

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

TUESDAY

10:00 A.M.

SEPTEMBER 15, 2020

PRESENT:

Bob Lucey, Chair

Marsha Berkbigler, Vice Chair

Kitty Jung, Commissioner (via telephone)

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Nancy Parent, County Clerk

Eric Brown, County Manager

Nathan Edwards, Deputy District Attorney (via Zoom)

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:

Chair Lucey requested a moment of silence for Carson City Mayor Bob Crowell, who passed away over the weekend, and Ms. Nancy Stone, mother of Second Judicial District Court Clerk Marci Stone, who had lost her battle with cancer. He shared kind words about both individuals and offered condolences to their families.

20-0639 AGENDA ITEM 3 Public Comment.

Mr. Kenji Otto described a political event that had occurred on Saturday, September 12 in Douglas County, Nevada. He spoke about the large number of attendees and the response of local law enforcement, and said that, as far as he knew, the event had been well-managed and peaceful. He felt Washoe County or the City of Reno should have hosted the event. He also discussed being offended that Commissioner Hartung called him out by name at a recent Planning Commission meeting, and he encouraged citizens to vote for Democrat Marie Baker in the upcoming election.

County Clerk Nancy Parent read a public comment submitted by Mr. Adam Hirsch, a resident of Incline Village. Mr. Hirsch expressed frustration regarding issues occurring at a short-term rental (STR) property on his street, including tenants lighting firecrackers, shooting BB guns at animals, starting fires, not disposing of trash properly, parking illegally, and allowing dogs to charge at an elderly neighbor.

Ms. Parent read an email submitted by Mr. Joe Schaffer. He stated a false narrative was being perpetuated regarding the individuals protesting STRs in Incline Village, which he felt made residents seem as though they were just a group of wealthy

complainers. He countered that many of the residents protesting were from lower-income families, or were small business owners and hardworking citizens who paid county and state taxes. He said residents were deeply harmed by problems with STRs in the area. He clarified not all tenants were bad, but the situations were becoming dangerous. He reiterated some of the issues brought up by other public commenters, including improper trash disposal and concerns with emergency access being blocked by illegal parking. He explained hiking trails were crowded with visitors, many of whom were non-compliant with mask requirements during the COVID-19 (C19) pandemic. He called for intelligent regulation to protect residents, properties, and the environment. Ms. Parent read until the three-minute timer for Mr. Schaffer's public comment expired, stating the remainder of his email would be placed on the record.

Ms. Parent read an email from Ms. Heather Williams. Ms. Williams felt the new STR policy was a poor start that reflected the views and interests of the Commissioners but not those of residents themselves. She expressed frustration regarding limitations on topics of discussion during public meetings involving STRs. She described some of the incidents she recently witnessed and echoed previous commenters' concerns about illegal parking and improper waste disposal by STR tenants.

Deputy District Attorney Nathan Edwards noted the three-minute timer for Ms. Williams' comments had not been started. Ms. Parent estimated there was approximately a minute remaining and began to set the timer. Mr. Edwards indicated concern regarding Open Meeting Law compliance and suggested Ms. Parent reset the timer for the full three minutes.

Chair Lucey interjected that Ms. Williams' email would be placed on the record and available to read in its entirety. He estimated Ms. Parent had been reading for at least two minutes, and he requested she reset the timer and continue reading for one more minute.

Ms. Parent reset the timer as requested and continued reading Ms. Williams' email, which indicated most of her neighboring property owners were now professional investors, rather than neighbors and residents. She stated she could not go for a walk in her own neighborhood without fearing she could be hit by a speeding vehicle. She expressed disappointment regarding STR tenants' lack of respect for wildlife and the environment. She requested the Board implement restrictions for STRs, including parking rules, mandatory bear boxes with instructions, and a residency requirement for all STR owners. When the timer expired, Ms. Parent stated the remainder of Ms. Williams' email would be placed on the record.

Ms. Parent read an email submitted by Mr. Adam Auerbach who protested a zoning change requested by the Reno Christian Fellowship (RCF) for a proposed development in an area currently zoned low-density suburban (LDS). He indicated the RCF development would be a bad fit for the neighborhood and he implored the Board to uphold the area's LDS zoning as originally intended.

Ms. Parent read an email from Mr. Joe Farrell, which discussed six years of escalating problems with STRs in Incline Village, including a deck fire caused by charcoal, issues with open garage doors and trash enticing bears, and an incident in which a bear cub ran into a home and had to be rescued from a second-story window. Mr. Farrell said the Sheriff's Office had been contacted numerous times. He brought up an STR which rented for \$1,550 per night, saying that people who paid that much were only there to party and did not care about neighbors or properties. He mentioned the STR had been rented for 10 consecutive days in July, with cars everywhere and nonstop, obnoxious partying. He spoke about intoxicated, obnoxious, aggressive, and even violent partygoers. He wanted to know what it would take for the Board to enact stringent regulations or a ban on STRs, and he indicated a bear mauling or a wildfire due to tenant negligence was possible if restrictions were not implemented.

Ms. Parent read an email submitted by Ms. Jeane Ryan in which Ms. Ryan described herself as the president of a homeowner's association in Incline Village and a longtime resident of the area. She went into more detail regarding STR tenants leaving trash outside of bear boxes and not separating recyclables. Although these might sound like small issues, Ms. Ryan said, Waste Management passed the added cost of separating recyclables onto residents and had recently raised their fees. She also discussed the emotional strain residents experienced when dealing with STR tenants who did not care about wildlife or the environment, noting one tenant left donuts out intentionally to attract bears. She concluded that small problems, multiplied by thousands of renters, would lead to large repercussions. She opined requiring bear boxes was not enough to solve these issues.

Ms. Parent read an email from Mr. Nick Maiocco, who had lived in the area for 30 years. He implored the Board to put policies in place to limit STRs. He recalled Chair Lucey emphasizing that STRs were a draw for tourism in the area and banning them could negatively impact Washoe County; however, Mr. Maiocco had not seen any studies supporting the Chair's statements. He believed Chair Lucey's position on the board of the Reno-Sparks Convention and Visitors Authority was a conflict of interest. Mr. Maiocco suggested that STRs be considered a commercial or business use the moment they began generating a positive cash flow, as well as requiring them to be owner-occupied for at least a year and implementing minimum stays. At the end of the three-minute timer, Ms. Parent stated the remainder of Mr. Maiocco's email would be placed on the record.

A voicemail was played from Mr. Daniel Purdy. He stated he had been in Washoe County the previous week to help feed the homeless and register citizens to vote. It was his second trip to the area; the first was when his brother, Thomas Purdy, was removed from life support. During his recent trip, Daniel Purdy had attended a protest in Reno where members of the community shared stories of police brutality. Mr. Purdy recalled that, as protestors recounted their stories, officers from the Reno Police Department had stood across the street and laughed. He believed their laughter revealed their attitude toward community members, and he opined the police in Washoe County had been given a license to murder. He described later being surrounded by six deputies who asked him to move to a free-speech zone. He alleged one deputy had even placed a hand

on his gun as Mr. Purdy stood with his 12-year-old son next to him. Mr. Purdy expressed frustration with the actions of the police and the County Commissioners.

A voicemail was played from Ms. Annemarie Grant, sister of Thomas and Daniel Purdy. She expressed anger that multiple deputies had attempted to intimidate her brother Daniel and her 12-year-old nephew. She indicated law enforcement had no right to interfere with citizens peacefully exercising their First Amendment rights on public property. Further, she did not believe things had changed at the jail since the death of her brother Thomas. She said a deputy in charge had recently stated he did not know who Thomas Purdy was, but he was sorry for her loss. Ms. Grant felt that all deputies should know Thomas Purdy's name, as well as the names of Justin Thompson and Niko Smith, two other Washoe County inmates who had died while in police custody. If deputies did not know these names, then staff and leadership were not discussing Washoe County's own 'George Floyds'; that was how citizens ended up being killed. Ms. Grant explained the protest her nephew and brother Daniel recently attended had been organized by local families impacted by police brutality, and she expressed disgust regarding the reports of Reno Police Department deputies laughing from across the street as protestors shared their stories. Ms. Grant believed local law enforcement had never been held accountable and she indicated it was unacceptable for the Board to ignore this behavior.

A voicemail was played from Ms. Keli Maiocco, who expressed concern that parcels next to her property would be converted to full-time STRs, and she indicated she was afraid to interact with the frequently intoxicated, unreasonable, irresponsible, or unneighborly tenants as she never knew what might happen next. She described residents contacting police multiple times and reiterated examples of incidents previously mentioned by other public commenters. She said residents had also attempted to contact STR property managers but received no response. She explained she and her husband had hoped to live in a community where they knew their neighbors, but many owners of STR properties did not even live in the area or know the neighboring property owners. Ms. Maiocco opined STRs should not be permitted for absentee owners, and all STR property owners should be required to live in the community at least six months.

20-0640 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown stated staff had begun working with small businesses in unincorporated Washoe County that were struggling as a result of the COVID-19 (C19) pandemic. He suggested going to www.washoecounty.us or www.naco.org for more information.

Mr. Brown announced there had been some confusion regarding an informational voting postcard sent to residents over the weekend. He clarified all registered voters in Washoe County would receive a ballot in the mail, and party affiliation would not be evident on the outside of the envelope. He reminded those who recently moved but had not updated their mailing address with the Registrar of Voters to check their registration. He also noted every ballot's signature would be verified, and voters would be notified if there was a discrepancy; any vote determined to be fraudulent would not be counted. He

added voting fraud was a crime and would be prosecuted, and there were multiple checks in place to ensure fraud did not occur. The County would also utilize a ballot tracking system, known as BallotTrax, allowing voters to track their ballots and receive updates by text, voice, or email. In-person voters would be encouraged to bring their ballots with them, but Mr. Brown explained they could still vote if they did not have one. He noted in-person voters would be required to sign a document attesting they would not also submit a vote by mail. For more information, he encouraged the public to visit the County's website.

Mr. Brown acknowledged the efforts of Chair Lucey, the Cities of Reno and Sparks, and the health officer to get approval for bars and taverns to reopen in Washoe County. Mr. Brown said they had worked tirelessly with the task force to make sure the County was in a position to do so safely. He noted significant improvement over the past week and thanked the community for making that happen.

Chair Lucey thanked Mr. Brown, who he remarked had also been heavily involved in reopening processes that could not have progressed without his assistance.

Commissioner Herman expressed agreement with the public comments made by Mr. Otto regarding President Trump's visit. She mentioned a gentleman by the name of Mr. Quillici had been told the previous spring his road would be slurried by July 2020, but it was now September and it had not been done. She explained the road was in terrible condition and received a lot of traffic, and she wished to bring the matter to the attention of whoever was responsible.

Commissioner Herman also pointed out that many citizens had contacted her to report difficulties getting the Planning Department or other departments to return their calls. One man, she noted, had waited more than a year for a fence permit.

Commissioner Herman recalled that, during a fire the previous year in the Grandview Terrace area, one family had barely been able to evacuate due to the fact that there was only one emergency exit. It had been suggested another emergency exit be added on a nearby road which was currently blocked. Commissioner Herman wondered whether she should bring the issue up with the Fire Chief.

Commissioner Herman said she had heard an agenda item regarding shooting would be on the Tuesday, September 25th meeting agenda. She also noted speeding was still a problem in Lemmon Valley, and the individuals who offered to pay for traffic calming or speed bumps had received no response from staff. She mentioned Hill Lane in Verdi experienced similar problems and needed signs advising drivers to slow down.

Commissioner Herman stated a Washoe County citizen currently on active military duty in Washington, D.C. had been approved for an absentee voter ballot, but had not yet received one. Commissioner Herman requested Manager Brown pass this information along to the Registrar of Voters for follow-up.

Vice Chair Berkbigler shared that Sparks City Council Member Ed Lawson had been sworn in to replace the late Sparks City Mayor Ron Smith, and Dian VanderWell had taken over Mr. Lawson's Ward 2 City Council seat. Vice Chair Berkbigler said both were great additions for the community. She thanked Chair Lucey and Manager Brown for their efforts in reopening Washoe County bars. She explained she had received many calls, texts, and emails from grateful citizens, employees, and owners of those establishments, including a bowling alley owner in Incline Village and an apartment association that was thankful their residents would soon be back to work and able to pay rent.

Vice Chair Berkbigler felt there was no need to add to the conversation regarding short-term rentals (STRs); she indicated it was time to consider the legal aspects of writing separate STR policies for neighborhoods in the Lake Tahoe areas of Washoe County, as the valley did not seem to have the same issues. She agreed the problems had only increased with the influx of out-of-area visitors during the pandemic, and she hoped the Board would take a serious look at the situation.

Commissioner Hartung gave condolences to the Crowell family and said Bob Crowell had been a dear friend. He recalled working with Mayor Crowell and said the community had suffered a huge loss. Commissioner Hartung also spoke about the memorial for the late Sparks City Mayor Ron Smith, which had been held on Saturday, September 12 and was well-attended with a constant flow of citizens coming to pay their respects. Commissioner Hartung explained Mayor Smith had also been a dear friend of his and an amazing individual. He shared that he would soon have news regarding the Veteran's Memorial, which he expected to be completed before the end of the year, as someone was stepping forward with generous assistance. He congratulated Sparks' new Mayor Ed Lawson and new City Council Member Dian VanderWell. Commissioner Hartung added he had served with Ms. VanderWell on the Planning Commission and felt she would do a great job on the Sparks City Council.

Commissioner Hartung discussed the need for speed bumps in the Rosetta Stone area of Spanish Springs now that speed bumps had been installed on Silent Sparrow Drive and Talking Sparrow Drive. He wanted to be proactive rather than reactive when it came to preventing traffic issues and accidents, and he looked forward to hearing from staff regarding a traffic study.

Commissioner Hartung explained that he, Chair Lucey, the late Mayor Smith, and the Regional Transportation Commission (RTC) had worked with federal partners in Washington, D.C. to obtain a \$23 million grant from the Department of Transportation to widen Pyramid Highway between Queen Way and Los Altos Parkway. He said this would be a much-needed improvement in the area, noting he had been a vocal critic of the way the McCarran-Pyramid interchange had been finished. He explained the intersection design was great but the project failed to extend the third lane all the way to Disc Drive, causing a bottleneck effect. He opined the widening would solve this and other problems, and would be a good start to widen Pyramid Highway with an ultimate goal of a fully-fledged interchange at Sparks Boulevard. He said those involved with the projects would continue to look at issues north of Eagle Canyon Drive and Egyptian Drive, as well

as in the Sunset Springs area, where the road narrowed and was dangerous. He believed the County needed to be more proactive in that area.

Chair Lucey expressed appreciation for Commissioner Hartung's comments regarding the transportation projects. Chair Lucey said the Commissioner had spent a lot of time on North Valleys and Sparks issues, and advocated for the County in Washington, D.C. for grants that were not easy to come by. The Chair pointed out the community was fortunate to have good leadership, the RTC, and the willingness of citizens to fund the fuel tax, but it still took a lot of work to get such large grants. He concluded it had been a huge victory for Washoe County.

Chair Lucey noted a lot of misinformation was being circulated regarding STRs. Vice Chair Berkbigler was still actively driving discussions with staff, the Chair explained, and the Board was working with staff behind the scenes to address the concerns of residents. Chair Lucey said the Zolezzi Lane issue was also being addressed with staff and developers, and would be discussed again soon.

Chair Lucey stated he and Vice Chair Berkbigler had participated in the Community Homelessness Advisory Board meeting on Monday. He explained Washoe County had opened Our Place to advocate and create programming for the area's most vulnerable populations; it paid for Our Place's construction and remodeling without the assistance of the Cities of Reno or Sparks. There had been rumors Our Place was already full and had turned people away, but Chair Lucey said this was not true. Our Place had a total of 108 beds, he said, and only 80 of those beds were currently full. He added that Our Place was similar to the Crossroads program, with separate housing arrangements for different populations and programming available on-site. He pointed out the County had advocated for such programming since he was elected six years prior, and he wanted the community to understand that helping those in need was a top priority. The Chair remarked Assistant County Manager Kate Thomas, along with Human Services Agency Director Amber Howell, had long been working diligently toward these goals.

Chair Lucey thanked the citizens of Washoe County for the recent improvements in C19 statistics, saying everyone had worked together to help reduce the spread of disease. He said the numbers were going in the right direction with just two remaining criteria to be met, and he looked forward to seeing the statistics improve further over the next couple of weeks. He thanked residents for wearing face coverings so businesses could reopen, individuals could remain safe, and employees could return to work.

Chair Lucey concluded his remarks with a statement regarding President Trump's recent visit to Douglas County, Nevada. He clarified Washoe County had played no role in the decision to host the event in Minden and in fact had not even been contacted by Mr. Trump's campaign. He also said the Board had no involvement with the Reno-Tahoe Airport Authority's decision not to allow the event on their property; if they had been asked, he emphasized, the Board of County Commissioners would have respectfully worked with any sitting president regardless of political considerations.

Vice Chair Berkbigler expressed concern regarding the upcoming winter season and the County's growing homeless population; staff was considering converting the remaining two buildings at the Our Place campus to overflow shelters. She said Our Place would help protect the homeless during the winter as well as contribute to cleanup of the river area where many had previously camped. She worried about the effects of the ongoing hazardous air quality due to wildfires throughout the western United States.

Commissioner Jung agreed with Vice Chair Berkbigler's comments regarding STRs. She wanted staff and the County's legal team to consider creating distinct STR policies for Incline Village. She requested an analysis of whether they could utilize the Incline Village General Improvement District (IVGID) to support the creation of separate policies. If not, she continued, she wanted staff to come up with a list of three alternatives the Board could consider. She was very concerned about not having a policy or ordinance in place, particularly during a pandemic, as nothing could be enforced. The policy could always be changed later if needed, she said, but it was imperative that the County work to put something in place as soon as possible. She added Lake Tahoe's reputation as a place to rent cabins and go party was nothing new; this had been the norm as far back as she could recall. However, she felt the influx of visitors during the C19 pandemic had given the lake area's STR problems a new sense of urgency. She suggested IVGID be granted the ability to self-govern if the County could not put policies in place soon.

20-0641 **5A1** Recommendation to (1) acknowledge various items donated totaling an estimated market value of [\$5,422.75]; and (2) accept donations to the Human Services Agency – Senior Services Fund to support operations of the Washoe County Senior Centers in the amount of [\$25.00] retroactive for the period July 1, 2020 through July 31, 2020; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

20-0642 **5A2** Recommendation to acknowledge various items donated totaling an estimated market value of [\$1,800.00] retroactive for the period July 1, 2020 through July 31, 2020. Human Services Agency. (All Commission Districts.)

20-0643 **5B** Recommendation to accept one-time appreciation gift donations [estimated value of \$1,670.00] from private citizens to the Washoe County Sheriff's Office. Sheriff. (All Commission Districts.)

There was no public comment on the agenda items listed above.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 5A1 through 5B be acknowledged and accepted.

CONSENT AGENDA ITEM – 6A

20-0644 **6A** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Monthly Statements/Reports, Annual Statements/Reports, and Fully Executed Documents. Clerk. (All Commission Districts.)

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

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Item 6A be approved.

20-0645 **AGENDA ITEM 7** Public Hearing and possible approval of an Amended Resolution and Order of Abandonment recorded on October 2, 2018 as document #4855471 of Mil Drae Lane (APN 040-581-20) to clarify the recipients of abandonment as follows: APNs 040-581-09 Frank M. and Frances A Lepori, 040-581-12 Faulstich Family Trust, 040-581-13 Herbert & Susan Nichols Family Trust, 040-581-14 Herbert & Susan Nichols Family Trust, 040-581-19 Ernaut Family Trust, 040-582-02 Ryan M. Dolan Trust, 040-582-03 Roland G. and Tina L Scarselli, 040-582-04 Adam & Erica Kramer Family Trust, 040-582-09 Larry D. Klaich Family Trust, 040-582-10 Frieda M. Hulka, and 040-582-12 Thomas S. Dolan Trust. Community Services. (Commission District 2.)

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

Chair Lucey explained the Board had originally voted on the above-mentioned abandonment back in 2018, and Agenda Item 7 was for housekeeping and cleanup purposes.

There was no public comment on this item.

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

20-0646 **AGENDA ITEM 8** Public Comment.

There was no response to the call for public comment.

20-0647 **AGENDA ITEM 9** Announcements/Reports.

Chair Lucey reiterated his sympathy and condolences to the families who had recently lost loved ones.

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11:10 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:
LJ Burton, Deputy County Clerk