

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

TUESDAY

10:00 A.M.

SEPTEMBER 8, 2020

PRESENT:

Bob Lucey, Chair (via Zoom)
Marsha Berkbigler, Vice Chair
Kitty Jung, Commissioner
Vaughn Hartung, Commissioner

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

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, the Clerk called the roll and the Board conducted the following business:

Vice Chair Berkbigler assumed the gavel because the Chair was not physically present at the meeting.

20-0614 AGENDA ITEM 3 Public Comment.

A voicemail from Ms. Annemarie Grant was played in Chambers where she indicated she was the sister of Thomas Purdy, who was hogtied by law enforcement. She played a recording of Mr. Purdy pleading for help.

County Clerk Nancy Parent read an email from Ms. Elise Weatherly, which read that Washoe County School District Trustee Scott Kelley resigned from the School Board because of integrity issues. She thought Trustee Angela Taylor should not be allowed on the School Board either due to integrity issues.

Ms. Parent read an email from Mr. Daniel Purdy who wrote about his brother Thomas Purdy, who was murdered at the Washoe County Jail. He indicated he and his 12-year-old son were calmly protesting at the jail when they were surrounded by deputies trying to intimidate them to move to the freedom of speech zone. He stated he assisted in feeding the homeless in the community and helping with voter registration. He brought up an event happening on Saturday, September 12 at the Federal Courthouse for families that lost loved ones to police in the community.

20-0615 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown stated Washoe County launched a grant program to assist small businesses impacted by COVID-19 (C19) to be used for personal protective equipment, utilities, rent, and retrofits. He mentioned the County was partnering with the Nevada Association of Counties and indicated small businesses were defined as businesses employing 50 or fewer people. He stated businesses could get more information and apply online at www.naco.org.

Mr. Brown stated confusion occurred over the outcome of the last Nevada C19 Mitigation and Management Task Force (Task Force) meeting. On July 27, he explained, the County and the Health District submitted a plan to reopen bars, which was based on the results of contact tracing and a lack of evidence that C19 was spread because of bars or restaurants, but rather from private residences. The request was for the Task Force to consider allowing bars in Washoe County to reopen in a responsible fashion; each municipality could enforce social distancing, the wearing of masks, and other effective measures to prevent C19 spread. The request was denied and the Task Force indicated they wanted two more weeks to continue working with the counties that petitioned for reopening. He thought some people that dialed into the meeting on September 3 had wondered why the County was not more forceful in its attempt to reopen, but the County already knew the Task Force would not decide to reopen at that meeting. He said he, Chair Lucey, and District Health Officer Kevin Dick were on phone daily with Task Force members to establish a viable solution to reopen bars. He asserted the County Commissioners did not possess the ability to reopen bars; it was a decision from the Task Force and the Governor's Office. He said they were working hard to make this happen, but he knew it was frustrating, even to him.

Commissioner Hartung stated he had been contacted by constituents that were frustrated with the Commissioners for not defending businesses, and he thanked Mr. Brown for the clarification. He brought up some methodologies he wrote about that could be utilized, especially by outdoor venues. He expressed frustration about casinos being open but bars not being allowed to.

Commissioner Hartung wanted the County to concentrate on children's sports because he thought they could be done safely, and the County owed it to them to let them play before the seasons ended.

Commissioner Hartung stated the Regional Planning Governing Board gave permission to Executive Director Jeremy Smith and his staff to work on a C19 risk meter. He wanted Mr. Brown to consider the viability of the meter. If he thought it was a useful resource, Coronavirus Aid, Relief and Economic Security (CARES) Act dollars could possibly be used at Mr. Smith's discretion. He asked for an agenda item to be brought back at a future meeting. He brought up that the deadline to spend the CARES Act money was December 31 and it had to be used for C19-related items.

Chair Lucey stated staff had been working diligently with the Task Force on the mitigation plan that would be submitted to the State. He said they anticipated creating a more robust plan to submit. A report had been received earlier in the day related to the C19 criteria that indicated Washoe County was currently non-compliant in all three areas. He indicated the plan to the State would include bars reopening, youth sports being played, playground equipment reopening, and people being allowed to congregate at churches. He said he had been communicating with Chair Marilyn Kirkpatrick and Commissioner Larry Brown from Clark County about youth sports. He wanted to reassure the community that the County was working on these important challenges.

Commissioner Jung said she understood the pressure to reopen; however, if it was not done in a data-driven approach, the County would fail and the virus would become worse. She thought the County needed to be able to assure its constituents that enough tests with a quick turnaround were available and most importantly there would be contact tracing if they ever wanted to open up youth sports, bars, and churches. She wanted social worker case managers from the Human Services Agency (HSA) to manage contact tracing, especially considering the reduction in caseloads since C19 started. She stated the HSA had the resources, and CARES Act money could be used to fund them. She said social workers were needed because people could not miss work since they had children to feed and rent to pay. She thought those people needed to be assisted more by social workers than the Health District.

Commissioner Jung thought the community needed additional public outreach, noting CARES Act funds or other funds in the budget could be allocated for that. She wanted more messaging about how the government worked in northern Nevada and especially in Washoe County. She said everything the County and Cities of Reno and Sparks were able to do had to conform with Nevada Revised Statutes and could be stricter but never less strict than the State of Nevada allowed. She thought that should be explained to constituents, who could then contact their legislators to address issues that were out of the control of the County.

Vice Chair Berkbigler expressed concern that the State was expecting the County to test a certain amount of people but she said there was no control over how many people came to be tested. She stated it was not the fault of the County if that number was not being met because the capability for more testing was available. She wanted that pointed out at the Task Force meeting. She stated Commissioners received significant feedback from constituents who wondered why the County did not fight harder to get businesses reopened. She indicated she did not know how to answer them and thought the Commissioners needed better messaging so they could relay it to their constituents.

Vice Chair Berkbigler brought up a delivery fee cap she had spoken about during the prior two meetings. She stated Clark County imposed a 15 percent cap on delivery commissions and service charges for retail food delivery by third-party delivery services. She wanted staff to research the matter and bring a report back as soon as possible. She expressed concern that at-risk seniors were staying in their homes and being gouged by delivery service providers.

Vice Chair Berkbigler thanked Mr. Brown for notifying the Board of the grant received from the Community Foundation of Western Nevada for the river steward program, saying the County had been working with Grant Denton to get the project approved. She indicated the item would go before the Truckee Meadows Water Authority Board on September 16. She said this was a great program and she hoped it would be approved.

Commissioner Hartung wondered how the third-party delivery services were licensed and thought the County could work with the Cities of Reno and Sparks to establish a fee cap.

CONSENT AGENDA ITEMS – 5A THROUGH 5I

- 20-0616** **5A** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2017/2018, 2018/2019, 2019/2020 and 2020/2021 secured and unsecured tax rolls 2) authorize Chair to execute the changes described in Exhibits A and B and 3) direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$52,165.94]. Assessor. (All Commission Districts.)
- 20-0617** **5B1** Recommendation to retroactively approve contracts and purchases exceeding \$50,000 in response to the impacts due to the COVID-19 Crisis. (All Commission Districts.)
- 20-0618** **5B2** Recommendation to authorize the Tax Collector to strike names and amounts identified on delinquency/uncollectible Personal Property Tax list for fiscal years 2008-2009 through 2017-2018, totaling [\$103,363.85]. Comptroller. (All Commission Districts.)
- 20-0619** **5C** Discussion and possible approval of a settlement of Mary Lohnes v. Washoe County, case number 3:19-cv-00287-MMD-WGC, for a total sum of \$50,000 inclusive of attorneys' fees and costs for all claims against Washoe County. District Attorney. (All Commission Districts.)
- 20-0620** **5D** Recommendation to approve budget amendments totaling an increase of [\$135,928.00] in both revenue and expense to the FY21 Immunizations Supplemental Flu Subaward retroactive to July 1, 2020 through June 30, 2021 and direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)
- 20-0621** **5E** Recommendation to approve the reclassifications of a vacant Psychologist/ Administrator, pay grade TU, to Mental Health Counselor II, pay grade P (Juvenile Services); a vacant Administrative Secretary, pay grade J, to Office Support Specialist, pay grade H (Sheriff's Office); a Program Assistant, pay grade K, to Administrative Secretary Supervisor,

pay grade K (Human Services Agency); and a vacant Administrative Secretary, pay grade J, to Principal Account Clerk, pay grade J (Community Services Department), as evaluated by the Job Evaluation Committee; and authorize Human Resources to make the necessary changes. [Net annual savings is estimated at \$64,266]. Human Resources. (All Commission Districts.)

20-0622 **5F1** Recommendation to reappoint Tim Callicrate to serve as the Lay Member on the Tahoe Regional Planning Agency's Advisory Planning Commission for a two-year term ending on July 31, 2022. Manager's Office. (Commission District 1.)

20-0623 **5F2** Recommendation to appoint Rob Pierce to fill one of the three vacant seats on the Reno-Tahoe Airport Authority Airport Noise Advisory Panel, with a term effective August 28, 2020 through August 28, 2022. Manager's Office. (All Commission Districts.)

20-0624 **5G1** Recommendation to accept the FY 2021 Joining Forces award from the State of Nevada Department of Public Safety, Office of Traffic Safety [amount not to exceed \$105,000.00, 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 October 1, 2020 through September 30, 2021 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.)

20-0625 **5G2** Recommendation to accept the 2020 High Intensity Drug Trafficking Areas (HIDTA) License Plate Readers (LPR) supplemental funding [amount not to exceed \$75,000.00, no County match required] and Sole Source Purchase of 2 LPR trailers to be utilized by the HIDTA Task force as administered through Las Vegas Metro Police Department, for the retroactive grant period of May 29, 2019 - December 31, 2021, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

20-0626 **5H1** Recommendation to accept the FY21 sub-grant award from the State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health (DPBH) in the amount of [\$114,268.00; no county match] retroactive for the period of July 1, 2020 to June 30, 2021 to provide behavioral health services for clients with substance use issues; authorize Director of 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.)

20-0627 **5H2** Recommendation to accept sub-grant award from the Nevada Aging and Disability Services Division’s Independent Living Grant to support the Representative Payee program [\$31,218; County match of \$4,683], retroactive from July 1, 2020 through June 30, 2021; and authorize the Director of the Human Services Agency to execute the Sub-grant Awards and related documents. Human Services Agency (All Commission Districts)

20-0628 **5I** Recommendation to increase the Alternative Sentencing Department change fund from three hundred fifty dollars (\$350.00) to one thousand dollars (\$1,000.00), to enable Washoe County Alternative Sentencing to add additional cashiers to accept cash payments. This increase is necessary due to processing cases for District Court and Pre-trial Services, and if approved, authorize the Chairman to execute Resolution for same. Treasurer. (All Commission Districts.)

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

On motion by Commissioner Hartung, seconded by Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Consent Agenda Items 5A through 5I be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5I are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 7 THROUGH 9

20-0629 **AGENDA ITEM 7** Recommendation to accept the FY21 Fund to Assist Former Foster Youth (FAFFY program) sub-grant award from the State of Nevada Department of Health and Human Services (DHHS), Division of Child and Family Services (DCFS) in the amount of [\$190,000; no county match] retroactive from July 1, 2020 to June 30, 2021 to provide case management and related service delivery to youth aging out of foster care; authorize the Director of Human Services Agency to retroactively execute the grant award; 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 Hartung, seconded by Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 7 be accepted, authorized, and directed.

20-0630 **AGENDA ITEM 8** Recommendation to accept the FY21 John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee Program) sub-grant award from the State of Nevada Department of Health and Human Services (DHHS), Division of Child and Family Services (DCFS) in the amount of [\$236,810; \$59,203 county match], retroactive from July 1, 2020 to June 30, 2021 to support youth who are aging out of the foster care system with achieving greater independence; authorize the Director of Human Services Agency to retroactively execute the grant award; 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 Hartung, seconded by Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 8 be accepted, authorized, and directed.

20-0631 **AGENDA ITEM 9** Recommendation to accept NV CARES Community Food Response Program grant award from the State of Nevada, Department of Agriculture in the amount of [\$280,000; no County match] retroactive for the period of July 1, 2020 to December 31, 2020 for the purchase of five meal trucks and fuel for the home-delivered meals program; authorize Director of 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.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Item 9 be accepted, authorized, and directed.

20-0632 **AGENDA ITEM 6** Recommendation and possible action to accept the resignation of Washoe County Clerk Nancy Parent, effective October 23, 2020, and to appoint Janis Galassini as Washoe County Clerk pursuant to NRS 245.170(1)(b) to serve the remainder of the unexpired term of Ms. Parent, effective October 23, 2020. Manager's Office. (All Commission Districts.)

County Clerk Nancy Parent explained she planned to retire on her 20-year anniversary in October. She stated it was her pleasure to serve the citizens of Washoe County for the past 20 years, having been elected twice to be County Clerk. She indicated her position as County Clerk had been fulfilling and rewarding for her and the highlight of her career. She thanked the Commissioners for all their support as well as the department heads and everyone she worked with over the years at Washoe County for their

professionalism and assistance. She wanted to specifically thank her team in the Clerk's Office for their commitment, hard work, and dedication, especially during the past six months as daily changes surrounding the pandemic occurred. She noted a significant amount of items were accomplished during her time in the Clerk's Office, but she was most proud of the preservation of the permanent records; the County Clerk was the independent record keeper of Washoe County records dating back to 1861. It was discovered that the microfilm was deteriorating where it was stored, and a firm was hired to scan the microfilm and store it digitally to preserve the records in the condition they were in when they were originally scanned. She indicated staff saved the department more than \$100,000 with this project by performing quality control process for the more than 4 million images that had been digitized. Most recently, as a way of protecting the documents from further deterioration, the oldest marriage license records dating back to the 1860s were treated, preserved with incased coating, and bound in metal books designed to withstand fire and water damage. She displayed photos of a completed book, which were placed on file. As the staff report read, she recommended Chief Deputy County Clerk Jan Galassini to serve the remainder of her term. She said Ms. Galassini had worked very closely with her for the past five years and was more than capable of taking over and keeping the integrity of the Clerk's Office and public records intact.

Vice Chair Berkbigler thanked Ms. Parent for a wonderful job and said it had been a pleasure working with her. She wished her a great retirement.

Commissioner Hartung stated he had a wonderful working relationship with Ms. Parent, and she was a great colleague and friend. He expressed his appreciation of preserving the deteriorating marriage license documents. He mentioned his aunt and uncle were married in Reno during the war before his uncle was shipped out. He thanked her for her hard work in recognizing that the microfilm was deteriorating and taking care of the issue immediately. He wished her an enjoyable retirement.

Chair Lucey thanked Ms. Parent for her continued service as the Washoe County Clerk. He said the Clerk's Office was an essential part of the local government and the maintenance of the records. He wished her the best in retirement. He asked about the process to fill an open position, opining that it had been the Board's process to open the position up for assignment when an elected official stepped down from office. He wondered why that was not done here. Ms. Parent stated it was customary over the past 20 years for elected officials such as the Clerk, Recorder, and Treasurer, who retired mid-term to recommend an individual from that office to be appointed to the position for the remainder of the term to ensure continuity and security of the office. She indicated this process had not been handled in the same way as for legislative positions. Chair Lucey thanked her for the clarification.

Commissioner Jung stated she respected Ms. Parent for her expertise, knowledge, attention to detail, and being a public servant. She stated many people did not understand the difficulty of running an entire department along with dealing with Nevada Revised Statutes. She stated Ms. Parent was a hard worker and a rule follower, and she wished her the best in her retirement.

Ms. Galassini stated she would not be there if not for Ms. Parent. She thanked the Clerk for her mentorship, guidance, knowledge, feistiness, and her demonstration of the value of teamwork and great customer service, which she thought the office staff exemplified. She said Ms. Parent not only possessed these valuable assets but noted she was also her friend and would be missed.

Vice Chair Berkbigler remarked she was inclined to agree with Ms. Parent if she recommended Ms. Galassini for the job. She said it would be fun to work with Ms. Galassini and thanked her for stepping into this very important job.

When Kathy Burke retired, Commissioner Hartung pointed out, she appointed Larry Burtness because of his knowledge, and Ms. Parent was appointed when Amy Harvey retired, because she knew the operation of the office. The Clerk's Office was an integral part of the County and the Commission.

Commissioner Hartung wondered whether one or two motions needed to be made for this item. Assistant District Attorney David Watts-Vial stated one motion was enough if it included both the resignation and the appointment. He noted the Statute did not indicate who could be appointed to the open position but that the Board of County Commissioners shall appoint a suitable person who was an elector of the unincorporated town to serve the remainder of the unexpired term. He was unsure why the Statute specified unincorporated town, but the Board could seek out other applicants if it chose to. He believed Ms. Parent was correct that the tradition had been to accept the recommendation of the incumbent, which made sense.

On the call for public comment, an email from Ms. Annemarie Grant was read where she expressed sadness when she learned of Ms. Parent's resignation as County Clerk. She stated Ms. Parent had been nothing but kind, helpful, and most of all professional. She thanked Ms. Parent and wished her well.

On motion by Commissioner Hartung, seconded by Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that the resignation of County Clerk Nancy Parent be accepted effective October 23, 2020, and Chief Deputy County Clerk Jan Galassini be appointed County Clerk for the remainder of the term.

20-0633

AGENDA ITEM 10 Recommendation and possible action pursuant to NRS 295.121 to appoint Michael Evans, Tom Prentice, and Kenji Otto to serve on the committee advocating in support of passage of ballot question WC-1 (petition No. 1), and John Glatthar and Greg Dennis to serve on the committee in opposition to the passage of ballot question WC - 1 (petition No.1);

and to appoint Hugh Ezzell, Kevin Cook and Heather Cook to serve on the committee advocating in support of passage of ballot question WC - 2 (petition No. 2), and Sharon Gustavson and Greg Dennis to serve on the committee in opposition of passage of ballot question WC - 2 (petition No. 2);

both ballot questions have been approved for placement on the General Election ballot by Board of County Commissioners for creation of the unincorporated town (UT) of Warm Springs Valley petitions No. 1 & No.2 (WC-1 and WC-2 respectively). (All Commission Districts.)

Vice Chair Berkbigler stated it was standard procedure when there was a petition to be placed on the ballot that people were appointed to write pros and cons for the item.

Registrar of Voters Deanna Spikula stated this was the process for the Board of County Commissioners to appoint members to serve on the arguments committees, both in favor of and in opposition to passage of the ballot questions.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Michael Evans, Tom Prentice, and Kenji Otto be appointed to serve on the committee advocating in support of passage of ballot question WC-1 (petition No. 1); John Glatthar and Greg Dennis be appointed to serve on the committee in opposition to the passage of ballot question WC - 1 (petition No.1); Hugh Ezzell, Kevin Cook, and Heather Cook be appointed to serve on the committee advocating in support of passage of ballot question WC - 2 (petition No. 2); and Sharon Gustavson and Greg Dennis be appointed to serve on the committee in opposition of passage of ballot question WC - 2 (petition No. 2)

20-0634

AGENDA ITEM 11 Recommendation to approve the purchase of Criterion Elevate vote-by-mail sorting system from Fluence Automation in the amount of [\$349,040.00] for use in the upcoming General Election and accept the Subaward of HAVA CARES Act funding between the County of Washoe and the State of Nevada for the reimbursement for the cost of this sorting system in an amount not to exceed [\$441,826.00]. No match required. The subaward period is retroactive from March 23, 2020 through December 1, 2020. If approved, direct the Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)

Registrar of Voters Deanna Spikula stated a bid was put out for a ballot sorting machine and the winner was Fluence Automation provided by Criterion Elevate. She explained this was a sorting system to help alleviate some of the manual sorting done with mail-in and absentee ballots as they were returned to her office. She asserted this would help them gain significant efficiency in processing ballots. She mentioned a sub-grant from the State was awarded to reimburse the County for the cost of this equipment. Any maintenance and licensing costs for future years would be the responsibility of the County.

Commissioner Hartung asked where the equipment would be located. Ms. Spikula stated the equipment would be in the back area of her office where ballots were processed. She assured him it would be in a secure area.

There was no response to the call for public comment.

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

20-0635 **AGENDA ITEM 12** Public Comment.

There was no response to the call for public comment.

20-0636 **AGENDA ITEM 13** Announcements/Reports.

There were no announcements or reports.

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10:55 a.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

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