

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

TUESDAY

10:00 A.M.

DECEMBER 8, 2020

PRESENT:

Bob Lucey, Chair (via Zoom) *

Marsha Berkbigler, Vice Chair

Kitty Jung, Commissioner (via telephone)

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Janis Galassini, County Clerk

Eric Brown, County Manager

David Watts-Vial, Assistant District Attorney (via Zoom)

The Washoe County Board of Commissioners convened at 10:34 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 since the Chair was not physically present at the meeting.

20-0841 AGENDA ITEM 3 Public Comment.

The public comments below were played in Chambers via Zoom.

Ms. Annemarie Grant, sister of Thomas Purdy, listed the names of officers involved in her brother's murder. Regarding Agenda Item 6G, she thought the Board and Sheriff's Office assumed it would pass unnoticed since it was included in the Consent Agenda. She pointed out the settlement agreement for a lawsuit her father filed was also placed in the Consent Agenda. She opined that the item was pulled because Sheriff Darin Balaam heard the Board did not want blame placed on it. She thought Sheriff Balaam would not have requested the fee if he wanted transparency, and she wanted him to present the process, including how the fee was calculated, to the public. She expressed concern about Sheriff Balaam promoting deputies with questionable behavior and his acceptance of election contributions from NavCare. She stated the body cam footage was important and she wanted an opportunity for the community to voice their concerns.

***10:37 a.m. Chair Lucey joined the meeting.**

Mr. Adrian Lowry expressed disappointment regarding the proposed fee for body cam footage. He hoped a plan to address police violence was being devised and he asserted it was not always enough to get body cam footage after someone was killed. He

indicated the Mobile Outreach Safety Team would respond to assist with crisis environments accompanied by officers who would escalate a situation if needed. He thought police presence significantly increased tensions and reduced the possibility of a peaceful resolution.

Mr. Daniel Purdy, brother of Thomas Purdy who was murdered at the Washoe County Jail, opined it was unfair to charge individuals for body cam footage. He asserted people in the community would be financially impacted if they needed to obtain video footage of an incident. He asked for transparency and thought a \$200 fee for body cam footage was extortion. He asserted the Board and the Sheriff's Office were not responsive to bad situations that occurred in the community.

Ms. Denise Davis expressed opposition to the location of a proposed bike path due to a high concentration of multi-family units and overcrowding. She thought the neighborhood would utilize the mobility hub for parking, leaving others to park in the surrounding neighborhood. She asserted traffic in the school area was an issue and she feared the same traffic scenario with a mobility hub. She mentioned community members had asked Tahoe Transit District (TTD) for solutions both for Reno and Carson City commuters working on the Northshore and for summer shuttles, but they were told there was no money for those services. She claimed millions of dollars were available for a building project, and some through grants, but finding funds for what was needed in the community was never a priority. She indicated TTD buses ran close to empty most of the time even before COVID-19 (C19). The community asked why other sites were not being considered for the mobility hub, but they were left without answers. She noted two old gas station locations were available and thought those sites could be cleaned up to serve as a mobility hub.

Ms. Alana expressed concern regarding a proposed \$200 hourly fee to obtain body cam footage. She thought body cams were a small step toward the accountability of law enforcement officers, and she reminded the Board body cams had been paid for with taxpayer money. She opined the excuse of excessive requests for video footage reflected how law enforcement abused their power. She stated accountability needed to be taken seriously since she thought the word of the people was undermined. Individuals had the right to be involved in the organization and management of the community. She asked the Board to consider the community, who paid for the tools to see the truth behind any encounter with law enforcement. Victims' families were hard pressed to pay rent, which had been exacerbated by C19, and should not have to suffer additional financial burden to obtain body cam footage.

Ms. Lilith Baran wondered why body cam footage was not expedited to families of victims, considering the process of obtaining footage for an officer-involved shooting took an average of two years. She asserted some counties had a 48-hour mandate to fulfill requests for body cam footage. She mentioned discussions about creating better relationships with black and brown communities were supposed to occur, but she had not heard any more about it since protests occurred. She expressed concern about excess police

violence and jails being inundated with cases of C19. She wanted the elected officials to meet with the people who elected them to resolve solidarity issues.

Ms. Kailey Barnett understood Agenda Item 6G had been pulled from the agenda, but she did not understand why the Sheriff's Office was attempting to impose a fee for body cam footage. She asserted people could not afford to pay \$200 per hour for video that should be provided to the public at no charge.

Mr. Edward Coleman, representing the Black Caucus of Washoe County, expressed dissatisfaction with the \$200 per hour fee to obtain body cam video. He asserted this would affect black and other minority communities who had been impacted by C19 and place a financial burden on families of loved ones harmed or killed. He questioned the reason this item was placed on the agenda and hoped Sheriff Balaam would address the public and stakeholders to explain his rationale. He asked the Board to consider additional oversight of Sheriff Balaam to hold him accountable.

20-0842 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown recognized employees who worked diligently to assist the Washoe County School District (WCSD) in its efforts to keep schools open. He and Chair Lucey attended a WCSD Board meeting the previous week and committed to providing 40 Washoe County employees to assist with contact tracing. He recognized Interim Chief Information Officer Quinn Korbolic, Internal Auditor Samantha Pierce, Information Technology Manager Kobe Harkins, Epidemiology Program Manager Heather Kerwin, and Library Director Jeff Scott for providing staff to the WCSD to make phone calls and enter data.

Mr. Brown announced Sheriff Darin Balaam requested that Agenda Item 6G be pulled from the agenda. He noted Agenda Items 13 and 21 would also be pulled from the agenda for further review.

Commissioner Herman acknowledged people's objection to a proposed fee for body cam footage, but she believed most Sheriff Deputies spent their days protecting people from harm, being brave, and putting their own lives in jeopardy. Vice Chair Berkbigler added unfortunate situations happened, but Sheriff Deputies watched over the community and protected citizens every day.

Commissioner Jung agreed public servants were doing the best they could, but she asserted body cam footage should be available to the public at a price that reflected the actual cost. She did not believe this decision should be made by this Board, but rather by the elected official Sheriff Balaam. She thought all government systems needed to be reviewed, not just first responders, to ensure the agencies were performing as they should. She had a different perspective and believed great people were in positions of authority, but some needed to be kept away from citizens.

Chair Lucey commented he was taking safety precautions and quarantining after recent travel, thanking Vice Chair Berkgigler for running the meeting in his absence. Regarding the WCSD meeting he and Mr. Brown attended, he said they planned to assist as a community partner. Increased C19 testing for School District staff was still being addressed and he hoped to have resolutions soon. He thought society needed to do a better job controlling the pandemic. He expressed frustration about people choosing not to wear masks and remarked businesses were suffering due to people's recklessness. Hospitals were full, he noted, and faced with challenges to keep up with spikes of active cases. He reminded the community to stay home if they were sick to help stop the spread.

Vice Chair Berkgigler thanked staff for their hard work and the County Manager for his leadership. She reminded the community to wear masks and practice social distancing.

DONATIONS

20-0843 **5A** Recommendation to accept the donations of [\$12,015.00] from various businesses, organizations and individuals (retroactive to date of receipt) for Regional Parks and Open Space programs and facilities; and direct the Comptroller's Office to make the appropriate budget amendments. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 5A be accepted and directed.

CONSENT AGENDA ITEMS – 6A THROUGH 6H EXCEPT 6G

20-0844 **6A** Approval of minutes for the Board of County Commissioners' regular meeting of October 27, 2020. Clerk. (All Commission Districts.)

20-0845 **6B** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 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 \$4,355.45]. Assessor. (All Commission Districts.)

20-0846 **6C1** Recommendation to approve Fiscal Year 2021 Street and Highway Program Interlocal Cooperative Agreement between Washoe County, the City of Reno and the Regional Transportation Commission (RTC), for the approval of the RTC's Fiscal Year 2021 Program of Projects that were identified and approved in the RTC Fiscal Year 2021 Regional Transportation Plan Update. Community Services. (All Commission Districts.)

- 20-0847** **6C2** Recommendation to: 1) approve Fiscal Year 2022 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 2022 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 2022 Program of Projects that were identified and approved in the RTC Fiscal Year 2022 Regional Transportation Plan Update. Community Services. (All Commission Districts.)
- 20-0848** **6C3** Recommendation for approval of a Lease Amendment to a Lease Agreement between Washoe County and the United States Department of Agriculture, Forest Service, to renew the Lease Agreement for an additional 24 months commencing retroactively from July 1, 2020 through June 30, 2022, for space within the Incline Service Center [annual revenue of \$22,056.00]. Community Services. (Commission District 1.)
- 20-0849** **6C4** Recommendation to: 1) accept the State of Nevada, Division of State Parks Recreational Trails Program 2020-14 “Thomas Creek to Ballardini Ranch Connector Trail” grant [in the amount of \$40,000 with a Washoe County cash match in the amount of \$10,000]; and 2) approve the Project Agreement with a grant period from the date of full execution through September 30, 2022; and 3) authorize the Assistant County Manager [Dave Solaro] to sign the Project Agreement and any subsequent documents related to the grant on behalf of the County; and 4) direct the Comptroller’s Office to make the necessary budget amendments. For Community Services. (Commission Districts 1 and 2.)
- 20-0850** **6C5** Recommendation to approve an Interlocal Traffic Signal Maintenance Agreement retroactive to July 1, 2020, between the City of Reno and Washoe County for maintenance of Washoe County traffic signals and school zone flashers, for a period of five years, ending June 30, 2025, in the amount [not to exceed \$70,000 annually]. Community Services. (All Commission Districts.)
- 20-0851** **6C6** Recommendation to acknowledge receipt of the Washoe County Water and Sanitary Sewer Financial Assistance Program Status Report as of September 30, 2020. Community Services. (All Commission Districts.)
- 20-0852** **6D** Recommendation to retroactively approve contracts and purchases exceeding \$50,000 in response to the impacts due to the COVID-19 Crisis. (All Commission Districts.)

- 20-0853** **6E** Recommendation to approve budget amendments totaling an increase of [\$65,986.00] in both revenue and expense to the FY21 Immunizations Supplemental COVID19 Subaward retroactive to October 1, 2020 through June 30, 2021 and direct the Comptroller’s office to make the appropriate budget amendments. Health District. (All Commission Districts.)
- 20-0854** **6F** Recommendation to approve State Collection Development Grant-In-Aid Award funds from the State of Nevada in the amount of [\$12,646.00, no local match required] for a retroactive term of November 6, 2020 through June 30, 2021 for the augmentation of Library Collections, direct the Comptroller’s Office to make the necessary budget amendments and authorize the Director to sign the grant award documents. Library. (All Commission Districts.)
- 20-0855** **6H** Recommendation to approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following district: WCAD 32 - Spanish Springs Valley Ranch Rd, (additional description of affected parcels contained in exhibit A of attached Resolution) (No Fiscal Impact to the General Fund) Treasurer. (Commission District 4.)

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 5-0 vote, it was ordered that Consent Agenda Items 6A through 6H, with 6G being pulled, be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6H except 6G are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 22, 23, & 24

- 20-0856** **AGENDA ITEM 7** Recommendation to approve the appointment of a Washoe County Board of Adjustment applicant to represent Commission District 5 (generally includes the areas of Verdi, North Valleys, Cold Springs, Warm Springs, portions of Sun Valley and all of the High Desert Planning Area extending to the Oregon border), to fill a term beginning on January 1, 2021, and ending on June 30, 2024, or until such time as the appointee no longer serves on the Board of Adjustment or a successor is appointed, whichever occurs first. Applicants include: Ashlynn S. Ely, Rob Pierce, David L. Salinger, and Vernon S. Waligora. Community Services. (Commission District 5.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Rob Pierce be appointed to the Washoe County Board of Adjustment.

20-0857 **AGENDA ITEM 8** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 75 Court St. & 220 Parking Garage Elevator Modernization Project, [staff recommends Koch Elevator, in the amount of \$1,113,349.81 base bid plus \$18,561.00 for after-hours work at 75 Court St.]; and approve a separate contingency amount of \$36,706.32 [for a total project amount of \$1,168,617.13] and direct the Comptroller's Office to make the necessary cross-functional budget appropriation transfers [net impact to County budget is zero]. Community Services. (Commission District 3.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8 be awarded, approved and directed.

20-0858 **AGENDA ITEM 9** Recommendation to: 1) affirm acceptance of real property APN's 021-030-09, 021-030-13, 021-030-15, and 021-020-10, located within Unincorporated Washoe County which contain certain portions of the SouthEast Connector; totaling approximately 166.804 acres and 1.346 linear miles, as identified in the approved 2014 Interlocal Cooperative Agreement Approving RTC Program of Projects; and, 2) adopt seven Resolutions Accepting Real Property for use as a Washoe County public street associated with seven Official Plats as listed below; totaling 16.52 acres and 3.15 linear miles, and if approved, direct the Clerk's Office to record the seven resolutions to accept:
(R20-63) A portion of the Official Plat of Bailey Creek Estates, Subdivision Tract Map 5293, recorded on November 7, 2018 as Document Number 4864944, being the rights-of-way for; Crawford Creek Drive, Crawford Creek Court, Little Tree Court, Silver Moon Court, & Shadow Hills Drive, APN's 017-572-15, 017-522-03, 017-582-11, & 017-480-15; approximately 4.13 acres and 0.75 linear miles; and,
(R20-64) A portion of the Official Plat of Donovan Ranch - Phase 7, Subdivision Tract Map 5374, recorded on May 21, 2020 as document number 5031989, being the rights-of-way for; Desert Shadow Drive, a portion of Hacienda Ridge Way, a portion of Rustic Ridge Drive, and a portion of Desert Chukar Drive, APN's 534-734-04 & 534-684-03; approximately 3.90 acres and 0.85 linear miles; and,
(R20-65) A portion of the Official Plat of Eagle Canyon IV - Unit 5, Subdivision Tract Map 5275, recorded on July 17, 2018 as document number 4833318, being the rights-of-way for: a portion of Garden Pond Way, a portion of Swallow Pointe Drive, and a portion of Lanstar Drive, APN's 532-244-12, 532-244-13, & 532-252-12; approximately 3.50 acres and 0.63 linear miles; and,
(R20-62) A portion of the Official Plat of Eagle Canyon Ranch - Unit 3, Subdivision Tract Map 5209, recorded May 18, 2017 as document number

4705504, being the rights-of-way for; a portion of Spruce Meadows Drive, and a portion of Mallard Crest Drive, APN's 532-225-26 & 532-225-27; approximately 0.191 acres and 0.03 linear miles; and,
(R20-66) A portion of the Official Plat of Eagle Canyon Ranch - Unit 5, Subdivision Tract Map 5312, recorded February 20, 2019 as document number 4888829, being the rights-of-way for; Coulee Meadow Drive, a portion of Spruce Meadows Drive, a portion of Kingston Canyon Drive, and a portion of Jordan Meadows Drive, APN 532-283-17; approximately 2.290 acres and 0.44 linear miles; and,
(R20-67) A portion of the Official Plat of Eagle Canyon Ranch - Unit 6, Subdivision Tract Map 5348, recorded October 30, 2019 as document number 4967663, being the rights-of-way for; Ten Penny Drive, a portion of Garden Pond Way, a portion of Kingston Canyon Drive, and a portion of Jordan Meadows Drive, APN 532-304-18; approximately 2.228 acres and 0.43 linear miles; and,
(R20-68) A portion of the Parcel Map 5448, recorded February 20, 2020 as document number 4998518, being the rights-of-way for; a portion of Mallory Lane, APN 044-391-30; approximately 0.276 acres and 0.02 linear miles. Community Services. (Commission Districts 2 & 4.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be affirmed and adopted. The Resolutions for same are attached hereto and made a part of the minutes thereof.

20-0859 **AGENDA ITEM 10** Recommendation to reject all bids for the Washoe County Sheriff Office Isolation Cell Conversion Project pursuant to NRS 338.1385(6)(d). Community Services. (Commission District 3.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be rejected.

20-0860 **AGENDA ITEM 11** Recommendation to approve Amendment #2 to a Memorandum of Understanding, A Contract Between the State of Nevada Acting by and Through its Department of Conservation and Natural Resources and Washoe County, a Political Subdivision of the State of Nevada Acting by and Through its Community Services Department-Regional Parks and Open Space to extend the funding arrangement on State Question 1 projects retroactively from June 30, 2020 to June 30, 2021; and if approved, authorize Assistant County Manager [Dave Solaro] to execute the Amendment. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be approved and authorized.

20-0861 **AGENDA ITEM 12** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Our Place Permanent Modular Installation Project [staff recommends Facilities Management, Inc., in the amount of \$181,180.00]; and, approve a separate \$7,000 project contingency amount [for a total project amount of \$188,180.00]; and direct the Comptroller to make the cross-functional budget appropriation transfers [net impact to County budget is zero]. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be awarded, approved, and directed.

20-0862 **AGENDA ITEM 14** Recommendation to approve the Add-On Sales & Renewal Agreement between Washoe County Health District (WCHD) and Patagonia Health (PH) to provide an Electronic Health Record/Practice Management System for the Community and Clinical Health Services Division via a subscription service in the total amount of [\$484,443.48] for a five year term for the period retroactive to October 22, 2020 through October 21, 2025 with automatic renewal for an additional five years unless WCHD notifies PH in writing by September 22, 2025 to either terminate the agreement or discuss new terms. Health District. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be approved.

20-0863 **AGENDA ITEM 15** Recommendation to approve budget amendments totaling an increase of [\$5,144,530.00] in both revenue and expense for Coronavirus Relief Funds in support of the Health District's Coronavirus response efforts retroactive to March 1, 2020 through December 30, 2020 and direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be approved and directed.

20-0864 **AGENDA ITEM 16** Recommendation to accept a Coronavirus Relief Fund (CARES Act) subgrant award from the State of Nevada Governor's Finance Office (GFO) in the amount of [\$162,650; no county match] retroactive from March 1, 2020 to December 30, 2020 to provide furniture, linens, appliances and soft construction items in Building 8B on the Washoe County Human Services Agency's Our Place Campus; authorize the Director of the Human Services Agency to execute the subgrant award and related documents; and direct the Comptroller's Office to make 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 Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 16 be accepted, authorized, and directed.

20-0865 **AGENDA ITEM 17** Recommendation to approve agreements between Washoe County and Churchill County, Douglas County, Elko County, Esmeralda County, Eureka County, Lander County, Lyon County, Mineral County, Modoc County, Pershing County, and Storey County for forensic pathology services provided by the Washoe County Regional Medical Examiner's Office for a period of up to three years effective retroactively on July 1, 2020. Regional Medical Examiner. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 17 be approved. The Interlocal Agreements for same are attached hereto and made a part of the minutes thereof.

20-0866 **AGENDA ITEM 19** Recommendation and possible action to Ratify a Declaration of Emergency issued on November 17, 2020 by Washoe County Manager Eric Brown due to natural-made events and circumstances surrounding the Pinehaven Fire in Southern Washoe County around the area known as Caughlin Ranch, which emergency was terminated on December 2, 2020 by the County Manager. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 19 be ratified.

20-0867 **AGENDA ITEM 20** Recommendation to approve the reimbursement of costs incurred by the City of Reno, the City of Sparks, departments of Washoe County, and the Washoe County School District for expenses related to and in support of the Enhanced 911 Emergency Response System and portable event recording devices, and recommended by the 911 Emergency Response Advisory Committee on November 19, 2020, in an amount not to exceed [\$199,887.30] as specified within the adopted Enhanced 911 Fund's operating budget. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 20 be approved.

20-0868 **AGENDA ITEM 22** Recommendation to approve the sole source purchase of Cortex XDR Endpoint Protection Solution licensing (three-year term), through ePlus, Inc., in an amount not to exceed [\$423,632.00]. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 22 be approved.

20-0869 **AGENDA ITEM 23** Recommendation to approve the acceptance of Assembly Bill 4 (AB4) funds as a Subgrant Award from the Office of the Secretary of State in the amount of [\$439,131.00] no match required, for the purpose of covering emergency costs for the 2020 General Election. The subaward period is retroactive for expenditures incurred between the dates of August 3, 2020 and December 1, 2020. If approved, direct the Comptroller's Office to make the necessary budget amendments. Voter Registrar. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 23 be approved and directed.

20-0870 **AGENDA ITEM 24** Recommendation to approve the acceptance grant funds awarded by the Center for Tech and Civic Life (“CTCL”), a nonprofit organization tax-exempt under Internal Revenue Code section 501(c)(3), in the amount of [\$277,479] for the purpose of planning and operationalizing a safe and secure 2020 General Election. No match required. The award period is retroactive for expenditures incurred between the dates of June 15, 2020 and December 31, 2020. If approved, direct the Comptroller’s Office to make the necessary budget amendments. Voter Registrar. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 24 be approved and directed.

20-0871 **AGENDA ITEM 18** Recommendation to conduct a performance evaluation of Washoe County Manager Eric Brown including a discussion of the results of the 2020 Performance Feedback Survey and adoption of priorities and expectations for the County Manager; discussion and possible action to increase the County Manager’s base salary by a percentage or by an amount certain effective retroactive to November 25, 2020 and/or to provide a lump sum bonus to be paid in Pay Period 1 of 2021; discussion and possible action to approve an amendment to the County Manager’s Employment Agreement dated October 22, 2019 to extend the Agreement for an additional year to November 25, 2022, and to amend Section 6.C “Dues and Subscriptions” to add a term providing for an increase in annual funding in the County Manager’s Office budget of \$3,000.00 for a total of \$10,700 to be used as an educational or personal development fund by the Office of the County Manager and if approved, authorize the Chair to sign the amendment; and direct the Comptroller’s Office and Human Resources to make all necessary adjustments. Human Resources. (All Commission Districts.)

Chair Lucey explained the evaluation process for the County Manager took place annually to review the Manager’s performance and role within the organization. He indicated Director of Human Resources and Labor Relations Patricia Hurley worked with him to send the evaluation to Commissioners, direct reports, department heads, and leaders of other agencies.

Ms. Hurley conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: 2020 Performance Evaluation; Timeline; Survey Groups/Participants; Leadership, Integrity, Communication; Survey Results – Overall Performance; and Next Steps.

Mr. Brown conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: 2020 – A year of Unprecedented Innovation; COVID-19 Response and Crisis Management; COVID Financial Management; Innovations; Washoe County has moved to Digital operations; Major Digital improvements; New ways of serving our citizens (4 slides); Launched Initiatives; Internal Initiatives (3 slides); Homelessness; Moving toward a Regional Solution; Extended Outreach Efforts; Awards; Department Awards; 2021 and beyond; and Additional Priorities for the next year.

Vice Chair Berkbigler thanked Mr. Brown for his presentation and thought it was an accurate summary of 2020. She expressed her appreciation for his leadership and guidance.

Commissioner Herman thought the County made a great decision by hiring Mr. Brown. She enjoyed working with him because of his willing attitude, which made her look better to her constituents. She expressed appreciation for the time he put into his job and the efforts he made for citizens. She could not imagine herself being successful with the events that occurred this year without Mr. Brown's leadership. She said he worked effectively with everyone in the community and people had an ultimate respect for him.

Commissioner Hartung asserted Mr. Brown had done an exemplary job in 2020 and showed calmness when dealing with contentious situations. He remarked the Manager had no previous municipal experience, and praised the Manager's leadership skills when dealing with complex situations to create solutions. He noted it was not easy to get everyone on board, and Mr. Brown's non-confrontational approach had not gone unnoticed. He expressed respect for the Manager's ability to allow his team to do their jobs without micromanaging them. He thanked him for his hard work and mentioned it was a difficult year.

Commissioner Jung thanked Mr. Brown for suffering through this public evaluation and stressed the importance of the scores he received from the Commissioners. The Board had seen him do a tremendous amount of work over the past year and she surmised most people would not have accepted the position if they would have known what would occur. She asserted he earned the position and had exceeded all her expectations. The Board was successful because of the County Manager's success. She was grateful that he proved he was more than capable of performing any task.

Vice Chair Berkbigler emphasized this had been a most trying year, but one of the best to work with someone with such leadership skills. She wanted the region to work together and Mr. Brown accomplished that task; elected officials from the City of Reno admitted they had never seen the region work together as a team as well before. She expressed satisfaction that Mr. Brown joined the County and thanked him for his guidance and leadership, which helped in so many ways. She noted she would be leaving the Commission, but she was not leaving the community.

Chair Lucey said he had hoped to review Mr. Brown's evaluation in person, although he had spent the last 12 months working face to face with him. He explained the survey was sent to 34 individuals throughout the County, and the 28 respondents overwhelmingly responded that Mr. Brown exceeded expectations. He admitted he was one of the largest critics when Mr. Brown was hired due to his lack of municipal experience. Allowing himself 12 months to work closely with the Manager, Chair Lucey stated it had been a pleasure and an honor to work with him through natural disasters, a pandemic, a challenging election season, and civil unrest in the community. He indicated the Manager brought true understanding of being a leader with a calm demeanor. Mr. Brown was not one to appease all, but he brought forth guiding principles that took an organization from good to great. Chair Lucey asserted Mr. Brown was dedicated to Washoe County. He commended the Manager for his 24-hour-a-day, 7-day-a-week commitment to his job, and Chair Lucey said he was a true believer of the Manager's talents. Individuals in the community mentioned to the Chair how wonderful it was to work with the Manager; they admired the sense of calmness he provided during challenges and uncertainty. Chair Lucey thanked Mr. Brown for his service and commitment.

Based upon the survey results and discussions with Human Resources, Chair Lucey made a recommendation that the Board extend Mr. Brown's employment agreement to November 25, 2022, increase his salary by 10 percent retroactive to November 25, 2020, and discuss an annual bonus as appropriate. He indicated Mr. Brown's salary was 10 percent lower than leadership in Clark County and the Cities of Reno and Sparks; this increase would align him with his peers. He recommended an increase in the Manager's Office budget to \$10,700 for dues, subscriptions, education, and personal development. He pointed out Clark County Manager Yolanda King was permitted to receive up to a 12.5 percent increase in salary at the discretion of its Board, which included a cost of living adjustment (COLA), a salary increase, and a bonus.

Vice Chair Berkbigler supported the recommendations made by Chair Lucey. She asked the Commission to discuss a lump sum bonus. Commissioner Herman also agreed with the Chair's recommendations.

Commissioner Hartung pointed out the Chair recommended extending Mr. Brown's contract to November 25, 2022, but he suggested extending it to November 25, 2023. Commissioner Hartung indicated he was not in favor of a bonus, but he supported parity with other leaders in the region and the proposed budget increases for the Manager's Office.

Commissioner Jung agreed with the Chair and stated she liked the salary being aligned with the budget Mr. Brown managed, which was the largest budget in northern Nevada. She also agreed with a bonus, particularly since it would not be compensatory with the Public Employees' Retirement System.

Vice Chair Berkbigler agreed it was appropriate to extend the Manager's contract to November 25, 2023. She thought a 10 percent equalization salary increase was fair and said she would not oppose a flat percentage bonus. She asked the Chair for his thoughts. Chair Lucey opined a bonus was due to Mr. Brown since he was thrust into situations that even seasoned county managers would be challenged with, yet he still excelled. He was supportive of a bonus considering the Manager's exemplary job over the past 12 months. He said Manager Brown's contract indicated a bonus was at the Board's discretion with no set amount or percentage range. He noted the Manager received a 2.5 percent COLA in July allowed by contract, as did other employees. He believed a bonus was a separate acknowledgement of excellence and suggested the Board consider a one-time lump sum bonus of 5 percent.

Commissioner Jung thought 5 percent was low but fair considering the uncertain time.

Ms. Hurley explained the bonus would be calculated after Mr. Brown's merit increase brought his salary to \$250,952; at 5 percent, the bonus would be approximately \$12,547.

Commissioner Herman thought the bonus should be increased to 7.5 percent.

Commissioner Hartung indicated that his reluctance to support a bonus had nothing to do with Mr. Brown's outstanding performance, but rather the optics of giving one during a pandemic with many unknowns. He said he would agree with the Board's decision, since the Manager was worth every penny.

Vice Chair Berkbigler believed the Manager's 24/7 commitment to his position was the reason to grant him a bonus.

Assistant District Attorney David Watts-Vial stated Mr. Brown's contract did not state a maximum limit for an annual merit increase or bonus amount, adding it was at the discretion of the Board.

On the call for public comment, Ms. Jamie Stetson, via Zoom, asserted Mr. Brown was hired to do the job as County Manager, though she admitted the year proved to be more work than a normal year. She expressed concern about the bonus, thinking the County needed to be more fiscally conservative with taxpayers' money. She believed a bonus in addition to a salary increase was inappropriate. She asserted many people in the community were suffering and thought a bonus should not be considered at this time.

Mr. Brown expressed his appreciation to the Board.

On motion by Chair Lucey, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that, based on the performance evaluation of Washoe County Manager Eric Brown including results of the 2020 Performance Feedback Survey and adoption of priorities and expectations for the County Manager: Manager Brown's salary be increased by 10 percent retroactive to November 25, 2020 to provide parity amongst his peers in the community and across northern Nevada; Manager Brown's contract date be extended an additional 24 months to November 25, 2023; Manager Brown be provided with a one-time 5 percent merit bonus; and Section 6.C "Dues and Subscriptions" be amended to provide an increase in annual funding in the County Manager's Office budget to \$10,700 to be used as an educational or personal development fund.

20-0872 **AGENDA ITEM 25** Introduce and conduct a first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 434, Regional Development Standards within Cooperative Planning Areas and All of Washoe County, by removing all sections within the Article including: 434.00, Introduction; 434.05, Purpose; 434.10, Applicability; 434.15, Definitions; 434.20, Density; 434.25, Lot Adjacency; 434.30 Ridgelines; and 434.35 Earthquake Fault Areas.
And Remove Article 822, Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement and remove all sections within the Article including: 822.00, Introduction; 822.05, Purpose; 822.10, Applicability; 822.15, Definitions; 822.20, Master Plan Policies and Goals, and Zoning Amendments Criteria; 822.25, Findings for Regional Form and Pattern including Open Space; 822.30, Findings for Housing; 822.35, Findings for Concurrency, Timing and Phasing of Infrastructure; 822.40, Findings for Public Service Levels and Fiscal Effect; and 822.45, Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed; and other matters necessarily connected therewith and pertaining thereto. If supported, set the public hearing for second reading and possible adoption of the Ordinance for January 12, 2021. Community Services. (All Commission Districts.)

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.

Jan Galassini, County Clerk, read the title for Bill No. 1849.

Commissioner Hartung explained this item was to clean up language in the Development Code.

Bill No. 1849 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

- 20-0873** **AGENDA ITEM 26** Introduction and first reading of an ordinance amending the Washoe County Code, Chapter 110 (Development Code), Article 412, Landscaping to:
- a. Clarify where the standards of Article 412 apply
 - b. Clarify the process for review of extenuating circumstances for modification of standards
 - c. Clarify the requirements for landscaping plans
 - d. Require water conservation measures
 - e. Require preservation of Significant Trees
 - f. Provide for greater flexibility in design of civic and commercial required landscaping
 - g. Clarify that durable materials are required for screening fences
 - h. Update standards for numbers of required trees, shrubs and ground cover
 - i. Provide standards for revegetation of disturbed areas
 - j. Update standards for financial assurances; and other matters necessarily connected therewith and pertaining thereto.
- And set the public hearing and second reading of the ordinance for January 12, 2021. Community Services. (All Commission Districts.)

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.

Jan Galassini, County Clerk, read the title for Bill No. 1850.

Bill No. 1850 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

20-0874 **AGENDA ITEM 27** Public Comment.

Ms. Annemarie Grant, via Zoom, expressed dismay regarding the proposed fee for body camera footage. She opined the Board refused to respond to the public about the item being on the agenda, not due to transparency but to chastise the public for having a voice. She asserted the item was requested by Sheriff Darin Balaam but the Board had the power to approve or deny the item. She thought she knew what the outcome would have been if it had come down to a vote. She said she relied on factual data and wondered where the facts from the Sheriff's Office were obtained. She played an audio recording of her brother in distress.

Ms. Jamie Stetson, via Zoom, reminded the Commissioners of their place in the community. The job of the Board was not to serve the Sheriff's Office or other departments, she said; it was to serve the public. It was acceptable for departments to ask for administrative policy, but she felt it was inappropriate for the Sheriff's Office to ask for something that would reduce transparency. She thought it was important the Board kept that in mind when making decisions the community elected it to make.

20-0875 **AGENDA ITEM 28** Announcements/Reports.

Chair Lucey said he understood the frustration of public commenters related to different roles the Commissioners had; an item would be placed on a future agenda to discuss providing better transparency to the general public. The most important role was maintaining a safe and secure community, and the County was committed to that. He said it was difficult to provide the complexity of how large the organization was during a public meeting. He explained many projects had been overshadowed by negativity over the past year. The response to homelessness, public safety issues, capital improvements, law enforcement, hospitals, and testing had been overshadowed. He asserted the Manager had done a great job and commended the Board members for supporting Mr. Brown. He believed 2021 was going to be a difficult year; the situation would not change just because the year did.

* * * * *

12:32 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, 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