



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: June 25, 2024

DATE: May 17, 2024

TO: Board of County Commissioners

FROM: Colleen Wallace Barnum, Park Operations Superintendent,
Community Services Dept., 775-328-2181, cwallace@washoecounty.gov

THROUGH: Eric Crump, Director,
Community Services Dept., 775-328-3625, ecrump@washoecounty.gov

SUBJECT: Recommendation to approve the Chapter 95 Fine Schedule associated with Washoe County Code Chapter 95, Community Services Department (Regional Parks and Open Space), effective upon approval, as authorized under the citation authority of park enforcement officers pursuant to Washoe County Code, Chapter 125 (Enforcement, Remedies, Penalties). (All Commission Districts.)

SUMMARY

Per Washoe County Code Chapter 125 (Enforcement, Remedies, Penalties), Washoe County Parks is required to have a fee (fine) schedule approved by the Board of County Commissioners (Board). The fine schedule (Attachment A) is associated with Chapter 95 sub-sections 95.060 through 95.460. Per WCC 95.510, civil penalties may be imposed in an amount no less than \$100 and not to exceed \$1000. The use of penalties by staff will be a peripheral duty and not the focus of duties as outlined in the Citation Authority – Visitor Safety and Resource Protection Policy and Procedures approved by the Open Space and Park Commission.

Washoe County Strategic Objective supported by this item: Fiscal Sustainability:
Long-term sustainability.

PREVIOUS ACTION

May 22, 2024 – The Open Space and Regional Park Commission reviewed, discussed, and approved the fine schedule associated with the citation authority of park enforcement officers.

May 24, 2022 – The Board approved the second reading and adoption of Washoe County Code Chapter 95.

May 10, 2022 – The Board approved the first reading of proposed changes to Washoe County Code Chapter 95.

September 28, 2021 – The Board directed the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance for County Code Chapter 95 (repeal and enact), pursuant to Washoe County Code Section 2.030 and 2.040.

AGENDA ITEM # _____

June 1, 2021 – Open Space and Regional Parks Commission reviewed, discussed, and recommended that the Board approve the proposed changes to Washoe County Code Chapter 95.

BACKGROUND

In May of 2022, the Board of County Commissioners approved an update to Chapter 95 of the Washoe County Code. The updated provided for rules and regulations associated with Regional Parks and Open Space. Part of that update included the ability for enforcement officers, (District Managers and Park Rangers), to issue citations, both civil and criminal, to park visitors who have violated parks rules and regulations. There are fines associated with each penalty and a process to pay those fines or to appeal the citation.

Washoe County Park Rangers and District Managers make visitor contacts multiple times daily. Most contacts are educational in nature and that process will continue. The issuance of citations is to be a peripheral duty for Park Rangers and District Managers and not the focus of their duties. Since May of 2022, park operation staff have spent time seeking best practices from other agencies performing similar duties. Staff developed a Citation Authority – Visitor Safety and Resource Protection Policy and Procedure (see Attachment B) to ensure clear guidance for staff while enhancing recreational use, ensuring visitor safety and protecting natural, historical and cultural resources in Washoe County Parks. This Policy and Procedure was approved by the Open Space and Regional Park Commission on May 22, 2024.

Washoe County Community Services (CSD) worked closely with Department Code Enforcement staff and with Regional Animal Services. Both entities issue citations by staff that are not law enforcement officers. Staff has learned about current acceptable practices in Washoe County. The District Attorney's Office and Administrative Hearing Office has been consulted to assure proper protocols for this program have been followed. To begin this program, it is critical to have extensive training completed, tools for the new tasks acquired, and policies and procedures in place to begin this important programmatic change.

The extensive training has included the following: Basic First Aid, De-escalation, Report writing, Introduction to the Incident Command System, OC Training, and Defensive Tactics. Four Park Rangers have attended Ranger Excellence School and it is planned to have all Rangers attend within the next three years.

Per WCC 125.170, there is clear direction that administrative penalties will be assessed for a first, second, third, and subsequent violation of the same ordinance. The fee (fine) schedule must be adopted by the Board of County Commissioners. It is important to distinguish the difference between the current parks fee schedule associated with park facilities and recreation services, and the fine schedule associated with WCC Chapter 95 violations. The fine schedule illustrates that upon each additional infraction, the fines double. The first offense is \$200, the second offense is \$400, and the third offense is \$800. Per WCC 125.160, Washoe County will accept as payment in full 50% of the fine if payment is received within 30 calendar days of service.

The goal will be to have all WCC Chapter 95 code violations paid in full within the 30-day timeframe. The fines collected will go to the Washoe County general fund, per WCC 125.165. The CSD has set up a cost center associated with the citation authority program, to accurately account for the fines collected. If an administrative hearing is requested, the fees go to the Office of the County Manager, the department that manages the administrative hearings.

FISCAL IMPACT

The citation authority fines will be collected and deposited to General Fund Parks Citation Authority (140150), Court Fines and Fees (471200). The new cost center will be used to track the citation authority program. Any administrative hearing fees will be deposited in the Administrative Enforcement Process (101110) cost center in the Office of the County Manager as appropriate.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the Chapter 95 Fine Schedule associated with Washoe County Code Chapter 95, Community Services Department (Regional Parks and Open Space), effective upon approval, as authorized under the citation authority of park enforcement officers pursuant to Washoe County Code, Chapter 125 (Enforcement, Remedies, Penalties).

POSSIBLE MOTION

Should the Board agree with this recommendation, a possible motion would be: “Move to approve the Chapter 95 Fine Schedule associated with Washoe County Code Chapter 95, Community Services Department (Regional Parks and Open Space), effective upon approval, as authorized under the citation authority of park enforcement officers pursuant to Washoe County Code, Chapter 125 (Enforcement, Remedies, Penalties).”