

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

TUESDAY

10:00 A.M.

JANUARY 25, 2022

PRESENT:

Vaughn Hartung, Chair
Alexis Hill, Vice Chair via Zoom
Bob Lucey, Commissioner
Kitty Jung, Commissioner via Zoom*

Janis Galassini, County Clerk
Eric Brown, County Manager
Nathan Edwards, Assistant District Attorney

ABSENT:

Jeanne Herman, Commissioner

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:

10:02 a.m. **The Chair called recess due to lack of quorum.**

10:03 a.m. **The Board reconvened with Commissioners Jung and Herman absent.**

22-0054 **AGENDA ITEM 3** Public Comment.

Mr. Charles Albright spoke about the Ambrose Dam located on the Truckee River, which he believed was a safety issue and requested it be removed. He indicated he was working with many groups, along with the City of Reno, to seek approval for the dam to be removed. He asked the Board for its support related to the dam so they could request money for the removal project.

***10:07 a.m.** **Commissioner Jung joined the meeting via Zoom.**

Mr. Mark Neumann spoke related to Agenda Item 5, the warning lights on Pyramid Highway and Mt. Rose Highway. He believed the lights were a benefit to drivers by providing time to slow down for the signal instead of having to hard break at the light. He brought up the Ambrose Dam saying the dam was used through the 1970s for a swimming hole and wanted it to remain intact.

Mr. Nicholas St. Jon provided a document, which was placed on file with the Clerk. He compared the natural immunity a person had after recovering from Covid-19 (C19) to the C19 vaccination and thought it was better protection from contracting it again.

He demanded to know where each Commissioner stood on this issue. Next, he commanded the current Community Health Alliance “C19 vaccine informed consent for ages 5 to 11” be pulled from circulation until it was a real informed consent document by listing potential side effects, stating the long-term effects were unknown. He believed the document needed to indicate this was a clinical trial for a two-year study and needed to provide a process to report any adverse reactions. He demanded answers about why grievances to the Board of County Commissioners had gone unanswered and noted none of the grievance items were reflected on any upcoming agenda. He wanted a response from the Commissioners about whether they could not address or would not address the referenced grievances. He used the remainder of his time waiting for an answer.

Chair Hartung requested that Assistant District Attorney Nathan Edwards explain the public comment guidelines related to Nevada Revised Statutes (NRS) stating a topic that was not agendaized could not be deliberated upon. Mr. Edwards indicated there was a fine line between deliberation and discussion, stating the County Commissioners were encouraged to not engage in any type of discussion that could become deliberation during public comment about topics not on the agenda. NRS allowed discussion of public comment topics during the agenda item for Commissioners’ announcements and reports.

Ms. Sandee Tibbett demanded the Board place a resolution on the agenda to prohibit vaccine passports for employees and students and said it should be considered a criminal offense for discrimination or illegal segregation. She believed it was illegal in the United States to mandate vaccinations and it was against the constitutional rights of individuals. She demanded a resolution be placed on an agenda to replace the Governor’s health emergency with a local economic emergency as other counties in Nevada had done. She wondered about the Cities of Reno and Sparks being allowed to override Washoe County and asked why the County could not override the State. She provided documents, which were placed on file with the Clerk.

Mr. Alan Christoffersen said he moved to Incline Village to raise his children in a small community, stating he grew up in a town with a population of 750 people and realized the importance of the services provided in a small community. He wanted to continue raising his children in an area with local support and thought the Constable’s Office provided important services. He asked the Board to leave the existing office the way it was to benefit the community.

Ms. Erin Massengale requested a resolution be agendaized and passed to ban vaccine passports or any type of verification system. She believed it was unacceptable for employers to require vaccination verification in order to maintain employment. She asked for the mask mandate to end in Washoe County as the public health emergency had been ended and thought without an emergency there was no need for masks. She spoke about how the Supreme Court in New York ruled the Governor’s mask mandate was unconstitutional and declared the mandate null and void in the State of New York.

County Clerk Jan Galassini received emails from Ms. Elise Weatherly, Ms. Renee Saletta, Mr. Charles Albright, Ms. Stacy Piro, Ms. Darla Lee, and Ms. Janet Butcher, which were placed on file.

22-0055 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown pointed out the second reading for the redistricting item would be scheduled for February 8, 2022.

Commissioner Lucey said it had been a busy month with many issues occurring. He spoke about the advanced warning systems on Pyramid Highway and Mt. Rose Highway, indicating conversations with Chair Hartung and the Nevada Department of Transportation had occurred and a presentation about them would take place later in the meeting. He stated he had been assured that removal or change on Mt. Rose Highway would not happen, saying they served a purpose under the current guidelines. Future plans for improvements and safety had been discussed and information would be released when decisions were final.

Commissioner Lucey indicated the Regional Transportation Commission allocated \$300,000 to install a grading system into the storm drain passages along the southeast connector to assist with homeless encampment issues and to prevent wild horse issues. He said residents had reached out to him about leash laws and other issues at Whites Creek and Galena Parks and noted they were working with Parks staff to address changes.

Commissioner Lucey stated upcoming meetings included the Board of County Commissioners Strategic Plan Workshop on January 26 at the Red Hawk Events Center, the District Board of Health on January 27, and the Nevada Association of Counties (NACO) on January 28, where he would be inducted as President of the Board. He commended Chair Hartung for continuing to serve as Chair of the Western Regional Water Commission and said he deserved to be Chair as a subject matter expert of water.

Chair Hartung congratulated Commissioner Lucey for his appointment as President of the NACO Board and acknowledged he also served as leadership on the National Association of Counties Board of Transportation.

Chair Hartung reminded the public that the Washoe County Commissioners did not have a mask mandate but they followed the Governor's mandate. He added that vaccine passports were not in the purview of the Board.

Commissioner Lucey asked for a future agenda item to be an update on the lands bill. He said discussions had taken place with all entities involved and noted Senator Jacky Rosen would be meeting with him. He indicated they met with the Senator's staff the previous week to discuss the lands bill process and anticipated potential draft language and understanding towards the end of February. He noted Government Affairs Liaison, Jamie Rodriguez was assisting him and would continue to work on the issue and bring information back to the Board once they had the draft language.

Chair Hartung asked staff to provide information about the Ambrose Dam and what entity had control over it.

Commissioner Lucey announced it was the longest sitting Commissioner's birthday and wished Commissioner Jung a happy birthday.

22-0056 **AGENDA ITEM 5** Appearance and presentation by Rod Schilling, P.E., PTOE, Nevada Department of Transportation, Chief Traffic Operations Engineer, regarding the potential removal and status update of the advance signal warning system projects along Mt. Rose Highway (SR-431) and Pyramid Highway (SR-445).

Chair Hartung thanked Nevada Department of Transportation (NDOT), Chief Traffic Operations Engineer Rod Schilling for coming and noted Mr. Schilling would be at the Spanish Springs Community Advisory Board. Chair Hartung expressed concern about many things NDOT did and wanted Mr. Schilling and Deputy Director Cole Mortensen to tour Pyramid Highway and share his experiences of the past 35 years that NDOT was involved with it.

Mr. Schilling conducted a PowerPoint presentation and reviewed slides with the following titles: Advanced Signal Warning System; Considerations for ASWS Use; ASWS; ASWS Changes; Reno-Sparks Area; Sparks Area; Reno Area; Project Schedule; Project Update; Decommissioning Plan Stages; UNR Traffic Study; Project Overview; and Stay Connected.

Commissioner Jung asked about the differences in customs of drivers in different parts of the State and roads that NDOT was responsible for the safety of, along with proper traffic engineering. She wondered whether that was taken into consideration when looking specifically at the advanced signal warning system (ASWS). Mr. Schilling replied that every signalized intersection, even specific to Pyramid Highway and Mt. Rose Highway, was taken into consideration and understood it was not any different than any signalized corridor that was adjacent to it. He pointed out that the same functional classification of that roadway was similar to McCarran, Vista, and Sparks Boulevards. He asked how motorists drove those corridors differently than they would Pyramid Highway.

Commissioner Jung mentioned speeds being different but she expected ASWS on NDOT roads. She thought more data should be collected to ensure the safety of the roads with the ASWS being removed. She would concede to make the proposed changes as long as data did not indicate it was more dangerous. She believed the ASWS were one of the best benefits of Northern Nevada.

Vice Chair Hill wondered why these ASWS were currently in place since other roads in the area did not have them. Mr. Schilling said it followed decades old guidance and stated they were complying with the most current national guidelines.

Vice Chair Hill questioned the guidelines on other roads and wondered whether they were in place. Mr. Schilling stated they were in place with other roadways and they were complying with them and making similar modifications statewide. These were the last two corridors to be updated with the guidelines as all other changes had been made.

Commissioner Lucey spoke about the unique geography in the area and the challenges with a constant flow of traffic. He asserted traffic in the community had its peak commute times but experienced a steady flow through the off hours also. He mentioned the two corridors in question, the Mt. Rose and Pyramid Highways, had a blend of traffic including industrial and commercial truck traffic and he believed a habit had been created by drivers. He opined the cost to update these guidelines was creating a solution to a problem that did not exist. He thought drivers were used to driving with the ASWS and was concerned about them being removed without another safety plan in place and wondered whether new driving habits created without the ASWS would be positive or negative. He stated potential future improvements were planned for both corridors but were much further into the future. He thought this could create a destructive mode by not having enough safety features. He understood these changes had been positive in other areas but thought money could be spent better on other safety measures. Mr. Schilling indicated they took local environments into consideration and felt confident that safety was still their main focus. A recent study showed drivers sped up when ASWS lights flashed and stated drivers needed to focus on the signal and not the ASWS.

Commissioner Lucey felt there had not been enough coordination related to specific intersections, off-ramps, and areas in the community. He believed there were errors that needed to be addressed and said a number of areas were thought to be planned well enough but were found not to be as successful as they had anticipated. He hoped what was being done currently with NDOT's plans considered that the County would continue to evaluate the areas after removal of the ASWS. Mr. Schilling stated NDOT was performing post-studies on Mt. Rose and Pyramid Highways and would be conducting one-year and three-year safety studies. He assured they would continue to observe the areas.

Commissioner Lucey asked whether the ASWS lights could be removed while the signs remained in place, and if the changes were not achieving necessary goals the lights could be reinstalled. Mr. Schilling explained that was part of a phased approach and the beacons would be decommissioned for 30-days and observed. Once that 30-day phase was completed they would remove them and continue to observe activity.

Chair Hartung wondered whether the ASWS going southbound at Pyramid Highway and Disc Drive would remain functional. Mr. Schilling indicated it was going to be removed. He noted it met the criteria for removal as the sight distance was ample. The northbound ASWS for that intersection would be adjusted.

Chair Hartung expressed concern about the pit in the valley known as the Martin Marrietta Ridge, stating the road base that came out of that pit was the highest quality base and set the standard for the measurement of road base. He asserted the loaded trucks came from the pit onto an acceleration lane to Calle de la Plata and noted he was

trying to get the lane extended down to where the highway turned into four lanes. He wondered about safety issues in that area, asking about widening that stretch of highway. He wanted to know the number of accidents on Pyramid Highway that had been caused by the ASWS in the past 25 years the signals had been in place. He believed the information did not exist because he had asked for it many times previously and had not received it. Mr. Schilling stated accident reports would not indicate a specific reason such as ASWS as a cause for vehicle related crashes. He noted there were no accidents or near accidents recorded during the traffic study conducted at Calle de la Plata but said they would continue to observe the area.

Chair Hartung asked about the timing for a yellow light at Calle de la Plata. Mr. Schilling remarked he did not know the exact time but it was the standard time that all signals remained yellow. Chair Hartung mentioned a little girl was killed many years before on Pyramid Highway and the Governor at the time reduced the speed limit from 55 to 45 miles per hour through the center of Spanish Springs. Then a few years ago NDOT changed the speed back to 55 without any notice to the County, because 86 percent of drivers were traveling above 55 miles per hour on that road. He feared the safety on Pyramid Highway would create a more dangerous situation. He suggested widening the highway to make it safer.

Chair Hartung stated they could not stop the trucks coming from the pit because the materials they trucked were necessary and noted the truck drivers relied on the ASWS to gauge breaking for signals. Mr. Schilling referred to the volume of trucks that travel Pyramid Highway and took that into consideration with the studies, noting the volume was low at only four percent of traffic along that corridor. He asserted it was the responsibility of the driver to operate their vehicle appropriately.

Chair Hartung mentioned a letter was received from fire services related to signals recognizing sirens to change the signal to red but said if the emergency vehicles were only running with red lights flashing it would not activate. He agreed that four percent of traffic was trucks but asserted that was still a large volume of traffic. He pled with NDOT to consider the traffic and leave the ASWS on Pyramid Highway at Disc Drive. Mr. Schilling said he would get with his team to verify the field checklist for that specific intersection. He added they were conducting a statewide speed management plan.

Mr. Mortensen pointed out NDOT was focusing on driver behavior and ways to make the roads a safer environment. He believed transport trucks should be operated at the ability of the driver and the ability of the vehicle to stop in an appropriate amount of time. The signals were not timed for those trucks and he said they were trying to take away the behavior of reliance on the ASWS because it created more of a danger to drivers. Safety was incumbent upon NDOT to design to comply with the national standards and standards accepted by related agencies. He asserted when the national standards were not being followed it became a liability and could put the state in the position of liability. He mentioned these standards needed to be kept in mind when engineers were designing the systems.

Chair Hartung expressed concern that Spanish Springs residents were frustrated with the removal of the ASWS.

There was no action or public comment on this item.

22-0057 **AGENDA ITEM 6** Presentation and discussion by Gabrielle Enfield, Community Reinvestment Manager, regarding a status update for the State and Local Fiscal Recovery Fund (SLFRF) grant (\$91,587,038) awarded to Washoe County pursuant to the American Rescue Plan Act of 2021 (ARPA). Manager’s Office. (All Commission Districts.)

Community Reinvestment Manager Gabrielle Enfield conducted a PowerPoint presentation and reviewed slides with the following titles: ARPA Final Rule – Key Highlights; Washoe ARPA Projects; Washoe ARPA Status Update; and Washoe ARPA Projects Quarterly Report #1.

Ms. Enfield stated the final rules came through from the Legislature two weeks previously and she had been participating in webinars with Treasury and the Nevada Association of Counties about specific guidance, and continued through the 400-page guidelines to obtain the needed information about eligibility. She noted more details would be discussed during the Strategic Planning meeting the following day. She introduced the new Grants and Community Program Analyst Carissa Bradley.

Ms. Bradley expressed excitement about working with the Community Reinvestment Program and looked forward to meeting and working with the Commissioners. Ms. Enfield stated Ms. Bradley would be assisting with developing the community grant process oversight, providing assistance to grantees, along with implementing internal County projects.

Ms. Enfield said the first quarterly report by project was due to Treasury by the end of January. It would be reporting for all 23 projects allocated prior to the end of December, as well as the administrative costs. She noted detailed financial reporting was required for budget expenditures and allocations and would be reported on Washoe County’s ARPA website for the public. The next report at the end of April would include any programmatic data fields and would also be available to the public.

Vice Chair Hill looked forward to discussion of the next 49 percent of funding and future investments in the community.

There was no action or public comment on this item.

CONSENT AGENDA ITEMS – 7A THROUGH 7F3

22-0058 **7A1** Approval of minutes for the Board of County Commissioner's regular meeting of December 14, 2021. Clerk. (All Commission Districts.)

- 22-0059** **7B1** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2020/2021 and 2021/2022 secured tax roll 2) authorize Chair to execute the changes described in Exhibit A and 3) direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$327.31]. Assessor. (Commission Districts 3, 4, 5.)
- 22-0060** **7C1** Recommendation to: 1) approve Fiscal Year 2023 Street and Highway Program Interlocal Cooperative Agreement between Washoe County, the City of Reno and the Regional Transportation Commission (RTC); and 2) approve the Fiscal Year 2023 Street and Highway Program Interlocal Cooperative Agreement between Washoe County, the City of Sparks and the RTC; for the approval of the RTC's Fiscal Year 2023 Program of Projects that were identified and approved in the RTC Fiscal Year 2023 Regional Transportation Plan Update. Community Services. (All Commission Districts.)
- 22-0061** **7D1** Recommendation that the Board of County Commissioners review and acknowledge receipt of the Washoe County Law Library Annual Report 2021. District Court. (All Commission Districts.)
- 22-0062** **7D2** Recommendation to reappoint one attorney member and one non-attorney member to the Law Library Board of Trustees. It is recommended that Patricia Halstead serve as an attorney member for a two-year term expiring on January 31, 2024, and Cortney Young serve as a non-attorney member for a two-year term expiring January 31, 2024. Candidates will satisfy the attorney position and non-attorney position required for the Law Library Board of Trustees. District Court. (All Commission Districts.)
- 22-0063** **7E1** Recommendation to acknowledge a [\$10,220] cross-functional appropriation transfer from General Government to Public Works within the General Fund as allowed per NRS 354.5989005(5)(b); net fiscal impact [\$-0-]. Acknowledgement of this cross-functional appropriation transfer will align budget authority for Fiscal Year 2022 (FY22) for incurred, or anticipated to be incurred, expenditures for the Cold Springs Community Center, as already approved via separate action on December 14, 2021, Item #10.J.2. All adjustments are within the Washoe County existing approved FY22 budget. Manager's Office. (Commission District 5.)
- 22-0064** **7E2** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$35,000] for Fiscal Year 2021-2022; District 5 Commissioner Jeanne Herman recommends a [\$2,500] grant to Rebuilding Together Northern Nevada -- a nonprofit organization created for charitable, religious, or educational purposes -- to

fill the gap in services that provide critical home repairs needed by homeowners of modest means; and a [\$10,000] grant to The Salvation Army -- a nonprofit organization created for charitable, religious, or educational purposes -- to support its human trafficking survivor program; and a [\$10,000] grant to Veteran's Guest House -- a nonprofit organization created for charitable, religious, or educational purposes -- to support its mission of providing U.S. military service veterans and their families with caring support during times of medical need; and a [\$2,500] grant to Veterans Upward Bound Program at Truckee Meadows Community College -- a nonprofit organization created for charitable, religious, or educational purposes -- for the purpose of supporting educational and career success for U.S. military veterans; and a [\$5,000] grant to the Adopt A Vet Dental Program -- a nonprofit organization created for charitable, religious, or educational purposes -- to provide free critical and life-saving dental care to impoverished veterans in Nevada; and a [\$5,000] grant to the VA Sierra Nevada Health Care System, Mental Health program, -- a nonprofit organization created for charitable, religious, or educational purposes -- to support the Veterans Crisis Line for the purpose of providing suicide prevention mental health services to U.S. military veterans; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager's Office. (Commission District 5.)

- 22-0065** **7F1** Recommendation to approve net-zero cross-fund budget appropriation transfers [total \$1,930,700.00] from the Capital Improvement Fund to the Indigent Fund and Homelessness Fund and direct the Comptroller's Office to make the necessary budget appropriation transfers (net impact to the County budget is zero). Human Services Agency. (All Commission Districts.)
- 22-0066** **7F2** Recommendation to accept a FY22 Federal Title IV-B1 sub-grant award from the State of Nevada Department of Health and Human Services, Division of Child and Family Services (DCFS) in the amount of [\$62,004; \$20,668 county match] retroactive from July 1, 2021 to June 30, 2022 to improve outcomes for children and families involved with Washoe County Human Services Agency; authorize the Director of the Human Services Agency to retroactively execute the grant and related documents; and direct the Comptroller's office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 22-0067** **7F3** Recommendation to accept a second Continuum of Care - Permanent Supportive Housing 2 Program Grant from the United States Department of Housing and Urban Development (HUD), in the amount of [\$119,714; \$29,929 county match] to provide housing and supportive services for homeless families retroactive for the period January 1, 2022 through December 31, 2022; authorize the Director of the Human Services Agency

to execute the agreement; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

Commissioner Lucey commented that Commissioner Herman was using \$35,000 of her discretionary funds to assist Rebuilding Together Northern Nevada; the Salvation Army; the Veterans Guest House; Veterans Upward Bound Program at Truckee Meadows Community College; Adopt a Vet Dental Program; and the VA Sierra Nevada Health Care System, Mental Health program. He thanked Commissioner Herman for her continued involvement and donations to community programs.

Ms. Heather Borkowski introduced herself as the Assistant Executive Director for the Adopt a Vet Dental Program in Reno. The program provided free dental care to qualified veterans in the community. She thanked Commissioner Herman for her generous grant and said it would bring smiles back to veterans and provide for a better future.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Consent Agenda Items 7A through 7F3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 7A through 7F3 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 9, 11, 12, 13, 15, 17, AND 18

22-0068 **AGENDA ITEM 9** Recommendation to award the base bid only to the lowest responsive, responsible bidder for the Bowers Mansion Pool Replaster/Remodel Project [staff recommends Western Water Features, Inc. in the amount of \$1,108,696.00]. This project includes a complete replaster of the pool, the conversion of a wading pool into a children's splash pad as well as ADA (Americans with Disabilities Act) ramp and other necessary improvements. Community Services. (Commission District 2.).

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Vice Chair Hill, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 9 be awarded.

22-0069 **AGENDA ITEM 11** Recommendation to accept the Continuum of Care - Permanent Support Housing Program Grant from the United States Department of Housing and Urban Development (HUD), in the amount of [\$106,524; \$26,631 county match] to provide housing and supportive services for homeless families retroactive for the period of September 1, 2021 through August 31, 2022; authorize the Director of the Human Services Agency to retroactively execute the grant agreement; and direct

the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Vice Chair Hill, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 11 be accepted, authorized, and directed.

22-0070 **AGENDA ITEM 12** Recommendation to: (1) approve Amendment #7 to the contract currently awarded to Reno Initiative for Shelter and Equality (RISE) (awarded Request for Proposal (RFP) #3130-20) for Facility Operator of Our Place Women and Family Shelter on the Our Place campus, authorizing a one-time payment of [\$350,000] immediately upon execution of this Amendment in support of the retention and recruitment of shelter staff and increased expenses due to inflation as a result of the COVID pandemic for a total not to exceed [\$2,650,000] retroactive for the period of July 1, 2021 through June 30, 2022; (2) authorize the Purchasing and Contracts Manager to execute the amendment; and if approved, (3) direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

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

22-0071 **AGENDA ITEM 13** Recommendation to approve Amendment #5 to the contract currently awarded to Elixir North America dba Valley Services, Inc. for Senior Nutrition Services, which (a) authorizes an increase to the meal rate for Frozen Home Delivered Meals; (b) increases the total contract amount up to [\$2,265,007.00] retroactive for the term of January 1, 2022 through September 30, 2022; (c) increases the total contract amount up to [\$2,328,109.00] for the term of October 1, 2022 through September 30, 2023; and if approved, authorize the Purchasing and Contracts Manager to execute the Amendment and revise the Purchase Order. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

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

22-0072 **AGENDA ITEM 15** Recommendation to accept FFY21 Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management (NDEM) awarding [\$253,502.00 (\$253,502.00 County match required)] for FFY 2021 including funds to be used for travel; retroactive from October 1, 2020 through September 30, 2022; If approved authorize the County Manager or his designee to sign the grant award documents when received. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Vice Chair Hill, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 15 be accepted, approved, and authorized.

22-0073 **AGENDA ITEM 17** Recommendation to approve the use of General Fund Contingency in the amount of [\$335,000] to increase expenditure authority for Interpreter Services [\$8,800] and Expert Witness Fees [\$326,200] to the Public Defender's Office for fiscal year 2022, to support reasonable and necessary costs to meet minimum Due Process rights in the Guzman Trial, in accordance with Nevada Revised Statute (NRS) 354.598005; and direct the Comptroller to make the appropriate budget amendments. [Total fiscal year 2022 impact \$335,000; net fiscal impact \$-0-]. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

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

22-0074 **AGENDA ITEM 18** Request by the County Manager, through the Washoe County Clerk, and pursuant to Washoe County Code ("WCC") 3.030, to initiate an amendment to Washoe County Code Chapter 5 - (Administration and Personnel, Section 5.490 et. seq.- Office of the Public Guardian, Retention of Attorney) and to direct the County Clerk to submit the request to the District Attorney's Office for preparation of a proposed ordinance in accordance with WCC 2.040. The proposed amendment would add a new section 5.491 to approve the public guardian to obtain assistance from the District Attorney's Office in the administration of guardianship cases pursuant to NRS 253.215. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Vice Chair Hill, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 18 be approved and directed.

22-0075 **AGENDA ITEM 8** Recommendation and possible action to appoint Linda Jacobs as Washoe County Treasurer pursuant to NRS 245.170(1)(b) to serve the remainder of the unexpired term of Washoe County Treasurer Tammi Davis, effective February 28, 2022. Manager's Office. (All Commission Districts.)

Washoe County Treasurer Tammi Davis stated she was preparing for retirement. She noted her intention was to serve her complete term but explained that family medical issues had led her to an early retirement and February 28 would end her 24-year career in the Treasurer's Office; 12 of those years she served as the Treasurer. She said her first large project was to make property tax information available online, then she worked to implement online payments for residents. She led the implementation of the Assembly Bill 489 tax cap and abatement laws, and transitioned the office to a modern property tax software system. She mentioned much had changed in her tenure, but said her amazing team remained dedicated and committed to providing excellent customer service and she was honored to serve alongside each of them. She felt privileged to serve with County Manager Eric Brown and the entire Washoe County staff, noting it was a highlight in her career. The main focus was to maintain continuity for day-to-day operations along with any special projects the department was tasked with. She expressed the best way to ensure the continuity was to appoint someone who was familiar with the office and operations. She recommended to appoint Linda Jacobs to fulfill the remainder of her term. She mentioned Ms. Jacobs had been with the Treasurer's Office nearly as long as she had, more than 23 years serving in all areas and in various capacities and knew the office from top to bottom. She stated Ms. Jacobs had been a valued part of the administration team for more than six years and interacted regularly with other departments, agencies, and citizens. Ms. Davis stated Ms. Jacobs was well respected and would provide the consistent leadership needed for a smooth operation until a new Treasurer was elected.

Chair Hartung thanked Ms. Davis for her service to the citizens of Washoe County. He asserted she had solved many problems, collaborated with every department, and he had never heard her say something could not be done. He stated she would be truly missed in this organization and reveled in the fact that when he called her, she always had the answers. He expressed support of her recommendation to appoint Ms. Jacobs.

Commissioner Lucey said Ms. Davis had shown her continued support to the Treasurer's Office and the County's citizens by leading tax collection and managing the finances of Washoe County. He shared how much he learned from her in a short period of time. He said Ms. Davis' support and dedication showed her commitment to this position and said it was with great reservation to accept her resignation, but he knew she was needed elsewhere. He believed she was leaving the office in good hands with Ms. Jacobs and wished her the best in retirement.

Vice Chair Hill thanked Ms. Davis for her incredible work with Washoe County and for her service. She believed Ms. Jacobs would be a great bridge for the next person coming in.

Commissioner Jung stated she always trusted Ms. Davis and believed she kept the County's best interests in mind. She said Ms. Davis' attention to detail and capability were never an issue. She wished her the best in retirement and said there were many non-profit boards that would be lucky to have her if she chose to come back.

Ms. Jacobs stated she was thankful for the confidence and trust Ms. Davis had in her and looked forward to stepping into the new role and leading the team. She remarked that Ms. Davis was a great boss and friend and would be missed by her entire department.

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Chair Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Linda Jacobs be appointed to Treasurer on the retirement of Tammi Davis, pursuant to NRS 245.170(1)(B).

22-0076

AGENDA ITEM 10 Recommendation and possible action to approve:

(A) Execution of "Subdivision Settlement Participation Forms" and releases pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon for participation in settlements with: (1) the State of Nevada and opioids distributor defendants AmerisourceBergen Drug Corporation, Cardinal Health, and McKesson as listed in Exhibit C to the One Nevada Agreement, and (2) the State of Nevada and opioid manufacturer defendant Janssen/Johnson & Johnson as listed in Exhibit C to the One Nevada Agreement;

and

(B) Execution of an "Amendment No. 1 to One Nevada Agreement on Allocation of Opioid Recoveries" regarding a reduction in attorney's fees to the One Nevada Agreement for purposes of these two settlements only.

An exact net amount to the county is not determined at this time, but it is expected that the settlement will result in an approximate gross payment from the defendants to the State of Nevada in an amount of \$285,000,000 and that the county's net payout from that amount will be determined according to the provisions of the One Nevada Agreement on Allocation of Opioid Recoveries approved by the Board in July 2021. District Attorney. (All Commission Districts.)

Assistant District Attorney Michael Large stated this was a continuation of the One Nevada Agreement and proposed settlement between the State of Nevada, the three major distributors of opioid drugs, and Johnson and Johnson. He noted the settlement was

in the amount of \$285 million for the State and the approximate amount for Washoe County was difficult to determine because of a number of factors based on how the funds were to be distributed including attorney's fees and costs, and federal Medicare payments that would be taken from the top. Staff and outside legal counsel recommended this item be approved. He explained many of the pending cases against the distributors had issues. The three distributors and Johnson and Johnson reached an agreement and it was believed to be in the best interest of Washoe County.

Chair Hartung asked when the settlement funds were distributed to Washoe County would there be restrictions on how the money was spent. Mr. Large stated the intent of the agreement was for funds to be used for opioid treatment and to remedy the issues. He indicated specific language would be included in the agreement related to where the money would be allocated.

Commissioner Jung expressed concern that plaintiffs could be from the Cities of Reno and Sparks. Mr. Large stated this was a universal settlement and would include the Cities of Las Vegas, Elko, Reno, Sparks, and many other political subdivision cities, although he did not believe the General Improvement Districts were participating in the litigation.

Commissioner Jung thought the Board needed to discuss allocated funds for Washoe County to cover homeless services since that population had a high rate of correlation between opioids, prescription pills, and heroin use, and the County was the regional provider of homelessness. She thanked Mr. Large for being on top of this issue.

Commissioner Lucey asked how the final settlement number in the staff report was anticipated. Mr. Large explained the attorney fees and costs came off the total and would have to be calculated. He noted this was a settlement with only four of the defendants and there were at least another 60 defendants, including major manufacturers. He said they would have to apportion the legal fees and costs associated with this litigation. He was unsure when the federal numbers for Medicare would be submitted. Structured payment from Johnson and Johnson would be paid immediately and the other structured payments for the settlement would be paid over a number of years.

Commissioner Lucey understood the County did not know when funds would be distributed or the total dollar amount. Mr. Large agreed and said a substantial amount more could be coming in based on the outcome of the other defendants' cases and settlements.

Commissioner Lucey thought a fund had not been established yet to hold the funds until they were disbursed. He also noted the amounts requested by programs may not balance with the actual funds received. County Manager Eric Brown stated to his knowledge a fund had not yet been established and agreed that needed to be done.

Commissioner Lucey asked for an item to be placed on an agenda to discuss where collected settlement funds would be kept prior to disbursement.

Chair Hartung asserted the initial opioid issue had created other issues in the community that would not be funded by the settlements. He agreed an item needed to be on an agenda for further discussion.

Commissioner Jung added that as well as a fund being established, she thought details of funds going into the account and where the funds were spent should be available for staff and the public to review.

There was no response to the call for public comment on this item.

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

22-0077 **AGENDA ITEM 14** Introduction and first reading of an ordinance amending Washoe County Code Chapter 45 relating to the Washoe County Human Services Agency and Washoe County Sheriff's Office by removing and amending provisions relating to the work permit and background requirements for child-care employees to align with Federal and State background check requirements; and if supported, set the public hearing for second reading and possible adoption of the ordinance on February 8, 2022. Human Services Agency. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against item.

Director of Human Services Agency (HSA) Amber Howell stated the proposed item was a small change to Washoe County Code 45. She said all childcare providers were required to have a background check, which consisted of obtaining a work permit; federal, local, and state checks; and a state sex offender registry. The change would require a national sex offender registry check to ensure there were no charges from any other states and would eliminate the requirement for a work permit. She stated they received waivers for many years based on technical difficulties with communication between agencies and states. She said an agreement was created with the Washoe County Sheriff's Office to run the required checks, which included a cost reduction from \$75 to \$62. This change would allow HSA to be compliant for federal funding and noted Nevada would be the third state to implement this change.

Chair Hartung stated the staff report was filled with acronyms and asked for future reports to spell out the agencies specifically.

Janis Galassini, County Clerk, read the title for Bill No. 1870.

Vice Chair Hill expressed excitement about the change and hoped it would create additional childcare services in the region. She spoke about the work Ms. Howell had been doing in Incline Village and Crystal Bay to resolve childcare issues which had

been occurring. She hoped the Board could support this and other similar initiatives to assist working families to move forward.

Commissioner Jung thanked Ms. Howell for streamlining this issue and keeping children safe.

There was no response to the call for public comment on this item.

Bill No. 1870 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

22-0078 **AGENDA ITEM 16** Recommendation to: (1) approve the use of General Fund Contingency in the total amount of [\$1,600,000] for fiscal year 2022 in accordance with Nevada Revised Statute (NRS) 354.598005 to (a) increase expenditure and transfer authority to the Registrar of Voter's Department in the amount of \$1,164,000 for election related personnel and expenses, and (b) to the Capital Improvement Fund in the amount of \$436,000, including \$50,000 in contingency, for a space reconfiguration project to accommodate the needs of Registrar of Voter's Office for the upcoming mail-in election; and (2) approve the creation of two new full-time Office Assistant II positions, pay grade E; as reviewed and evaluated by the Job Evaluation Committee (JEC); and 3) authorize Human Resources to make the necessary changes and 4) direct the Comptroller to make the appropriate budget amendments. [Total fiscal year 2022 impact \$1,600,000; net fiscal impact \$-0-]. Manager's Office. (All Commission Districts.)

Chair Hartung indicated a presentation was not necessary.

There was no response to the call for public comment.

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

22-0079 **AGENDA ITEM 19** Introduction and first reading of an ordinance to amend Washoe County Code section 5.465 to abolish the office of constable in Incline Village - Crystal Bay, based on a determination that the office is no longer necessary in accordance with NRS 258.010; and set the second reading and public hearing for possible adoption on February 8, 2022. Manager's Office. (Commission District 1.)

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

County Manager Eric Brown read the title.

Janis Galassini, County Clerk, provided the Board with Bill No. 1871.

Government Affairs Liaison Jamie Rodriguez indicated this was a first reading to abolish the Office of the Constable in Incline Village. She referred to Nevada Revised Statute 258.010 and stated the abolishment of the office would not occur until the end of the Constable's term on January 2, 2023. She noted the timeline would restrict applicants from filing to run for the position at the next election. She noted the budget for the Constable's Office would continue into the next fiscal year and there would not be a second action required if approved for a budget augmentation based on her conversations with the budget team. The following years budget would assess half of the Constable's budget to the Constable to cover the period of July through the end of December 2022 and the other half to the Sheriff's Office to cover January to June 2023.

Sheriff Captain Corey Solferino stated after a December Board of County Commissioners' meeting the executive team was asked to research coverage by the Sheriff's Office in the event the Constable's position was dissolved. He met with Judge Alan Tiras to discuss the position but unfortunately Constable Keller was ill and not able to meet with him. He explained he looked at the statutory responsibilities of the Office of the Constable and whether the Sheriff's Office would be willing to supplement the office with a full-time Deputy Sheriff. He noted the responsibilities of the Office of the Constable consisted of a hybrid position between a civil deputy serving civil process and a bailiff. He stated they had positions in the valley and had a plan in place to take over those services. He sympathized with courts, as there was substantial institutional knowledge that would vacate that office but said the Sheriff's Office was ready and willing to step in and provide the necessary services. He had the opportunity to attend community forums and Community Advisory Board meetings to answer questions regarding the public's concern about the abolishment of the position. He was unsure whether the Sheriff's Office would enhance the services but said they had more resources at their disposal.

Chair Hartung said he read the brief and all the letters and mentioned the court being in session three times per week. He wondered whether the bailiff had specific jobs to do during other non-court days. Captain Solferino stated that was a topic they had discussed and stated some probation cases were active in the area and that position could supplement the monitoring of those individuals. He said they were also looking for a liaison for the Incline Village area. From his experience at the Second Judicial Court, he knew the court would go dark and had blank calendars, so assets were placed in other positions to increase protection. He thought this change would allow Washoe County to be better ambassadors in the community with additional assets provided by the Sheriff's Office. He mentioned the community had concerns about the recent public safety grant award from the Dave and Cheryl Duffield Foundation being used to source the court. He assured the resources would not be pulled from the Duffield Foundation to provide court coverage.

Chair Hartung spoke about the growth in Incline Village and said increased law enforcement would be necessary.

Commissioner Lucey wondered about the number of staff in Incline Village prior to Captain Solferino's appointment there. Captain Solferino stated from 2008 the area was treated as a beat with two officers and an additional Sergeant if one was on shift. Captain Solferino indicated since he was appointed to the area staff had increased to 11 officers. Commissioner Lucey understood from conversations with the Department of Alternative Sentencing that Chief Justin Roper had officers monitoring Pre-Trial and Post-Adjudication cases, and Captain Solferino had worked with him on a current plan. Captain Solferino said they had spoken about the implementation and integration of the changes and noted they were prepared.

Commissioner Lucey asked whether the Constable's Office had its own budget and managed its own staffing, operations, and expenses. Ms. Rodriguez replied they did have a budget separate from the Incline Village Justice Court.

Commissioner Lucey thought the current Constable's Office was not involved in community policing. Captain Solferino stated that was correct. Commissioner Lucey understood the Constable's Office was originally established to perform duties of the Courts and policing of the community but in current years that had ceased. Captain Solferino stated Southern Nevada still had some constables but they were mostly phased out in the North.

Commissioner Lucey asked whether the Sheriff's Office deputies supported most of the execution of documents in the valley including court orders and eviction notices. Captain Solferino confirmed they did.

Vice Chair Hill wondered whether the budget would need to be amended within the Incline Village Court budget. Ms. Rodriguez explained the implementation of the changes would be in the next fiscal year. If the changes were approved, necessary adjustments would be made to the overall budget for approval. The Constable's Office had its own budget that would serve for half of the fiscal year and the other half of the budget would go to the Sheriff's Office to cover January through June of the fiscal year. Vice Chair Hill asked about the Sheriff's Office staff report indicating an increased cost for next fiscal year. Captain Solferino stated it would depend on the person selected for the position for the next budget year. He noted officers received different pay depending on rank and stated there was no special assignment pay with this position. However, with some of the benefits and incentive pay he believed there would be approximately an additional \$3,000 difference to the current constable budget. Vice Chair Hill asked Captain Solferino to ensure the community was aware of any additional costs for changes in the budget. She thought more services would be provided with the change but stated she could not support the item with the lack of information provided for the long-term plan.

Chair Hartung wondered whether any other constable positions were held in Washoe County. Captain Solferino stated the other positions held were merged into the Reno and Sparks Justice Courts in 1998. Henderson, Nevada still had Constable Offices and had much higher caseloads than Incline Village. Chair Hartung believed the caseload was based on population. He spoke about an increase of \$3,000 to the budget but thought

the benefit of having an officer for two additional days per week in the community was worth the money. He thought more time could be spent in the community when court volumes were lower. Captain Solferino indicated there would be plenty of work for them to do in the community.

On the call for public comment Judge Alan Tiras stated they relied heavily on the Constable and had a close working relationship with the Constable's Office. The Constable's Office had provided services to the community since 1980. In 1998, when other constable positions were eliminated, the Incline Village Constable's Office remained. He said the services were different and exceeded those of other constables at the time. The closing of the office would be a breach of faith in the community of Incline Village and Crystal Bay. He asserted the importance of the office had not diminished over the years and was as important currently as it always had been. He spoke about a letter he sent to each of the Commissioners including an analysis of the proposal based on the representations made when the agenda item was initially approved on December 14, 2021. He noted certain efficiencies and service enhancements would not be provided by the elimination of the office. Despite several requests, he indicated the analysis supporting this matter had not been provided. He believed certain functions of the Constable's Office had not been addressed in the staff report and thought the personnel requirements were underestimated to conduct as status quo. Upon conducting his own analysis, he determined the actual costs would be an additional \$95,000 annually. He noted additional positions for Justice Support Specialists were not accounted for in the proposed budget. He indicated the current Constable had been providing critical support for more than 25 years and thought the institutional knowledge could not be overstated and an officer would not provide the same expertise as the office currently did. He asserted status quo was not an enhancement of services. He indicated the stakeholders in the community did not support the change and thought it would result in an increase of costs and reduction in services.

County Clerk Jan Galassini stated emails and documents were received from Beth and Jon Davidson, Ms. Karen Hovorka, Ms. Linda Smith, Ms. Sharon Schrage, Judge Tiras, Mr. Alan Christoffersen, Ms. Suzy Cornell, Ms. Patricia Moser Morris, Ms. Helen Neff, Ms. Nancy Carlson, Mr. Timothy D. Lyons, Ms. Jane A. Barnhart, Ms. Yolanda Knaak, and Mr. Doug Flaherty, which were placed on file.

Commissioner Lucey brought up a comment made about the population of the existing area in Henderson, Nevada, which currently had 317,610 people, saying that was just over the population of the entire City of Reno. He noted the population of Incline Village was 9,462 people and of that only 75 percent were full-time residents. He stated the number of current staff at the Constable's Office had not been confirmed and noted it was difficult to establish the number of staff needed based on a lack of information. He thought any increase of costs would be the burden of the Sheriff's Office to maintain services.

Chair Hartung brought up that Captain Solferino said the Constable was ill and he was not able to speak with him. Chair Hartung wondered about bailiff coverage when that officer was sick or on vacation. Captain Solferino noted Constable Keller was

ill when he tried to meet with him and said he had also been out of the office for the past 10 days with Covid-19. He stated the staff report reflected two deputies in Incline Village that bid a three-year position that were previously bailiffs in local courts. He indicated resources would be moved to accommodate illness and vacation but noted they would not necessarily be proficient in the daily duties of the court but would be able to fill in for bailiffs.

Commissioner Lucey stated he had conversations with Reno Justice Court and they would be able to assist with staffing for Judge Tiras when necessary to ensure court hearings continued as necessary.

Chair Hartung believed this was a robust service to Incline Village and was hopeful that Constable Keller would apply with the Sheriff's Office for that position. He noted service levels in 1998 differed from the current service levels in Incline Village. Captain Solferino indicated that in 1998 there were 17 officers but during the recession in 2008 resources were reallocated.

Bill No. 1871 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

22-0080 **AGENDA ITEM 20** Recommendation to acknowledge an update on the short-term rental program (STRs), to include discussion and possible direction to staff on recommended changes to existing short-term rental regulations within unincorporated Washoe County, and/or provide additional policy direction to staff regarding any other changes desired by the Board prior to bringing back specific ordinance amendments. The staff recommendations and potential policy direction from the Board include, but are not limited to, the following subjects: occupancy calculations (i.e. change in methodology recommended by staff), parking requirements, safety/security considerations, trash/garbage collection rules, insurance requirements, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals, and resolving possible discrepancies that may arise within existing Washoe County Code chapters as a result of any new recommendations. Community Services. (All Commission Districts.)

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Timeline; To Date Permitting Status; Overall Crystal Bay/Incline Map; STR Issued Permit Trends; Ownership Trends; Inspection Trends; and Program Revenues/Expenses.

Planner Manager Chad Eusinger continued the presentation and reviewed the following slides: Code Enforcement Update; Complaints by Type (HC); and Enforcement Case Summary.

Mr. Eusinger spoke about complaints and noted a complaint made would not necessarily result in a fine issued. He noted all complaints went through a hotline that was checked daily and the compliance officer followed up on every one of the cases. He indicated staff contacted the responsible party about each complaint and they had a certain timeframe to respond before fines would be assessed. He added that funds collected for fines went to the general fund and did not support the STR fund in any way.

Chair Hartung asked where the complaints were from and whether any were for Spanish Springs. Mr. Eusinger stated 96 percent of complaints were in Incline Village with a few in South Reno. He noted that no fines had been issued for parking and thought that could be handled at the homeowner's association level when applicable.

Chair Hartung questioned the process when fines were not paid. Mr. Eusinger replied that the timeline to pay outstanding fines had been shortened from 30 days to 14 days. An admission of guilt would be determined if not paid on time and the STR would have a strike placed against it, with a three-strikes rule applied. He indicated one property already had two strikes against it. He explained if an appeal was not filed against an infraction, it was considered an admission of guilt, payment of a fine was also an admission of guilt but there would be a 50 percent discount if paid on time. The remainder of the uncollected fines would be turned over to collections.

Chair Hartung asked whether the County had any legal rights to encumber a property if fines were not paid. Mr. Eusinger stated that was a legal question that came up recently and he informed staff that turning fines over to collections would be the chosen legal path.

Planning and Building Division Director Mojra Hauenstein continued the PowerPoint presentation and reviewed the following slides: Public and Agency Outreach; Outreach Summary; STR Resources; Proposed Occupancy Calculation; Condominium Occupancy; Single Family Dwelling Occupancy; Proposed Fees; Summary of Staff Recommended Fee Changes; Summary of Staff Code Amendment Recommendations; Tentative Timeline; and Possible Motion.

Chair Hartung asked about the proposed changes and wondered whether staff wanted the Board to approach them one-by-one or as a whole. Ms. Hauenstein replied staff was looking for general direction and would present specific language in the development code amendment at a future meeting. Chair Hartung admitted this would affect Districts 1 and 2 more than any other district.

Commissioner Lucey expressed concern about the percentage of applications that had received permits. He wondered whether an issue was due to the application process and wanted to know about the 40 percent of applications that were deemed non-responsive. Ms. Hauenstein indicated a permit was not issued until the property was fully compliant including inspections and all payments received. She admitted that for the first year of the program staff was running a bit behind. She stated property managers had streamlined the process by bundling the inspections and checking

the homes before staff went for inspections, and they were being processed faster as a result.

Commissioner Lucey asked about the communication with those STR property owners or managers. Ms. Hauenstein stated the assigned planner followed the permit from start to finish. Commissioner Lucey wondered whether the remaining 40 percent of applicants had been contacted. Ms. Hauenstein indicated staff knew who they were through Host Compliance and would be reaching out to them through code enforcement.

Commissioner Lucey said these properties had to be represented by a host if the owner was not in the area and wondered whether staff was dealing with the hosts. Ms. Hauenstein stated the ordinance required a local responsible party to be available for any complaints but did not require a host to be on site.

Commissioner Lucey spoke about frustrations people had related to the application process to obtain an STR permit. He wanted to ensure people who were applying for permits were able to get them. He asked about the County's process for a building inspection. Ms. Hauenstein stated the inspection consisted of basic life safety exiting, smoke/carbon dioxide detectors, emergency lights, and other basic items and noted the inspection lasted approximately 20 minutes. She noted it was different from a new construction building inspection. She indicated a two-page checklist was provided to property owners or managers so they would be prepared to pass the inspection. She stated the fire inspection was conducted on the outside of the home, as to not duplicate the work of the building inspector. She said fire would only make checks inside the home if it contained sprinklers or a monitor fire alarm.

In response to Commissioner Lucey's question, Ms. Hauenstein indicated none of the properties inspected would completely fail a building or fire inspection or fail to become compliant. She stated any property constructed properly should be able to be compliant.

Commissioner Lucey expressed frustration about beginning discussions of this ordinance, stating that Host Compliance would be a strong partner and he believed they had not met their anticipated responses. Ms. Hauenstein stated they hired Host Compliance in the beginning to determine who was advertising, noting acquiring the address connected to an advertised rental was not easy. She added the hotline component of Host Compliance was purchased for complaints only. She indicated they did not hire Host Compliance to conduct permitting, although they did have a module for that process which was not purchased due to staff determining the actual permitting could be done in-house. Commissioner Lucey asked whether Ms. Hauenstein thought it was cost effective or not. She replied more time was needed for a true evaluation, stating processing the initial permits was more costly than expected, but she also thought once the process moved to self-certification there would be no need for physical inspections.

Commissioner Lucey asked about generated income. Ms. Hauenstein referred to the graph on slide eight, noting the amount of revenue did not include the fees that were paid into the general fund and the proposed fee increases. Commissioner Lucey was concerned by the graph that the County was making money. Ms. Hauenstein explained the costs of \$93,933 were to date and the projected annual cost was close to the expected revenue. She noted fees would not be increased if there was enough money in the program but she said that would be left to the direction of the Board. She knew fire and building staff were currently spending more time with inspections but believed the program would be easier to administer the following year.

Commissioner Lucey asked about the process for fire inspections and the proposed extra hour of time needed to perform the inspection. North Lake Tahoe Fire Protection Fire Marshall Jennifer Donahue stated an intake process was required, noting she had been processing the intake for every application received. She mentioned a process had to occur to input the data into their program because they did not use Assela. Then they would reach out to each applicant to arrange for an inspection. She said they purchased software to allow applicants to go online to schedule their appointments. She indicated the physical inspection would include checking defensible space and required interior inspection of sprinkler systems or monitored fire alarms. She explained more time was spent on the front end of the inspections with data entry, purchasing new software, fielding questions, along with going out for physical inspections. She mentioned their website had a frequently asked questions section as well as an inspection checklist to prepare people for the inspection. She noted they had a small number of re-inspections due to defensible space issues that took longer than expected.

Commissioner Lucey asked about the cost of the scheduling software and whether it had the capacity to be a two-way program. Ms. Donahue indicated she could get the cost for him and stated the software was purely a scheduling piece. Commissioner Lucey thought it would be beneficial for the software to be utilized to respond back to applicants, provide information to the applicant related to required photos or documentation needed, or provide status updates for the process. Ms. Donahue stated she was unaware of the software capabilities beyond the scheduling aspect. She mentioned their inspection software had the capability to allow electronic submissions and could close out inspections. Commissioner Lucey requested Ms. Donahue take the request back to Chief Summers and provide a report about potential changes to the software that could be utilized. He thought the County could assist with upgrading their software but he needed more information.

Commissioner Lucey understood when the ordinance was drafted that a grace period of 12 months would be given prior to any fines being issued and thought more warnings would be issued. He wondered about the presentation showing fines had already been issued. Ms. Hauenstein commented the grace period was for three months, saying they did not pursue applicants who made good faith efforts to be compliant. She explained the first wave of applications was overwhelming and they could not keep up with issuing permits so they focused on larger homes that were causing more impact due to occupancy.

Commissioner Lucey wanted further discussion about software and technology to occur and potentially move the process to an online platform. He received comments and had discussions about the occupancy level and determining habitable space in condominiums and single-family dwellings which was challenging for him. He felt comfortable with the current occupancy levels and was unsure about the proposed increase, for example, a one-bedroom condominium that would increase occupancy to four people instead of three because of habitable space. He asked for Deputy Director of the Nevada Department of Wildlife Jack Robb to be invited to discuss the need for bear boxes in Incline Village locations.

Commissioner Lucey wanted to ensure permit fees were not overly burdensome and wondered how long one was valid. Ms. Hauenstein replied the first permit was for one year with the option of self-certification for three additional years, which was only available to participants with no violations or outstanding payments against the property. She asserted the fees would be lower for participants with no violations.

Commissioner Lucey knew when this was drafted that the first year would be different and he was hesitant to change fees until more data was acquired. He explained Incline Village was built as a resort community and most of the income came from the transient population of the community.

Commissioner Lucey addressed Robert Douglas of the Reno-Sparks Convention and Visitors Authority (RSCVA) related to the feedback from applicants. Mr. Douglas stated many homeowners thought the permitting process was cumbersome and fees were high. He said some homeowners had opted to not participate in STRs any longer due to the onerous process. He noted occupancy was an issue and said a homeowner he spoke with did not agree with the maximum but would comply.

Commissioner Lucey believed this item should continue with some changes but he wanted to table other proposed changes until more time had passed. He reminded staff that the intent of this was to provide clarification and guidance for STRs, not for the County to make money.

Chair Hartung asked about the number of permits when this was first proposed and believed there to be between 1,200 and 1,500 estimated. Mr. Eusinger stated the initial data from Host Compliance was approximately 1,200 listings and noted they were not 100 percent successful in identifying all the addresses, saying about 15 to 20 percent of listings were unable to be identified. He indicated the fees were based on issuing 500 permits which was why the revenue and expenses were inline. He stated listings had decreased to approximately 800 for the past two months and agreed that some people had decided to leave the market.

Chair Hartung thought smoke in the Tahoe basin could have detoured visitors to the area the past year. He agreed with Commissioner Lucey, believing it was not the appropriate time to increase fees. He felt the homeowners complying with the STR codes were bearing the burden of those trying to evade the permitting process.

Vice Chair Hill thought the difference of how many STRs actually existed compared to the number of permitted STRs was due to inaccurate numbers. She knew this was a difficult program to manage and said she was agreeable to items being part of a future evaluation. She wanted to ensure the planning staff were able to complete their other planning tasks and not spend all their time on STRs.

Vice Chair Hill wondered about an occupancy recommendation to divide multi-family condominium use and single-family homes and asked whether there was a recommendation for that action. Ms. Hauenstein stated they were trying to remain based in the life-safety codes that were used for fire and international codes and said they did not have enough basis to treat a home occupancy differently than a condominium. She indicated there was not enough language in the code to do that and wanted to rely on the current life-safety codes in place as protection.

Vice Chair Hill said constituents were concerned about increasing the occupancy in single-family homes and thought that would open the door for more people to be in the STR but noted the parking restrictions would need to be met. She agreed it was a rough summer with the fires and thought any evaluation would not be to its full extent since it was August before people were able to enjoy Lake Tahoe. She wondered whether another year was needed to evaluate the program before changes were made. Ms. Hauenstein suggested changes be made to the occupancy, notarized affidavits, trash, and parking language before the renewal process started in May. She thought fees and other changes considered during this discussion could wait until a full year with the program had passed, saying it should be at least August before any of those changes were reconsidered.

Vice Chair Hill agreed the minor changes should be made and thought having a fireless summer to fully understand the program and its impacts on the community was needed. She asked about the requirement of a special use permit for more than 20 people in an STR and wondered whether this use should be considered as part of this program. Ms. Hauenstein stated it was up to the Board to make that determination to allow or prohibit the use and said there had been no requests for tier three use, as it would be difficult to locate a home or structure in an area doing a STR.

Vice Chair Hill thought consideration of tier three use could wait another year. She thanked the team working on this for their hard work dealing with homeowners, inspections, and many concerns about policy.

Commissioner Lucey commended Ms. Hauenstein for bringing this complicated program forward, however, he feared this was encouraging bad behavior in some homeowners and believed some were still advertising in ways they could not be tracked. He hoped over the next 12 months staff would continue to work with agencies to identify individuals with bad behaviors and work to get them compliant. He asked for a plan to be created jointly with the RSCVA and North Lake Tahoe Fire Protection District to get the technology where it needed to be to make the process flow, noting they had been helpful but needed to continue to work together on this program. He thought Mr. Douglas

would need help from his team to assist with the program and said he would also bring this to the RSCVA Board.

Commissioner Jung said the discussion about this program was good and she thought it would be a great idea for the RSCVA to take over STRs for the whole region because they had more to gain financially than the County did. She believed it would be a great partnership and would ensure that the ordinance was utilized countywide and not just in tourism areas. She admitted there was a time when the program seemed like an uphill battle, but she was delighted with the progress. She asserted the steps being taken would make full-time residents happy and clarify the expected behavior and compliance for STR owners and renters. She agreed the program needed more data but was pleased that the County kept its promise to make this work.

There was no response to the call for public comment in Chambers. County Clerk Jan Galassini stated email comments were received from Ms. Connie Starr, Mr. Eric Tracy, Mr. Wolfram Schynoll, Ms. Deanne Bourne, Ms. Gail Marshall, Mr. Bruce Powell, Ms. Judith Miller, Ms. Rebecca Arnold, Ms. Pamela Tsigdinos, Mr. Dave Hilderbrandt, Dave and Carol Fasoli, Mr. Alex Tsigdinos, Ms. Erin Connell, Ms. Kathie Julian, Ms. Sarah Patzman, Ms. Lara Pearson, Ms. Nancy Carlson, Ed and Karen Hornung, Ms. Millie Clarke, Mr. Doug Flaherty, Ms. Suzan Lemons, Ms. Ronda Tycer, Ms. Julie Padelford, Ms. Connie Bryan, Ms. Jill Barnes, and Ms. Anne Brockman, which would be placed on file.

Chair Hartung reiterated the direction provided to staff, saying occupancy, trash, notarized affidavits, and parking were the issues to be changed.

Commissioner Lucey addressed Commissioner Jung's comment about the room tax collection and said the majority was going to the RSCVA with a small percent being divided between the Cities of Reno and Sparks, and Washoe County, meaning room tax dollars collected in a particular area were not necessarily going back to that area. He agreed with Commissioner Jung about the RSCVA having more dictation related to where funds came from and how they were expended.

Commissioner Lucey motioned to confirm staff recommendations to move forward with the following policies as outlined for permitting as related to notarized affidavits, occupancy calculation, parking requirements, and trash/refuse rules as pertained in an expeditious nature as soon as possible and a review of the fees and penalties at a later time and date, potentially later in 2022, to truly look at another successful summer of those collections. Vice Chair Hill seconded the motion with a minor amendment. She wanted to see staff look into the technology aspects of Host Compliance and an expanded Host Compliance contract or other technologies opportunities as well as the fee discussion. Commissioner Lucey agreed.

Chair Hartung noted all the conditions were listed on page eight of the staff report.

On motion by Commissioner Lucey, seconded by Vice Chair Hill, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that the above stated motion be approved.

22-0081 AGENDA ITEM 21 Public Comment.

Mr. Mark Neumann appreciated the view about Pyramid Highway. He remembered traveling on Pyramid Highway when it was a dirt road and said when the Teledyne Rocket test site was put in, that highway’s speed limit was unlimited. He opined the lights should stay on Pyramid Highway as only four percent of more than 100,000 vehicles were trucks, which was 4,000 trucks in an eight-hour period. He spoke about Ardmore Park and said he taught his kids to swim there, saying it was the best swimming spot on the Truckee River. He said he received a phone call from Commissioner Jung’s Office with news that he was appointed to the Sun Valley Community Advisory Board.

County Clerk Jan Galassini stated an email was received from Mr. Bruce Foster, which was placed on file.

22-0082 AGENDA ITEM 22 Announcements/Reports.

Chair Hartung and Commissioner Lucey wished Commissioner Jung happy birthday.

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2:04 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Doni Gassaway, Deputy County Clerk*