant to NRS 533.550 for possible action to adopt Resolution #20-088 of the County of Washoe approving the Agreement for Purchase and Sale of Truckee River Water Rights Claim DTR-50/50A between Washoe County and Great Basin Land and Water on behalf of the Pyramid Lake Paiute Tribe for the sale of 28.55 acre feet of water rights [at the appraised value of \$197,000.00]; and authorize the chair to execute the associated water rights deed prior to the closing of escrow, having made all four written findings pursuant to NRS 533.550. Community Services. (Commission District 5.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against this item. There being no response, the hearing was closed.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 20 be adopted and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

21-0222 **AGENDA ITEM 22** Public Hearing to conduct a Tax Equity Fiscal Responsibility Act ("TEFRA") hearing and adopt a resolution approving the issuance by the Arizona Industrial Development Authority (Arizona) of not to exceed \$29,500,000 of Education Revenue Refunding Bonds on behalf of Doral Academy of Northern Nevada Foundation for purposes, and as required by, Internal Revenue Code of 1986 Section 147(f), as amended. The Bonds or a portion thereof will be "private activity bonds" and "qualified 501(c)(3) bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"). The revenue from the bond issuance will be used to finance and/or refinance, from time to time, pursuant to a plan of finance (1) existing charter school facilities located at 3725 Butch Cassidy Drive, Reno, in Washoe County, Nevada (the "Facilities"); (2) the funding of a debt service reserve fund for the Bonds; and (3) the payment of certain costs of issuance of the Bonds. The bonds are not a debt or obligation of the County, the County is not a party to the financing and bears no risk in this transaction, either financial or reputational, and has received a letter of

indemnification from the borrower, which was prepared by the County's bond counsel firm, Sherman & Howard, LLC. Manager's Office. (All Commission Districts.)

County Manager Eric Brown introduced the public hearing. Chair Lucey disclosed that he served as a member on the board for the Doral Academy which oversaw operations, but he had no pecuniary interest and received no benefit from this item. He pointed out the recommended motion would allow for a public hearing and it would not actually fund the bonds. Additionally, the County was not party to the financing of these bonds. He intended to vote on the item as there was no conflict.

On the call for public comment, Mr. William Carlson was called but it was determined he meant to speak on Agenda Item 21.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 22 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

21-0223 **AGENDA ITEM 21** Public Hearing: Second reading and adoption of ordinances amending the Washoe County Code at Chapter 110 (Development Code), within Article 302, Allowed Uses, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, Use Classification System, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; within Article 410, Parking and Loading, to update the off-street parking space requirements table to include a reference to short-term rentals; and within Article 910, Enforcement, to specify that appeals of Administrative Hearing Office decisions related to short-term rentals would be heard by the Board of County Commissioners. Chapter 110 would also be amended to create Article 319, Short-Term Rentals (STR's), to establish standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, Accessory Uses and Structures, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, Administrative Review Permits; and at Chapter 50 (Public Peace, Safety and Morals) to include a definition of short-term rental and define unpermitted short-term rentals as a public nuisance; and at Chapter 125 (Administrative Enforcement Code) to establish enforcement provisions related to short-term rentals, including but not limited to definitions, evidence of operation, evidence of violations,

appeals and associated timeframes, stop activity orders, warnings, penalties, and penalty notices. Short-term rentals are a type of temporary lodging booked for fewer than 28-days and 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. The amendments also resolve discrepancies arising within existing Washoe County Code chapters as a result of the new code language, and other matters necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said ordinances.

Cathy Smith, Chief Deputy County Clerk, read the titles for Ordinance No. 1665, Bill No. 1852; Ordinance No. 1666, Bill No. 1853; and Ordinance No. 1667, Bill No. 1854.

Chair Lucey pointed out Agenda Item 21A involved a resolution which would not receive an ordinance number. He reviewed the three ordinances, clarifying which sections of the Washoe County Code each would amend. There followed a discussion where it was determined that Agenda Items 21 and 21A would be heard separately. Assistant District Attorney Dave Watts-Vial explained the three ordinances did not have ordinance numbers listed in the staff report since they would be assigned by the County Clerk at the meeting.

Commissioner Hill asked for an overview of what had changed since the first readings. Planning Manager Trevor Lloyd conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: WDCA19-0008: Short Term Rentals; Board Modifications (4 slides); Timing After Board Adoption; and Next Steps.

Mr. Lloyd explained owners could provide a signed, notarized self-certification checklist if the permit had not lapsed and there had been no code violations over the prior 12 months. He specified bathrooms, garages, and other non-livable spaces would no longer be included in the calculations for square footage of an STR.

Chair Lucey directed Planning Manager Chad Giesinger to continue the presentation, even though it pertained to Agenda Item 21A, because it was relevant to this discussion. Mr. Giesinger reviewed slides with the following titles: Fees and Fines; Cost Breakdown – Base Rate; Proposed Fees; Proposed Fines; Fees and Fines; Conclusion; Motion; and Questions.

Mr. Giesinger pointed out there had been a change in assumptions made based on the direction gathered at the February 23 meeting; they increased the expected number of permits from 300 to 500, resulting in a decrease in the cost of the initial permits.

Further, the window to comply with nuisance violations was reduced from 30 days to 14 days. He explained the initial permit fee was determined by dividing the expected \$192,219 in program costs by 500 permits. He estimated one weekend of average nightly rental rates would essentially cover the cost of the initial permit. He went over the process for appealing an STR administrative hearing order to the Board.

On the call for public comment, the following individuals were called, all of whom spoke via the Zoom app:

Mr. William Carlson felt the ordinances were overreactions and would drive up rental rates. He noted he lived in a duplex with no room for a garage, which would violate the terms of Chapter 110. He stated he used his modest rental income to pay for taxes, maintenance, and improvements, but he would not be able to keep the home without that income. He wanted staff to focus on the people who were misbehaving and not impose burdens on everyone.

Ms. Mariemay Carlson added the ordinances would hurt the economy and tourism since renters visited restaurants, grocery stores, and casinos. She feared this would put people out of business.

Dr. Carole Black asked the Board to consider one-year follow-up inspections in addition to initial inspections, and she wished for the language prohibiting transient uses to be reinstated. She spoke about the legal history of this clause and expressed concern that suspending it indicated the use was not legal. She alleged that legal counsel failed to disclose information about transient lodging in residential neighborhoods during a previous discussion about takings claims.

Mr. Adam Thongsavat opined amendments to both in-person inspections and the registration process needed to be made. He felt public outreach was necessary to ensure maximum compliance, and he offered to provide information to hosts so they understood the new rules and registration process.

Ms. Mary Lahren spoke about a neighbor who was operating an illegal bed and breakfast without a business license, disrupting the neighborhood and exposing them to increased fire danger by using fireworks. She expressed frustration that up to 30 people had stayed at that residence, even during the pandemic.

Ms. Kim LaBarber-Smith felt the cost of the new position needed to manage this program would be on the backs of property owners. She indicated management companies charged monthly fees of 15 to 20 percent, so the 10 percent discount would not be worthwhile, especially since she had only one property. She discussed the expense of maintaining her property. She suggested spending the money intended for enforcement on an awareness campaign for STR companies and renters.

Mr. Chris Greenman said they lived at their property in Incline Village (IV) and managed it as an STR as well. He stated they never had an issue in six and a half years

and thought the Board should focus on bad actors rather than imposing blanket restrictions. He noted they contributed about \$100,000 in transient occupancy tax (TOT) in that time.

Ms. Tara Bryant remarked STRs were needed to sustain tourism because there were limited visitor housing options in IV. She wondered how the average nightly rates were determined, saying she never charged more than \$200. She cautioned against listening to people's subjective claims that STRs would destroy the community because it was impossible to tell what things would be like without them. She agreed everyone should not be penalized because of a small percentage of bad owners.

Mr. Chris Toliver indicated he hoped to retire in Washoe County, but he could only afford his mortgage by renting his place out during times when he was not there. He believed the STR regulations could alter his decision even though he did not want to move to Douglas County or northwest Reno.

Mr. Louis Ridgeway said he owned a condominium in IV and planned to retire there. He pointed out the tourist season in IV was not very long and they spent a month every summer there. He estimated he received about \$9,000 the prior year in rental fees, which helped defray the cost of his \$5,200 property tax bill. He felt the fees should be lower for people in his situation and did not see the reason why both a home inspection and a detailed floorplan would be required.

Ms. Amy Smith, President of the Incline Village Realtors (IVR), remarked the IVR thought the ordinances created reasonable and enforceable standards. She felt equal enforcement would result in a more enjoyable time for residents and visitors, the latter of whom contributed to the local economy. She thanked the Board for supporting home ownership and private property rights.

Mr. Alex Tsigdinos noted Chair Lucey sat on Board of the Reno-Sparks Convention and Visitors Authority (RSCVA), which collected the TOT; he felt Chair Lucey should recuse himself because of a conflict of interests. He alleged the RSCVA worked on a marketing campaign during the pandemic to get additional TOT revenue. He expressed concerns about the interpretation of takings claims, the failure to incorporate citizen input, and the weight given by the Commissioners to external paid lobbyists.

Mr. Charles Jones, a retired attorney, raised concerns about possible insurance issues caused by the ordinances' language not complying with Nevada Revised Statute 110.319.15a12; he suggested including language about a renter's endorsement without excluding short-term rentals. Regarding the provisions about escape ladders, he suggested the Kidde 468143 which had hooks and was portable. He wondered whether the requirement that ladders must be permanently attached could be removed.

Ms. Anne Rossman requested a postponement of the vote. Her suggestions included creating an online website showing which properties were STRs, requiring inspections before allowing homes to be rented, calculating occupancy using the two-per-bedroom-plus-two system, and restricting STR owners to current Incline Village/Crystal

Bay (IVCB) residents. She expressed frustration that none of the Commissioners lived in the IVCB area.

Mr. Fred McElroy, Legislative Chair for the Reno Sparks Association of Realtors, stated a homeowner could live in, sell, or rent their home. He believed renting a home was a property right and did not alter its residential use. He acknowledged neighbors had a right to a secure and undisturbed home, but those situations were not unique to STRs. He looked forward to enactment of these regulations, which were drafted using input from all stakeholders.

Ms. Pamela Tsigdinos expressed frustration that the Commissioners did not act on some of the well-researched arguments made by residents. She encouraged staff to research the STR restrictions and fines put in place by Douglas, Placer, and El Dorado Counties as potential models. She felt the County favored tourism revenue and business interests. She suggested the County create a searchable database of STRs and a hotline to record problems.

Mr. Elie Massabki stated he began renting his IV home four years prior and managed the property himself. He felt the ordinances might increase the cost to manage his property. He recommended implementing a basic set of rules which addressed 95 percent of the problems. He expressed concern about the requirement for local representation, saying most property management companies were not available 24 hours a day.

Mr. Sean Kosinski said he lived in IV part time and rented his home out when the opportunity presented itself. He stated he opposed additional regulations and said his interest was in keeping the Tahoe community safe. He noted he provided his contact information to neighbors and had not experienced any issues in four years. He believed there was nothing special about a 28-day rental time period that turned homes into nuisances.

Mr. Calen Evans indicated he and his wife were teachers in Reno and used the rental income they received to subsidize increases in the cost of living. He believed the ability to rent out his home was a property right and he had not experienced a single issue in five years of renting his home. He acknowledged residents' concerns were valid, but he wanted a way to address individual concerns without enacting a blanket ordinance.

Ms. Barbara Longshore noted she rented out additional bedrooms in her home and asked whether the ordinances addressed on-site hosts. She spoke about the changing nature and state of education in IV. She suggested the Board consider stipulations for on-site hosts, saying the proposed fees would take her out of the market.

Mr. Ron Behan commented the host of the condo above him was not located anywhere near IV, and as a result there were many noise and parking problems. He said the rental agent lived 45 miles from the home and no one returned his calls to the hotline. He stated he supported the ordinances.

Mr. Eric Tracy expressed concern about the County only allowing 90 days to receive and process applications. He did not see how inspections could be done in that time, particularly for applications submitted in July. He agreed with Mr. Jones' concerns about the language used on certificates of insurance. He asked whether the \$125,000 in taxes received annually from the RSCVA could be used to offset the County's costs or if it would go into the general fund. He hoped the Board would approve the ordinances.

Dr. John Snatic brought up an STR in Reno for which the owner had been denied a bed and breakfast license in 2018. He said he once observed 18 vehicles parked in front of the residence and mentioned issues he experienced with trash, noise, and the use of illegal fireworks. He felt STR regulations should be stricter and the permit for the STR he referenced should be revoked.

Mr. Dennis Platt wondered why every STR host should be burdened to make up for the few who abused their properties. He opined a blanket ordinance requiring everyone to pay was shortsighted and unfair. He acknowledged the need for a solution but did not think throwing money at it was the answer. He pointed out the busiest time for STRs was between May and August, adding people would not go through the application process because they would not want to risk losing revenue.

Ms. Kim Heuer said she rented her home part-time to cover some of the expenses. She spoke about methods she used to keep renters in check, including limiting occupancy to six people and using her nest camera to monitor guests and volume. She expressed gratitude to her renters who were present when there were plumbing issues that would have resulted in flooding. She said she had only experienced two minor issues in two years, and she felt the regulations and fees were a bit cumbersome.

Ms. Kathie Julian claimed the STR ordinances would legalize STRs without limiting their density. She said the ordinances did not address family homes being purchased by investors and converted into commercial businesses. She wanted the Commissioners' commitment to use data to determine the number, location, and density of STRs. She expressed concern that ordinances allowing every residence to act as transient lodging would destroy the community.

Mr. David Watts, an STR owner, said he had the power and authority to control who came into his house. He noted he had seen people putting garbage into his garbage bins, but they were not STR guests, they were from elsewhere in the community. He pointed out ordinances already existed to address noise, parking, and fireworks. There were very limited lodging operations in IV, and STR guests spent money that helped the local economy.

Mr. Dylan Evans, a local business owner, spoke about customers who came to his business based on recommendations by Airbnb hosts, whereas the goal of casinos was to keep guests inside as much as possible. He stated hampering people's ability to draw people to the area would result in a loss of millions in tax revenue. He felt homeowners

associations (HOAs) should take on more responsibility in dealing with individual properties, and government should not be in charge of collecting fees.

Mr. Guy Dannehl, representing the Tahoe Area Naturists, said he witnessed overcrowding the prior year. One way to reduce vehicular traffic, he suggested, was limiting STRs in the basin. He urged the Board to mirror the restrictions imposed by other local counties, lessen occupancy limits, increase fines for non-permitted STRs, and consider fining renters who violated the rules.

Dr. William Torch, a neurologist who rented his Incline Village home part-time, said his guests supported the local community and various local associations. He relied on his HOA to resolve differences between neighbors, which was also how he felt STR issues with safety, noise, and speeding should be handled. He opposed the onerous ordinances for not taking hosting families and friends into account, and for allowing California businesses to make money without caring for the local community.

On behalf of the Greater Las Vegas Short Term Rental Association, Ms. Jackie Flores thanked the Commissioners for their hard work. She thought a few bad actors should not smear the reputation of an entire industry. She stated STRs were not and would never be like hotels. She contested people should not lose their property rights simply because they rented their homes for fewer than 28 days.

Mr. Dylan Evans was called but it was determined he already spoke on this item.

Ms. Olga Chukhlebova explained she was a homeowner who rented out her home when she was not there and had not had an issue in seven years. She said STRs supported the economy by helping local businesses and providing tax revenue. She believed homeowners cared more for their properties and could resolve issues faster than management agencies. She expressed concern about the impact of the new restrictions on people who followed the rules and screened their visitors.

Ms. Evelyn Crumbaker stated she had been an on-site AirBNB Superhost in Reno for 30 years with no incidents. Renting out her home allowed her as a single homeowner to make her mortgage payments and improve her property. She spoke about the relationships she developed with renters and asked the Board not to implement any new fees.

Ms. Diane Becker, a law school graduate who had a California real estate license, said there was no assertion for the basis that people had the right to rent their homes. She brought up sections of the Washoe County Code that restricted how a person could operate a home office and referenced declarations of restrictions in neighborhoods which prohibited commercial uses. She sought restrictive protections like those enacted in the City of Henderson, Clark County, and jurisdictions around the lake.

Ms. Smith said emails were received from the following individuals: Dr. Carole Black; Mr. Bill Brown; Lin Connolly; Mr. Tim Delaney; Mr. John "JD" Dierking; Mr. Doug Flaherty; Mr. Wayne Ford; Fred & Marla Gartrell; Mr. Michael H. Jester; Ms. Kathie Julian; Ms. Mary Lou Kennedy; Mr. Elie Massabki; Ms. Paula McCombie; Colonel Robert Mitchell; Mr. Mark Nelson; Mr. James Novack; Ms. Shirley Roxburgh; Matthew and Martina Scanlan; Mr. Stan Van Vleck; Belinda & David Watts; Mr. Ron Wethee; Mr. Jim Cooper; Ute Cordova; Ms. Brenda Reeves; Courtney Townsend; Deni Crosetti; Mr. Bobby Armijo; TJ Allen; Ms. Giselle Abi-Habib; STR Owner All Seasons; Ms. Chloé Evans; Claudio & Rina Cozzi; Ms. Pamela Tsigdinos; and Mr. Alexander Tsigdinos.

Ms. Ronda Tycer said the County's mission for the STR ordinances was to balance competing interests, but she alleged the County prioritized its interest in being able to pay off Reno bond debt. She listed Airbnb and outside investors as additional interests the County prioritized. She expressed frustration that residents' input was not incorporated into the ordinances.

Chair Lucey thanked everyone who called in to make public comment.

Assistant District Attorney Dave Watts-Vial clarified he was not the David Watts who spoke during public comment, and Mr. Watts' comments were his alone.

Commissioner Herman stated that, over the prior few months, she had spoken with many individuals who were concerned about the regulations. She mentioned speaking with residents who rented their homes just long enough to help with their insurance, taxes, and repairs. She also heard from owners who used their homes only for friends and family yet were still accused of renting to large parties. She indicated the ability to rent a home was a property right unless there were community regulations against it. She thought ordinary residents would face hardship in abiding by these rules, and big companies would end up buying and owning STRs. She estimated only a quarter of the people who she spoke to supported these ordinances. She expressed concern about the potential for lawsuits, harm to the economy, and residents' doubts about the use of Host Compliance. She mentioned there had been a lack of public meetings in Incline Village, which she believed should have happened before this meeting. She indicated she would not approve this item if a vote were taken.

Chair Lucey assured everyone there were public meetings at Sierra Nevada College and there had been extensive Commissioner discussions. Enacting new policy took a lot of time and input from many individuals. He stressed the new policy would not be set in stone, but it would attempt to address issues in the community. If the Board failed to move forward with the ordinances, he said, STRs would still exist and there would be no compliance or place for citizens to ask for help. He admitted there were bad actors, yet there were many compliant and respectful participants, both inside and outside the Tahoe basin.

Chair Lucey remarked the Board was tasked with writing ordinances for all unincorporated areas within IV. He explained IV was not a city but an unincorporated area

of the County. He pointed out there were opportunities for IV to incorporate as a municipality, but that had not been addressed by its citizens. He opined the ordinances were fair and balanced, noting people on both sides of the issue felt the regulations did not adequately address their needs. He emphasized the Board would review how the program worked, how Host Compliance fulfilled its duties, and that Code Enforcement adhered to community needs. The Board would amend the ordinances if necessary to address the needs of the community. He insisted the process was open and transparent, and staff adequately addressed a number of concerns. He expressed his support.

Commissioner Hill stated it was important to move forward with the ordinances to protect unincorporated County neighborhoods. She acknowledged there were issues in Tahoe surrounding over-tourism, including trash and traffic. Regulating STRs was only one way the Board would work to preserve Lake Tahoe. She said any changes the Board would make in the future would need to be data-driven, and they would review the fee structure, the requirement for on-site hosts, and the effectiveness of Host Compliance, among other things. She thought the ordinances would alleviate some of the pain in the community. She thanked everyone who provided feedback and reiterated the Board was committed to working with residents to ensure their needs were met.

Chair Lucey admitted he sat on the RSCVA Board but stressed he had no pecuniary interest in the RSCVA. The TOT collected by the RSCVA also came from other sources besides STRs, and Washoe County received \$215,000 in TOT the prior year. He said they could try to use those funds for the benefit of this program, possibly to make it more financially feasible for some individuals. He indicated Host Compliance and Community Services Department staff could help individuals identify opportunities for on-site hosts. He stated this was not about collecting taxes as the money collected was miniscule; it was about the safety and security of communities. He hoped the ordinances would bring balance to those suffering from bad actors as well as owners who wished to rent their properties.

Vice Chair Hartung stated an ordinance was needed, though he expressed concern about the fee structure. He worried about setting the fees too high, since he could not recall a time when a tax was reversed. He brought up the concern of a public commenter about homeowners insurance issues which could arise if STRs were called out in the ordinances. He reiterated his concern about the fees in some cases, such as when a person only rented out one room in their home. He questioned whether the fees were equitable, adding he did not see collecting them as an opportunity to make money but rather as a way to cover costs.

Vice Chair Hartung asked for a legal opinion about the issue of homeowners insurance. In response, Deputy District Attorney Nate Edwards read the relevant section in Code about a certificate of insurance and provided his summary of the commenter's concerns. He said the point was that there needed to be insurance coverage appropriate to cover the use. He believed changing the language to identify the homes just as rentals and not STRs would address that concern.

Chair Lucey compared the situation to rideshare drivers, saying insurance companies dropped coverage if drivers used their cars to drive for Uber. He wondered whether owners would have to identify their homes as full-time or part-time rentals, and if they would need to specify who they were renting to, as long as they met the \$500,000 minimum insurance policy. Mr. Edwards thought that would be a policy question for the Board. He opined insurance companies could refuse to cover STRs as long as they followed the law, and each homeowner had a duty to be honest with their insurance company. The Commissioners did not have to be in the middle of that relationship, but it would be necessary to require that appropriate insurance policies were in place. His earlier suggestion would address the concerns raised by the public commenter. When asked about whether that would change the substance of the ordinances too much, Mr. Edwards responded he felt they could move forward since the agenda item included the review of insurance requirements. He thought the change would not substantively alter the ordinances; it would merely change the language to comport with insurance industry language.

Vice Chair Hartung said he would be willing to support these ordinances if they could have a three-month review on the fee structure. He wanted the program to fund itself without saddling general County taxpayers with additional fees. He stated it was difficult to write code that addressed every issue. He said he would support the ordinances with the language change referenced above and an agreement to review fees. Chair Lucey said the fee discussion could happen during Agenda Item 21A.

A discussion about Washoe County Code 110.319.15(a)(12) followed, and it was determined that the proposed language would be changed to require “an appropriate certificate of insurance that provides a minimum of \$500,000 liability coverage”.

Citing an earlier public commenter’s concern, Chair Lucey asked someone to address the topic of fixed ladders. Mojra Hauenstein, Division Director for Planning and Building, replied the ladder provision required a safe landing area and a permanently fastened emergency ladder for any window openings more than 16 feet above ground. She said this requirement was only for STRs and it was the result of conversations with fire and building code officials. Hotels did not have this requirement because they took different measures to protect life safety. Chair Lucey inquired about condominiums. Ms. Hauenstein said it would only be required for single-family residences as condos were protected by other means as well. Chair Lucey requested clarifying language in the Code that the ladder provision pertained only to single-family residences and standalone buildings.

On motion by Commissioner Hill, seconded by Chair Lucey, which motion duly carried on a 4-1 vote with Commissioner Herman voting no, it was ordered that Ordinance Nos. 1665, 1666, and 1667, Bill Nos. 1852, 1853, and 1854 respectively, be adopted, approved, and published in accordance with NRS 244.100 with removal of the provision requiring ladders, and modification of the insurance provision to remove the short-term rental language and require \$500,000 coverage per occurrence.

21-0224

AGENDA ITEM 21A Recommendation to adopt a resolution amending the Washoe County Development Code Master Fee Schedule, with an effective date of April 15, 2021; and amending the Washoe County Master Administrative Enforcement Penalty and Fee Schedule, with an effective date of April 15, 2021; as authorized by Washoe County Code Chapters 110 (Development Code) and 125 (Enforcement; Remedies; Penalties), respectively. These amendments incorporate new fees, fines and penalties related to the administration and enforcement of short-term rental standards and permits in unincorporated Washoe County. Proposed fees for the new standard Short-Term Rental Permit are outlined in Attachment A-1 and the proposed fines/penalties are outlined in Attachment A-2. Administrative Review Permits specific to Tier 2 short-term rentals would be exempted from Engineering and Health District fees normally associated with that permit type, as they would not be reviewed by those entities. The Board may choose to adopt the new fees and fines as proposed or impose them at higher or lower levels as part of their final action. Community Services. (All Commission Districts.)

A PowerPoint presentation for this item was heard during Agenda Item 21. See pages 23 and 24 for that discussion.

There was no response to the call for public comment.

Responding to the people's concerns about the high fees, Commissioner Hill suggested the possibility of creating a financial hardship application to be reviewed administratively.

Vice Chair Hartung pointed out there was no history on which to base the fees, so they had to be based on projections. He did not want a scenario where the fees were too high but then did not get adjusted. He concurred with Commissioner Hill's suggestion about a financial hardship application.

Chair Lucey wondered how long it would take for the fees to come back for approval if action was not taken on the fee structure today and additional work was done with staff. County Manager Eric Brown said they could try to get the item on the April 13 agenda.

Vice Chair Hartung recommended adopting the resolution while encouraging staff to determine if fees could be lowered, a suggestion met with general agreement by the Commissioners.

Mr. Brown confirmed staff had enough direction to proceed. Assistant District Attorney Dave Watts-Vial opined they could include Vice Chair Hartung's suggestion in the motion, or the motion could be made as recommended in the staff report with additional direction being given to staff. Chair Lucey stated he would work with staff to address the concerns voiced about the fees.

On motion by Commissioner Hill, seconded by Chair Lucey, which motion duly carried on a 4-1 vote with Commissioner Herman voting no, it was ordered that Agenda Item 21A be adopted.

Chair Lucey thanked everyone who participated in the conversation, Commissioner Hill for work she did since being elected, and staff for their tremendous work.

21-0225 AGENDA ITEM 23 Public Comment.

Ms. Tracey Thomas stated she could not find anything in Washoe County Code about elections other than the creation of the Registrar of Voters and the compensation of election officers. She alleged Washoe County was different than Clark County, and she recommended the creation of a Washoe County Election Advisory Board to provide guidance. She suggested the use of open-source software and thumbprint verification. She provided a document which was placed on file with the Clerk.

Via the Zoom app, Mr. Doug Flaherty requested that the County Manager be directed to research the shift hours for the proposed code enforcement officer position. He wanted the hours to be structured on a swing shift basis to coincide with typical short-term rental check-in times.

Dr. William Torch was called but his comments could not be heard on the Zoom app due to technology issues.

Ms. Annemarie Grant expressed frustration via Zoom about Chief Deputy Jeff Clark leaving earlier in the meeting before hearing public comment. She reminisced about her brother and said he was why she was an advocate for change. She listed the names of local victims of violence by law enforcement and urged the Board to be agents of positive change.

21-0226 AGENDA ITEM 24 Announcements/Reports.

There were no announcements or reports.

* * * * *

5:35 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Doni Gassaway and Derek Sonderfan, Deputy County Clerks*

Pending Board Approval