

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

TUESDAY

10:00 A.M.

OCTOBER 22, 2024

PRESENT:

Alexis Hill, Chair

Jeanne Herman, Vice Chair

Michael Clark, Commissioner

Mariluz Garcia, Commissioner

Clara Andriola, Commissioner

Janis Galassini, County Clerk

Eric Brown, County Manager

Mary Kandaras, Chief Deputy District Attorney

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, County Clerk Jan Galassini called roll and the Board conducted the following business:

24-0693 **AGENDA ITEM 3** Invocation.

Father Chuck Duarte said leading the Board and others in prayer was a pleasure and provided an invocation.

24-0694 **AGENDA ITEM 4** Public Comment.

Ms. Marissa Pendill declared that safety should be the Board's primary concern when considering constituents. She stated that was not the Board's consideration when Nevada Cares was thrust upon a community with no voice or ability to protect itself. She referred to the poor and elderly who lived on Sutro Street and said they were truly disenfranchised due to no consideration for their safety or right to peace. She explained there had been an invasion of dangerous criminal homeless individuals that had terrorized their neighborhood. She said those individuals had no fear or concern for the rule of law and that the disregard and lack of protection reinforced that belief. She mentioned the individuals were allowed to squat, put up tents, and ruin the Senior Center. She had a fire the previous year and said the unit and others on the property were broken into multiple times. She announced that she had lost tenants, and while her adjuster made efforts to secure the unit for fire investigation, the unit was still broken into, and the scene was disturbed. She described that throughout the renovation of her grandparents' ranch house, there were constant squatters along with break-ins and that those people cut the water line, broke windows and doors, stole tools, and damaged the property. She expressed frustration due to human excrement and garbage left behind. She was informed the previous day that the fence at one of her units was being used as a toilet and that the tenants were forced to

clean it when the stench became overwhelming. She said there had been many complaints and relayed a message from a tenant who said they set up cameras due to unwanted guests and filed a police report because someone came onto the property. She explained the tenant felt nobody cared about trespassing signs and knew it would worsen when winter came and people wandered into their outdoor garage. The tenants said people had tried opening their doors and wondered if the landlord had any ideas on preventing trespassing. Ms. Pendill said the tenants were law-abiding citizens who felt powerless and were crying out for help but felt it fell on deaf ears. She communicated that they kept a portion of her grandfather's ranch in the area and wanted to prevent further degradation of the area. She specified she had fought to keep their area beautiful and provide clean, safe units. She declared the Board systematically destroyed their hard work and irresponsibly relocated lawless delinquents into a vulnerable area, while not providing any extra protection. She said her family had been in the area for over 70 years and believed it was worth fighting for. She understood it was not a glamorous area with wealth or prestige but believed the people in the area deserved respect and safety. She said their voice was lost in talking points and false beliefs. She quoted a homeless woman who said nobody cared, meaning the Board did not care. She noted it was a hazardous situation and said if there was any doubt to ask why Nevada Cares was not put in the Board's neighborhood.

Mr. John Spencer explained he served with the Washoe County Sheriff's Office (WCSO) for 30 years. He stated he tried to convince his friend to register to vote in Washoe County and that they started the registration process in June with the Republican Party. He did not know a physical home address was required to register. He relayed that his friend's mail was sent to a commercial address in Reno, which caused his first application to be rejected with no notice to the applicant for the reason. He said they were informed of the physical address requirement when they returned to the Republican Party to register to vote online. He mentioned his friend received a copy of the communication from the State regarding a notice from the Registrar of Voters (ROV) that his registration was rejected due to a nonvalid address. He stated it did not specify what kind of address was needed. He indicated a commercial address was still a valid address in Reno as his friend had a Nevada driver's license, vehicle registration, and business license listed under the commercial address. He noted they contacted the ROV and asked what was needed for registration. He was informed that proof of residency was needed and was asked not to come in until August 22 since the ROV was supposed to get a new computer system to aid in the registration process. He said they went to the ROV on August 22 to fill out paperwork with Office Assistant Christopher Barringer, who he said was wonderful and gave them a receipt. He described the receipt said they would receive the voter's identification card or be contacted with additional information within two weeks. He communicated that neither happened and that every two weeks, he contacted the ROV; however, his friend was still not in the system. He said the ROV told him his friend could reregister or show up at a polling location and provide a property tax statement or phone bill to show proof of residency for a provisional ballot. He asserted that it seemed unconscionable and that he kept hearing about staffing problems at the ROV, which he speculated may relate to Item 9. He did not understand why his friend could not get registered with the new computer system. He was unsure if there was anything the Board could do but thought he would make them aware of the situation. He explained that there were always complaints about

staffing and insufficient funding when he worked for the County. He said if there was anything the Board could do to help the ROV get people registered, he would appreciate it.

Tahoe Clean Air Board of Directors President Doug Flaherty read from a document that was placed on file with the Clerk. He said a link to the fire evacuation analysis was located at tahoe-clean-air.org due to the file size.

Mr. Terry Brooks read an original poem regarding issues with landownership, economic class, wealth, and homelessness.

Ms. Lisa Holleman stated she was Washoe County's redheaded stepchild because she lived in Lockwood. She said she represented Lockwood residents and said they were unusual because Lockwood had a Sparks' address, but they were in Storey County. She explained that Storey County businesses were in Virginia City, but the residents of Lockwood were in the Reno-Sparks area. She indicated several of her children lived and shopped in Washoe County. She asked the Board to listen to the concerns in Storey County regarding Item 18. She noted it affected Washoe County and Lockwood to a great extent.

Mr. Brandon Deriso mentioned he attended the August 20, 2024, Board of County Commissioners' (BCC) meeting and discussed the Robert Z. Hawkins Amphitheater and his request for proposal (RFP). He noted he was following up due to the completion of the 2024 Northern Nevada Night Skies Concert Series. He wanted to provide feedback from an artist to show concern from someone other than himself about why people believed the park should be put to proposal. He expressed he wanted to start with the good news and said that the crew, Mr. Chris Mastroianni and Mr. Carlos Pintor from Starsound Audio Inc., were fantastic. He stated Mr. Mastroianni was at the concert series at his request because Mr. Deriso knew he was good. He said from there, the news deteriorated. He explained the band had requested the standard advance sheet, which was the technical specifications of the park, including sound and lights. He noted that Starsound Audio Inc. provided an inaccurate specification sheet, which wasted five hours of planning from The Infamous Stringdusters' Lighting Director. He indicated that several of the fixtures hanging in the truss were damaged upon arrival and that they spent about an hour replacing them. He said that after replacing the damaged fixtures, they spent more time replacing the replacement damaged fixtures, all of which were beyond operational. He remarked that Starsound Audio Inc. had a long history of criticizing his work and engaging in unfair practices against him, some of which were evidenced in the shows discussed. He divulged that some fixtures from the front truss had to be moved to the rear truss, resulting in less lighting than what was supposed to be provided. He stated the lights were Chinese imitations, not the make and model provided on the specification sheet, which did not function or program correctly. He divulged that some of the fixtures had different colors and believed the Board would agree that it would be hard to cope with if lights were going on and off and changing colors in the Chambers. He said the glitches had to be hidden, and the five hours spent programming the light show were useless because it could not be used. He commented that Starsound Audio Inc.'s onsite technician confirmed they routinely

removed and replaced equipment from Hawkins Amphitheater. He informed the Board that he was already procuring dates for 2025 and that no promoter, including Artown, would provide more professionalism than himself.

Ms. Katherine Snedigar expressed frustration towards Chair Hill for canceling BCC meetings. She stated that Chair Hill was recently campaigning and speculated that was the reason for a recently canceled BCC meeting. She believed that the Chair thought campaigning took precedence over BCC meetings. She believed the Chair was inept, incompetent, unprofessional, and full of malice. She declared that she would say whatever she wanted because she was allowed to do so under the Nevada Revised Statute (NRS) 241. She expressed opposition towards the Chair.

Chair Hill requested that Ms. Snedigar not use profanity.

Ms. Snedigar told Chair Hill to call Sheriff Darin Balaam. She indicated he informed her that he would protect her First Amendment rights. She said Sheriff Balaam needed to be called, or Chair Hill could not interrupt her. She declared she could not be ordered around because she was not a County employee. She explained nothing was being done about the fire department in Palomino Valley and said they had been skipped over. She remarked there had been attempts to burn residents out with a 53,000-acre fire. She asked why the residents of Palomino Valley were treated differently from Gerlach and Spanish Springs. She alluded to it as discrimination. She said she was sick and tired of hearing appreciation towards the fire department regarding quick response times and said it took 45 minutes for the Sparks Fire Department (SFD) to assist Palomino Valley. She felt that Chair Hill could not tell her what to do.

County Clerk Jan Galassini advised the Board that she received an emailed public comment, which was placed on file.

Ms. Trista Gomez addressed a potential budget approval of roughly \$3.5 million, which she said did not include the \$200,000 for audio-visual (AV) with the City of Reno. She referred to an advance on the \$338,000 consulting fee for the capital projects regarding homelessness. She wanted to ensure that money was included in the homeless budget because she felt the money was being hidden in capital projects. She expressed that the \$150,000 for a dog park might not be needed at that time due to a 35 percent increase in budgets over the last four years and only an 8 percent increase in population. She explained that the increases created a hardship for residents and that they repeatedly came to the Board with concerns. She said Ms. Snedigar was upset about a fire department and that she could not blame her. She indicated she had not seen concerns brought forward by the residents on the agenda. She said focus projects were being prioritized instead of the residents' concerns. She noted that 60 to 70 percent of residents did not receive assistance and were not high-income earners; therefore, they could not come to the BCC meetings because they were working and sitting in traffic for two hours of the day. She hoped the Board would listen to the comments expressed in person. She commented that if no changes in the BCC came from the election, she would recommend the Board elect a Chair that

would be open, aware, and cognizant of all the Commissioners and residents. She believed Chair Hill caused tension and discourse.

10:26 a.m. **The Board recessed.**

11:00 a.m. **The Board reconvened with all members present.**

24-0695 **AGENDA ITEM 5** Announcements/Reports.

Commissioner Clark communicated that he had known Ms. Marissa Pendill and her mother for many years and that they owned many rental properties in the area. He mentioned that rental properties had a higher cap and that owners paid more than a fair share in property taxes. He said while they were not the biggest property taxpayers, they were also not the smallest. He declared the community expected protection and enjoyment of life. He addressed Ms. Pendill's concerns regarding 1100 Sutro Street and said he was shown the vandalism of the property, which he requested to be filmed while he was there. He explained that while the house had been put back in order and rented out, the tenants were now being pestered. He said the situation was not in the County's jurisdiction since it was a property in the City of Reno; however, it was an odd situation due to the County facility being across the street. He remarked that the owner's contention was with the Senior Center drawing in folks from the Cares Campus. He stated that most seniors returned home when the Senior Center closed, but others were moving into Ms. Pendill's property. He said they had people living in the crawl space under the home. He specified he went to the Senior Center several times a week and noticed that there were shopping carts, homelessness, and trash along the fence. He requested a discussion with the Reno Police Department (RPD) about more patrols around the County's property and Sutro Street. He believed the property was being devalued by what was occurring there. He said it was Ms. Pendill's tax dollars and the tax dollars of others that were funding the County programs and the Cares Campus. He concluded that there is a need to protect the folks funding the County by providing proper patrols and enforcement around the Washoe County campus and surrounding neighborhoods.

Commissioner Clark discussed Mr. John Spencer's comments regarding his friend registering to vote. He relayed a story about a friend who had lived in Australia for eight years, but the friend's ballots continued to be sent to Commissioner Clark's home. He said this was the opposite of Mr. Spencer, whose friend lived in Washoe County but could not register to vote. He announced that he had taken the situation to the past three Registrar of Voters (ROV) and the Secretary of State (SOS), and he still could not get his friend off the voter rolls while there was someone who wanted to be on the voter rolls but could not be. He asked if the situation made anyone question what was happening. He commented on Mr. Doug Flaherty's concerns regarding evacuations from Incline Village. He expressed that six-hour evacuation times during an emergency like the Davis Creek Fire would cause worry. He said evacuations of the Incline Village area were of concern. He hoped evacuations never needed to happen in the area and did not want a potential tragedy in the community.

Commissioner Clark referred to Mr. Terry Brooks' poem and said it was great. He believed Ms. Trista Gomez encapsulated the citizens' concerns and said they rarely came to the surface or were addressed. He noted that bigger projects were always discussed and that her comments should be taken seriously. He expressed the need for citizens' concerns to be addressed and applauded Chair Hill for requesting staff to discuss a few public comment concerns. He commented it needed to happen more often, and problems needed to be fixed, even if they were not big.

Chair Hill requested an update on the Robert Z. Hawkins Amphitheater and asked if staff could address concerns regarding the audio-visual (AV) services bid.

PROCLAMATIONS

24-0696 **6A1** Proclaim the Month of October as National Community Planning Month. (All Commission Districts.)

Commissioner Andriola read the proclamation.

Planning Manager Trevor Lloyd said, on behalf of the planning staff, how important the proclamation was for the community's well-being. He noted it played a role in the community's vitality, safety, and health. He was grateful for the commitment to this effort.

Chair Hill thanked Mr. Lloyd and appreciated the team.

There was no response to the call for public comment.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 6A1 be adopted.

24-0697 **AGENDA ITEM 7** Presentation by Eric Crump, Director of CSD, on Washoe County's Stormwater Infrastructure program including maintenance and design, and the CSD's response efforts to the July flash flood event in Hidden Valley. Community Services. (All Commission Districts.)

Eric Crump, Director of the Community Services Department (CSD), explained that the Board would receive high-level information about the County's stormwater infrastructure, including how the infrastructure was designed and maintained. He would then provide a summary of the CSD's response to the Hidden Valley Flood that occurred in July.

CSD Division Director of Operations Aaron Smith and CSD Division Director of Engineering and Capital Projects Dwayne Smith conducted a PowerPoint presentation and reviewed slides with the following titles: Stormwater Infrastructure & July Flash Flood in Hidden Valley; Storm water vs. flood water (4 slides); Stormwater Infrastructure Asset Management; Stormwater Asset Maintenance Open Ditch and Pipe;

Stormwater Asset Maintenance Curb, Gutter, Catch Basin and Pipe; Prioritizing Work; Hidden Valley Flashflood Response; Hidden Valley Flash Flood; CSD Flood Response.

Mr. Dwayne Smith reported that the region experienced precipitation events each year, all resulting in runoff. The amount of runoff depended on factors such as the event's intensity, how fast the event occurred, and the event's location within the drainages. All events resulted in either stormwater runoff or floodwater runoff. He clarified that stormwater runoff could contribute to the groundwater table and enter roadside ditches, the curb and gutter systems, or the drainage systems. When high-intensity and high-duration events occurred, stormwater runoff turned into floodwater runoff. This could result in damage to homes, properties, businesses, and public infrastructure. Part of Washoe County's role in mitigating potential damage was to maintain compliance with its requirements, such as the Municipal Separate Storm Sewer System (MS4) requirements and Stormwater Pollution Prevention Plan (SWPPP) permit requirements. Washoe County also addressed Federal Emergency Management Agency (FEMA) requirements, which had a specific set of requirements for development within FEMA-designated flood areas. He shared that Washoe County adopted the FEMA requirements through its Washoe County Development Code (WCDC).

Mr. Dwayne Smith said the potential impacts of stormwater and floodwater were addressed through design standards and proper infrastructure management. The WCDC was a primary source that advised on requirements for new development during planning and construction. The County utilized the Truckee Meadows Regional Drainage Manual, as did other regional organizations like the Cities of Reno and Sparks and the Nevada Department of Transportation (NDOT). He mentioned that other agencies in the region and Country adopted standards to mitigate potential impacts. Professional engineers and hydrologists followed code requirements, and the CSD's job was to ensure the designs in submitted projects conformed with all requirements. The CSD was responsible for ensuring that all the nuances and details specific to the environment were followed. Design standards evolved throughout time; their development led to improved mapping techniques, such as Light Detection and Ranging (LiDAR), and improved modeling programs.

Mr. Dwayne Smith stated that records of past events provided helpful information and increased understanding. The evolution of design standards was a significant process and helped with risk management. He emphasized that no one could control where nature deposited floodwater, but risk assessments could be helpful. Risk assessment examples included FEMA protocols and area and regional maps that identified high-risk areas. He specified that all areas were subject to stormwater and floodwater impacts, although location was a factor. FEMA flood maps addressed high-risk areas. The processes he mentioned helped identify and mitigate risk, but he noted that risk could not be removed.

Mr. Dwayne Smith commented that the Washoe County region was subject to stormwater and floodwater. Like other agencies, Washoe County designed standards to ensure best practices were implemented. He discussed actions individuals could take to

protect their properties and said some items were easy, like perpetuating natural drainages. When he examined challenged areas in the field, he first looked at grades to determine if individuals had changed the grade of their lots. He advised people not to build with natural drainages, which he commonly saw when people built detached structures or pergolas because those areas could be impacted during flood events. He advised that there were specific actions individuals could take if they were within FEMA-designated floodplains. Certain people were obligated to purchase insurance, depending on the floodplain. Washoe County participated in FEMA's Community Rating System (CRS) program, which brought discounts to residents in unincorporated Washoe County who were subject to FEMA's insurance requirements. He mentioned that Washoe County and the Cities of Reno and Sparks shared the common enemy of floodwater and stormwater. They were currently working on remapping, including remapping with the City of Reno and South Meadows, while following FEMA's rules and requirements. The same thing was being done in Lemmon Valley, and he looked forward to providing additional reports in the future.

Mr. Aaron Smith said that after stormwater assets were designed, the Washoe County Roads Team was responsible for the ownership and maintenance of stormwater assets, which fell in the County's right of way and easements. He stated that 25 percent of the Roads Team's work was stormwater-related, and this was the Roads Team's responsibility because of funding sources. He explained that fuel tax supported pavement, and stormwater pipes were separate from sewer pipes in Washoe County. There were two primary types of stormwater collection systems. One type was curb and gutter, which were in north Spanish Springs, north Cold Springs, and sections of Hidden Valley. These were the newer, more urban portions of the County. The second system type was open ditch systems, which consisted of roadside ditches and culvert pipes. These were common in more rural, older portions of the County like east Washoe Valley, Sun Valley, Lemmon Valley, portions of Cold Springs, and Gerlach.

Mr. Aaron Smith reported that the County maintained more than 2,000 miles of conveyance assets, ditches, and pipes, and over 8,000 treatment and collection assets. His team actively maintained the assets so they could function as designed. Metal and concrete broke down over time, and nature tried to fill Washoe County's stormwater assets with everything from sediment to shopping carts. Most work was related to removing sediment and accumulated debris from the system so it had the capacity to flow. The removal was performed with excavators and dump trucks, and motor graders were used in Gerlach. The team used high-pressure water to clean pipes, which was sent through a jet nozzle at the end of a specialized hose. The water was driven through the pipeline to break up obstructions and blockages; then, the debris was vacuumed up.

Mr. Aaron Smith stated that the prior year, crews accomplished more than 150 miles of ditch and pipe cleaning and replaced more than 1,000 feet of culvert pipe that deteriorated in the curb and gutter system. He specified that the maintenance involved removing sediment from drainage inlets. A big vector truck, a giant vacuum tube, was used. The debris was collected before it reached the pipes. The team cleaned over 1,000 catch basins the prior year and preventatively swept roads so sediment did not reach the system. Over 3,500 miles of roads were swept the preceding year. The Roads Team took

tremendous pride in its work and the service it provided to the community. They strived to proactively address issues early before they became big and expensive. The stormwater maintenance plan was continually updated so that resources were used on tasks that provided the highest value.

Mr. Aaron Smith said each stormwater asset was unique in its location, its failure consequence, its condition, and its likelihood of failure. The team reached a significant milestone in its maintenance program two years prior when it completed a condition assessment and inventory using field maps for ArcGIS. Digital tools in the field allowed them to collect information and make data-driven decisions with a risk-based approach. The methodology allowed for the prioritization of tasks based on risks, and they could identify the work with the highest return on fuel tax dollars.

Mr. Aaron Smith declared that his team consisted of dedicated public servants. In cases of emergency, where intense storm events overwhelmed the County's assets and capacity, the team rose to the occasion to respond. This was the case in Hidden Valley in July when a debris-laden flow threatened the community. His team worked nights and weekends to provide access to first responders, reestablish stormwater capacity, and protect people and property.

Commissioner Garcia mentioned the condition assessment and stated the five-year capital improvement plan (CIP) ranked stormwater as one of the County's lowest-ranked infrastructure areas the prior year. She asked if the condition assessment would be reflected on the County's infrastructure scorecard in the future. Mr. Aaron Smith advised that it would be reflected.

Mr. Crump discussed the CSD's response to Hidden Valley. On Sunday, July 21, two thunderstorms collided above Hidden Valley. A flood advisory was issued at 5:27 p.m. by the National Weather Service (NWS), followed by a severe thunderstorm warning three minutes later. The best information from the NWS's local office indicated that approximately two inches of precipitation fell above Hidden Valley in less than one hour. He said this was often called a 200-year storm, but the terminology was misleading because it could happen during any year. They were trying to eliminate that terminology and use the term storm odds instead. He stated that the odds of the storm in Hidden Valley had a 0.5 percent chance of occurring. Thunderstorms were common in the region, and there were significant impacts when they occurred over steep terrain with highly erosive natural drainage. He saw similar occurrences in Spanish Springs and above Lemmon Valley within the past decade. Those types of storms quickly overwhelmed the County's drainage infrastructure, as was the case in Hidden Valley.

Mr. Crump reported that the NWS characterized the Hidden Valley event as a debris-laden flood, which delivered massive quantities of rock and mud. He stated there were impressive pictures of the event and said the CSD team responded quickly. Crews and equipment were deployed immediately following the storm. Their initial focus was always on life safety and providing ingress and egress for first responders, law enforcement, and residents. The team then transitioned to reestablishing the drainage

infrastructure to prevent additional or future damage. He noted that precipitation was forecasted in the area, so they had to be timely. They were currently concluding cleanup and removal of the debris, which was significant. Hidden Valley was an alluvial fan, and a staggering amount of debris came through the area. He shared that the Roads Team spent over 3,000 labor hours with a cost of approximately \$289,000 between labor and equipment. He specified that the amount only applied to Washoe County's response. Like in other events, if the response overwhelmed their internal resources, they engaged with their partners and contractors. The related costs for that response would likely exceed \$1 million. He remarked on the timing of the presentation and reminded that as winter approached, the region experienced localized flooding due to precipitation.

Commissioner Andriola expressed immense gratitude for the CSD's quick response and the Truckee Meadows Fire Protection District's (TMFPD) response. She received feedback from residents who said the response time was exemplary, especially clearing roads for travel. She stated people were still navigating the impacts of the Hidden Valley storm. She commended Washoe County's transparency with Hidden Valley residents. She mentioned that reports were issued shortly after the event, and a well-attended listening session gave residents the opportunity to share valuable information. All the information was documented, and reports were issued to provide answers to many questions. She was pleased that the final report was forthcoming. She felt that many people knew how important the availability of maintenance records for Hidden Valley was. She noted that the Technology Services (TS) Department took time to compile the maintenance records, which the residents wanted to see. She believed those records would be distributed later in the week, which she had communicated to her constituents. She expressed deep appreciation for Assistant County Manager (ACM) David Solaro. She reminded that she requested an agenda item at a previous Board of County Commissioners' (BCC) meeting to address waiving permit fees for those impacted by uncontrollable events, such as the Hidden Valley storm and the Davis Fire. She announced that progress was underway and thanked County Manager Eric Brown for following up. She expressed gratitude for everyone's hard work, especially those who pushed mud during the storm. She thanked County staff for acting on the residents' feedback and shared that during her time as a Commissioner, she learned that every public inquiry received follow-up. She stated that the \$1 million previously mentioned helped the 100 homes impacted by the storm. She believed the event provided opportunities for continual proactivity and planning. She commented on her work towards the regionalization or consolidation of wastewater and its treatment facilities, an area where they were all one team working to serve residents.

Chair Hill appreciated that Commissioner Garcia brought up the infrastructure scorecard. When she began as a Commissioner, Mr. Smith told her that stormwater was an issue the County had to address. She asked for clarification on how the County budgeted for the \$1 million incurred. Mr. Crump clarified that the \$1 million was the County's response to impacts on public land and infrastructure. This included public drainage, roadways, and the Hidden Valley Regional Park. It did not include private property. He noted that the amount was covered through the risk fund and self-insurance risk.

24-0698 **AGENDA ITEM 8** Presentation and Update on FY 25 First 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. Sheriff. (All Commission Districts.)

Detention Operations Division Captain Andrew Barrett-Venn conducted a PowerPoint presentation and reviewed slides with the following titles: NaphCare Medical Data; FY24/25 1st Quarter Jail Data; Inmate Assistance Program.

Captain Barrett-Venn announced that during the first quarter of the current fiscal year (FY), the average daily number of patients on medications was 701. The average daily population (ADP) for September was 1,100, so 64 percent of the inmate population took medications. During the same period, 459 patients took mental health medications. Therefore, 42 percent of the inmate population took mental health medications daily. There were 808 patients with chronic medical conditions in September who continued to receive treatment within the facility, which was 73 percent of the inmate population. He explained that this care fell under the Washoe County Sheriff's Office's (WCSO) purview because the WCSO was tasked with providing care and custody for every inmate entrusted to it. He remarked that the statistics demonstrated how difficult it could be to provide that level of care.

Captain Barrett-Venn pointed out that the slide titled *FY 24/25 1st Quarter Jail Data* noted the number of batteries that took place at the jail during the first quarter of the current FY. He said the number of batteries was consistent when compared to the ADP from the final quarter of the previous FY, and the WCSO would continue to research ways to reduce it. The WCSO was currently attempting to reduce the number of batteries by introducing additional recreational opportunities to inmates and other ways to alleviate their stress and anxiety while in custody. Six solid steel exercise platforms were recently placed within some of the general population units so inmates could exercise, which helped with the anxiety and stress of confinement. The WCSO had increased inmates' access to families within the past few years via electronic tablets and increased phone calls. There was a direct, nationwide correlation between communication with families and reduced fights, stress, drug use, anxiety, depression, and suicide attempts within jails.

Captain Barrett-Venn reported that 139 suicide watch placements occurred at the jail during the first quarter of the current FY. During these placements, an individual's clothes were removed, and a suicide gown was provided. The individual was placed in a cell and monitored on a one-on-one basis. Suicide interventions took place when an individual's actions were considered significant and could include self-harm with an object, attempted self-asphyxiation with a rope or clothing, or attempts to drink large amounts of water to cause death. Eight of these interventions to prevent death occurred during the first quarter, and there were no completed suicide attempts during that time.

Captain Barrett-Venn stated the Inmate Assistance Program (IAP) was one of the facility's highlights, and he was always pleased to report the IAP's statistics to the

Board. Inmates who participated in the IAP were court-ordered, and they applied and were accepted to various programs. They had the opportunity to receive services that made them better and stronger than before they entered custody. The value of the saved jail days was \$723,870, which he clarified would have been the cost of keeping the participants in confinement without addressing their ongoing issues. The IAP's strategy reduced recidivism in the community and was one of the Sheriff's proud benchmarks.

Captain Barrett-Venn introduced Sergeant Jason Phillips, who was selected to lead the new jail-based mental health unit (JBMHU). He said 15 to 17 percent of the jail's inmate population experienced mental health issues severe enough to require segregation from the general population, and this situation required clinicians, additional staff, additional training, and special housing units (HU). He remarked that mental health was a huge community issue, and the WCSO began working with Judge Egan Walker, the courts, the Public Defender's (PD) Office, and the District Attorney's (DA) Office to help citizens who had no resources to deal with mental health issues. Part of that effort was the implementation of the JBMHU.

Sergeant Phillips conducted a PowerPoint presentation and reviewed slides with the following titles: JBMH Unit's Objective; The Unit's Best Asset; Contracted Mental Health Medical Care; Facility Improvements Examples, Housing Unit 15; Applied Technology; Data Collection and Management App; Data Collection and Management Application; Jail Based Treatment Program (JBTP) Outcomes – September 2024; Key Outcomes; Contact Information.

Sergeant Phillips explained that the WCSO received a grant earlier in the year along with the Lake's Crossing Center to work with individuals who needed competency restoration and were on the docket to establish competency. He shared that he was assigned to the JBMHU in May, and the program began on September 1. The program's objective was to work with the courts to provide treatment to specific individuals who either needed a competency evaluation per the court, had been remanded to the Lake's Crossing Center, or were returning from the Lake's Crossing Center pending the outcome of charges or time served. One of the JBMHU's goals was to provide an area for treatment, so one of the HUs that contained 36 cells was used. He noted that the program was designed for 30 participants. He was able to format the HU to accommodate onsite deputies, who assisted with treatment, and medical practitioners, who worked within and outside the unit.

Sergeant Phillips stated he was allotted ten deputies to work in the JBMHU, so he could assign three deputies during the day and two at night. He was also assigned eight NaphCare professionals, all in the mental health field. These professionals were assigned specifically to the JBMHU through the NaphCare contract.

Sergeant Phillips displayed a photograph of his team of deputies on the slide titled *The Unit's Best Asset*, who all had previous experience working in the mental health field. He said many of them previously worked in other mental health units within the jail.

They all volunteered, were interviewed, and were selected for assignment to the JBMHU. He discussed the resources provided by the NaphCare contract.

Sergeant Phillips stated he was given the option to adjust the deputies' uniforms, which he selected based on the appearance of mental health professionals throughout Washoe County. He explained that Washoe County aided people who experienced mental health issues and homelessness in the community, and the uniforms were meant to mimic those professionals to keep participants' interactions consistent. Those professionals, inside and outside the jail, had the same mission, which was to help individuals and not just bring charges against them. Deputies in the JBMHU worked in a capacity that was outside the usual conceptions of a corrections officer's duty to enforce rules and keep inmates in cells. He said deputies engaged with and interacted with the JBMHU's population while maintaining the unit's safety and security.

Sergeant Phillips reported that NaphCare assigned nine people to the JBMHU, as seen on the slide titled *Contracted Mental Health Medical Care*. He specified that the program coordinator worked with the group facilitator to determine programs the participants would receive for five hours daily, Monday through Friday. He noted there were civilian personnel and stated that the deputies were present throughout the entire week. The programming was designed around a concentrated effort to improve the mental capacity of the individuals assigned to the unit.

Sergeant Phillips talked about facility upgrades and said he was given leeway in how he developed the unit. His first consideration was color schemes, and his objective was to create a therapeutic environment within the HU. The HU was repainted using neutral colors like greens and browns. Cell conversions were implemented, and six cells within the HU were converted into office spaces to allow NaphCare personnel to work in the environment. These personnel included a nurse and a social worker. A workstation accommodated three NaphCare personnel outside the unit so they could respond within the unit as needed. The workstation supported programming and was instrumental in de-escalation techniques, which helped suppress undesired behaviors.

Sergeant Phillips discussed mirroring the unit windows to brighten the unit. This increased natural lighting and allowed for decreased use of fluorescent lights. He mentioned the addition of nature-themed murals to open the space, making it more therapeutic and less industrial. He talked about furniture designed specifically for de-escalation. For example, they used correctional-based rocking chairs weighing approximately 180 pounds. This made the chairs difficult to throw and helped people sitting in the chairs feel calmer because they had to work to create the rocking motion.

Sergeant Phillips reviewed the slide titled *Applied Technology*. When he approached the research and development team to discuss options for the new unit, there was a focus on collecting information that the providers could use to enhance their effectiveness. He noted the deputies were in the unit 24 hours a day, 7 days a week. Medical staff was in the unit Monday through Friday from 7 a.m. to 5 p.m. Therefore, deputies were able to provide more information from their observations. With the research and

development team, an application was implemented that could collect minute details about participants, such as their sleep patterns, socialization, or eating patterns. He explained that the programming smart board was used by the NaphCare providers. It was a screen approximately 54 inches wide that was wheeled in and allowed the providers to deliver programs that they either built themselves or were internet-based.

Sergeant Phillips indicated it was often difficult to sleep in the jail because of the industrial nature of the HUs, as everything was made of metal. The JBMHU's sound system used a speaker that created ambient noise to help people sleep. He remarked on the need for language barrier solutions for individuals with limited English proficiency (LEP). The program invested in a language technology service that allowed deputies and NaphCare providers to utilize earbuds and applications via iPads or iPhones for real-time language translation, which helped with the programming communication.

Sergeant Phillips discussed the slide titled *Data Collection and Management App*. Each tracked item was a component considered to be synergistic to an individual's standard mental health condition. He commented on how sleep habits could impact people's daily thoughts, as did food, socialization, and hygiene. Each component was indicative of whether someone had a positive mental health state. He mentioned that NaphCare provided him with information on the first approximate month of treatments. Every potential participant in the NaphCare program was typically screened within the next day, but it could take four days, depending on the weekend. He explained that 71 percent of potential participants were admitted to the program. The nine individuals not admitted were denied because they would not be in a mental capacity to benefit from programming and not detract from the programming of other individuals in the unit.

Sergeant Phillips said only 24 percent of individuals in the facility were compliant with their mental health treatments before the JBMHU was developed. Once the program was enacted, 72 percent of individuals became medication compliant. He stated medication compliance was critical as it related to individuals with mental health conditions because chemical imbalances in the brain had to be adjusted.

Chair Hill asked where HU 15 was located and if it had been converted. Captain Barrett-Venn explained that HU 15 was a small unit next to the large HU 16. The facility was reshuffled to accommodate the new JBMHU, and its HU used to be an administrative status dropout male unit. The males were moved out of that area except those in the JBMHU, and the females were now in HU 16 and HU 17.

Commissioner Garcia commended the increase from 24 percent to 72 percent compliance. She was always pleasantly surprised to hear about wraparound services within the jail when she received its updates and reports. She thanked Captain Barrett-Venn and Sergeant Phillips for presenting their outstanding work and the careful consideration that went into the JBMHU, which she said was a holistic and proactive approach. She praised the increased communication with families and the IAP. She inquired about trends of co-occurring disorders within the jail, and she questioned if

depressive and anxiety disorders were common. She asked about the most common diagnoses in the jail.

Sergeant Phillips stated that self-medication was the most prevalent issue in the jail and the community. He specified that it consisted of alternate medications, which could be an illicit substance, such as heroin or methamphetamine, all of which masked issues. When those substances were introduced to the jail, they could elevate depression and encroach on people's mental capacities. He asserted that being in jail could be depressing, and a mental condition could make it more challenging. He clarified that the WCSO did everything within its power to enable inmates to be released from jail. The JBMHU concentrated on this approach, but it was found throughout the jail. The first level of treatment was medication because it was critical to address chemical imbalances in the brain, which afforded people cognitive aptitude and awareness of their situation. He believed this was the WCSO's biggest challenge.

Commissioner Andriola thanked Sergeant Phillips for examining and incorporating best practices and hoped the positive results would continue. She speculated that the program might be allowed to expand. She remarked that the program was new, and she thought the results were promising.

Commissioner Clark stated that he consistently supported the WCSO and its effective work. He declared it was always challenging to manage large amounts of people in confined spaces, which the WCSO accomplished successfully while keeping people safe.

Chair Hill said issues related to competency courts were vast throughout the State. She commended the WCSO's decision to address the problem and its work with Judge Walker. She stated that additional programs would be implemented to address people's needs and build them up to be successful, productive community members, which was a collective goal. She thanked Sergeant Phillips and Captain Barrett-Venn for their dedication. She looked forward to continuing to work with them and to her next jail tour.

Captain Barrett-Venn pointed out that Commissioner Garcia made a great point about wraparound services. He shared a story to illustrate the importance of wraparound services and spoke about a young man with mental health issues who spent 2,100 days out of 2,500 days in custody at the jail. Captain Barrett-Venn commented that the system was ineffective, and the effort to make it more effective was supported by Judge Walker, the PD's Office, the DA's Office, the Commissioners, and the community. He said the funds used for the JBMHU were completely grant-based. He often got asked by the community about the allocation of 10 deputies to 30 inmates because the ratio was unsustainable throughout the jail, which had a total of 1,110 inmates. He stated the new program was grant-focused and grant-based; the grant funds could be used to allocate special resources to reduce participants' recidivism. He shared that the timeframe for inmates to go to the Lake's Crossing Center was reduced by almost 75 percent from 5 years prior. On behalf of the Sheriff, he extended appreciation to the Board and all entities he mentioned for their continued support.

24-0699 **AGENDA ITEM 9** Presentation and update from Deputy Registrar of Voters, Andrew McDonald. Voters. (All Commission Districts.)

Deputy Registrar of Voters (ROV) Andrew McDonald conducted a PowerPoint presentation and reviewed slides with the following titles: Registrar of Voters; Overview; Election Equipment; Equipment Testing; Mail Ballot Processing; Curing; Early Voting Stats; Vote Centers; In-Person Voting; Security; Key Dates; Be an Informed Voter; and Thank You.

Mr. McDonald stated he would provide an update on the 2024 general election. He thanked the ROV's staff and the other County departments that worked hard to help prepare for the election. He remarked there were 19 full-time ROV staff members, and the department would grow to over 700 temporary staff members during the election. He asserted that without the help of those people, elections would not be possible. He highlighted the number of active registered voters in the County and displayed the number of voters in each political party. He noted there were about 125,000 people registered as either nonpartisan or other. He declared that the numbers he displayed were accurate as of October 16, 2024.

Mr. McDonald gave an overview of the County ballot and highlighted that it was a one-card ballot, which would save paper as opposed to a two-card ballot. He compared the County's old sample ballot booklet to the new one and pointed out that the new booklet had thicker, more durable paper. He noted that the sample ballot had a barcode on the back that people could scan when they went to a voting center. He claimed that the paper for the old sample ballots was so thin that the barcode was distorted and would not work when voters tried to scan it. He said there were electronic sample ballots available on the ROV's website that had been available to the public since October 4, 2024, which gave anyone who did not receive their sample ballot before their official ballot the opportunity to view it electronically.

Mr. McDonald spoke about election equipment. He declared there was a new mail ballot sorter that could provide automatic signature verification (ASV) and sort ballots by precincts. He stated the new sorter was much faster than the old one and could process about 45,000 ballots per hour in perfect conditions. He noted there was a human element involved in processing mail-in ballots, so it was unlikely that the scanner would process that many ballots at one time. He pointed out that the Board of County Commissioners (BCC) approved the ASV function when the scanner was purchased from the Secretary of State's (SOS) Office. He mentioned that the ASV had not been turned on yet because the staff was still sampling signatures to ensure a high confidence level with the process. He said that many counties operated with a 70 percent confidence level, but he planned to be more conservative for the election and ensure a 100 percent confidence level with the signatures that were automatically verified. He remarked that according to Nevada Revised Statutes (NRS), the County was required to audit one percent of all ASVs at the end of each day to ensure the system was working properly. He assured the Board that staff would adhere to that requirement once the ASV was turned on.

Mr. McDonald declared that the SOS provided the County with six additional ballot scanning stations in addition to the funds to purchase the new mail-in ballot sorter. He asserted that the County now had ten ballot scanning stations for the general election, which would double the ROV's efforts. He noted that each scanner could scan 4,000 ballots per hour in a perfect environment. He reiterated that there was a human element involved in ballot scanning, and it was unlikely that scanners would perform at that capacity. He said that the ROV received four new ballot extractors, which would save a lot of staff time. He remarked that the new equipment did not mean the ROV did not need more staff members. He stated if the mail-in ballot drop-offs continued to be large, ballot extractions might create a bottleneck.

Mr. McDonald announced that for the first time in 20 years, the ROV had implemented a new voter registration system. He declared the new system was modern, had new functionality, was browser-based, and had a lot of enhancements. He noted that staff underwent a lot of training for the upgrade because they were so used to the old system. He opined there were some challenges, but the staff was learning and continued to move forward to overcome challenges. He pointed out that the ROV also received new Poll Pads, which were iPads used to check in voters at the vote centers and went in line with the top-down system from the State.

Mr. McDonald discussed equipment testing. He thought many people did not know how much the ROV tested its equipment before it went to the vote centers. He declared that Pre-Logic and Accuracy Tests (LAT) and Post-LATs were run when staff configured the voting tablets. He noted there was a certification board made up of three people, one from the City of Reno, one from the City of Sparks, and one County election worker, to ensure all the tests were executed perfectly and that the County was following the letter of the law as it related to Pre- and Post-LATs. He explained that the Pre-LAT consisted of reviewing all the tabulators at the voting locations, all the voting machines, and all the check-in stations to ensure they were functioning. Staff scanned over 6,500 test ballots to ensure that the voting system was accurately looking at and counting every oval and that the machines were calibrated properly. He said that for Post-LATs, staff followed the same procedure and verified 5 percent of the paper ballots for the risk-limiting audit, 5 percent for specific contests as determined by the State, and 2 percent for the voter-verified paper audit trail (VVPAT). He asserted that the public could watch those tests if they wanted to.

Mr. McDonald spoke about the mail ballot processing room. He noted that the slide titled *Mail Ballot Processing* contained a photograph of the new mail ballot sorter and welcomed the Board to tour the mail ballot processing room. He explained that people could visit the ROV's observation booth and that eight people were allowed in the room at one time. He remarked that there was space for two members of each party, and people were allowed to observe for four hours at a time, but if there were more members of one party waiting and none for another party, more people of the same party would be allowed in the room. He stated that mail-in ballot processing started on October 15, 2024, but ballots could only be sorted because NRS did not allow ballot extraction earlier than a couple

of weeks before the election. He declared that October 22, 2024, marked the first day staff was permitted to extract ballots, and staff planned to start ballot extracting immediately.

Mr. McDonald stated there were new processes and procedures surrounding the new mail-in ballot sorter. He pointed out that staff had to manually verify each signature that came through because there had not been enough testing of the ASV. He explained that if the reference signature did not match the mail-in ballot, staff would go back and look at every signature on the voter's record to verify. If the staff could not verify the signature, a cure letter would be sent to the voter. He highlighted some of the functions performed by staff in the ballot processing room. He said when a ballot was damaged or marked up, staff would need to perform adjudication to duplicate the ballot. He declared that the original ballot would be placed in the holding tank, sealed, and never opened again. He noted that adjudication was performed in bipartisan teams of two and followed guidelines set by the SOS to determine voter intent.

Mr. McDonald discussed signature curing and explained that when a signature on the mail ballot envelope did not match any signatures on the voter's record, the ROV's Office would send the voter a letter asking them to provide proof of identification. He said that sometimes people's signatures changed, but staff did their best to ensure that people were who they said they were. He declared there were five ways to cure a signature, and if a signature was not cured, the ballot would remain unopened in the processing room. He noted that staff worked hard to contact voters and ensure that every ballot received could be counted.

Mr. McDonald shared some statistics from the first three days of early voting. He spoke about the vote centers and pointed out that all 24 vote centers opened on time on the first day of voting. He noted that the vote centers were open daily from 10:00 a.m. to 6:00 p.m., except for the Washoe County Complex, which was open until 7:00 p.m. He said that the number of vote centers would double on Election Day and would be open from 7:00 a.m. to 7:00 p.m. or until the last voter in line at 7:00 p.m. had voted. He stated that all the vote centers would have a mail ballot drop box that was sturdy and secure. He mentioned that the ROV staff was responsible for recruiting, calling, interviewing, and hiring election workers. He displayed the slide *In-person Voting*, which highlighted the vote centers and the number of voter check-ins at each location.

Mr. McDonald declared there were a lot of questions about election security. He explained that physical security was increased to help keep elections safe. He stated there were a lot of claims from the public that everyone had access to the ROV's tabulation room. He asserted that was false; only three employees had access to the room, and he was not one of them. He stated that he had to knock on the door to be granted access, and it was a privilege to enter the room, not a right. He remarked that he did not have a password to gain access to the voting system because he thought that work needed to be left to the professionals who knew how to operate the software. He said the vote center equipment at the polling locations was secured each night. If the equipment was in a locked facility, materials could be left out, but if the vote center could not be locked, all equipment was put away and sealed so staff could tell if it was tampered with. He noted that people

could watch a 24-hour live stream of the mail ballot processing, and four cameras showed different angles of the processing room. He added that for the first time, staff had panic buttons in case of an emergency.

Mr. McDonald discussed cybersecurity and said the number one thing he wanted everyone in the room to know was that the voting system was secure and was never connected to the internet. He stated there were complex passwords used for the voting system, the data was encrypted, and people had to have the proper keys to access the system. He remarked that the software was verified with a hashing algorithm to ensure it was not tampered with before and after each election. He gave an overview of key dates for the general election. He asked people to be informed voters and provided various methods for obtaining information from the ROV's Office and tracking mail-in ballots. He noted that the ROV's Office added weekend operating hours.

Commissioner Garcia commended Mr. McDonald and his team on their hard work. She spoke about updates for election results and wondered if there was a plan to have a designated time each evening for election updates. Mr. McDonald opined that on election night, the frequency of result updates should be hourly because he wanted people to see that the staff was working on processing ballots. He pointed out that the time when vote centers came back was beyond the staff's control. He said that if the Board wanted a daily update, he could make that happen. He explained that the election would hit a point where ballots were only trickling in, and staff might have to wait to update results to protect voter privacy when there were smaller batches to process. Commissioner Garcia thought more communication on Election Day would put people at ease. Mr. McDonald asserted that staff wanted to get results out just as fast as people wanted to receive them.

Commissioner Andriola echoed Commissioner Garcia's comments about communication. She highlighted that people could view wait times for polling locations online. She asked if the staff members who worked in the tabulation room were the same throughout the election, to which Mr. McDonald responded yes. Commissioner Andriola inquired about the training of those three staff members. Mr. McDonald stated that those individuals needed to know how to operate the voting system. He noted that those staff members also had specific keys to access the system as an additional measure of security. Commissioner Andriola discussed the number of calls the staff had received. She wondered if there was a trend in the nature of the calls. Mr. McDonald stated that most of the calls from the public, in the beginning, were inquiries about when they would receive their sample ballot. He divulged that there was an issue with the print vendor that the County worked with for the sample ballots. To mitigate the error, the staff encouraged people to view the ROV's website so they would not be disenfranchised and could access their sample ballot on time. He thought most of the questions that came in from the public were basic questions. He noted some more technical questions came through from poll workers regarding the voter check-in process. He said that election workers received a five-hour comprehensive training, and the ROV's staff ran labs on the weekends so workers could go in for information refreshers.

Commissioner Andriola wondered if the ROV was keeping track of the content of the calls that came in and opined they could create valuable training opportunities for staff. Mr. McDonald responded that he asked a member of staff if the calls were recorded to obtain such data. He stated that, unfortunately, calls had not been recorded, but he planned to change that to bolster training. Commissioner Andriola asked if the staff monitored the mail-in ballot drop boxes the entire time they were accessible to the public, to which Mr. McDonald responded yes. Commissioner Andriola asked about the process of extracting mail-in ballots. Mr. McDonald remarked that ballot runners picked up ballots in bipartisan teams of two. He mentioned that the team would sign the chain of custody documents indicating the number of ballots they were taking with them. Once the ballots were delivered to the ROV, they were counted twice to ensure they had the correct number of ballots. He declared the ballots would then be placed in a holding bin until they were run through the mail-in ballot processor.

Commissioner Andriola mentioned there had been a lot of new equipment and assumed the efficiency of ballot processing would increase without compromising any integrity of the election. She wondered if there was a way to pull a report from the machine to determine the average number of ballots that were processed. She expressed her deepest appreciation to the other County departments that volunteered to help the ROV throughout the election. She asked if there was anything the Board could do to help the ROV. Mr. McDonald stated that he was working with Assistant County Manager (ACM) Kate Thomas and County Manager Eric Brown and had gotten everything the ROV needed so far. Commissioner Andriola asked Mr. McDonald to extend the Board's deepest appreciation to his team.

Commissioner Clark stated he was not able to read the total number of voters that was listed on the *Registrar of Voters* slide of Mr. McDonald's PowerPoint and asked him to read the numbers aloud. Commissioner Clark recalled a public comment from Mr. John Spencer and asked if a member of staff could help Mr. Spencer get his friend registered to vote. He echoed Commissioners Garcia and Andriola's remarks about receiving daily reports. He thought that during the primary election, there were day-long gaps between updates, which the public was not used to. He said updates did not need to be hourly, but believed there should be several updates in a 24-hour period so people could follow the process of the election.

Chair Hill noted there were over 600 people who needed to cure their ballots. She hoped people were paying attention to the mail and the other ways the ROV was reaching out to people because she wanted to ensure everyone's ballot was counted. She commended the staff for keeping up. She declared that she voted the day before at the Plumas Park location and was able to scan the barcode on her sample ballot, which she opined was great. She commended staff that there were no errors on the sample ballots, which she thought was huge because other counties in Nevada had errors on their sample ballots. She stated it was not unheard of and was normal to have errors on the sample ballot, but she wanted to commend the ROV's team because she knew it was stressful. She noted that on the first day of early voting, there were some long lines at various polling places, and she wondered if that was normal. Mr. McDonald predicted it would be an

unprecedented election. He said the number of voters was extremely high, which he thought was great because it meant people were voting. He remarked that some of the polling locations were small, so there was a limited number of check-in stations and voting machines that could be placed in those locations. He believed check-ins would get faster once the poll workers got used to the technology. Chair Hill expressed her gratitude to Mr. McDonald, his team, and all the County staff who stepped in to help the ROV. She asserted elections were the most important thing the County did. She thanked County Clerk Jan Galassini for her and her team's assistance to the ROV.

Commissioner Clark asked how many ballots had been returned as undeliverable. He recalled that about 25,000 ballots were returned to the ROV during the primary election. Mr. McDonald responded that as of two days prior, 13,500 ballots had been returned.

Manager Brown referred to Chair Hill's comment about long lines at polling locations. He encouraged the public to view the wait times of each polling location on the ROV's website. Mr. McDonald noted that was why he included the *In-Person Voting* slide so people could see the least-busy polling locations in the County.

12:04 p.m. Vice Chair Herman left the meeting.

DONATIONS

24-0700 **10A1** Recommendation to accept a donation of one (1) 8'X40' Conex Storage Container valued at [\$3,999.45] from The Washoe County Mounted Horse Unit Auxiliary to the Washoe County Sheriff's Office Mounted Horse Unit. Sheriff. (All Commission Districts.)

Commissioner Garcia said the donation was for a storage container to hold equipment and gear that the Mounted Horse Unit needed for special events and emergencies.

There was no response to the call for public comment.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Agenda Item 10A1 be accepted.

CONSENT AGENDA ITEMS – 11A1 THROUGH 11G3

24-0701 **11A1** Approval of minutes for the Board of County Commissioners' regular meetings of September 10, 2024, and September 17, 2024. Clerk. (All Commission Districts.)

24-0702 **11A2** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following

categories: Communications and Monthly Statements/Reports. Clerk. (All Commission Districts.)

- 24-0703** **11B1** Recommendation to accept the FY 2025 Office of Traffic Safety grant award from the State of Nevada Department of Public Safety, Office of Traffic Safety [amount not to exceed \$63,000.00, 25% or \$15,750.00 In-Kind county match required] as administered through the State of Nevada Department of Public Safety Office of Traffic Safety, to support the lease of three (3) Preliminary Breath Test (PBT) kiosks, for the retroactive grant term of the effective date of authorization through September 30, 2025; approve the Interlocal Contract between Washoe County on behalf of Washoe County Department of Alternative Sentencing and Douglas County on behalf of Douglas County Department of Alternative Sentencing; and if approved, direct Comptroller's Office to make the necessary budget amendments and authorize Chief Roper to execute grant award documents. Alternative Sentencing. (All Commission Districts.)
- 24-0704** **11C1** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2021/2022, 2022/2023, 2023/2024 and 2024/2025 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 \$77,923.55]. Assessor. (All Commission Districts.)
- 24-0705** **11D1** Recommendation to reject the single bid received for the Washoe County Shade Structure Improvements for Fitness Courts Project, pursuant to Nevada Revised Statute 338.1385(6)(b), since the lowest bid received was deemed non-responsible, the single bid did not include the required bid proposal, prime contractor form, bid bond, prime contractors 5% list, disclosure of lobbying activities, or contract provisions for Washoe County contracts under federal awards and the 2-hour 1% list. The project was developed for the South Valleys and Rancho San Rafael Regional Parks to provide fitness courts with shade structures. Community Services. (Commission Districts 2 and 3.)
- 24-0706** **11E1** Recommendation to approve a new FY 25 Capital Improvement Project - Washoe County Regional Animal Services Enriched Dog Yard; approve cross-fund budget appropriation transfer in the total amount of [\$150,000] for the Enriched Dog Yard Project, from the Animal Services Fund(205) to the Capital Improvement Fund (402) and, if approved, direct the Comptroller's Office to make the necessary net zero cross-fund budget appropriation transfers (net-zero impact, no additional funding is requested). Regional Animal Services. (All Commission Districts.)

- 24-0707** **11F1** Recommendation to approve allocation of American Rescue Plan Act (ARPA) funds through the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund (SLFRF) in the amount of [\$200,000.00 for FY25, no match required] to enhance audiovisual technology at Reno Justice Court by upgrading Justice AV Solutions from suite 7 to suite 8 in multiple courtrooms and direct the Comptroller to make the appropriate budget amendments. Reno Justice Court. (All Commission Districts.)
- 24-0708** **11F2** Recommendation to Acknowledge Community Court Program Allocation from the Judicial Council of the State of Nevada to the Reno Justice Court for Community Court Program in the amount of [\$96,764.00 for FY25, no match required; including up to \$5,000 for participant incentives- including gift cards]. The program, also known as young offenders' court, focuses on defendants ages 18-25. Allocation will be paid in quarterly installments retroactive to July 1, 2024 through June 30, 2025; and direct the Comptroller to make the appropriate budget amendments. Reno Justice Court. (All Commission Districts.)
- 24-0709** **11F3** Recommendation to Acknowledge Specialty Court General Fund Allocations from the Judicial Council of the State of Nevada to the Reno Justice Court for DUI Court in the amount of [\$20,250.00 for FY25, no match required; including up to \$5,000.00 for participant incentives- including gift cards]. The program focuses on 2nd DUI Convictions. Allocation will be paid in quarterly installments retroactive to July 1, 2024 through June 30, 2025; and direct the Comptroller to make the appropriate budget amendments. Reno Justice Court. (All Commission Districts.)
- 24-0710** **11F4** Recommendation to Acknowledge Court Assistance Program Allocation from the Judicial Council of the State of Nevada to the Reno Justice Court for Court Assistance Program in the amount of [\$122,355.00 for FY25, no match required; including up to \$5,000 for participant incentives- including gift cards]. The program focuses on adults with drug, alcohol, and mental health issues by aiding participants with numerous services such as counseling, evaluations, and incentives. The allocation is paid in quarterly installments retroactively July 1, 2024 through June 30, 2025; and direct the Comptroller to make the appropriate budget amendments. Reno Justice Court. (All Commission Districts.)
- 24-0711** **11G1** Recommendation to accept the FY 2025 Office of Traffic Safety award from the State of Nevada Department of Public Safety, Office of Traffic Safety [amount not to exceed \$7,500.00, 25% In-Kind county match required] as administered through the State of Nevada Department of Public Safety Office of Traffic Safety, to cover overtime costs related to conducting DUI saturation patrols, for the effective date of authorization through September 30, 2025 and if approved, direct Comptroller's Office

to make the necessary budget amendments. Sheriff. (All Commission Districts.)

24-0712 **11G2** Recommendation to accept the FY 2025 Office of Traffic Safety award from the State of Nevada Department of Public Safety, Office of Traffic Safety [amount not to exceed \$5,000.00, 25% In-Kind county match required] as administered through the State of Nevada Department of Public Safety Office of Traffic Safety, to cover overtime costs related to conducting speed enforcement, for the grant term which will begin upon receipt of the Authorization to Proceed notification through September 30, 2025 and if approved, direct Comptroller's Office to make the necessary budget amendments and authorize Sheriff Balaam to execute grant award documents. Sheriff. (All Commission Districts.)

24-0713 **11G3** Recommendation to accept the FY 2025 Joining Forces award from the State of Nevada Department of Public Safety, Office of Traffic Safety [amount not to exceed \$64,000.00, 25% In-Kind county match required] to cover overtime costs related to conducting traffic enforcement checkpoint events and limited travel expenses, for the grant term of date of authorization through September 30, 2025 and if approved, direct Comptroller's Office to make the necessary budget amendments; and authorize Sheriff Balaam to execute grant award documents. Sheriff. (All Commission Districts.)

On the call for public comment, Ms. Trista Gomez noted that when working with any population where preventative measures were not being looked at, it created a hardship for those individuals. She said it could feel punitive to look at preventative measures, especially criminalization; however, since attending the Board of County Commissioners' (BCC) meetings, she heard that the Washoe County Sheriff's Office (WCSO) had a lot of good services. While she thought the justice system should not turn into a full mental health system, she believed there were incentives to push people into a place of accountability. She commented that consistent substance abuse, homelessness, or a combination of both could hurt people in the long term. She said the cost of the programs was incredible, and the outcomes for treatment in traditional measures have been low. She expressed that changing the criteria around it could be different; however, research showed once someone needed treatment, they had much lower incidences of getting better or staying better. She said once individuals engaged in those kinds of behaviors, it was costly to families, the community, and the people themselves. She specified that while researching different programs regarding treatment, she found them to be very costly. She said the programs had a higher profile and more quantitative numbers.

Chair Hill asked Ms. Gomez what item she was commenting on.

Ms. Gomez clarified her comments were regarding giving more money to the courts for different incentives. She informed the Board that she had a son who was in one of the programs and was thankful he was not in the program long. She said the money

was being put into a treatment model but not a prevention model and that she had not seen preventative services that would negate the need.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Consent Agenda Items 11A1 through 11G3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 11A1 through 11G3 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 12 THROUGH 15 AND 17

24-0714 **AGENDA ITEM 12** Recommendation to acknowledge receipt of the Change Log shown in Exhibit A, submitted in accordance with NRS 361.310(4), for the 2024/2025 Assessment Roll that results in a net increase of \$300,387,672 in assessed values. Assessor. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Agenda Item 12 be acknowledged.

24-0715 **AGENDA ITEM 13** Recommendation to approve an Agreement for Professional Consulting Services between Washoe County and Sparkflight Studios, LLC for the River House Remodel project [in the amount of \$338,000.00] commencing on October 22, 2024. The scope of work includes architecture and interior design, civil, mechanical, electrical, and structural engineering design, and engineering support during construction. The River House is located at 480 Galetti Way, Reno, and provides transitional housing and services to women in the Crossroads program. Community Services. (Commission District 3.)

There was no response to the call for public comment.

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

24-0716 **AGENDA ITEM 14** Recommendation to: (1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 220 S. Center Parking Garage Security Improvements Project - PWP-WA-2024-406. [staff recommends Houston Smith Construction, Inc., in the amount of \$867,462.48]. The project is located at 220 South Center Street, Reno, Nevada and renovations will consist of safety and security improvements to the existing seven-story, 392 space parking garage. Community Services. (Commission District 3.)

Chair Hill said Vice Chair Herman had a question on the item. For Vice Chair Herman, Chair Hill asked if the City of Reno should be responsible for paying for this cost.

Director of Community Services Eric Crump said it was an award for the security improvements at 220 South Center Street, which primarily served employees at 350 South Center Street. He noted the City of Reno did not utilize that garage.

There was no response to the call for public comment.

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

24-0717 **AGENDA ITEM 15** Recommendation to accept an FY25 Title XX subgrant award from the Nevada Department of Health and Human Services (DHHS) in the amount of [\$663,807.00; no county match] retroactive from July 1, 2024 to June 30, 2025 to promote reunification, safety, educational support, and normalcy for children in care; authorize the Director of Human Services Agency to execute the grant award 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 Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Agenda Item 15 be accepted, authorized, and directed.

24-0718 **AGENDA ITEM 17** Recommendation to approve the funding and reimbursement of costs incurred by the City of Sparks, the City of Reno, Washoe County, and North Lake Tahoe Fire Protection District for expenses related to and in support of the Enhanced 911 Emergency Response System and portable event recording devices, as recommended by the 911 Emergency Response Advisory Committee on September 19, 2024, in an amount not to exceed [\$1,057,812.89] 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 Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Agenda Item 17 be approved.

24-0719

AGENDA ITEM 16 Recommendation to provide direction to Washoe County staff related to a request to gift funds[in the amount of \$87,000.00] to Sky Tavern, a non-profit 501(c)(3) corporation, from the General Fund to the Utility Fund, that operates as an enterprise fund, to cover Sky Tavern's sewer utility connection fees. Sky Tavern seeks to connect its property, located at 21130 Mt. Rose Highway, to the Washoe County South Truckee Meadows Water Reclamation Facility for Sky Tavern's sewer system upgrade project. Pursuant to Nevada Revised Statute 244.1505, the Board of County Commissioners may expend money for any purpose that provides a substantial benefit to the county. Accordingly, it is recommended that the Board of County Commissioners finds that the general fund gift will provide a substantial benefit by fostering community well-being and recreational development and direct staff to bring an item back to the Board to make the appropriate cross-fund or cross-functional adjustments necessary to implement the Board direction. Manager. (Commission District 1.)

Assistant County Manager (ACM) David Solaro acknowledged that non-profit organizations usually went directly to Commissioners to request funds. In this case, the request to waive some utility fees, as described in Agenda Item 16, came directly from Sky Tavern to himself and County Manager Eric Brown. He said since the expense was not budgeted in the County's General Fund budget and there was no path for the Washoe County Utility Fund, which was an enterprise fund, to waive fees, it was determined that the best option was to seek direction from the Board of County Commissioners (BCC). If the BCC chose to grant the request, he asked them to opine whether they wanted staff to determine a budget source within the General Fund or if they had ideas about where in the General Fund the monies could be drawn from. He explained that because it was an Enterprise Fund paid for by users, it was deemed inappropriate for those users to pay for one entity to have their connection fees waived. He stated that if the BCC wanted to gift the funds and had ideas about where they would like to gift them from, staff would do the work and bring the item to the BCC. He aimed to verify that the Board wanted to waive the fees and see if they had any direction regarding exact accounts or funds from which monies could be drawn. He said he was available to answer any questions the Commissioners had.

Chair Hill observed that there were public commenters from Sky Tavern present and invited them to speak. She informed that Board discussion would follow.

On the call for public comment, Sky Tavern Chief Executive Officer (CEO) Pat Cashell thanked Board members for their consideration of the gift. He advised that the sewer upgrade component of the project was complete, and the City of Reno covered those costs. He disclosed that the cost for the sewer upgrade was initially projected to be \$207,000 but ultimately totaled close to \$250,000. He said the support meant a lot to their expansion and helped them in their mission to get more people on the mountain at Sky Tavern. He divulged that up until recently, they had operated on a 70-year-old sewer and septic system that continually failed and caused problems throughout the winter months.

He admitted the system failures continued as they worked to expand operations into the summer months. He remarked that being able to upgrade the system was a gift. He shared a story that he felt encapsulated the impact of their work and the importance of the community's support of Sky Tavern's mission. Mr. Cashell spoke about the number of children who would benefit from the gift the County was considering and restated his appreciation.

Mr. Chris Brown thanked the Commissioners and echoed the sentiments of Mr. Cashell.

Commissioner Garcia stated her enthusiasm and support for the work of Sky Tavern. She hoped to join the City of Reno in supporting the sewer system upgrade project. She believed Sky Tavern had enhanced the recreational opportunities throughout the region, improved community engagement, provided a substantial long-term public benefit, and complied with all legal and regulatory frameworks the County was subject to. She said she would love for the staff to find a way to fund the gift request.

Commissioner Andriola echoed the comments made by Commissioner Garcia. She said she was a long-time volunteer with Sky Tavern and thought their work was a huge contribution to the community. She remarked that, especially because of the \$250,000 commitment from the City of Reno, she supported the staff's direction in looking for the \$87,000 requested from the County. She thanked all the Sky Tavern volunteers who helped introduce youth from the community to skiing.

Commissioner Clark stated his support for funding the request. He recalled recent support for the Nevada Museum of Art's Seven Magic Mountains (SMM) installation. He reasoned the request from Sky Tavern was significantly less money and a very good investment in local youth.

Chair Hill disclosed that she filmed a campaign video at Sky Tavern. She added that anyone could do that if they requested access. She did not think that activity should prohibit her from voting on the item. She echoed the comments made by the Board. She recalled there was usually carryover at the end of every budget, and she hoped that could be considered a funding source for the Sky Tavern request.

ACM Solaro noted there were no undesignated dollars, but he was sure the funds could be found. He said staff would look into any potential areas of underspending, and he appreciated the discussion and direction provided by the Board.

Commissioner Garcia disclosed that both of her children had attended Sky Tavern for the past three years. She did not believe that would prohibit her from voting on the item and sought confirmation from Chief Deputy District Attorney (CDDA) Mary Kandaras.

CDDA Kandaras confirmed that Commissioner Garcia could vote on the item.

Commissioner Andriola disclosed that she participated in the Sky Tavern program in prior years.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Agenda Item 16 be directed.

24-0720 **AGENDA ITEM 18** Public Hearing: Appeal of the Washoe County Planning Commission's denial of Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 to adopt an amendment to the Washoe County Master Plan, Truckee Canyon Master Plan Land Use Map, to change the master plan land use designation on a 5.65-acre parcel (APN 084-080-15) from Rural to 3.45 acres Industrial and 2.20 acres Open Space; and adopt an amendment to the Truckee Canyon Regulatory Zone Map to change the regulatory zone on the same parcel from General Rural (GR) (residential density of 0.025 dwelling units per acre) to 3.45 acres Industrial and 2.20 acres Open Space (OS) (no residential density allowed for I and OS).

The applicant is Lockwood Development Group, LLC, who owns the subject parcel located at 10705 Lockwood Drive, Sparks, Nevada; Assessor's Parcel Number 084-080-15. The appellant is the applicant, Lockwood Development Group, LLC.

The Board of County Commissioners shall consider the appeal based on the record on appeal and any additional evidence presented at the Board's public hearing. The Board of County Commissioners may affirm the Planning Commission's decision to deny Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 or may reverse the decision. If the Board reverses the Planning Commission's decision and decides to adopt the proposed amendments, the amendments would only take effect after a determination that the master plan amendment conforms with the Truckee Meadows Regional Plan by the regional planning authorities. If adopted, the Board must authorize the Chair to sign resolutions to this effect. Community Services. (Commission District 4.)

Chair Hill opened the public hearing.

Chair Hill requested a staff report on the item.

County Planner Timothy Evans conducted a PowerPoint presentation and reviewed slides with the following titles: WMPA24-0002 & WRZA24-0002 (Lockwood); Appeal; 10705 Lockwood Drive, Lockwood; Background; Request; Existing Zoning; Proposed MPA/RZA Request; Floodplain; Truckee River; Truckee River (Cont.); Availability of Facilities; Reviewing Agencies; Public Notice; Neighborhood Meeting;

Master Plan Amendment Findings; Regulatory Zone Amendment Findings; Possible Motion; Thank You.

Mr. Evans explained that what was before the Board of County Commissioners (BCC) was an appeal for Master Plan Amendment Case Number WMPA24-0002 (WMPA24-0002) and Regulatory Zone Amendment Case Number WRZA24-0002 (WRZA24-0002). He said both cases were heard by the Planning Commission on August 6, 2024, and were subsequently denied. He reported that the applicant, Lockwood Development Group, LLC, filed an appeal with the Planning Department on August 26, 2024. He described the appellant claimed prejudice in the Planning Commission's decision that they were unable to make the findings for WMPA24-0002 and WRZA24-0002. He noted that the Planning Commission denied WMPA24-0002 without being able to make all five of the required findings and also denied WRZA24-0002, having been unable to make five of the six findings.

Mr. Evans described the subject property was located at 10705 Lockwood Drive in Lockwood, which he indicated was highlighted in blue on the *10705 Lockwood Drive, Lockwood* slide. He informed that the line across the picture was the Truckee River, which he added was also the boundary line between Washoe County and Storey County. Mr. Evans stated the subject property was 5.65 acres, and the surrounding parcels to the north, west, and east were undeveloped. He imparted that the area across the river to the south was Storey County and contained developed parcels with residential dwellings and industrial complexes. He advised the subject property was located in the Truckee Canyon Planning Area and was zoned General Rural (GR). He noted approximately 2.2 acres of the subject parcel were located in a Federal Emergency Management Agency (FEMA) Zone AE Special Flood Hazard Area due to the parcel bordering the Truckee River. He said the request to the Planning Commission was for a change of the Master Plan designation and regulatory zone on the parcel. Specifically, the applicant sought a Master Plan designation change from GR to Industrial (I) and Open Space (OS) and a change to the regulatory zone from GR to I and OS. Mr. Evans directed attention to the left side of the *Existing Zoning* slide, which was a zoning map showing the subject parcel and surrounding zoning. He informed that the parcels to the north of the subject parcel were zoned GR, and the parcels to the west were zoned Parks and Recreation (PR). He mentioned there was no parcel to the right of the subject parcel due to the proximity of the Truckee River. He said the right side of the *Existing Zoning* slide showed a zoning map of the land across the river in Storey County, which included both residential and industrial designations.

Mr. Evans showed the *Proposed MPA/RZA Request* slide that depicted the Master Plan land use designation and regulatory zone changes that the applicant requested. He indicated the area highlighted in yellow was 2.2 acres and was proposed to become OS. He explained the reason for that was the FEMA Special Flood Hazard Area. He disclosed the applicant chose to incorporate the OS area at the recommendation of staff during the initial review of the project so that no building or construction could occur within that zone. He said the remaining portion of the parcel would be zoned I. He explained that Washoe County Code (WCC) section 110.416.70 prohibited development within a floodway, which

led to the application's inclusion of OS zoning. He noted that because the property was located within the Truckee Canyon Planning Area, it was subject to additional specifications in WCC Section 110.222. He said Article 222 outlined the requirements that any development within the Truckee River Corridor develop, preserve, protect, and improve the inherent water quality of the river. He imparted that one of the primary reasons that the Planning Commission decided to deny both WMPA24-0002 and WRZA24-0002 was that they determined uses allowed within an I Zone would conflict with WCC Sections 110.222.10(b) and (c) about allowed use within a 300-foot buffer zone alongside the Truckee River.

Mr. Evans mentioned the One Truckee River Management Plan (OTRMP), which was referenced in the County Master Plan. He shared that the plan was developed in collaboration with multiple public and private partners and was created to protect the Truckee River. He cited Objective 1.1 within the Truckee River Management Plan, which addressed the protection of the Truckee River. He contended that industrial use within the 300-foot buffer did not support Objective 1.1 of the OTRMP and was, therefore, not in conformance with the Natural and Cultural Resources (NCR) Principle 4.5.

Mr. Evans described the project was sent out for review to multiple departments and agencies, and summarized that neither water nor sewer service was readily available to serve the subject parcel, but no other concerns were noted from other departments. He clarified that the finding they were able to make for WRZA24-0002 was finding number two, Compatible Land Uses. He recommended that the BCC review and consider the whole record along with any testimony, materials, and evidence submitted at the public hearing that day. He advised that the BCC could either affirm the Planning Commission's decision to deny WMPA24-0002 and WRZA24-0002, or reverse the Planning Commission's decision and thereby approve WMPA24-0002 and WRZA24-0002. He said he was available to answer any questions.

Chair Hill observed that Agenda Item 18 included the second staff report she had seen during her almost four years on the BCC, for which no staff recommendation was provided. She asked Mr. Evans to elaborate on the reasons for that decision.

Mr. Evans responded that it was rare for staff to abstain from making a recommendation on a project. He added that after discussions with the applicant, evaluation of all the materials, external review, and analysis of WCC conformance and potential impact on the Truckee River, staff worked with the applicant on zoning alternatives within the parcel. He summarized that the reason for not providing a recommendation was that facts and information supported both sides of the project. He advised that nothing specifically prohibited I zoning within the 300-foot setback from the river. However, there was still concern about intense industrial use within that area, which would not support the objectives of the OTRMP and the Master Plan Policy. Since the applicant decided not to incorporate any of the staff recommendations that would have enabled staff to support the application, staff decided to proceed by only providing facts to the Planning Commission based on their work with the applicant and not to provide a recommendation.

Chair Hill asked Mr. Evans if the staff could make and not make the findings.

Mr. Evans confirmed that was correct.

Commissioner Garcia disclosed her discomfort with opining about the findings and making a decision. She revealed that she watched the Planning Commission meeting twice and read the meeting minutes. She remarked that she had never seen staff not come forward with a recommendation. She said she relied on staff for their subject matter expertise. She recalled that when she listened to the discussion and vote from the Planning Commission meeting, she felt like there was a big missing puzzle piece. She did not know specifically why the Planning Commission chose to deny the applications, and she thought their responses and justifications for denial were insufficient.

Commissioner Andriola said she could see it both ways. She acknowledged that her question might be unfair but asked Mr. Evans directly if he felt the application as it stood was in conformance with the Master Plan.

Mr. Evans explained that the Staff Report for the item represented three to four months of work between staff and the applicant. He divulged that they tried to work out a clear path for approval. He admitted that looking at the application the way it was that day, he still could not sway himself one way or the other; he could still find reasons to approve or deny.

Commissioner Andriola pondered what the next steps would be for the Planning Department if the BCC voted to reverse the decision of the Planning Committee.

Mr. Evans advised that if the decision of the Planning Commission were reversed, the zoning would be changed as requested in the application. He said the Master Plan designation would be changed, and the staff would review any plans or proposals from the perspective of the new zoning.

Commissioner Andriola understood that approval of the applications was only one step in a comprehensive process, and she theorized discussion about open space and potential building constraints could continue as the applicant moved forward through the process of developing the parcel. She divulged that she read all the information, watched the Planning Commission meeting, and attended a listening meeting about the project that Storey County hosted for residents earlier in 2024. She wondered how compliance would be handled moving forward.

Mr. Evans responded that the next step would be for the applications to be reviewed by the Truckee Meadows Regional Planning Agency (TMRPA) to ensure conformance with the Truckee Meadows Regional Plan. He stated changes to zoning and the Master Plan were contingent on the TMRPA's approval. He explained the next step after the TMRPA's approval would be entitlement. He said a Special Use Permit (SUP) might be required depending on what the owner proposed for the parcel. Alternately,

proposed uses could be allowed by right. He reiterated that OS designation meant no construction could take place on that land, and no buildings could be located in the OS area. He acknowledged that it was unusual for staff to be neutral and not provide a recommendation. He determined that, in this case, there was not a clear policy or provision that staff could clearly cite as a point of violation. He thought that was usually the function of the Planning Commission. Typically, applicants would outline arguments and provide a rationale for the Planning Commission to either support or deny each request.

Commissioner Andriola asked Mr. Evans to affirm that the applicant planned to utilize the 300-foot setback in a way that was potentially not in conformance with the Master Plan, NCR Principle 4.5, and provisions in Objective 1.1 of the OTRMP. She understood the applicant planned to use the open space area for parking.

Planning Manager Trevor Lloyd said that staff had not seen details about a project yet, just the proposal to change the zoning. He supposed Commissioner Andriola was citing information found in the Staff Report prepared by Mr. Evans, which stated parking, storage, or other industrial uses were possible within the 300-foot buffer zone as presented in the application.

Commissioner Andriola questioned if compliance specifications would be determined as the project went through other stages of the process. She requested that Chair Hill allow her the opportunity to ask additional questions after listening to the appellant's presentation.

Commissioner Clark observed that part of the reason for having the Planning Commission was to sort through matters before they got to the BCC's level. Given the application denials from the Planning Commission and the lack of direction from staff, he felt confused about how to proceed. He wanted to see if the applicant could come up with something more palatable to the Planning Commission, and he did not think it was good for the BCC to overrule the Planning Commission. He summarized that the subject matter experts in the Planning Department were unsure, and the Planning Commissioners were very sure about their decision. He did not know how the BCC could get in the middle of the conversation and thought that further meetings with the applicant might be able to sort things out in a way where everybody got something they wanted.

Chair Hill invited the appellant to present.

Phelps Engineering Planning Manager Devin Perry conducted a PowerPoint presentation and reviewed slides with the following titles: Lockwood Development Group LLC; Site History; MPA07007; Truckee River Restoration Project Completion; Surrounding Zone Designations; Allowable Use Comparison; Proposed MPA/RZA Zoning; Truckee River Corridor Standards; Conceptual Site Plan; Broader Context; Findings for MPA; Findings for RZA; 2040 Master Plan: Project Consistency; Planning Commission Meeting Vote Summary; Thank You.

Mr. Perry spoke about the location and history of the project site. He said it was north of the Truckee River, the Storey County Public Utilities District (PUD), and parcels in Storey County that were zoned as Light Industrial. He described there were mobile home parks to the west of Canyon Way as far back as 1994 and disclosed much of the site remained the same in 2023. He asserted there had not been any development or preservation on the parcel. He divulged that in 2006, the Truckee River Restoration Project enacted a Master Plan Amendment to change the site to Rural zoning. He said much of the focus of that project was to the west of Canyon Way. He explained that the project reconfigured the river for better flow and less flooding. He claimed the subject property had not changed and had not changed since. He indicated there were complaints on record of misuse of the parcel, and no OS or PR designation was enacted on the site. He informed there was a lot of misuse to the north of the site due to the proximity of the Union Pacific Railroad. He surmised the soil was degrading, and nothing was being enhanced.

Mr. Perry described zoning and uses on nearby sites. He pointed out there were many instances of both light and heavy industrial uses on the river. He noted the examples of the Storey County PUD and a large FedEx facility, which he stated was zoned I within 300 feet of the river, including directly on the river line. He thought it was important to include the context of the planning precedence in nearby parcels when determining allowable use. Mr. Perry displayed the *Allowable Use Comparison* slide that showed a breakdown of Development Code allowable uses within I and GR. He remarked that although there were more allowable uses in I, some uses were allowed in GR that were not permitted in I, for example, animal slaughtering.

Mr. Perry related that WMPA24-0002 and WRZA24-0002 were primarily based on the 100-year floodplain restriction. He said he understood the development constraints and that nothing could be built in the 100-year floodplain, which was why OS zoning was proposed for some of the parcel. He stated there was no desire to develop in the floodplain. He commented that he wanted to protect the river as much as possible. He described that the red line on the *Truckee River Corridor Standards* slide depicted the centerline of the river. Mr. Phelps spoke about WCC Section 110.222.10. He clarified that although WCC stipulated that no permanent building structures could be erected within the floodplain, it did not specifically prohibit I zoning within the 300-foot setback. He noted it was merely part of the Development Code. He emphasized that all development had to go forward with that understanding and concluded it was not a zoning concern.

Mr. Perry displayed the conceptual site plan his company presented to staff during their pre-application meeting. He reported they looked at WCC to understand regulations about where they could and could not build. He described that the small rectilinear box north of the 300-foot setback line in the *Conceptual Site Plan* slide depicted an industrial warehouse building. He disclosed there would be parking for users and staff south of that building. He said the plan was conceptual, but it illustrated their understanding of the development constraints. He situated the conceptual site plan within the broader context of adjacent industrial buildings and theorized the new building proposal was not a large concern or problem. He claimed it fit into the surrounding context, provided better opportunities for land use, and would not break the health of the Truckee River.

Mr. Perry reviewed the staff's recommendations and the Planning Commissioners' votes from the August 6, 2024, meeting. He said although the Planning Department did not provide acceptance or denial, they did recommend to the Planning Commission that items two, three, and four may be found justified. He theorized that the Planning Commission had their minds made up before hearing the presentation. He drew attention to the motion of denial and pointed out what he perceived as a lack of consistency in votes between the commissioners. He surmised that if the Planning Commission fully understood what they were voting on, their votes should have been consistent across both applications. As an example of inconsistency, he spoke about finding two, compatible land uses, where most commissioners voted one way on WMPA24-0002 and a different way on WRZA24-0002.

Mr. JS Parker introduced himself as the developer and one of the owners of the subject parcel. He explained his view of the confusion. He described that staff worked with him diligently for nine months, and he met with all the departments and agencies. He said at that time, no one had any issues with industrial development on the property due to all the industrial properties around the site. He speculated that even though it was zoned GR, I zoning would give them more opportunity to do something very good for the river and the community. He alleged that I zoning was low traffic, whereas GR had less opportunity for development. He reported that after nine months, and after they submitted for WMPA24-0002 and WRZA24-0002, the Planning Department quickly changed its stance. He initially believed the applications would be supported by the Planning Department, but two months after the application was submitted and all fees were paid, he was informed the Planning Department could no longer support approval. He described going through a denial process with the staff for three months, who ultimately determined a week before the Planning Commission meeting that they would not make a recommendation.

Mr. Parker felt it was clear that there were three things the Planning Commission was primarily concerned with: assurance that there would be no negative impacts on the availability of services; mitigation of pollutants prior to any being deposited in the Truckee River; and that potential negative impacts would not be amplified due to the change from GR to I. He claimed that drainage, storm runoff, and other naturally occurring pollutants would be arrested and mitigated prior to any being deposited into the Truckee River. He asserted that sustainable management strategies aligned with the OTRMP. Mr. Parker said those concerns all related to the Development Code, and he theorized that it did not matter whether, for example, a gas station was built in a GR zone with a SUP or if it was built under I zoning, where it was already an allowed use in that zone. He argued that both theoretical projects would be subject to the same development standards, including structural setbacks, parking requirements, mitigation of pollutants, and approved plans for utilities. He did not have compliance concerns with regard to WMPA24-0002 or WRZA24-0002 and did not discern any conflict with any of the findings. He detailed his views of WCC compliance and why the findings could be made. He summarized that permitted use in I and GR zoning was almost identical, and he hoped to be granted approval for the zoning changes that would allow for designated open space and a simple warehouse operation.

On the call for public comment, Ms. Lisa Holleman said she was with the Lockwood community of Rainbow Bend. She was concerned about the impact on existing housing developments adjacent to the property under consideration. She stated there were 532 homes in the Rainbow Bend community, and the developer chose to send information to only 6 of them. She advised the community was very strong, and residents passed out information to one another and were able to represent their views by attending a meeting held on Zoom and a planning meeting. Based on actions from the developer up to that point, she questioned what amount of respect for the community could be expected from them if development began. She theorized the developer was trying to increase the land value by changing the zoning and would then sell it. She noted she had no idea what would ultimately be built. She informed that she had reviewed the findings and did not feel it was possible to establish finding one, consistency with Master Plan, because of the relative remoteness of the location. She described the closest facilities were four and a half miles to the west, which was Vista. Ms. Holleman disputed many of the developer's assertions regarding the land use and the findings, and expressed her concerns about the project.

Commissioner Andriola asked Chief Deputy District Attorney (CDDA) Mary Kandaras to verify that the only two options before the BCC were to either affirm the decision of the Planning Commission, which meant the BCC upheld the denial of the applications or to reverse the decision of the Planning Commission, which meant the BCC would approve the applications.

CDDA Kandaras advised those two options were possible, or the Board could choose to take no action on the item, in which case the decision of the Planning Commission would stand. She said the Planning Department had conceded that they could argue a basis for the findings and also that they had a basis for not making the findings. She did not discern that the item needed to go back to the staff or the applicant for further information.

Commissioner Andriola asked the appellant to provide a timeline of events, including when he first learned there were staff concerns. She wanted to better understand the concerns the appellant outlined regarding actions from the Planning Commission that he felt were inequitable.

Mr. Parker informed that he bought the property in May 2023 and started working with the Planning Department at that time. He recalled there were two large Zoom calls with multiple County departments regarding utilities and preliminary planning concepts for the site. He reported they started in May 2023 and met with staff many times between then and the application submittal date of January 8, 2024. He shared that during those eight months, they determined they would apply for a Master Plan amendment that would split the parcel into OS and I zoning. He said the developers were aware of the 300-foot structural setback. He believed all issues were comprehensively addressed before the application was submitted in January 2024. Mr. Parker disclosed additional reports that were created, including biological, water, and traffic reports. He claimed all reports required by the Planning Department were submitted prior to the WMPA24-0002 application, and all fees were paid. Based on conversations with staff, he expected to be on

the agenda for the Planning Commission in March. He recalled that he got a call from staff in February saying there had been a change. At that time, staff determined they could no longer make a recommendation for approval, and said they would talk to the applicant further about that change. He understood the Planning Department Manager had a concern, which they met about in late April 2024. At that time, Mr. Parker was told there was a concern about spot zoning, and that their I zoning use did not fit the area. He was troubled that the concern arose 11 months after the initial discussions with the Planning Department, and it became apparent that development within the 300-foot setback could be a problem. They were told in April that further studies were needed. Mr. Parker divulged that the delays had the potential to impact their finances. He said during the months of April, May, June, and July, he expected to appeal a denial. He did not anticipate the position the Planning Department communicated a week before the Planning Commission meeting, which was to neither recommend approval nor denial.

Commissioner Andriola asked Mr. Parker to elaborate on what happened after he learned about the staff's concerns in April. She wanted to know if staff met with him to offer opportunities to mitigate any of the concerns.

Mr. Parker asserted he immediately knew there was no spot zoning issue. He informed that Mr. Lloyd addressed the issue, but then had to leave the meeting. Mr. Parker said he met with staff many times, and he remarked spot zoning could not have been the issue because of I zoning surrounding the parcel in almost every direction. He continued that the issue with the 300-foot structural setback issue was moot because the same development conditions were in place regardless of whether the zoning was GR or I. He reported that he was told by staff that the process would take time, and he believed it was underway despite not getting any communication until July, when he was told there would be a hearing on August 6. He surmised the application was going to be denied, but then learned a week before the hearing that staff had decided to not make a recommendation. He explained the challenge with that decision was that the developers were denied an opportunity to learn of and address the real concerns with the application. He said he operated without complete information until he got the report from the Planning Department a week before the commission meeting. He determined the Planning Commission did not ask enough questions during the meeting. He theorized that if he were in their position, he would have asked about the differentiations between compatible land uses in GR and I zoning.

Mr. Parker commented that the protection of the environment was important to him. He said he had built extensively for 45 years and had never built anything he was not proud of or something that did not support the community. Regarding the public commenter from Storey County, he divulged that he met with the Storey County Manager three different times. He added that he attended the meeting in which Storey County reviewed their Master Plan. He recalled he was asked to attend that meeting and explain the project, which he did. He expressed frustration that he had done nothing but be very open about plans for the development of the parcel. He asserted he wanted to develop the parcel in a responsible way, and there was no hidden agenda. He disclosed that Storey County wanted his development in Storey County and had asked him if he would allow

that to happen. He noted they were interested in residential development, which could not happen in Washoe County because of the location of the railroad. He said the options he was left with were I, GR, and OS, and there was not sufficient land for a residential project. He observed Storey County did not have the constraints Washoe County had; specifically the floodplain and setback issues. He revealed that he did not believe the land was right for residential development but noted it had tourist commercial zoning before the County rezoned it based on Truckee River beautification plans. He did not think it made sense to have a small island of Residential zoning in that area, though he acknowledged the community that was there.

Commissioner Andriola asked staff to address Mr. Parker's point about the irrelevance of zoning designation as it related to the 300-foot setback. Mr. Lloyd confirmed that the 300-foot setback requirement was in WCC and would not be affected by a zoning change. He informed that the applicant scheduled more than one predevelopment meeting with the Planning Department. Mr. Lloyd made it clear that there was no commitment from staff at those predevelopment meetings to recommend approval or denial. He added that the application included bold text that stated predevelopment meetings were provided as a courtesy to applicants to support their efforts for an efficient official project submission and review by local government and partner agencies. The text stipulated that the meetings were not intended to replace professional review following official submission. He said it was also made clear at Planning Commission meetings that full review and analysis happened after the application submission. He explained that predevelopment meetings were an opportunity to discuss considerations about infrastructure and any significant issues with all partnering agencies. He clarified the meetings were not meant to signify approval from Washoe County. He claimed there was no verbal or written communication that said the County would recommend approval prior to the submission of the application; that was not something the County did. He shared that staff met with the applicant after they submitted their application. He described that the County offered the developer the option of scaling back the I zone so it would be located entirely outside of the 300-foot setback. He said the County was waiting on a response from the applicant but did not get one. He reported they next heard from the applicant with inquiries about the status of the application and why a hearing had not been scheduled. He said that at that time, staff immediately scheduled a hearing before the Planning Commission. He stated the County wanted to work with the developer to see the project move forward.

Commissioner Andriola asked what would happen to the applicant if the BCC upheld the decision made by the Planning Commission. She wondered if they would be able to submit another application. CDDA Kandaras advised that the applicant could file a petition for judicial review.

Chair Hill acknowledged the difficulty of balancing all of the issues involved. She determined all findings were met and theorized additional concerns were more appropriately addressed when building permits were evaluated. She did not find sufficient grounds to deny the applications before the BCC that day. She understood that it was not possible to predict future sales, but she reasoned the 300-foot setback requirements would still be in place, regardless of any zoning changes. She said she was comfortable

reversing the decision of the Planning Commission and was happy to make that motion. She welcomed input from other Board members.

Commissioner Garcia agreed with the sentiments expressed by Chair Hill. She expressed her disappointment that some of the more detailed responses given that day were not included in the August 6, 2024, Planning Commission meeting. She admitted her preference for a stronger leaning from staff to help avoid potential litigation. She believed all findings were made and was comfortable reversing the decision of the Planning Commission. She did not understand how there could be so many denials from the Planning Commission and stated her appreciation for the slide with the vote tallies.

Commissioner Andriola reiterated that if the decision of the Planning Commission was reversed, there would still be more steps in the process, and changes could still occur. She said there were still confines of compliance, and the Regional Plan still had to be followed. She asserted she had faith in the staff and the system. She believed that the requirements built into other steps of the process would provide all necessary safeguards. Though it was not a mandate, she asked the developer to reach out to the residents of Lockwood as a professional courtesy. She viewed it as an opportunity to avoid any misinformation and theorized that the residents might have suggestions the developers had not considered. She stated her support for the reversal of the decision of the Planning Commission.

On motion by Commissioner Hill, seconded by Commissioner Garcia, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that the appeal be granted, and the Planning Commission's decision be reversed. It was further ordered that the Master Plan Amendment Case Number WMPA24-0002 be adopted based on the ability to make all five master plan amendment findings required by WCC Section 110.820.15(d), and subject to final approval of the associated master plan amendment and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities. It was further ordered that the Regulatory Zone Amendment Case Number WRZA24-0002 be adopted based on the ability to make all of the regulatory zone amendment findings required by WCC Section 110.821.15(d). It was further ordered to authorize the Chair to sign the resolutions contained in Attachments I and J to that effect.

24-0721 **AGENDA ITEM 19** Public Comment.

Ms. Susan Van Ness displayed a document, a copy of which was placed on file with the Clerk. She said her reasoning for bringing the document forward was because, as of September 27, the case had officially been docketed by the Supreme Court of the United States (SCOTUS). She clarified that to be docketed by SCOTUS meant one or more of the justices had reviewed it and issued a docket. She speculated they had looked at the questions regarding the First Amendment right to petition. She asked if the failure of State and local officials to address and respond to legitimate election grievances constituted a violation of Mr. Robert Beadles' First Amendment right to petition the government for redress of grievances, thus undermining a fundamental constitutional protection essential to democratic governance. She asked if the District Court erred in dismissing the complaint

under the Nevada Rules of Civil Procedure (NRCP) when the complaint contained a specific and detailed allegation that, compiled with the pleading standards outlined in NRCP 8A2, thus preceding a premature dismissal. She expressed that SCOTUS ordered the District Attorney's (DA) Office to respond to any writ of certiorari by October 28. She deemed it very interesting that the media was quick to discuss the \$106,000 that Mr. Beadles had put up. She commented Mr. Beadles was ordered the \$106,000 and that he gave it. She declared it a big deal to get something before SCOTUS. She said there was no communication and speculated the citizens needed to bring the matter forward. She reported she was on the phone with several people in the North Valleys who had problems voting, and those people knew nothing of the case. She asked where the media was.

Ms. Lisa Holleman thanked the Board and said it was the first time she had attended a Board of County Commissioners' (BCC) meeting. She was extremely impressed by the amount of research and study needed. She expressed she would never run for the BCC. She relayed she was going to be nice to her Commissioners.

24-0722 **AGENDA ITEM 20** Announcements/Reports.

Chair Hill announced a community block party at Sky Tavern on October 26, which appeared to be open to the public.

Commissioner Garcia informed the public that the Regional Transportation Commission (RTC) had free rides on Election Day across all RTC transit options.

Commissioner Andriola thanked County Manager Eric Brown, Assistant County Manager (ACM) David Solaro, and Congressman Mark Amodei for the work done regarding the possibility of a shooting facility at the Golden Eagle Regional Park. She said she had no recent news other than the Bureau of Land Management (BLM) hired for a previously vacant position, and that vacancy had prevented progress from being made. She noted Congressman Amodei's representative had met with ACM Solaro and herself the previous day. She hoped for the dialogue to continue.

2:15 p.m. There being no further business to discuss, the meeting was adjourned without objection.

ALEXIS HILL, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Taylor Chambers, Deputy County Clerk
Lizzie Tietjen, Deputy County Clerk
Heather Gage, Deputy County Clerk
Kendra DeSoto-Silva, Deputy County Clerk

Pending Board Approval