

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

TUESDAY

10:00 A.M.

FEBRUARY 9, 2021

PRESENT:

Bob Lucey, Chair
Vaughn Hartung, Vice Chair
Alexis Hill, Commissioner
Kitty Jung, Commissioner (via telephone)
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 10:00 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:

21-0096 AGENDA ITEM 3 Public Comment.

Mr. Rob Pierce expressed concern about businesses closing during the pandemic along with people losing their income and becoming homeless. He brought up Agenda Item 8B2, saying he heard rumors this would include a \$150 annual tax per vehicle due at the time of registration. He asked the Board to consider the impact to hard-working residents and opined no amount of money would solve homelessness.

Mr. Davidson Simons was not present when called to speak.

Mr. Bruce Parks expressed frustration that Chair Lucey disregarded the wishes of his constituents by not placing a resolution negating mandates from the Governor's Office on an agenda for discussion. He wondered what harm would result from allowing people to discuss the possibility of a resolution, since other counties had submitted and passed them. He asked Chair Lucey to reconsider and allow the people to speak.

Mr. Paul White conveyed his apprehension about spending more money to solve homeless issues because most homeless people did not want to stop abusing drugs or work. He invited the Board to refer as many chronic homeless individuals to him as it could; he would get them off the streets and employed within 72 hours if they were willing. The City of Reno sent him an individual and, within 48 hours, she was housed and employed making \$17.00 per hour. He looked forward to helping and said he would be back in 30 days to provide an update.

Mr. James Benthin expressed frustration about the Board delaying an open hearing to discuss the County's response to COVID-19 (C19) and asserted thousands of people were becoming infected and dying from the virus daily. He read a portion of an article from *The American Journal of Medicine* about outpatient treatment for C19, a copy of which was placed on file with the Clerk. He urged the Commissioners to read the article.

Ms. Kelly Applegate requested a public meeting to discuss concerns in the community and wanted the County to be accountable for the metrics being used to determine unemployment and infection rates. She asked the Board to convey accurate information to the community.

Mr. James Applegate expressed concern about new taxes being imposed on citizens and thought increasing the minimum wage could impact small businesses. He urged the Board to reduce taxes for small businesses.

Mr. Roger Edwards voiced the importance of public input and said the Board members were representatives of the County whose job was to take the people's message to State representatives. He expressed concern about small businesses going out of business due to state mandates in the County and mentioned other counties were lifting mandates.

Mr. Edwardo Morales expressed frustration about the State's restrictions and thought the Board should pass a resolution to help ease restrictions for the 117,000 citizens who lived in the unincorporated County.

Ms. Cindy Olivieri read from the Great Barrington Declaration about a reasonable scientific approach to understanding C19. She expressed frustration that a public hearing had not been scheduled to discuss a path toward normalcy.

Mr. George Lee stated legislation was passed in 1965 for the federal government to care for the welfare of people and, although billions of dollars had been spent, the current situation was worse than it was in 1965. He expressed concern about money being spent on the homeless population because he thought it would only be a temporary fix.

Ms. Susie Howell expressed frustration about mandates being imposed that were not enforceable, such as mandates to wear masks. She wanted a public hearing to discuss mandates and other issues in the County.

Ms. Barb Mathers communicated her frustration about the Board's inability to change mask mandates and mentioned five counties had declared a state of economic emergency, overriding Governor Steve Sisolak's health directives. She was concerned about businesses closing due to social distancing and capacity restrictions. She wanted a public hearing and for schools to reopen.

Mr. Nicholas St. Jon read from an article published in the *New York Post* related to five proven C19 treatments, a copy of which was placed on file with the Clerk. He expressed the importance of high dose intravenous Vitamin C therapy to treat C19 because the article stressed it was a proven treatment.

Ms. Victoria Myer encouraged people to read the Great Barrington Declaration. She expressed dismay about incorrect numbers of people infected with C19 and uncertainty about whether people were reporting being recovered from the virus. She feared the lockdown would damage children and increase cases of domestic violence, along with increased drug and alcohol abuse. She asked for a public hearing.

Ms. Layne Linebaugh asked for a public hearing and consideration of a resolution. She expressed concern about children wearing masks for extended periods of time, opining it was abusive. She was opposed to any additional taxes to assist with homelessness.

Ms. Darla Lee conveyed her frustration that the County was absorbing the burden of the homeless problem in Reno. She thought the Reno City Council should deal with funding, which would affect all taxpayers in the County.

Ms. Cindy Martinez expressed aggravation towards the County for not loosening restrictions against masks and capacity limits of businesses. She requested a public hearing to discuss a resolution.

Ms. Melanie Sutton expressed concern about children being required to wear masks and practice social distancing. She believed hydroxychloroquine was a successful treatment for C19 if prescribed in the early stages of the virus and thought it should be used.

Mr. Kenji Otto claimed Chair Lucey had not responded to his phone calls or emails. He believed homeless individuals could find a way to get off the streets if they wanted, and he did not want additional taxes to pay for homelessness.

Ms. Gina St. Ores opposed more taxes to pay for homeless and thought people would move away from Nevada because of tax increases and bad policies. She spoke about the hardship her family encountered when her husband returned from war. She wanted homeless individuals to be trained so they could work, and she thought people receiving benefits from the County should be mandated to pass drug and alcohol testing.

County Clerk Jan Galassini stated a voicemail was received from Ms. Norma Davidson regarding the Steamboat Ditch.

Via the Zoom app, Ms. Annemarie Grant, sister of Thomas Purdy, commented about the treatment and condition of inmates at the Washoe County Jail. She emailed documents chronicling people's incarceration experiences to the Clerk, which were placed on file.

Via Zoom, Daniel Purdy, brother of Thomas Purdy, expressed concern about homeless issues in the County. He asserted individuals suffering from mental health did not want to receive help because of their illnesses, and it was a significant issue in the County.

21-0097 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Herman brought up Agenda Item 8B2, saying she had some of the same thoughts as the public about putting money into small businesses as a way of preventing some homelessness. She expressed disbelief this item was in the Consent Agenda and suggested it be removed to consider making changes which would eliminate additional taxes.

Vice Chair Hartung asked for Agenda Item 8B2 to be taken out of the Consent Agenda for discussion. He asserted the Board had been clear it would not support a supplemental governmental services tax for issues that had to do with people driving and registering automobiles. He said the City of Reno had pushed this forward to Legislature and he believed it was Senate Bill 71. He wanted to know staff's intention for this item.

Commissioner Jung said citizens were frustrated with the rollout of the COVID-19 (C19) vaccine and the inability to schedule appointments to receive the first dose. She said she explained the priorities to her constituents but feared people were losing sight that quantities of the dose were low.

Chair Lucey spoke about the public comment heard earlier by saying many individuals addressed homelessness, public hearings, and a resolution related to C19. He said he would confer with the County Manager and the Commissioners if the community wanted a public hearing, and they would set a date for a future meeting.

Chair Lucey explained the Washoe County School District (WCSD) was responsible for overseeing enrollment and conduct, asserting the Board of County Commissioners had no purview over them. He mentioned the WCSD Board of Trustees would meet on February 26 at 4:00 p.m. if the public wanted to address issues directly.

Chair Lucey said many individuals experienced homelessness in the community and someone had to address the growing issue and consider a solution. The County was responsible for providing services to many individuals, encompassing everything from road work to the Medical Examiner's Office; homeless services were one such service the County provided. He mentioned Our Place received an honorable mention from the Cashman Good Government Award judges for taking care of women, families, and vulnerable children. He mentioned the County was working tirelessly to fix the homeless situation in the community.

Chair Lucey asserted any information about him running for a higher office was misinformation and he would be happy to discuss that with anyone.

21-0098 **AGENDA ITEM 5** Presentation on activity of the WNDD and the Economic Recovery and Resiliency Council by Sheryl Gonzales, Executive Director of the Western Nevada Development District.

WNDD Executive Director Sheryl Gonzales, via the Zoom app, deferred to Economic Recovery Coordinator Don Vetter to conduct a PowerPoint presentation. Mr. Vetter reviewed slides with the following titles: Western Nevada Development District (3 slides); WNDD Services; Economic Recovery & Resiliency Project (3 slides); Economic Recovery & Resiliency Council Members; Regional Accomplishments; Comprehensive Economic Development Strategy (CEDS); CEDS 2020/21 Priority/Goal Areas; EDA Investment Priorities; WNDD...Integration with the Washoe County Strategic Plan; WNDD CEDS: Project Evaluative Criteria; and Questions.

Commissioner Hill was pleased the WNDD was working with the Tahoe Prosperity Center and thanked Mr. Vetter for the presentation.

Commissioner Jung said Ms. Gonzales was successful with anything she touched and was the creator the first Nevada Economic Development Conference.

Chair Lucey thanked Mr. Vetter for the presentation and complimented the WNDD for the great work it did in the community.

There was no public comment or action taken on this item.

PROCLAMATIONS

21-0099 **6A** Proclaim the recognition of Faith Forum's 10 year anniversary on February 11, 2021.

Vice Chair Hartung read the Proclamation to the religious leaders present.

Dr. Nancy Cecil thanked the Board for the Proclamation. She said this was the fourth year she had written for the Faith Forum and was honored to be allowed to write a column every week. She appreciated the commonalities and differences in religion and enjoyed reading all the columns.

Rabbi Beth Beyer mentioned she had been writing a Faith Forum column for 10 years with Rajan Zed as the driving force. She shared a personal story about Mr. Zed about hard times they experienced with religion. She thanked the Board for the recognition.

Dr. Sherif Elfass thanked the Commissioners for the recognition. He thought the Faith Forum brought peace and harmony to the community. He mentioned existing tension between different religions and wondered how to bridge religion to find common ground. When he started writing for Mr. Zed, he believed it would only last about 6 months, but it had been 10 years and they were still writing every week.

Reverend Matthew Fisher thanked the Board for the recognition on behalf of the 1.2 billion Buddhists in the world. He credited Mr. Zed for gathering the diverse group to provide a great experience for the public every Sunday.

Mr. Brian Melendez thanked the Commissioners for the work they did. He recognized Mr. Zed for the great job he had done taking the message of religion everywhere it was needed and expanding on the kindness needed in the world. He had written in the Faith Forum for the past 7 years and was grateful to share tribal understandings and world views, which had significant meaning to many people in the area and throughout the state.

Chair Lucey thanked the group for providing many views from different walks of life in the community. He thought the weekly publication brought area residents great peace.

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Chair Lucey, it was ordered that Agenda Item 6A be adopted.

DONATIONS

21-0100 **7A** Recommendation to acknowledge the donation of a line management system, Nemo-Q, from the Washoe County Bar Association to the Second Judicial District Court in the market value of [\$15,516.00]. District Court. (All Commission Districts.)

Chair Lucey thanked the Washoe County Bar Association for helping at the Second Judicial Court. He said the court was extremely busy and would provide many benefits for citizens.

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, it was ordered that Agenda Item 7A be acknowledged.

CONSENT AGENDA ITEMS – 8A THROUGH 8C, EXCEPT 8B2

21-0101 **8A** Recommendation to approve a Grant of Easement granting a permanent, non-exclusive easement (totaling ±47 square feet) to Sierra Pacific Power Company d/b/a NV Energy on APN 038-112-09 in Verdi, Nevada for the placement of an underground anchor to support the relocation of an existing power pole above the Truckee River ordinary high water mark [at a value of \$1.00]. Community Services. (Commission District 5.)

21-0102 **8B1** Recommendation to acknowledge receipt of the Interim Financial Report for Washoe County Governmental Funds for the Six Months Ended December 31, 2020 - Unaudited. Comptroller. (All Commission Districts.)

21-0103 **8C** Recommendation to approve the reclassification of a vacant Account Clerk II, pay grade H, to a Payroll Technician II, pay grade J, as evaluated by the Job Evaluation Committee; and authorize Human Resources to make the necessary changes. [Net fiscal impact \$0]. Human Resources. (All Commission Districts.)

Chair Lucey announced Agenda Item 8B2 would be pulled from the Consent Agenda and heard separately.

There was no response to the call for public comment on the Consent Agenda Items listed above.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 8A through 8C except Agenda Item 8B2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 8A through 8C except Agenda Item 8B2 are attached hereto and made a part of the minutes thereof.

21-0104 **8B2** Recommendation that the Board of County Commissioners approve and authorize the Chair to execute the attached resolution establishing the Homelessness Fund as a Special Revenue Fund for the purpose to be able to separately track and identify the County's sources, uses, resources and disbursements associated with regional homelessness; and for the purpose of providing supportive services for people experiencing homelessness including but not limited to: housing and shelter, case management, medical services, nutrition services; and for the purpose of paying expenses associated with these services including but not limited to: personnel, professional services, landscaping, janitorial services, laundry services, security, repairs and maintenance, office supplies, operating costs, equipment (capital and noncapital) and cannot include the purpose of debt service or capital projects. Comptroller. (All Commission Districts.)

County Manager Eric Brown provided clarification that this item had nothing to do with an additional tax or financial obligation to taxpayers. Rather, it was a simple accounting change which would allow consolidation of all homeless revenue sources and expenses into one set of accounts for improved tracking of what was being spent on homelessness. He thought this change would assist staff in determining what was being spent and where, and allow for more transparency for the public and Commissioners to see where the homeless dollars were spent. The Board was not interested in implementing a supplemental governmental services tax (SGST) and urged the public to view the Strategic Plan Workshop session from January 13, 2021 on the County website.

He indicated the video would clarify the intention of the Commissioners as each of them spoke against taxation.

Chair Lucey explained this item would provide improved accountability of where homeless funds were spent and keep other local municipalities accountable through audits by the Comptroller's Office. He clarified the discussion earlier was about the SGST related to Senate Bill 11, submitted by the City of Reno to pay for homelessness, and it would be discussed during Agenda Item 12.

Vice Chair Hartung asked for services to be segregated on tax bills so the public would know where their tax dollars were going. He wanted to see where ancillary programs such as Sober 24 and Crossroads were funded but he did not see that information in the staff report. Mr. Brown responded further discussion was needed to determine what constituted a homeless related expense. Certain expenses were clearly considered homeless expenses, but some programs which did not specifically target the homeless but could impact them would need a determination as to whether they should be included in calculations. He mentioned Sober 24 and Crossroads were programs that could include homeless populations but that would need to be decided as accounts were created.

Vice Chair Hartung feared this would create the potential for people to continue needing resources; he would rather programs be created that taught people to be productive. He thought many of the homeless population wanted a path to help them be productive and believed an accountability system could help. He supported the concept to track homeless spending.

Commissioner Hill thought this was an exciting opportunity for the community. She believed this would be a great way for the County to provide information to taxpayers and show that people were being helped to become sustainable.

Assistant County Manager Christine Vuletich indicated Nevada Revised Statutes (NRS) required Board approval when another fund was added, and this was an accounting function that would allow for increased transparency.

Vice Chair Hartung wondered whether establishing this fund would result in a clear overall accounting to understand the per-person cost of individuals in the system, and he asked about the expected time they would continue to be in the system. He thought it was important to know which individuals in the system wanted help and which did not, and how to deal with them. Mr. Brown replied yes, the per-person cost would be clear.

Chair Lucey agreed the County needed more specific focus on spending so every tax dollar would benefit those individuals, and statistics needed to be tracked to ensure the services provided were working. He asserted the County could not continue to pay for services for homelessness out of the general fund. He thought this was the smartest way to move forward to provide clear accounting and transparency to all.

On the call for public comment, Mr. Bruce Parks said it was refreshing to hear the Commissioners voicing concern about where money was being spent; he believed the City of Reno's solution was to throw more money at homelessness and it would go away. He brought up the cost to taxpayers for homeless individuals and mentioned Million Dollar Murray, who he said was the perfect example of failed policies.

Mr. Nicholas St. Jon expressed appreciation to the County for finding a solution to allow anyone to see where money was being spent for homelessness. He believed an external audit should occur in addition to the internal audit performed by the Comptroller for increased oversight. He spoke about homeless individuals learning how to work the system to make it easier for them to be homeless than to work.

Ms. Victoria Meyer spoke about an effective program in Rhode Island and suggested searching 'Seattle is Dying' to learn more about an effective program. She explained this program's first step was enforcing the laws. She urged people to watch the video and opined it was worth the time.

Ms. Layne Linebaugh was not present when called to speak.

Ms. Cindy Martinez said she agreed with the change once she did her research. She noted everyone was talking about a solution for homelessness and thought they needed to discuss how homelessness became a problem. She expressed concern about Jacobs Entertainment purchasing motels on 4th Street that used to house vulnerable populations who were now living by the river. She opined Jacobs Entertainment contributed to members of the Reno City Council.

Ms. Lorraine Dougherty expressed appreciation for the explanation of the intent of this fund. She thought it would be a useful tool to track where money was being spent for the homelessness problem. She said she reviewed the focus of the Strategic Plan and opined a housing-first approach did not solve the problem. She credited a study done at the University of Alabama at Birmingham which concluded a treatment-first process was the most successful.

Ms. Melanie Sutton was not present when called to speak.

Mr. Kenji Otto spoke about homelessness and told a story about a friend. He expressed that people who did not want to be homeless found a way to get past it. He compared those who were working the system and wanted to be homeless with those who wanted to work and just needed an opportunity. He believed Amazon and Apple could create programs in the area to help the people who wanted it.

Ms. Gina St. Ores said COVID-19 (C19) had created many problems impacting the homeless. She thought the County could utilize unemployed people to create a team for C19 safety that could make all businesses, including schools and churches, safe. She thought this would boost the economy and provide jobs to those in need. She thought identifying the problems of each homeless individual could help solve the homeless issue.

Ms. Katherine Snedigar expressed frustration about the lack of accounting for homelessness funds. She spoke about an issue at the Reno Justice Court that prevented a disabled person from using the ramp to enter the building and thought it was strange that homelessness took precedence over that issue. She mentioned large companies in the Reno area should be doing something to help.

Ms. Susan Howell concurred with the things Ms. Snedigar spoke about.

County Clerk Jan Galassini received emails from Vince, Ms. Julia Rockenstein, Mr. Larry Chesney, and Ms. Jaimee Olson, which were placed on file. She noted voicemails were received from Mr. Marcel Marlo, Mr. Patrick McMann, and Ms. Tammy Holt-Still.

Commissioner Hill made motion to approve the item. Vice Chair Hartung seconded the motion but wanted further discussion.

Vice Chair Hartung asked for clarity about whether revenues from all sources would be placed into this fund for an accurate accounting, and whether the County was talking to the City of Sparks and other jurisdictions about a regional enforcement team. Mr. Brown replied yes, saying the County considering all three jurisdictions' analysis, revenue grants, private donations, even the general fund contributions made by the Cities of Reno and Sparks. He stated it was a comprehensive look at all revenue sources being used to address the homeless problem. He clarified the item would allow the County to do a better job of clearly reporting its own revenue and expenses.

Vice Chair Hartung wondered when an update on this item would be brought back to the Board. Mr. Brown replied it would be implemented on July 1.

Commissioner Herman expressed concerns about approval of this item and feared there could be duplication of services. She believed this did not include a goal not to duplicate services. She still had many questions about how this would work. She thought the County should take advantage of Mr. Paul White, who spoke during public comment, and send him some homeless individuals to help.

Chair Lucey said this was not a discussion about which services were provided to citizens or how they were provided. He indicated several programs were already in the budget but fell under other departments. He explained it was difficult to determine what dollars were spent on homelessness. He said all homelessness revenues and expenses would be combined into one proper fund going forward to ensure transparency and accountability for where funds were spent.

Commissioner Herman wondered why the Department of Taxation was involved in this. Chair Lucey stated anytime a Comprehensive Annual Financial Report (CAFR) changed or a new fund was created in the CAFR, NRS required it to be brought forward in a public meeting and voted on by the Commission.

On motion by Commissioner Hill, seconded by Vice Chair Hartung, which motion duly carried on a 4-1 vote with Commissioner Herman voting no, it was ordered that Agenda Item 8B2 be approved, authorized, and executed.

12:34 p.m. **The Board recessed.**

12:44 p.m. **The Board reconvened with all Commissioners present**

21-0105 **AGENDA ITEM 9** Recommendation to approve the acceptance of the Secretary of State's budget appropriation to Washoe County in the amount of [\$321,061.56] to reimburse the county for voting equipment licensing and support fees for fiscal year 2020 and 2021. The amount received for FY 2020 was [\$160,530.78]. The amount to be received for FY 2021 will be [\$160,530.78]. No match required. The award period is retroactive from July 1, 2019 through June 30, 2021. If approved, direct the Comptroller's Office to make the necessary budget amendments. Registrar. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be approved and directed.

21-0106 **AGENDA ITEM 10** Recommendation to accept the 2021-2026 Incline Village Law Enforcement Team Grant from Dave and Cheryl Duffield [amount not to exceed \$11,743,336.00, no match required] to be used to pay for one full time Captain, one full time Lieutenant, 4 full time Sergeants, and 5 full time Deputy Sheriffs, associated operating expenses, equipment and 7 vehicles to be stationed in Incline Village for the grant period of July 1, 2021 - June 30, 2026, and if approved direct Human Resources and authorize Sheriff Balaam to sign all awarded documents to create one 1.0 FTE Captain position, one 1.0 FTE Lieutenant position, four 1.0 FTE Sergeant positions, and five 1.0 FTE Deputy Sheriff positions, direct Comptroller's Office to make the necessary budget amendments. Sheriff. (Commission District 1.)

Chair Lucey explained this was a grant provided by Dave and Cheryl Duffield through the Sheriff's Office to replace deputy positions previously cut in Incline Village. He looked forward to having more deputies in the area again and thanked the Duffields for their gracious donation.

Commissioner Hill said constituents expressed concern about this item. Although there was no match for this grant, she wanted to ensure there were no additional requirements other than an annual report to the donors. Sheriff Darin Balaam, via the Zoom app, replied there were no other requirements for this grant.

County Clerk Jan Galassini received emails from Mr. Asher Dunn, Mr. Stuart Dunn, Adrian Lowry, Ms. Paula Dudley, Ms. Jennifer Henry, and Ms. Laurie Roberts, which would be placed on file.

Via Zoom, Ms. Annemarie Grant, sister of Thomas Purdy, spoke in opposition to citizens privately funding the Incline Village police. According to the staff report, she said police in Incline Village were currently focused on responding to service calls, which she believed led to abusive behavior by law enforcement.

Ms. Quina Williams, via Zoom, brought up information in the staff report about Sheriff Balaam meeting with the Duffields' representative on a quarterly basis to review plans and progress, and Sheriff Balaam would additionally meet with Dave Duffield and his representative to discuss project objectives and performance at least once annually. She wondered whether it was customary for private citizens to fund the Sheriff's Office and meet quarterly to discuss the status.

Chair Lucey relayed his understanding that any grants received by the County included discussion with donors and department heads or elected officials were allowed. Sheriff Balaam explained any grants received from the Department of Justice or the Community Oriented Policing Services Office required a quarterly report listing where and how funds were spent. This was no different than any other grant except they would be reporting to the Dave and Cheryl Duffield Foundation. He stated this was not out of the ordinary at all.

On motion by Commissioner Hill, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be accepted, directed, and authorized.

21-0107 **AGENDA ITEM 11** Recommendation to accept Emergency Rental Assistance allocation from the United States Department of the Treasury in the amount of [\$6,564,663.20; no county match], retroactive from January 21, 2021 through December 31, 2021. Authorize the County Manager to sign award documents, and direct the Comptroller's Office to make the necessary budget amendments; and possible direction to staff regarding expenditure of award funds. Manager's Office. (All Commission Districts.)

Assistant County Manager Kate Thomas said this grant from the United States Department of Treasury was for jurisdictions with a population of over 200,000 residents. The County applied for and received the grant to support the community, which included providing rental assistance and rental arrears via a subgrant award with the Reno Housing Authority (RHA). Staff would bring a resolution to the Board on February 23 for approval. She said this grant would also include energy and utility assistance and arrears, which would also be handled by the RHA. Staff wanted to ensure the funds were allocated to the largest areas of need, and she noted the City of Reno also received an allocation. She indicated the County would assist the unincorporated County and the City of Sparks, and Reno would assist its residents in need. She explained they would use the addresses where

rental assistance was provided through the Coronavirus Aid, Relief, and Economic Security Housing Assistance Program and layer in other demographic data such as unemployment, rental occupancy, and income levels. She thought they could learn that rental assistance was needed in other areas not considered low-income but where residents were impacted by COVID-19.

Vice Chair Hartung wondered about staff working with the Truckee Meadows Water Authority (TMWA) and sewer providers. He wanted to ensure money was getting to the people who needed it. Ms. Thomas said they had already reached out to TMWA and NV Energy, and were working with sewer providers and the City of Reno to cover various utilities to get a sense of how much was in arrears. She mentioned they would use guidance for eligibility; the income of the household could not exceed 50 percent of the area median income and at least one person in the household needed to be unemployed at the date of application.

Vice Chair Hartung asserted some people were employed but their work hours had been cut. Ms. Thomas said staff would route callers to work with grants administration staff in the County Manager's Office and the subgrantee to make sure everyone was in compliance with federal guidelines. She stated the guidelines were required to ensure people were not being paid for rent or utilities they were capable of paying.

Vice Chair Hartung expressed concern about private water companies and wondered whether funds were provided directly to utility companies or to customers. Ms. Thomas assured him they would reach out to the water companies if they had not already, and some companies had the ability to directly bill the RHA; if not, they would work with them individually to receive payment.

Commissioner Hill thought it was important for materials to be provided in Spanish to reach out to those demographics. Ms. Thomas said some materials for the targeted areas being underserved would be in two languages.

County Clerk Jan Galassini said there was no public comment. She noted a staff report was added to the website and would be placed on file.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be accepted, authorized, and directed.

21-0108 **AGENDA ITEM 12** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager's Office. (All Commission Districts.)

Chair Lucey explained that he, Commissioner Hill, County Manager Eric Brown, Government Affairs Liaison Jamie Rodriguez and her team, and the Assistant County Managers had been working at the session. He noted it was the second week and the legislative building being closed to people and liaisons not being allowed to meet with legislators was interesting. He said a small group of staff and media were allowed in the building with the legislative bodies, which made it difficult to work on certain bills as they came up. He mentioned many people provided them with bill draft requests (BDRs) that needed to be addressed. He stated the County did not submit any BDRs this year based on Board direction as they knew the budget was going to be an issue. He indicated some massive bills were introduced. Senate Bill (SB) 11 was brought forth by the City of Reno to allow cities to impose a supplemental governmental services tax (SGST) and enforce the taxing authority to publish that tax. He said they were working on SB11 along with other bills. He wondered about the bill number for the Innovation Zone Bill. Assistant County Manager Kate Thomas stated it had not officially been published and provided to the Legislative Council Bureau. The language was available but a bill number had not been assigned yet.

Chair Lucey said budget presentations were currently being made to the legislators and bills would be on the Assembly and Senate floor. He stated the County was scheduled to conduct a presentation to the Assembly Government Affairs Committee later in the week.

Mr. Brown highlighted four bills. The first bill was SB11, which would allow cities within Washoe County to impose a SGST, or 1 cent on each dollar valuation of a vehicle based in that city. He said this would be allowed if the County did not first impose a SGST; if a city within Washoe County did impose a SGST, the County could only impose the tax on residents where the tax had not been imposed. He asserted the position of the Board was to oppose SB11. The second bill was Assembly Bill (AB) 1, which would augment the required training and require it to include discussions with local governments related to the structure and authority of local governments. The third bill was AB3, which would revise provisions concerning electronic transmission of certain maps and other documents relating to the approval of divisions of land. He explained this would allow the maps and documents used for land use planning to be transmitted electronically for necessary approvals. The fourth bill was AB33, which would impact the proceedings concerning the protection of children. This would make changes to the process for determining paternity as it related to the safety and protection of children, and it would mirror other judicial procedures to help determine the paternity of the child. He explained staff recommended support for AB1, AB3, and AB33.

Vice Chair Hartung wondered how the proposers of SB11 determined whether a resident was included in the City of Reno or in unincorporated Washoe County. Mr. Brown said he could not answer that without looking at the language. Chair Lucey said there was no documentation or draft language that would provide clarification to that question.

Chair Lucey stated SB11 did not contain language to identify the tax fund as being used for specifically for homelessness issues. He opined this bill would set a bad precedent for any city in Nevada that resided within a County because the County was the taxing authority as stated in NRS. He said this would allow the municipality within a County to instruct their taxing authority to set forth new taxes and use the revenue how they saw fit. Staff was working to see how this evolved. He explained many bills in draft language might never get a hearing or go to committee. He said moving from one house to the other for approval was a significant process. They would continue to watch for progress. He reiterated staff's recommendation to approve three other bills.

Commissioner Hill brought up AB33 and thought it would help adoptions in Washoe County. She wanted to ensure staff worked with governmental tribal agencies on this to ensure they knew this was coming. Chair Lucey replied staff would follow up with Human Services Agency Director Amber Howell.

Commissioner Jung said the Board was relying on Chair Lucey and Commissioner Hill to keep the Commissioners up to date and guide them.

Chair Lucey said the Board could style its positions however they liked. He recommended grouping the bills the Board supported together, but they should not release the opposed bills at this time. This was a long process and the Board needed to see where they were at on bills.

Vice Chair Hartung expressed opposition to SB11 and thought it was reckless.

Chair Lucey suggested supporting the bills staff recommended for support, AB1, AB3, and AB33, and looking at SB11 separately.

There was no response to the call for public comment.

On motion by Commissioner Hill, seconded by Vice Chair Hartung, which motion duly carried on a 5-0 vote, it was ordered that Washoe County support AB1, AB3, and AB33, and staff be directed to work with tribal partners and receive comment on AB33.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 3-2 vote with Commissioner Hill and Commissioner Jung voting no, it was ordered that SB11 be opposed as drafted.

21-0109

AGENDA ITEM 14 Public Hearing: Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between Washoe County and Rilite, Inc., to clarify the accurate boundary of the Rilite Aggregate Facility and Special Use Permit SP-34-76W to include APNs 016-730-61, 016-730-62, and 016-730-06 based on considerations including, without limitation, history of use and procedural history for the pit operations, and other matters necessarily connected therewith and pertaining thereto.

The term of the agreement is the shorter of either a) the date Rilite completes the reclamation of the aggregate in accordance with the reclamation plan or b) December 31, 2050.

The project is located southeast of Western Skies Drive at 9208 Western Skies Drive in Reno, Nevada. The project encompasses a total of 3 parcels that total approximately 197.13 acres. The parcels are located within the South East Truckee Meadows Area Plan. The property is located within the South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries and within Washoe County Commission District No. 2. Community Services. (Commission District 2.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said ordinance.

County Clerk Janis Galassini read the title for Ordinance No. 1663, Bill No. 1851.

Chair Lucey indicated no significant changes had been recommended since the first reading.

Ms. Galassini said she received emails in support of approval from Ms. Debra Corp and Mr. Michael Rudolf, which would be placed on file.

On motion by Chair Lucey, seconded by Vice Chair Hartung, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1663, Bill No. 1851, be adopted, approved, and published in accordance with NRS 244.100.

21-0110 **AGENDA ITEM 13** Public hearing: Appeal of the Washoe County Planning Commission's approval of Abandonment Case Number WAB20-0003 (Pahute) for the abandonment of Washoe County's interest in ±1,197 square feet (±31 feet) of public right-of-way at the end of Pahute Road (APN:123-143-11), 175 feet west of Nevada State Route 28. If approved, the property will be abandoned to the abutting property owner at 425 Pahute Road. The request to abandon is pursuant to NRS 278.480 and related provisions in the Washoe County development code. The appellant is Victor Elgohary and the applicant for the abandonment is the Kurt D. Callier Living Trust, owner of 425 Pahute Road (APN:123-143-11). Community Services. (Commission District 1.)

Chair Lucey said the Board often operated as quasi-judicial board and this appeal was such a case. The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of this item.

Planner Julee Olander conducted a PowerPoint presentation via Zoom, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: APPEAL-WAB20-0003 (Pahute Road); Appeal; Aerial view of subject properties; Overview; Abandonment; Analysis; map of Pahute Road; Analysis; Abandonment Findings; and Possible Motion.

Ms. Olander said the original request was for three feet of the public right of way (ROW) but it had been changed to only two feet. She referred to the map of Pahute Road, noting there were other properties that had issues with being on the public ROW. Houses with garages on the ROW were denoted in the presentation by red stars, and the house with a yellow star had a shed built on the public ROW.

Using the Zoom app, Mr. Elgohary played a video of Pahute Road. He conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Pahute Abandonment Appeal; Pahute Road, Crystal Bay; 425 Pahute Survey/Site Map; Pahute Road Turnaround; photo of truck in the road; Pahute Road – Applicant Caillier's Obstructions; Pahute Road – 50" Snowfall; Legal Advice from Nate Edwards (3 slides); Applicant Caillier's False Assertions; Commission Vote; Penalties for Encroachment; and Conclusion (2 slides).

Mr. Elgohary noted the permanent structure encroached severely on the ROW that residents and service providers relied on daily. He said approximately 40 percent of the residence crossed the property line into the ROW and most of the structure was located outside the required setbacks. He played a video of a delivery truck turning around in the cul-de-sac, which demonstrated the difficulties faced by delivery drivers; freight delivery drivers were refusing to make deliveries to residents on Pahute Road because of those difficulties. He stated the issue was compounded when residents and their guests further obstructed the road by parking their vehicles on the street. He said residents were informed that further reduction of the turnaround area would likely result in cessation of FedEx and UPS deliveries. He mentioned snowfall during the winter could further obstruct

the roads and make deliveries more difficult. He played an audio recording from the Planning Commission (PC) meeting in which Deputy District Attorney Nathan Edwards clarified the issues under consideration. Mr. Elgohary asserted Mr. Edwards felt it necessary to clarify the issues because PC staff were focusing on baseless and irrelevant facts.

Chair Lucey said the applicant was represented by Ms. Quina Williams from Gilanfarr Architecture.

County Clerk Janis Galassini said the PowerPoint presentations were submitted after the agenda was posted. She stated copies of the presentations were placed on file and posted online.

Ms. Williams thanked staff from the County and various other entities who helped work through this issue. She conducted a PowerPoint presentation via Zoom, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: 425 Pahute; Existing Conditions; map (3 slides); Existing Site Conditions (6 slides); Turnaround Improvement; Proposed Solution; Reason for Abandonment; Proposed Site and Road Improvements; Proposed Driveable Area (2 slides); Existing Road vs New Road; Compliance; Proposed Construction; and Summary.

Ms. Williams noted the precedent in the subject neighborhood was unlike any other in the area. She said the neighborhood was situated on a steep incline with homes built into the hill. The homes originated as fishing cabins at the beginning of the 19th century; they were mostly inaccessible during the winter until the 1950s when the area started to be subdivided. She said the property lines did not line up clearly with the houses. She stated there was a large precedent of property line encroachment and boundary adjustment in the area. She referred to the map slides which highlighted the property with boundary line adjustments or variances on file with the County. She noted a rounded portion of the street was acquired by Washoe County into the ROW in 1981. Although published records of the circumstances surrounding that quitclaim deed were not available, she conjectured the County acquired that area to help mitigate the long-standing encroachment. She said the small area was not paved but it did extend the area where vehicles could turn around. She felt this previous quitclaim was proof that the County acknowledged the encroachment as a product of confusing property lines and roads and not the fault of the people who built the home. She clarified the applicant had no intention of reducing or eliminating the turnaround capacity. She said the proposal included sufficient parking for the homeowner on his own property and the homeowner had no intent to use the road for parking. She stated the existing road conditions were not ideal; the applicant hoped to improve the situation as part of this abandonment and construction process. She said the applicant was working with all relevant agencies to ensure the project was fully compliant. She noted the development could add value to the neighborhood.

Commissioner Hill said the Board was required by State law to find that there would be no detriment and the abandonment would not result in a material injury to the public. She asked the appellant to speak about the detriment. Mr. Elgohary said the

detriment to the public would be someone's radical encroachment to the ROW being made permanent. He said trucks would have an easier time turning around if the house was not located there. He reiterated the development code outlined specific requirements for roads, which Pahute Road already did not meet. He said the road was built so that it could be used as a turnaround.

Chair Lucey opined many of the roads in that area were one-way roads and most were sub-standard. He said Crystal Bay's inception and growth had caused issues and the County had done a number of abandonments in the past. He noted several parcels on Pahute Road encroached on the ROW. Ms. Olander responded there were two garages that appeared to be on the property line and several houses were too close to the street; these did not meet the setback and were considered non-conforming structures.

Vice Chair Hartung asked whether there were records of how many houses were non-conforming, potentially in the ROW, and had asked for variances. Ms. Olander replied she was not aware of properties on Pahute Road which had asked for abandonments. Vice Chair Hartung said the houses in the area went back to the 1940s and the records going back to the 1980s were not available. He asked how the Board would know if this had occurred in the past. Ms. Olander replied she was unable to confirm one way or the other.

Vice Chair Hartung said the roads in Crystal Bay were very narrow, a result of past planning practices. He asked the appellant what solution he recommended. Mr. Elgohary said he had offered to help the applicant because he read the entire Tahoe Regional Planning Agency (TRPA) Code. He said the TRPA Code had provisions to make the argument. He stated the applicant wanted coverage because the TRPA would not exert much effort to help him move his house. He asserted the County needed to work with the appellant and the TRPA to situate the structure properly on the lot.

Chair Lucey asked Mr. Elgohary to confirm that he was an attorney who practiced land use law and was licensed in Texas. Mr. Elgohary said yes but he planned to get licensed in Nevada once the COVID-19 pandemic subsided. Chair Lucey asked who Mr. Elgohary represented. Mr. Elgohary replied he represented his neighbors, full-time residents of Crystal Bay informally. Chair Lucey asked whether Mr. Elgohary had a residence on Pahute Road. Mr. Elgohary replied yes.

On the call for public comment and via the Zoom app, Fred and Linda Greifenstein, residents of Pahute Road, stated their property was incorrectly listed by Ms. Olander and Ms. Williams as structures that encroached on the ROW. He said one of Mr. Elgohary's photos showed a vehicle parked in front of their garage and the vehicle did not encroach on the road. He noted they had received a legal variance to build the garage, but the only building built on the road was 425 Pahute Road.

Chair Lucey brought up APN 123-143-20, owned by the State, and 123-143-08, owned by the United States. He said those parcels were purchased to preserve open space in the Tahoe Basin with grant funds, so improvements to that road would need to go

through the State for approval. He mentioned nearby Gonowabie Road was another one-way road, which went through a significant portion of APN 123-145-04, allowing drivers to make u-turns. He acknowledged roads presented issues for delivery vehicles, and wintertime conditions created a serious issue in that area. He believed most individuals who resided in that area understood the complications of living by the lake due to the geographic and topographic nature of the area. He did not see this issue as being tremendously impactful. He opined this issue needed to be corrected because it was a gross encroachment onto the ROW.

Commissioner Herman thought the Board should get some legal advice on this issue. Chair Lucey agreed the issue was complicated.

Assistant District Attorney David Watts-Vial reiterated Deputy District Attorney Nathan Edwards's statement that some things were at issue and some were not. The issue under consideration was whether or not the abandonment complied with the master plan, whether it created a material adverse impact to the public, and whether there were any easements or access points that were preserved or located somewhere else. He said the PC was able to make those findings. Based on County Code 110.912.20, the burden was on the appellant to persuade the Board that the decision of the PC was unreasonable, unlawful, or that they somehow abused their discretion. The Board had the ability to affirm, reverse, modify, or apply a different interpretation to any of those findings.

Mr. Watts-Vial asked whether Commissioner Herman had any specific questions that were not answered by his explanation. Commissioner Herman said she felt somewhat inadequate to consider the issue, but she would proceed.

Mr. Watts-Vial stressed that the Board was not charged with deciding whether or not the house was in conformance or had been in conformance in the past. The Board would not decide whether any of the other properties discussed were legal, or whether future plans for the property were acceptable. He said the question was whether the Board agreed with the abandonment based on the factors that were laid out.

Chair Lucey asked whether the abandonment was consistent with the policies of the master plan based on the staff report. Ms. Olander replied there was no specific language in the master plan or the Tahoe plan that addressed abandonment. She thought the question that would more likely come up in the master plan was whether this was detrimental to the County in any way. She noted the property owner had a revocable encroachment permit on the property, which would relieve the County of any financial burden. She said staff would look at the master plan to provide direction in promoting streets to be in appropriate locations; as it had been pointed out, this street was not in the appropriate location.

Chair Lucey asserted the abandonment was just for the ROW that was currently under the purview of Washoe County. Ms. Olander confirmed that was correct. Chair Lucey noted there was currently a physical structure in the ROW and the proposed line adjustment would be two feet outside the current property. Ms. Olander said yes.

On motion by Commissioner Hill, seconded by Vice Chair Hartung, which motion duly carried on a 5-0 vote, it was ordered that the Board affirm the decision of the Planning Commission and approve Abandonment Case Number WAB20-0003.

21-0111 AGENDA ITEM 15 Public Comment.

Ms. Susie Howell was not present when called to speak.

Ms. Cindy Martinez expressed appreciation for the deliberations that took place and said she was learning more at every meeting she attended. She spoke about Jacobs Entertainment who owned casinos and closed motels on 4th Street, which she opined contributed to homelessness. She asked whether the grant for law enforcement officers in Incline Village included Public Employees' Retirement System and health benefits. She appreciated the opposition to SB11 but was disappointed not all Commissioners opposed the bill.

Mr. Kenji Otto suggested a public forum about COVID-19 (C19) and homelessness be held at the Reno-Sparks Convention and Visitor Center because people had the right to speak and receive feedback. When polio was an epidemic, people who were sick were the ones quarantined, and he did not understand why healthy people were now being quarantined. He spoke about a Cold Springs resident who offered property for a gun range. He requested an audience with Chair Lucey.

Ms. Katherine Snedigar expressed frustration about being told to wear a mask and spoke about the health ramifications of extensive mask wearing. She spoke about Occupational Safety and Health Administration being responsible for employees and employers, alleging she could not be told to wear a mask inside a building paid for by her tax dollars. She accused Chair Lucey of not supporting the community by not allowing them to receive hydroxychloroquine for treatment of C19.

21-0112 AGENDA ITEM 16 Announcements/Reports.

County Manager Eric Brown reminded the Board of an attorney-client meeting following the conclusion of this meeting.

Commissioner Hill said the Tahoe Transportation District (TTD) had scheduled upcoming public forums to discuss the possibility of a bus hub in Incline Village and how people could provide input. She noted meeting schedules and locations were on the TTD website. She commented that she toured the Washoe County Jail in January and looked forward to continuing those efforts throughout the year; a presentation from the Sheriff's Office would take place at a future meeting.

Commissioner Jung thanked all the essential workers who had been handling issues since COVID-19 started and the County public service workers who went above and beyond every day to ensure the County continued providing essential services.

Chair Lucey said he received many emails regarding essential workers and a vaccine protocol, and asserted staff was working with the State to get bus drivers moved up on the list to be vaccinated. He mentioned many challenges were related to which businesses qualified as essential and non-essential. He asked Mr. Brown for an explanation from the Health District about the breakdown for protocol because many comments were made by the media about who qualified.

* * * * *

2:26 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
Carolina Sticklely, Deputy County Clerk