

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

TUESDAY

10:00 A.M.

MAY 23, 2023

PRESENT:

Alexis Hill, Chair
Jeanne Herman, Vice Chair
Michael Clark, Commissioner
Mariluz Garcia, Commissioner
Clara Andriola, Commissioner

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

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, County Clerk Jan Galassini called roll and the Board conducted the following business:

23-0324 AGENDA ITEM 3 Announcements/Reports.

Commissioner Clark thanked Assistant County Manager (ACM) Kate Thomas for taking care of a constituent's cable line problem which he had brought up the prior week. It was, he discovered, the responsibility of the company that oversaw the lines to ensure they were high enough off the ground to avoid garbage trucks. Several other neighborhood lines had subsequently been addressed.

Commissioner Clark mentioned repeating a constituent comment about the Clark County budget without fact-checking it first, which had turned out to be wrong. As a result, a meeting between him and Chief Financial Officer (CFO) Abigail Yacoben was arranged. In response to a prior query by Mark Robison of the *Reno Gazette-Journal (RGJ)*, Commissioner Clark stated he voted no on the budget as an act of solidarity with the employees who would not receive retroactive pay in line with County Manager Eric Brown's direct reports. He encouraged County employees to contact Manager Brown about the lack of retroactive pay.

Commissioner Clark requested that County staff be available during meetings to answer any questions he might have, as his current approach of emailing staff with questions was not working. In addition, he informed Mr. Robison that he could call him directly. He believed staff had been available for questions regularly when former Commissioner Kitty Jung was on the Board, and he asked for that practice to return. He planned to ask more questions during meetings to be more transparent, acknowledging it would add more time to the meetings.

Commissioner Clark stated several business owners wanted to make public comments but were unable to because they could not leave their businesses without knowing when that item would be heard. Other members of the public who had attended a Nevada Ethics Commission meeting had been instructed to go to the Attorney General's (AG) Office. He compared the decision to remove the initial public comment period to silencing protesters of the Vietnam War, calling it a unilateral decision. He pointed out the Board could not discuss the decision or vote on it, which he felt took away people's voices.

Vice Chair Herman agreed that the initial public comment period should return, as she used to spend a lot of time at the podium herself. She declared it would not hurt the Board to listen to comments twice.

Vice Chair Herman said American Rescue Plan Act (ARPA) funds would not always be available and the budget might need to tighten. She referenced flooding in Lemmon Valley in January of 2017, which prompted her to repeatedly ask the County Manager at the time what could be done. As a result, they met with a lobbyist in Washington, D.C., who answered her questions and ultimately a barrier was placed. She indicated there had been a disagreement about whether something was done incorrectly, and the lobbyist was fired and replaced by the Porter Group. She came to the Porter Group with research about raising homes, but the company ignored her suggestions even though governmental agency approval was already given. She then worked with an engineer on a map, but the Porter Group did not take action there either. She opined the Porter Group might be prejudiced against Lemmon Valley or District 5. She sought a lobbyist who would listen.

Assistant District Attorney (ADA) Nate Edwards asked the Commissioners to use their judgment when providing enough background on an item to request that it come back on a future agenda without advocating one way or another on the issue. The purpose of this item was to request items for future agendas. Chair Hill expressed appreciation that ADA Edwards guided the Board members and kept them from legal trouble.

Commissioner Garcia noted that May was Mental Health Awareness Month and Older Americans Month. She congratulated the Senior Services staff and everyone involved in hosting hundreds of events during the month. She brought up an article she wrote on senior isolation, thanking Administrative Secretary Supervisor Ryan Crane for the data he provided. She expressed appreciation that all Older Americans Month materials were written in both English and Spanish. She said suicide data in Washoe County for people 65 and older was twice the national average. She thanked the Commission Support Team for helping her visit communities in Sun Valley, Reno, and Sparks, allowing her to hear constituents' thoughts on housing, prescription drugs, and access to resources. She stressed the importance of being more cognizant of ongoing issues throughout the year.

Commissioner Andriola indicated she attended a Regional Emergency Medical Services Agency (REMSA) celebration of EMS Week, which was emotional given a recent tragic accident. It was an amazing opportunity to celebrate first responders, some of whom

had given their lives. She also attended a National Prayer Breakfast where she experienced how different cultures expressed their way of prayer.

Chair Hill recalled giving a proclamation to the Salvation Army, which provided rehabilitation services for people who were incarcerated or who came from the Cares Campus. She spoke about the Incline Village/Crystal Bay Mobility Committee's consideration of alternate sites for the elementary school which had been purchased by the Tahoe Transportation District (TTD). She called on anyone with property on State Route (SR) 28 to come forward if it could be evaluated for this purpose.

Chair Hill listed other ways constituents could reach Board members with comments: emailing them through the County Clerk or the County Commission, calling Washoe 311, or calling the Commissioners' cell phones listed on the County's website. This would allow their voices to be heard.

Manager Brown noted Flag Day would be celebrated on June 14 in conjunction with the 150th anniversary of the Washoe County Courthouse, for which he thanked Judge Barry Breslow. The celebration would be held from 12:00 p.m. to 2:00 p.m. Additionally, Senator Jacky Rosen's office would host a map viewing of the Truckee Meadows Lands Management Act at the County Administrative Complex on May 24 from 4:00 p.m. to 6:00 p.m. There would be no presentation, but comment cards would be available. Maps were also accessible on the lands bill website.

23-0325 **AGENDA ITEM 4** Appearance and presentation by Kelly Echeverria, Emergency Management Administrator, on the Green Recovery portion of the COVID19 - 2021 Recovery Action Plan. The Recovery Action Plan is a tool utilized to ensure the recovery team has identified goals and objectives and is utilizing appropriate strategies to accomplish those goals. "Green Recovery" consisted of 5 strategies to support Objective #3 Foster business continuity within Washoe County and build back better.

Emergency Management Administrator Kelly Echeverria conducted a PowerPoint presentation and reviewed slides with the following titles: Authority; The Disaster Cycle; Timeframe; Structure (2 slides); Recovery Action Plan (2 slides); Goals; Objectives; Green Recovery Goals (2 slides); Reduce Greenhouse Gas Emissions; Enhance Resilience & Mitigate Climate Change; Strengthen Food Security & Increase Access to Healthy Foods; Invest in Equitable Multimodal Transportation Infrastructure; Establish an Urban Forestry Program.

Ms. Echeverria clarified all the steps involved with disaster management. She said prevention, preparedness, response, recovery, and mitigation happened simultaneously, so it was misleading to call it a cycle. Recovery took place during the response phase; they did not wait for a disaster to be over before it happened. The recovery plan provided guidance that was flexible, allowing them to better respond to every individual incident since each one was different. She noted Preparedness and EMS Program Manager Andrea Esp helped with the Community Support Services group.

Ms. Echeverria said the Recovery Action Plan (RAP) was created to ensure they were accomplishing their goals to support the community. She stated she met weekly with the green recovery team and monthly with the overall recovery action team. To determine the green recovery goals, the team reviewed best practices, both globally and throughout the nation, and discovered that very few jurisdictions chose to focus on green recovery.

When the pandemic began, Ms. Echeverria continued, her office reviewed the Hazard Mitigation Plan to determine the action items, but the only item they discovered was for improving air quality. The County's Air Quality Management (AQM) division explained poorer air quality increased the likelihood of contracting respiratory diseases and often exacerbated symptoms. As such, their goals became to improve air quality, support the AQM division in achieving its goals, and reveal the impacts in the region that did not fit into other goals in the RAP. She noted the County had already been working on some of the goals, but the recovery plan still sought to document them as a way of supporting the goals of community partners. She noted the goal of hiring a Hazard Mitigation Program Coordinator had already been approved.

Ms. Echeverria spoke about the interconnectivity of things, how trees planted in parks impacted air quality and fire resistance, and increased vegetation solidified the soil, which affected flooding. The equitability of programs was important to ensure the elderly and lower-income neighborhoods had access to the same defensible space programs, which would hopefully reduce smoke. She commented food security became a huge issue when businesses shut down and access to programs was reduced. While American Rescue Plan Act (ARPA) funds helped the food bank, it was important to facilitate conversations about community reinvestment.

As part of the implementation of a Smart Trips commuter program, Ms. Echeverria continued, having food on site was important. This was achieved with the café at the administrative complex. Through discussions with federal agencies, they were able to locate funding sources for electric vehicle (EV) infrastructure. She added they worked with City of Reno Urban Forester Matt Basile and the County Parks Department to make headway on the urban forestry program, which would impact air quality, fire resilience, and urban heat islands. Having experts onboard like an arborist would save money in the long run.

Ms. Echeverria noted they worked closely with the Desert Research Institute (DRI) on the RAP. During the pandemic, the DRI was able to conduct and publish many studies on the smoke and air quality issues caused by California wildfires. Additionally, they collaborated with the Federal Emergency Management Agency (FEMA), which appreciated the air quality-based community approach that many other jurisdictions were not taking.

Chair Hill spoke about attending a FEMA emergency management training on recovery, citing an example of how an earthquake could then result in flooding. Not only was it crucial to plan for those events, but to consider how the area could recover in a

sustainable way. Commissioner Garcia expressed gratefulness for the focus on the social determinants of health, which embedded elements such as upbringing, education, and age into their goals.

Commissioner Clark suggested looking into the brightness of night lights in the communities, which affected bird migration, wildlife habitats, and quality of life. Those lights also used up fossil fuels, so he recommended incorporating a dark skies model into the program. He inquired about the makeup of the advisory boards referenced in the “Structure” slide and whether the boards were still active. Ms. Echeverria replied they were no longer in place. Since the goals were ongoing, the structure was no longer being built out, and focus was instead being placed on sustainment and support. The goal in recovery was to support organizations in non-disaster times, and once programs like Women, Infants, and Children (WIC) could function on their own, Ms. Echeverria's team would step back. Regarding the Building Back Better initiative, Commissioner Clark asked how many businesses had closed during the pandemic and how many business licenses had been reinstated in the meantime, but Ms. Echeverria did not have those figures.

Commissioner Andriola thanked Ms. Echeverria and the County for having a forward-thinking attitude toward recovery while being ready for changes. It took a concerted effort to engage all partners in the community, and she acknowledged the work it took to get that infrastructure in place. Chair Hill mentioned she appreciated that transportation had been taken into account since her constituents' concerns about evacuation would be addressed by resilient transportation infrastructure.

DONATIONS

23-0326 **5A1** Recommendation to accept the donation of one surplus 2012 Palm Harbor Manufactured Home, Serial Number NVPH2010590AB [estimated value is \$63,324.00], in an “as is - where is” condition from the Truckee Meadows Fire Protection District to Washoe County to provide additional employee housing for the Gerlach Road Operation and Maintenance Program. Community Services. (Commission District 5.)

23-0327 **5B1** Recommendation to accept donations totaling [\$51,709.44], (\$48,029.44 from the Friends of the Washoe County Child Advocacy Center, \$1,000 from Jim Lahey, and \$2,680 from Clasen Quality Chocolate) for the District Attorney’s Office to benefit the operations of and programs in the Washoe County Child Advocacy Center, and to authorize the Comptroller to make necessary budget amendments. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 5A1 and 5B1 be accepted and authorized.

CONSENT AGENDA ITEMS – 6A1 THROUGH 6H1

- 23-0328** **6A1** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2022/2023 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 \$7,422.56]. Assessor. (All Commission Districts.)
- 23-0329** **6B2** Recommendation to approve the proposed seasonal salary adjustments to the current pay structure for non-represented Seasonal job classifications: Seasonal Pool Manager (class code 4013), Seasonal Lifeguard (class code 4015), and Seasonal Sr. Lifeguard (class code 4014) within the Community Services Department to coincide with hiring efforts, retroactive to February 1, 2023, as a result of wage increases by other local municipalities; and authorize Human Resources to make the necessary changes. [Salary increases will be absorbed within Regional Parks and Open Space annual budget]. Community Services. (All Commission Districts.)
- 23-0330** **6B3** Recommendation to approve a Grant of Easement between Washoe County (“Grantor”) and NV Energy (“Grantee”) on a portion of Assessor’s Parcel Number (APN) 071-240-07, 180 Del Ora Avenue, Gerlach, commonly known as Gerlach Roads Maintenance Yard, to provide ingress and egress to the easement area, including a meter and associated facilities; construction, operation and maintenance of electrical facilities through a new electric service connection in support of the Washoe County Broadband Initiative. Community Services. (Commission District 5.)
- 23-0331** **6C1** Recommend to recognize the results of a classification and compensation study of uniform salary ranges as set forth by the Second Judicial District Court and to direct the Human Resources department to make the necessary adjustments. The implementation will be rolled out over several pay periods; however, the actions will be retroactive to the August 14, 2023 effective date. [Net fiscal impact of \$0]. Funding was budgeted and approved in the FY24 budget on May 16, 2023. District Court. (All Commission Districts.)
- 23-0332** **6D1** Recommendation to approve the budget amendments totaling an increase of [\$79,204.94] in both revenue and expense, with an in-kind of [\$40,144.00] for a total award amount of [\$127,014.00] to the FY23/FY24 PM2.5 Monitoring 103 Grant retroactive to April 1, 2023, through March 31, 2024, and direct the Comptroller's office to make the appropriate budget amendments. The purpose of this grant agreement is to maintain fine particulate matter (PM2.5) monitoring networks. The primary objective of this project is to collect quality assured data on ambient air concentrations of PM2.5 as well as chemical composition and precursors. The anticipated

short-term outcome for this project is an increase in the knowledge regarding the character and extent of PM2.5 in the ambient air. The long-term outcome, through the eventual development and execution of the state's implementation plan, is reduced PM2.5 concentrations and compliance with the PM2.5 NAAQS as set forth in the Clean Air Act. Health District. (All Commission Districts.)

23-0333 **6E1** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$33,500.00] for Fiscal Year 2022-2023; District 4 Commissioner Clara Andriola recommends a [\$23,500.00] grant to the Nevada Water Innovation Institute -- a non-profit organization created for religious, charitable or educational purposes -- to support the program's research and strategic partnerships that address the scarcity of water in northern Nevada to promote health and economic growth in the Truckee Meadows; and a [\$10,000.00] grant to the Nevada Peer Support Network -- a non-profit organization created for religious, charitable or educational purposes -- to support its mission to provide quality mental health resources and support to first responders and hospital health care professionals; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager's Office. (Commission District 4.)

23-0334 **6E2** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$10,000.00] for Fiscal Year 2022-2023; District 3 Commissioner Mariluz Garcia recommends a [\$5,000.00] grant to ReDirect Athletics -- a nonprofit organization created for religious, charitable or educational purposes -- to support their mission to help youth of all ages find a healthy outlet for everyday life through mentoring and athletic training; and a [\$2,500.00] grant to Black Wall Street -- a nonprofit organization created for religious, charitable or educational purposes -- to support their mission to provide resources and services to black and under-served communities which increases their self-sufficiency and sustainability; and a [\$2,500.00] grant to Latino Arte and Culture -- a nonprofit organization created for religious, charitable or educational purposes - to support their mission to create, produce and present the Hispanic-Latinx diverse arts and culture to a wider community; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursements of funds. Manager's Office. (Commission District 3.)

23-0335 **6F1** Recommendation to recognize the results of a classification and compensation study conducted by Trupp HR, Inc. for the staff of the Washoe County Justice Courts and to approve a new hourly salary for the Justices of the Peace of Reno, Sparks, Wadsworth, and Incline Justice Court for fiscal year 2024 consistent with that study. Further to approve a procedure to request future salary adjustments for Justice Court judges as

recommended by Trupp HR, Inc. by submitting them during the annual budget process for the Board's review and approval. Further, to rescind the 2016 Board item that tied justice of the peace compensation to the salaries of elected officials whose compensation is controlled by NRS 245.043 and to modify a July 19, 2022 Board item by reclassifying an increase to the base salary of Justice Court judges from a base salary adjustment to non-PERS-compensable incentive pay. The effective date for changes related to the Justices of the Peace will be July 1, 2023. The effective date for court staff will be August 14, 2023, consistent with the countywide implementation of the Korn Ferry study. [Net fiscal impact of \$0]. Reno Justice Court. (All Commission Districts.)

23-0336 **6G1** Recommendation to accept a subgrant award for the Infant Toddler Court Program from the State of Nevada, Division of Child and Family Services in the amount of [\$90,000; no county match requirement] retroactive from April 1, 2023 through June 30, 2024 to support the Safe Babies Court Team program which has as its mission to improve the health and well-being of mothers and children by ensuring access to high quality and equitable health services by focusing on a holistic approach to meet family needs; authorize the Director of Human Services Agency to execute subaward agreement and related documents; and direct the Comptroller to make necessary budget amendments. Human Services Agency. (All Commission Districts.)

23-0337 **6G2** Recommendation to accept a sub-grant award from the State of Nevada, Division of Child and Family Services (DCFS) in the amount of [\$37,707.00; no county match] in Federal Adoption Incentive funds retroactive from October 1, 2022 through September 30, 2023 to support foster and adoptive recruitment and recognition activities; non-county employee travel to facilitate adoptive placements; and provide direct services support for children and families to ensure placement stability. Authorize the Director of Human Services Agency to execute the sub-grant award and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

23-0338 **6H1** 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, parcels: 076-310-65, 076-371-09, 076-391-23, 077-230-07, WCAD 37 - Spanish Springs Sewer Phase 1A, parcel: 089-243-07, 089-323-04 (additional description of affected parcels contained in Exhibit "A" of attached Resolution.) No Fiscal Impact to the General Fund. Treasurer. (Commission Districts 4, 2 and 5.)

Chair Hill thanked Commissioner Andriola for the disbursements she was making in Agenda Item 6E1. Commissioner Andriola introduced the Director of the Nevada Water Innovation Institute (NWII) Krishna Pagilla and the President of the Nevada Peer Support Network (NPSN) and Truckee Meadows Fire Protection District (TMFPD) Battalion Chief Derek Reid. She mentioned both individuals would return in about one year to provide updates on the impacts of the funds that were given.

Dr. Pagilla thanked Commissioner Andriola for the generous grant and acknowledged the Board for its forward thinking in allowing the County to be a founding member of the NWII. He noted Vice Chair Herman had been a strong supporter of the Western Regional Water Commission (WRWC). The NWII was a regional collaboration to address water and infrastructure needs and make the region more water secure. This allowed them to innovate in the water sector while educating the workforce. He spoke about the projects that research scientist Laura Haak was working on, including collecting wastewater information as a way of tracking COVID-19 (C19) before testing had become readily available. The NWII also worked with Division Director of Engineering and Capital Projects Dwayne Smith on water resilience.

Battalion Chief Reid explained the NPSN provided first responders with mental health and wellness resources so they could live their best lives in active duty as well as in retirement. He recalled losing a colleague to suicide in 2019, describing the challenges of moving forward while everyone grieved. At the time, he realized they needed to reach out to other first responders in the community to provide peer support. At a meeting, it was determined that all agencies needed a network of trained peer supporters, trauma-informed clinicians, and chaplains. A website was set up with resources and phone numbers, which then expanded into the Resiliency Center on East Liberty Street, where mental health classes on meditation and resiliency were offered; courses on critical incident stress debriefings and defusing were also offered. He spoke about an incident support vehicle that provided support and refreshments. He thanked the Board for its donation.

Chair Hill highlighted Commissioner Garcia's disbursements which were captured in Agenda Item 6E2. She introduced Mr. Marcell LaGrone, who said he was the founder of Redirect Athletics, a program that provided outreach for kids in the form of boxing. They taught the children how to be resilient, react when necessary, and defend themselves. He said he had a presence in five or six schools and, after the workouts, coaches helped the kids read or do homework. The program also donated hygiene products as well as food and drinks. Some of the funding they received would go to goal bags containing new boxing gloves, wraps, shoes, and mouthpieces. This allowed every child to feel special. He said discussions were also held twice per month with the kids and their parents during which all sides were allowed to present feedback to the others. The program welcomed everyone.

Co-founder and Director of Black Wall Street (BWS) Donald Griffin said they teamed up with 13 students from innovation high schools to provide evidence-based peer training to children in elementary schools. There were also seven stations set up with Narcan kits, and the 13 students were trained in how to administer the kits as well as

cardiopulmonary resuscitation (CPR). He indicated the program also provided sack lunches and bus passes and arranged for hikes. He brought up a trip where 170 students went ziplining and were then given a chance to speak about their experience. Co-founder and President Romar Tolliver said the mission of BWS was to provide services to black and underserved populations. He described the endeavor as fulfilling and expressed appreciation for the support they received from the Board and the community.

Mario DelaRosa, Executive Director of Latino Arte and Culture, thanked Commissioner Garcia for her distribution. He noted the organization was the only nonprofit Latino organization in Northern Nevada that focused on arts and culture. He recalled starting the first Latino theatre group in Northern Nevada in 2003, and since then they presented many manifestations of Latino arts and culture. An Americans for the Arts survey said the organization made the community more desirable by creating pride in where they lived and worked. They infused lives with joy and a sense of belonging. He expressed pride in having bilingual performances that could be enjoyed simultaneously by two different cultures. They organized three festivals per year supporting local businesses, and Commissioner Garcia's funds would be used to present Latinx arts and culture to the entire community.

Commissioner Clark commented Don Vetter with Sierra Sage Golf Course was in attendance for Agenda Item 6B1. Commissioner Clark requested that the item be pulled from the Consent Agenda for further discussion. He noted the person managing the golf course could not be present.

On the call for public comment, Ms. Penny Brock provided documents that were placed on file with the Clerk. She expressed disapproval that Commissioners each received \$100,000 to donate to nonprofit organizations, and she objected to the donations. She took issue with the donation to Latino Arte and Culture because it was not in accordance with many in the Hispanic community who were pro-family and religious. She thought Commissioner Garcia was pushing a woke agenda, which she opposed because she felt the County held Judeo-Christian values. She alleged BWS partnered with the Black Panthers, and she thought the group should not be funded with taxpayer funds.

Ms. Susan Vanness referenced a photo from the BWS website which said they were sponsored by the Communist Society of Reno, an assertion she said was confirmed by Mr. Griffin and Mr. Tolliver. She felt that should be cleared up before any money was given, especially since she said she saw pictures of Mr. Tolliver with the Black Panthers.

Regarding Agenda Item 6B2, Commissioner Clark acknowledged the difficulty in staffing these positions, which were very important to the community, so he recommended paying over-market wages. With regard to Agenda Item 6C1, he inquired about uniform salary ranges, expressing concern that some Second Judicial District Court staff could make more than District Court judges. He commented the judges had not received cost-of-living adjustments (COLAs) in some time, and he recalled a conversation where some judges said they hoped to get a Statewide pay raise through the Legislature.

Additionally, he wondered whether Agenda Item 6F1 had appeared on an agenda in the fall of 2022, inquired about how Trupp HR, Inc. was found, and wanted to know how much they charged to perform their study.

Court Administrator and Clerk of Court Alicia Lerud said the Second Judicial District Court was unique in that it was a State court, so the judges were State employees whose salaries were statutorily set. Assembly Bill (AB) 15 was currently pending and it would increase the base salary of district court judges, which had not been raised since 2009. She admitted passage of Agenda Item 6C1 would put some employees' salaries higher than the base pay for some judges, but failure to do so would make it difficult to recruit and retain upper-level employees. She hoped AB15 would be successful so the base pay would be adjusted in 2027. Commissioner Clark opined it was important for the County to formally support the bill. Chair Hill added the Nevada Association of Counties (NACO) also supported the bill.

In response to Commissioner Clark's query on Agenda Item 6F1, Court Administrator for the Reno Justice Court (RJC) James Conway replied Trupp HR was hired on behalf of four justice courts. The courts had been informed that they would not be part of the Korn Ferry compensation study, so they commissioned their own study with Trupp HR. The Second Judicial District Court had used them in the past. Court Administrator for the Sparks Justice Court (SJC) Cynda Horning said she thought the fee was under \$26,000, which was split amongst the courts.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 6A1 through 6H1, with the exclusion of 6B1, be approved. Any and all Resolutions pertinent to Consent Agenda Items 6A1 through 6H1, with the exclusion of 6B1, are attached hereto and made a part of the minutes thereof.

23-0339 **6B1** Recommendation to approve the Third Amendment to Golf Management License and Services Sierra Sage Golf Course Agreement between Washoe County and Cal-Mazz Golf Management, LCC, doing business as, Mazz Golf Management, for full management of Sierra Sage Golf Course. Sierra Sage Golf Course is located at 6355 Silver Lake Road in Reno, Nevada, and amendment three reduces the payment of fees associated with utilizing effluent water provided by the City of Reno by passing along credit realized by Washoe County properties in the South Truckee Meadows Effluent system due to waiver of fees for calendar year 2023 by resolution (R23-02) and any future year actions by the Board of County Commissioners. Community Services. (Commission District 5.)

Assistant County Manager (ACM) Dave Solaro stated that Mike Mazzaferri with the Sierra Sage Golf Course had identified an issue with water sustainability at the course. In 1999, the County entered into an agreement with the City of Reno to provide effluent water to North Valleys Regional Park and the golf course. This allowed the County to sell water rights to expand the regional park. The County, according to the agreement,

would provide for payment for the operation and maintenance of the effluent water line system. Due to a clerical error, Mr. Solaro continued, the City of Reno charged \$40,000 per year for the service instead of reconciling the figures after the first year; this error was realized in 2017 when the County began paying the same irrigation rate that was charged by the Truckee Meadows Water Authority (TMWA). This put a strain on the ability of the golf course to operate, and the County had an agreement to continue working with the City of Reno to establish the actual cost of water.

Mr. Solaro noted that, during this time, the South Truckee Meadows Water Reclamation Facility (STMWRF) had reduced the County's effluent costs to zero. This was complicated because there were two sewer systems, the City of Reno's in the north and the County's in the south, but he identified an opportunity where the water rate for South Valleys Park could be transferred to the golf operator in the north. Since the cost would not be expended in the current or following fiscal years, the recommendation was to amend the golf course agreement to reduce the rate charged to the golf course by \$30,000, the same amount that would no longer be paid in the south. This would then allow the County to discuss doing the same thing with the City of Reno's parks in the South Truckee Meadows, where they were not currently paying for effluent water.

Commissioner Clark noted it was an agreement for one year. Mr. Solaro responded there was currently a one-year rate holiday, and he intended to do the same thing if there were rate holidays in future years. Commissioner Clark sought a long-term solution since golf courses were long-term investments. Chair Hill thought pressure could be put on the City of Reno in the interim so it would put in its equal share. Mr. Solaro pointed out that the City of Reno was struggling with determining its operational costs associated with the effluent system, which he suspected would be complete by the summer. He hoped a long-term solution could be considered at that point. Vice Chair Herman thanked Mr. Solaro for his forethought.

On the call for public comment, Mr. Don Vetter, head of communications with Mazz Golf Management, thanked staff for the work they had done on this. The reduction was really appreciated, but he expected this year's water expense to be \$170,000, even after the reduction. He stressed they did not want to raise player rates since the course was used by seniors, juniors, and the Professional Golfers' Association (PGA) HOPE program for mental health. The plan was to reduce water usage by 30 to 40 percent, which would add about 40 million gallons to Swan Lake. He did not see a justification for the rate increase, as it appeared to go against Sections 8.2 and 8.3 of the original agreement, but he agreed the impetus for that justification was now on the City of Reno. He wanted to continue being a good partner.

Commissioner Clark agreed the Board could move forward on this item, but he wanted a lot of attention focused on this, partially because of the increase in water that would go into the Swan Lake closed basin.

On motion by Commissioner Clark, seconded by Vice Chair Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 6B1 be approved.

BLOCK VOTE – 8, 9, 10, 11, 12, 13, 17, AND 18

There was no response to the call for public comment on the Block Vote items, but County Clerk Jan Galassini advised the Board she received an emailed public comment which was placed on file.

Assistant District Attorney (ADA) Nate Edwards noted that, although it had been the historical practice, there was no requirement for each Block Vote item to be read into the record.

23-0340 **AGENDA ITEM 8** Recommendation to: (1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Washoe County Incline Village Justice Court Incline Community Center Renovations Project - PWP-WA-2022-345, located at 855 Alder Avenue, Incline Village, Nevada [staff recommends Miller Electric Company Inc., doing business as PEC Contracting and Engineering, in the amount of \$561,600.00]; and (2) approve a separate project contingency fund [in the amount of \$84,240.00] for the total project not to exceed \$645,840.00. Renovations will convert a portion of the existing Washoe County Community Center into a Justice Court Center to allow for occupancy of the Incline Justice Court. Community Services. (Commission District 1.)

There was no response to the call for public comment.

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

23-0341 **AGENDA ITEM 9** Recommendation to: (1) Accept Agreement Control #23-DG-11051900-010 from the United States Department of Agriculture, Forest Service, under the Southern Nevada Public Land Management Act, for the Lower Wood Creek Phase II Water Quality Improvement Project in the amount of \$450,000.00 [required match \$450,000.00] upon approval through December 31, 2024; (2) authorize Assistant County Manager Dave Solaro to execute grant award documentation and any related amendments; and (3) direct the Comptroller's Office to make the necessary budget amendments. Community Services. (Commission District 1.)

There was no response to the call for public comment.

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

23-0342 **AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Lower Wood Creek Water Quality Improvement Phase II Project, PWP-WA-2023-179 in the vicinity of Job's Peak Road, Southwood Boulevard, Mays Boulevard, Freels Peak Drive and Lakeshore Boulevard in Incline Village, Nevada [staff recommends McCuen Construction, Inc., in the amount of \$3,058,679.96]. This project is funded by grants from the Nevada Division of State Lands and United States Department of Agriculture. The balance of the funds are committed through the Tahoe Regional Planning Agency Mitigation Fund, paid through new development fees collected for Washoe County, Nevada Division of Environmental Protection, and Washoe County in-kind funding through matching staff time. Community Services. (Commission District 1.)

There was no response to the call for public comment.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be awarded and approved.

23-0343 **AGENDA ITEM 11** Recommendation to approve the fiscal year 2023-2024 [payment of \$307,723] which constitutes Washoe County's share in annual funding for the Truckee Meadows Regional Planning Agency (TMRPA) pursuant to NRS 278.0264(7) and an adopted interlocal agreement. The total amount will be paid to TMRPA in quarterly installments with the first occurring on July 1, 2023. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

23-0344 **AGENDA ITEM 12** Recommendation to retroactively authorize payment [in the amount of \$387,223.74] for emergency field construction work to Sierra Nevada Construction, Inc. (SNC) for the required construction of flood protection barriers and structures in and around Swan Lake. Work was performed in response to the rapid rise of Swan Lake water elevation levels due to substantial precipitation that occurred during the winter of 2022-2023. Emergency work was performed pursuant to Nevada Revised Statute 332.112 and 338.011 which requires reporting to the Washoe County Board of Commissioners. Community Services. (Commission District 5.)

There was no response to the call for public comment.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be authorized.

23-0345 **AGENDA ITEM 13** Recommendation to accept a Victims of Crime Act (VOCA) grant to the District Attorney’s Office in the amount of [\$383,004; no match required], from the State of Nevada Department of Health and Human Services Division of Children and Family Service (DCFS) to provide funding to retain a full-time Victim Witness Advocate and one temporary Victim Witness Advocate, a full-time Forensic Interviewer, a full-time Human Services Support Specialist II; provide for direct victim services; retroactive from July 1, 2022 through June 30, 2023; and direct the Comptroller to make the necessary budget amendments and retroactively authorize the District Attorney or his designees to sign the grant agreement. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be accepted, provided, and directed.

23-0346 **AGENDA ITEM 17** Request by the Director of Washoe County Regional Animal Services, through the Washoe County Clerk, and pursuant to Washoe County Code (“WCC”) 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl), primarily to update provisions relating to variance permits to keep more than three dogs or seven cats over four months of age in an animal-congested area of the County. The amendments are being requested to: change the legal limit of dogs allowed from three to five dogs per property; amend provisions related to the variance permit requirements for the application, the premises inspection, the containment of dogs and/or cats, the process for approval or denial of a variance permit application, the exclusions from the permit requirements, the renewal fees, and permit revocation; add a section governing variance permit renewals; and correct a section related to dangerous and vicious dog registration by changing the word dangerous to vicious in one sentence; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance in accordance with WCC 2.040. Regional Animal Services. (All Commission Districts.)

On the call for public comment, Ms. Deborah Sauk urged the Board to vote no on this item because the amount of mess made by five dogs was much greater than by three dogs, even with diligent owners. She told a story about a person with post-traumatic stress disorder (PTSD) who was affected by barking dogs, which would become worse with the allowance of more dogs.

Chair Hill stated the increase would keep the County in compliance with State law.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 17 be approved and directed.

23-0347 **AGENDA ITEM 18** Recommendation to approve additional funding in an amount not to exceed [\$110,000] for a total of [\$485,000] for FY23 for Unified Communication as a Service platform provided by Vonage Business, Inc. (“Vonage”) based on the addition of platform features requested by departments and increased federal fees. Unified Communication as a Service is the telephone platform used by the County. The County is in the second year of a 5-year agreement with Vonage which started September 28, 2021. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

Vice Chair Herman relayed a comment from one of her constituents about their inability to determine who had called them.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 18 be approved.

23-0348 **AGENDA ITEM 7** Recommendation to adopt Resolution R23-64 for the Golden Valley Artificial Recharge Program to temporarily pause monthly payments beginning June 1, 2023 through December 31, 2023, to allow for additional public outreach and allow for a community-driven determination of the future of the Golden Valley Artificial Recharge Program. [Reductions in Program rate revenues are estimated at \$13,551.00 in Fiscal Year 23 and \$81,304.00 in Fiscal Year 24]. The Golden Valley Artificial Recharge Program is a program established through ordinance to assist with groundwater recharge within the Golden Valley subbasin in support of domestic well users located within this portion of Unincorporated Washoe County. Community Services. (Commission District 5.)

Division Director of Engineering and Capital Projects Dwayne Smith noted that, in addition to pausing monthly payments, approval of this item would result in not reporting delinquent users to the Treasurer's Office to be attached to the tax role. He recalled making a presentation to the Board on April 11 where he affirmed the engineering analysis process they had undertaken over the prior year to determine why water levels were climbing in the Golden Valley area. He heard at that meeting that the community may not be receiving enough information, so a ballot was sent out and they received a 50 percent response rate. The purpose of this item was to allow staff to begin a public meeting process with a workshop scheduled for June. The purpose was to provide additional information to

the community and seek out their input. He introduced retired geologist Dr. Elaine Hanford and reviewed her professional qualifications.

Dr. Hanford conducted a PowerPoint presentation and reviewed slides with the following titles: Lemmon Valley Watershed Sub-Basins; Alluvial Fan Deposits; Map; Generalized Cross-Section of Golden Valley; Sources of Groundwater Recharge; Annual Precipitation (1937 - March 2023); Isohyets; Critical Recharge Zone in Granite Bedrock; Reduced Recharge in volcanic bedrock; Domestic Wells; Timeline; Hydrographs 1990-2020; Groundwater Levels; Map 2; Groundwater Conditions in Golden Valley (2 slides); Municipal Wells Pumping; Function of Golden Valley Recharge Program; Projected Worse-case Scenarios.

Dr. Hanford remarked the project had evolved since she began the technical review of the hydrologic investigation and the modeling was done by Terraphase Engineering. She said their work helped home in on conditions and questions, which she combined with a review of all pre-existing studies dating back to the 1970s. She commended the investment made in Terraphase, which made clear the geology and hydrology of Golden Valley. She indicated the boundaries in the first slide were based on surface water conditions, and they showed where water naturally drained. By contrast, groundwater conditions were controlled by geology. She explained the ages of the three different geologic materials: granodiorite rocks were from the Mesozoic era, volcanic rocks were tens of millions of years old, and valley sediments were a few million years old.

Dr. Hanford said the study reviewed more than 550 drillers' logs. The data had to be interpreted since the logs often misinterpreted the geologic materials involved. From this, they were able to identify the bedrock fault, which ran north and south, and crossed Estates Drive. She said the character of those geologic materials controlled the rate at which groundwater moved through the subsurface; clay inhibited groundwater movement, as did the mineral composition of volcanic rock. She pointed out that most septic systems in the area had been placed within the areas of volcanic materials for that reason. The groundwater recharge which came from Peavine inflow was water that flowed through the bedrock and sediments into Golden Valley, crossing boundary lines. Residents of Golden Valley on wells and septic systems recycled their water. She referenced flooding at Golden Mesa South as an example of water running off from surfaces and accumulating in one place.

While Golden Valley did not have its own system of gauging precipitation, Dr. Hanford continued, the patterns observed at the Reno-Tahoe International Airport (RTIA) could be used as a reflection of what happened there. Because of the higher elevation, Golden Valley received larger amounts of precipitation. Geologists used isohyets as a way of delineating certain areas by the amount of precipitation they received compared to other areas. The areas south and west, which featured medium-density subdivisions, precluded infiltration of water, as did areas of volcanic rock; those areas experienced less recharge. She said the recharge zone was critical to residents at the higher elevations at the back of the valley.

Dr. Hanford indicated the areas which had been cleared for development also reduced the infiltration of groundwater, and rooftops and pavement further reduced it. She noted the Golden Valley Artificial Recharge Program (GVARP) was initially a pilot program under the Bureau of Reclamation. She reviewed the history of the groundwater levels from 1971, adding that pumping still continued through 1991, which decreased the groundwater under the wells. This resulted in more water being removed than could be recharged naturally. In response, the water level dropped and wells needed to be redrilled. She said the municipal wells were shut off in 2002. She demonstrated how groundwater levels rose over the years in the western portion of Golden Valley. Importantly, because the Peavine well was no longer pumping water, things were returning to a more natural condition in the valley, and most of the recharge came from the granitic rocks to the north and east.

Dr. Hanford explained most of the groundwater east of the fault was in an unevenly fractured bedrock, which made drilling wells more inconsistent. While water in bedrock typically moved at a rate of a few feet per decade, the deactivation of municipal wells in 2002 caused the static water level to rise by between 10 and 15 feet in less than three years. She noted areas to the west of the fault were more typical of groundwater conditions, and the response to the shutdown of the wells was rapid as well. Three factors contributed to the rise of the static table: the additional water from the recharge program, the Peavine inflow, and normal infiltration in the bedrock areas. She observed earthquakes and lands management acted as factors that could change the flow of groundwater.

Commissioner Clark said water was life and it needed to be protected. He was relieved that the water table was rising. Vice Chair Herman thanked Dr. Hanford for explaining the presentation.

Commissioner Garcia inquired about the timeline. Mr. Smith said the community workshop was scheduled for June so citizens could digest the information. The community would be polled, and a summary of the response was expected to be given to people in August, at which point he would return to the Board with the results. An ordinance change would then likely need to occur. The resolution to pause the fees would give staff time to complete that work. Dr. Hanford added she would attend the meetings and the workshop to convey the technical aspects of the recharge program to constituents.

Commissioner Clark asked that the next request for public input be called a survey and not a ballot, which he felt put some people off. Chair Hill thanked staff for seeking more public input based on the Board's feedback, which showed the County's commitment to doing this correctly.

On the call for public comment, Mr. Stuart MacKie praised Dr. Hanford for her work. He expressed wariness about the possible involvement of COVID-19 (C19) funding, saying the City of Reno would begin paying law enforcement employees with C19 funds. He wondered what they would do with the public funding that originally was used for that purpose. He anticipated an audit of all government agencies in the State. He expressed concern about a W-9 the City of Reno put out every year because he was unsure

of its ability to enforce the Nevada Revised Statutes (NRS). He thought this needed investigation.

Mr. Roger Edwards stated the water table in the western streets mentioned in the presentation was between five and ten feet, and he feared septic systems could be lost with the water table so high. He felt that needed to be mitigated. He said the Terraphase study cost the water recharge program \$150,000 and asked who approved it. He supported the idea of pausing the issuance of threatening letters. He added the program had been charged \$210,000 in unnecessary management fees since 2015. A total of more than \$350,000 was lost by the program. He felt the process was moving too slowly.

Referring to Mr. Edwards' comments, Commissioner Clark suggested not only refraining from reporting delinquent residents to the Treasurer for possible foreclosure on their homes but waiving any late fees for those properties as well.

On motion by Commissioner Andriola, seconded by Vice Chair Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

23-0349 **AGENDA ITEM 15** Discussion and possible action under section 7.2 Reconsideration, of the Board of County Commissioners Rules of Procedures, as requested by Commission Chair Hill at the May 16,2023, Board meeting on whether to reconsider the Board vote on May 9, 2023 for the Appeal of the Washoe County Director of Planning and Building's partial approval of Short-Term Rental Administrative Review Case Number WSTRAR22-0012 (Gupta) (Assessor Parcel Number 126-560-33). If reconsideration is approved, the item will be brought back for a hearing to determine whether to uphold, reverse, or modify the original decision from May 9, 2023. Virtual Public Comment Eligible. Manager's Office. (Commission District 1.)

Chair Hill asked Assistant District Attorney (ADA) Nate Edwards to review the options before the Board and to explain what it should consider when voting. ADA Edwards stated this item was not being reheard. Rather, the Board of County Commissioners (BCC) would hear information and decide whether it wanted to rehear this item or not. If there was a desire to rehear this item, it would be placed on a future agenda; if not, this item would conclude.

Chair Hill noted this was her first request to reconsider an item in two and a half years. She did so because the information that had been considered by the BCC was not referenced by any other Tier 1 or Tier 2 permits that were reviewed by staff. Staff typically requested only the parking permit information from the homeowners association (HOA) pertinent to that parcel without considering whether it entailed one spot or more than one. She admitted to getting caught up during the initial discussion in looking at covenants, conditions, and restrictions (CC&Rs) instead of considering the Code, which was the Board's job. She noted the Tyrolian Village HOA would decide whether to prohibit

Tier 2 permits in early June, but she did not consider it fair to limit Mr. Sanjay Gupta to two parking spots when the HOA had allocated three to his property. This limited his property more than any other in Tyrolian Village. She speculated the Board could consider making a future change to the Code or the tier system as a whole, which could come up in July when it considered capping short-term rentals (STRs). However, she felt the BCC did not consider the Code equitably for Mr. Gupta, which is why she hoped the Board would consider her motion for reconsideration.

Commissioner Andriola wondered whether a reconsideration by the Board would entail considering the number of parking spaces and the number of people who could stay under Tier 1. Chair Hill's understanding was they would both be reconsidered because parking and livable square footage dictated the number of people who could stay at an STR. ADA Edwards responded there was a special provision in the Development Code that required that the BCC only consider the issue that was raised in an appeal, which he understood to be parking. Chair Hill reiterated that parking and livable space both determined the number of people who could stay in an STR. ADA Edwards agreed there was a direct correlation, but the focus would be only on parking. He said the BCC could establish whether there was the correct number of parking spaces to allow the level of permit sought by the appellant, which would dictate how many occupants could be in the STR. The parking space decision would directly relate to the tier level for which the appellant would be approved.

Commissioner Clark believed that any reconsideration should involve the Washoe County Assessor because it was a very unique property. He wondered whether common areas were considered in prior decisions since licenses were granted based on parking, and parking was based on common area. He did not believe that was the case with this property. He believed Mr. Gupta was gambling since he currently had the ability to park two cars there, but a reconsideration could limit him further.

On the call for public comment, Ms. Mary Lou Kennedy encouraged the BCC to vote no, adding she felt the Board made a good decision based on the information that was presented. Citing Washoe County Code (WCC) Section 110.319, she said overflow parking could not be used for an STR, nor could access easements. She opined the driveway was an easement to the garage, which was the allotted parking for the unit. She believed a sound case was presented and asked the Board to stand by its previous decision.

Ms. Linda Smith spoke on behalf of Tyrolian Village residents, asking the Board to vote against reconsideration of the May 9 vote. She did not believe the appellant had inaccurate information about the CC&Rs as had been stated. She provided copies of the CC&Rs, the Rules and Regulations, and the WCC to the County Clerk, who placed them on file. She felt the inaccuracies Mr. Gupta claimed were clarified in the HOA Rules and Regulations, which stated owners were entitled to one parking space per residence. This was confirmed in an HOA attorney's letter. She stated the residence was entitled to four occupants, which was more in line with the character of the community. She also cited the same Code as Ms. Kennedy. She thought it was inappropriate for one property owner

to personally benefit from a common land asset that was paid for by all HOA owners. She said the community was willing to accept the Board's decision to allow an occupancy of eight, but the BCC could spend its time better than reconsidering this item.

Mr. Daniel Zahm said he purchased his Tyrolian Village home because it was a quiet neighborhood zoned for single-family residential (SFR) use, not for STRs which he felt were inconsistent with the zoning. In addition, the high volume of STR activity created first responder and fire safety concerns, especially in Tyrolian Village which had only one access and egress point and no viable turnaround space for firefighters. He said the rules governing this came from the International Fire Code (IFC) to protect residents and firefighters. He encouraged the County not to neglect the IFC by promoting excess transient occupancy. He asked the Board not to reconsider its prior decision, and not to permit any more STRs in Tyrolian Village due to safety concerns.

Ms. Beverly Hughes asked the Commissioners to honor the rights of private taxpaying citizens by voting no on reconsideration of the appeal.

Ms. Dianne Schmenk referenced the Washoe County Strategic Plan mission statement of working together regionally to provide and sustain a safe, secure, and healthy community. She felt Tyrolian Village was unable to share in that vision because of the STR industry. She displayed a map of STRs in the neighborhood, a photo of which was placed on file with the Clerk. She cited two incidents that had occurred: the firing of a gun on New Year's Eve and the use of a drone around her home. She said it was suggested during the May 9 meeting that the residents hire a property management company and an attorney to fight STRs, but she felt the residents should not be dismissed. She asked that the original decision be upheld and warned about STRs coming to other neighborhoods.

Mr. Paul Smith said he and his neighbors lived comfortably with the 1968 CC&R allotment of one parking space per unit. He read from the CC&Rs and stated the Tyrolian Village HOA never allowed more than one parking space per parcel. The CC&R statement represented both a minimum and a maximum number of parking spaces that the HOA could ever allow. He explained there were not enough unallocated parking spaces, which were used as owner overflow, to allow each unit with a chalet but no garage to have its own. He noted the HOA voted in 1992 to establish a program where a neighbor could give up paved area to help another gain a garage. It was clear the garage would constitute the one available parking space. He said 1447 Tirol Drive had a garage, a driveway, and an access bridge only because other owners gave up open parking spaces. Permitting that unit to have another parking space would be unequal treatment. He called the permit for two spaces an insult to the 145 owners who used street parking, and he asked the Board not to reconsider the appeal.

Mr. Sanjay Gupta stated the determination of how many parking spots he currently had should be left to the HOA, who understood the CC&Rs best. He pointed out other owners parked multiple cars in their garages or driveway, so he felt the HOA should apply the rules evenly. A letter from the HOA stated that he had three parking spots, and they were the ultimate enforcer of the CC&Rs. He said the Building and Planning

Department relied on the HOA to tell it how many cars could be parked. Because a space could accommodate different numbers of cars, he felt they needed to rely on the HOA letter and the attorney's confirmation. He remarked his neighbor, with the same size driveway, could get a Tier 1 permit for three cars and an occupancy of ten, while his application for a Tier 2 permit resulted in him losing a parking spot and a reduction in occupancy. He said the Building Department was thorough in explaining the requirements, and that was what he requested in this case.

Chief Deputy County Clerk Cathy Smith advised the Board she received emailed public comments which were placed on file.

Commissioner Clark stated he did not ask for this item to be put back on the agenda, Chair Hill did. He mentioned he visited the area and noticed many cars in a small area. He wondered whether Mr. Gupta owned other STRs. He acknowledged Mr. Gupta's comment that his neighbors had two or three cars, but he wondered whether full-time residents had four people in each of those cars. He felt the BCC's decision to allow two cars and eight people was favorable for Mr. Gupta, adding he would vote with the HOA on reconsideration and allow only one car.

Commissioner Garcia said she felt uncomfortable with how the initial meeting went as she had thought the BCC was to examine the process. She believed the letter from the HOA was clear and that staff did what they were supposed to. She felt bad that a homeowner suffered because the Board members decided on things that did not have anything to do with them. HOAs existed as regulating bodies in communities. She moved to hear this item again to uphold, reverse, or modify the BCC's decision. Chair Hill seconded the motion but asked to amend it to include the appeal hearing number and modified the language as suggested to her by ADA Edwards. Commissioner Garcia approved the modifications.

Commissioner Clark pointed out this could ultimately end up in court, and he felt the parties were using the BCC to rule on it rather than going to the HOA. He felt the BCC was micromanaging County situations when the HOA should handle them. The County offered STR licenses to conduct business, but it should not be in their purview. He was unsure whether the attorney knew what they were talking about in their letter since the CC&Rs dictated the number of parking spots. He did not think the BCC should be mired in this type of thing, but he would support the Chair if it was her will to bring this item back. If it happened, he wanted participation by the Assessor and the attorneys for the HOA, and he wanted to see the CC&Rs. He said Bob Conrad of *This is Reno* could write a sequel article.

Chair Hill stated the appellant had informed her the HOA would meet the first week of June to decide whether a Tier 2 permit was allowed. She explained she wanted this item to return because the BCC's decision prohibited Mr. Gupta from allowing ten people in the residence. Even if Tier 2 were prohibited by the Tyrolian Village HOA, the Board would need to reconsider the case to allow Mr. Gupta a third parking spot as required by the HOA. The Board could deny a Tier 2 permit and still allow a third parking spot. It

was her understanding that the HOA would only consider the Tier 2 permit. She echoed Mr. Gupta's comments that his property was being held to a different standard because of an appeal. She agreed this could go to court, but she hoped to avoid that by reconsidering it at the BCC level. She wanted to ensure the Board upheld County Code, though there could be space to modify the Code as well.

Commissioner Andriola thought there could be value in waiting to reconsider this item until after the June HOA meeting. Mr. Solaro said the earliest this item could be heard and still be in accordance with noticing requirements would be June 27.

On motion by Commissioner Garcia, seconded by Chair Hill, which motion duly carried on a 4-1 vote with Vice Chair Herman voting no, it was ordered that the Appeal of the Washoe County Director of Planning and Building's partial approval of Short-Term Rental Administrative Review Case Number WSTRAR22-0012 be reconsidered to determine 1) the adequacy of parking available to the unit and the corresponding number of occupants that should be allowed, and 2) whether a Tier 1 or Tier 2 short-term rental should be approved.

* * * * *

Chair Hill reopened Agenda Item 15 later in the meeting at the request of Assistant District Attorney (ADA) Nate Edwards. Chair Hill noted that the prevailing side needed to make the motion. ADA Edwards confirmed it would be sufficient if Chair Hill made the motion and Commissioner Garcia could second it if she wished. He conceded Rule 7.2 was difficult, but this would be a safe way to proceed. Chair Hill noted public comment had already been taken on this item.

On motion by Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that the Appeal of the Washoe County Director of Planning and Building's partial approval of Short-Term Rental Administrative Review Case Number WSTRAR22-0012 be reconsidered to determine 1) the adequacy of parking available to the unit and the corresponding number of occupants that should be allowed, and 2) whether a Tier 1 or Tier 2 short-term rental should be approved.

* * * * *

23-0350 **AGENDA ITEM 14** 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. Pending legislative bills can be located here: <<https://www.leg.state.nv.us/Session/82nd2023>>. Current bills the County is tracking that may be reported on or discussed are listed under Government Affairs at www.washoecounty.gov <<http://www.washoecounty.gov>>. Due to time constraints inherent in the

legislative process, a list of specific bills that staff will seek direction from the Commission on during this item will be posted on the web site under Government Affairs at www.washoecounty.gov <<http://www.washoecounty.gov>> by 6:00 p.m. the Friday before the meeting. Due to the rapid pace of the legislative session, additional bills upon which comment may be sought from the Board of County Commissioners will be posted as soon as known. Manager's Office. (All Commission Districts.)

Government Affairs Liaison Cadence Matijevich indicated the 82nd Legislative Session would come to an end in about two weeks. She provided updates on items that had had action since the summary document, which was given to the Board. Assembly Concurrent Resolution (ACR) 5, which had to do with the Tahoe Transportation Action Plan, was passed out of committee the prior Thursday and would be considered by the Senate, perhaps in the following few days. Senate Bill (SB) 68, which related to permanent supportive housing (PSH) and rental assistance, was exempt from deadlines, and it remained in Senate Finance where it could be scheduled for a work session shortly. SB92, which the Board of County Commissioners (BCC) had opposed, failed to meet the deadline and no further action would be taken.

Ms. Matijevich continued that SB263, which made an appropriation for the Oddie Project, was heard the day before in Senate Finance, where she had testified in support pursuant to BCC direction. SB368, which had to do with discriminatory language in property records, passed out of committee the previous Friday, and she anticipated it to be reported out of committee shortly. Assembly Bill (AB) 2, a City of Sparks bill about blue lights which the County had also considered releasing as one of its own bill draft requests (BDRs), passed and had been delivered to Governor Joe Lombardo the day before. AB15, a bill about the salary of district court judges which was brought up earlier in the meeting, was exempt from the deadlines and was with the Assembly Committee on Ways and Means.

Chair Hill praised Ms. Matijevich on her work, and she recounted some speculation she had heard that the legislative session could be extended. Ms. Matijevich confirmed there had been discussion about the need for a special session.

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

1:14 p.m. **The Board recessed.**

2:00 p.m. **The Board reconvened with Assistant District Attorney Nate Edwards absent.**

23-0351 **AGENDA ITEM 16** Discussion and possible action under section 7.2 Reconsideration, of the Board of County Commissioners Rules of Procedure, as requested by Commissioner Clark at the May 16, 2023, Board meeting on whether to reconsider the Board vote on May 9, 2023 for the Appeal of the Washoe County Planning Commission's approval of Special Use Permit Case Number WSUP23-0003 (Praana Transmission Line) for construction of a 5-mile long 345 kV Gen-tie line connecting the Praana Substation to the Fort Sage Substation, the transmission line will run along Rainbow Way from the intersection with Calveda Way to the existing Fort Sage Substation, which is a Utility Services use type. If reconsideration is approved, the item will be brought back for a hearing to determine whether to uphold, reverse, or modify the original decision from May 9, 2023. Manager's Office. (Commission District 5.)

On this item, Assistant County Manager (ACM) Dave Solaro said the Board would need to reconsider the vote for WSUP23-0003 taken at the May 9 meeting. He confirmed Chair Hill's assertion that should this item be reconsidered, it would need to be re-noticed for another public hearing, similar to Agenda Item 15.

Commissioner Clark said his request to rehear this item was spurred by resident concerns about who was doing what, whether the applicant was the same, and any national security implications.

Vice Chair Herman noted she had voted against it the first time and would likely do so again. She said many individuals expressed concern that the original solar project had gone through the same types of changes. She feared being deceived, referencing a permit that was obtained by one person, but later ownership was transferred to the Republic of China. She did not want to be responsible for voting yes on something which could become a national threat, an opinion she said was shared by some in Lassen County.

2:06 p.m. **Assistant District Attorney Nate Edwards returned to the meeting.**

Commissioner Clark emphasized that he did not know whether this was a national security issue, and he wanted to have someone from Herlong, California, weigh in on the potential for that.

Commissioner Andriola pointed out there were provisions in the contract laying out a process for changes in ownership; someone could not just have the project completed by another company. The special use permit (SUP) would remain in effect as long as the business was in operation. Since the last meeting, she said, documents were received from the United States (U.S.) Army which did not raise any concerns. In fact, they had discussions with Praana Renewables Energy, LLC about how they could possibly benefit from the project. If any members of the Army in Herlong had any concerns about the project, she believed they would have been voiced in the correspondence. She acknowledged the difficulty in going through the Public Utilities Commission (PUC), and

this project had gone through many layers of scrutiny before coming to the Board. The project could not simply be transferred.

Commissioner Andriola indicated she spoke to the Development Director of Praana, Brent Moore, who had told her he was surprised that anyone could interpret his conversation in such an untrue way. She compared this project to a public works contract, saying the public contractor could obtain financing. The general contractor would still be legally responsible for fulfilling all contractual provisions, even if they hired subcontractors. She saw no reason to bring it back, particularly since there was documentation from many people who expressed no security concerns. She said she had spent much time on this because she was concerned with knowing the facts.

Chair Hill agreed she would not support reconsideration because she did not have any issues with the findings of the Planning Commission.

On the call for public comment, Mr. Charles Hooper opined the characterization made at the end of the May 9 meeting, that the Commissioners' decision was given to a company in Singapore, was misleading. He believed it was done to discredit the decision. He explained he was the landowner and Sierra Geotech and Praana Renewables were the developers and subcontractors; Plus Renewable Technologies was the equity investor. The investors were from Goldman Sachs, the second-largest investment bank in the world, which also had a presence in Singapore even though it was headquartered in New York. He noted Plus Renewable Technologies did a lot of solar work with the Electric Reliability Council of Texas. He added he and many of his family served in the U.S. Navy, so national security was one of his priorities. He concluded the project was part of national and energy security for Texas, and he encouraged the Board to uphold its May 9 decision.

Ms. Penny Brock said Singapore was siding with the Chinese Communist Party (CCP) about Taiwan. She noted many states were banning foreign companies from coming into America, and there was concern that the CCP was purchasing land around U.S. military bases. She thought caution was needed to protect land and citizens. She expressed concern about who would monitor the potential sale of the permit. She said Praana was an Indian company and India had ties with China. She wondered whether the transmission line would feed into NV Energy, adding she did not feel comfortable with the project. She noted one of her ancestors marched behind General George Washington, and she wished for the Country to stay free.

Ms. Betty Thiessen agreed with Vice Chair Herman about the potential danger, regardless of what the Army said. Ms. Thiessen expressed concern about the security of residents near Herlong from Singapore, China, and India, and she wondered why they had such interest near the Army base. She opposed the project unless American companies were brought in to run it.

County Clerk Jan Galassini advised the Board she received emailed public comments which were placed on file.

Commissioner Clark stated he was not a conspiracy theorist, but he requested this item to get more information about it, which he had now received. He thanked Commissioner Andriola for her research.

Chair Hill asked whether the May 9 decision would stand if the Board did not take any action. Assistant District Attorney (ADA) Nate Edwards said it would, but he thought it would be better for the record to deny the reconsideration if that was how the Board felt.

Commissioner Andriola moved to deny this item as presented, a motion seconded by Commissioner Garcia. A vote of 3-1-1 was taken with Commissioner Clark abstaining and Vice Chair Herman voting no. When asked by Chair Hill why he abstained, Commissioner Clark replied that, though he received more information, he still did not have enough to vote. ADA Edwards explained that Commissioners could generally only abstain by recusal if they had a legal conflict of interest; the Nevada Revised Statutes (NRS) did not support abstention. He recommended Commissioner Clark vote against the motion if he was not comfortable voting for it, a recommendation Commissioner Clark agreed was his intention.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 3-2 vote with Vice Chair Herman and Commission Clark voting no, it was ordered that reconsideration of the Appeal of the Washoe County Planning Commission's approval of Special Use Permit Case Number WSUP23-0003 be denied.

23-0352 **AGENDA ITEM 19** Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a development agreement as required by the Warm Springs Specific Plan (WSSP) at WSSP.8.1, to utilize the regulatory zone designation specified on the Warm Springs Specific Plan - Land Use Plan for:

Tentative Parcel Map Case Number WTPM21-0019 (Webb Family Trust)
- Which is a tentative parcel map dividing a 40-acre parcel (APN 077-130-17) into three 5.0 acre parcels and one 24.99 acre parcel.

In order to develop any property in the WSSP more densely than General Rural (1 dwelling unit/40 acres), the specific plan requires that a development agreement be approved. Among other things, the development agreement adopts development standards for the property in conformance with the Warm Springs Specific Plan Development Standards Handbook Framework, a component of the Washoe County Master Plan, such as standards relating to uses, accessory structures, building requirements, setbacks, heating and fireplaces, architecture, landscaping, fencing, lighting, utilities, and other matters concerning the development of the land. Further, the development agreement provides for the participation of future property owners in any assessment district or general improvement district providing services, facilities and/or maintenance for the specific plan area.

The applicant and property owner is the Webb Family Trust. The subject site is approximately 40 acres in size and is located at 3325 Broken Spur Road. The Assessor's Parcel Number is 077-130-17. The Master Plan Category is 53% Suburban Residential (SR) (21.2 acres) & 47% Rural (R) (18.8 acres), and the Regulatory Zone is 53% Low Density Suburban (LDS-1 units per acre; 21.2 acres) & 47% General Rural (GR - 1 unit per 40 acres; 18.8 acres); and

Set the public hearing and second reading of the ordinance for June 27, 2023. Community Services (Commission District 5.)

Chair Hill opened the public hearing.

County Clerk Jan Galassini read the title for Bill No. 1896.

Bill No. 1896 was introduced by Vice Chair Herman, and legal notice for final action of adoption was directed.

On the call for public comment, Ms. Pam Roberts indicated that, despite living 750 feet from the parcel, she received no notice about this project. In place of the citizen advisory boards' (CAB) ability to review development plans, she stated, the County implemented the neighborhood meeting procedure. However, she received no notice from that either. She expressed concern that this parcel's subdivision would result in further parcel requests, and ultimately a subdivision would occur without having to follow subdivision rules. With the removal of the financing plan and the Palomino Valley General Improvement District's (PVGID) small infrastructure budget, she feared roads could not be properly maintained. She hoped staff would provide the Board with data about the formation of the Warm Springs Area Plan and its inclusion of a large satellite community that never materialized.

Regarding noticing, Assistant District Attorney (ADA) Nate Edwards indicated the speaker must have received some notice because she was present at the hearing. He suggested Chair Hill ask staff about how noticing was done. In response to the Chair's query, Planner Julee Olander said she had a list of approximately 34 people who were noticed, and she confirmed the noticing had been done properly. Ms. Roberts had testified she was within 750 feet of the parcel, Ms. Olander continued, but the noticing went out to those within 550 feet.

Chair Hill commented a second reading would still occur and she invited anyone to speak on the item at that time.

23-0353

AGENDA ITEM 20 Public Hearing: Regulatory Zone Amendment Case Number WRZA23-0004 (Bellhaven). Consideration of the Planning Commission's recommendation to adopt a regulatory zone amendment which amends the Southwest Truckee Meadows Regulatory Zone map to change the regulatory zoning on one ±89.8 acre parcel of land (APN 041-140-23) from ±54.78 acres of Medium Density Rural (MDR - 0.2 units per acre; 61% of parcel), ±1.8 acres of High Density Rural (HDR - 0.4 units per acre; 2% of parcel) and ±33.22 acres of General Rural (GR - 1 unit per 40 acres; 37% of parcel) to ±41.28 acres of High Density Rural (HDR - 0.4 units per acre; 46% of parcel), ±21.56 acres of Low Density Rural (LDR - 0.1 units per acre; 24% of parcel) and ±26.96 acres of Open Space (OS-30% of parcel). The parcel is located at 9000 Bellhaven Road in the Southwest Truckee Meadows Area Plan, and has a master plan designation of Rural Residential (RR).

The Board of County Commissioners may adopt the proposed amendments, may adopt the proposed amendments with modifications, or may deny the proposed amendments after the public hearing. If the Board denies a proposed amendment, the reason(s) for the denial (i.e., which findings cannot be made) shall either be stated in the motion or discussed on the record by the individual Board members. If approved, authorize the Chair to sign the resolution to that effect. Community Services. (Commission District 2.)

Chair Hill opened the public hearing.

Commissioner Clark recounted there had been a neighborhood meeting on January 20 attended by four individuals, and the Planning Commission approved the item on April 4. He saw no issue with moving forward.

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

On motion by Commissioner Clark, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 20 be adopted, approved, and authorized.

23-0354

AGENDA ITEM 21 Public Hearing: Master Plan Amendment Case Number WMPA23-0002 and Regulatory Zone Amendment Case Number WRZA23-0002 (6755 Franktown Road).

Consideration of Planning Commission's recommendation to approve:

(1) An amendment to the South Valleys Area Plan, a component of the Washoe County Master Plan, to redesignate 2.9 acres of a 53.8-acre parcel (APN 055-200-98) from Rural (R) to Rural Residential (RR) and to redesignate 2.9 acres of the same parcel from Rural Residential (RR) to Rural (R); and

(2) Subject to final approval of the associated master plan amendment and a finding of conformance with the Truckee Meadows Regional Plan by

regional planning authorities, a regulatory zone amendment to the South Valleys Regulatory Zone Map, to redesignate 2.9 acres of a 53.8-acre parcel (APN 055-200-98) from General Rural (GR) (1 dwelling unit/40 acres) to Medium Density Rural (MDR) (1 dwelling unit/5 acres), to redesignate 2.9 acres of the same parcel from Medium Density Rural (MDR) to General Rural (GR), and to redesignate 6.3 acres of the same parcel from General Rural (GR) to Open Space (OS) (0 dwelling units/acre); and (3) If approved, authorize the Chair to sign the resolutions to that effect.

The applicant and property owner is Rosehaven Properties, LLC. The subject parcel is located at 6755 Franktown Road and is 53.8 acres. The Board of County Commissioners may adopt the proposed amendments, may modify the proposed master plan amendment and refer the modified amendment back to the Planning Commission for its report in accordance with NRS 278.220(4), or may deny the proposed amendments after the public hearing. Community Services. (Commission District 2.)

Chair Hill opened the public hearing.

Commissioner Clark noted there had been a Zoom meeting held on January 4 which was attended by one person, and the Planning Commission approved the item on April 4. He was in favor of adopting the amendment.

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

On motion by Commissioner Clark, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 21 be approved, authorized, and adopted.

23-0355 **AGENDA ITEM 22** Public Hearing: Master Plan Amendment Case Number WMPA23-0001 & Regulatory Zone Amendment Case Number WRZA23-0001 (Village Green Commerce Center Specific Plan).

Consideration of the Planning Commission's recommendation to:

(1) Adopt amendments to the Spanish Springs Area Plan, which is a component of the Washoe County Master Plan, to change the master plan land use designation for three parcels (APNs: 534-561-01, 534-561-04 & 534-561-05) from Commercial (C) to Industrial (I);

(2) Adopt an amendment to the Washoe County Master Plan, Spanish Springs Area Plan, Appendix D - Village Green Commerce Center Specific Plan to add three parcels (APNs: 534-561-01, 534-561-04 & 534-561-05) to the Specific Plan;

(3) Adopt amendments to the Washoe County Master Plan, Spanish Springs Area Plan, Appendix D - Village Green Commerce Center Specific Plan, to include the following: a. Update maps to include the three new parcels and

update acreage; and b. Add a building setback of 150 feet from Pyramid Highway.

AND

(4) Adopt, subject to final approval of the associated Master Plan Amendment and a finding of conformance with the Truckee Meadows Regional Plan, an amendment to the Spanish Springs Regulatory Zone Map, to change the regulatory zone from Neighborhood Commercial (NC-10,000 SF minimum lot size) to Industrial (I -10,000 SF minimum lot size) on APNs: 534-561-01 (± 3.056 acres), 534-561-04 (± 3.055 acres) & 534-561-05 (± 12.843 acres).

The Board of County Commissioners may adopt the proposed amendments, may further modify the proposed amendments and refer the matter back to the Planning Commission for its report in accordance with NRS 278.220(4), or may deny the proposed amendments after the public hearing. If approved, authorize the Chair to sign the resolutions to that effect. Community Services. (Commission District 4.)

Chair Hill opened the public hearing.

Commissioner Andriola pointed out there were stringent requirements regarding lighting, setbacks, and the directions things needed to face. She stated provisions were in place so any properties wishing to receive more than light industrial zoning would go through the entire Planning Commission process.

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

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 22 be adopted, approved, and authorized, and all findings had been satisfied.

23-0356 **AGENDA ITEM 23** Public Hearing to allow for objections with possible action to approve a Sign Location Lease between Washoe County (Lessor) and the Lamar Companies (Lessee), retroactive to October 1, 2022 for a 36-month term, with option to renew for 24 additional months, for the continued use of a portion of land (approximately 250 square feet) within the South Valleys Regional Park, identified as Assessor's Parcel Number (APN) 142-011-13 (formerly APN # 142-011-07) to allow a billboard sign with rental fee to Washoe County [\$4,000.00 annually] pursuant to Nevada Revised Statute 244.2833. Community Services. (Commission Districts 2.)
Chair Hill opened the public hearing.

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

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

23-0357 **AGENDA ITEM 24** Public hearing, second reading, and adoption of an ordinance to amend Washoe County Code Chapter 70 governing vehicles and traffic by adding new sections prohibiting participation in and spectating at illegal sideshows, street racing and other exhibitions of speed; declaring illegal sideshows, street racing and other exhibitions of speed to be public nuisances; providing for summary abatement of such nuisances that constitute an imminent danger by appropriate measures including impounding the vehicle(s) involved; and providing other matters necessarily connected therewith and pertaining thereto. District Attorney. (All Commission Districts.)

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

County Clerk Jan Galassini confirmed County Manager Eric Brown's reading of the title for Ordinance No. 1702, Bill No. 1895.

On motion by Commissioner Garcia, seconded by Vice Chair Herman, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1702, Bill No. 1895, be adopted, approved, and published in accordance with NRS 244.100.

* * * * *

Chair Hill announced Agenda Item 15 needed to be reopened. Please see Agenda Item 15 for the conclusion of that item.

* * * * *

23-0358 **AGENDA ITEM 25** Public Comment.

Mr. Terry Brooks said he researched homelessness and attributed it to unaffordable housing. He said Washoe County was third or fourth in the Country in rent increases, which he thought were caused by gentrification. This drove out the poor. The higher rents associated with newer construction bled into nearby areas, causing many to become homeless. He expressed sympathy for people who had no place for their belongings and could not receive mail anymore. While some people wanted homeless individuals removed from their neighborhood, he was heartened that some tried to help. He appreciated that the County had affordable housing and a homeless shelter, but the homelessness issue continued to get worse.

Ms. Penny Brock expressed frustration that the first public comment section was removed, which she felt was against the spirit of the First Amendment. She said she received notice that the June 13 meeting was cancelled so the Board could meet with the Porter Group in Washington, D.C., to which she added that could be a violation of the Open Meeting Law (OML). With Commissioner Clark and Vice Chair Herman not attending, she suggested one other Commissioner remain home to hold the Board of County

Commissioners' (BCC) meeting. She expressed concern that the southern border was open now that Title 42 had been removed. She expressed concern that illegal immigrants could wind up at the Cares Campus because there was no citizenship requirement to stay there. She raised issues with the Cares Campus caring for transgender clients and sex offenders. She wanted to know how many illegal immigrants were in Washoe County.

Ms. Deborah Sauk referenced Commissioner Clark's request at three consecutive meetings to restore public comment periods to both the beginning and the end of meetings. She wanted to know when that item would appear on an agenda, especially with the cancellation of the June 13 meeting.

Ms. Betty Thiessen concurred with the request to reinstate the initial public comment period. She had brought the topic up to the Ethics Commission Board, which told her the Attorney General (AG) would investigate the issue. She pointed out that the County's website still listed a public comment period at the beginning of meetings.

Mr. Scott Finley provided documents which were distributed to the Board and placed on file with the Clerk. He said he had a financial background in the comptroller field with the United States Air Force (USAF). He insisted the OML was violated and the Board needed to move public comment back to the beginning of the meetings. He believed the Board was attempting to antagonize its constituency, discriminating against the elderly and the disabled. He thought the Board tried to control those around him. He cited two Nevada rulings where a former city manager was terminated and informed a Tax Commission ruling was overturned for violating OML by conducting business in closed sessions. He read an AG opinion stating that any policy attempting to discourage public comment could violate the OML by not comporting with its spirit and intent. He requested that public comment be returned to the beginning of the meetings.

Mr. Nicholas St. Jon stated he could not make public comment at the prior meeting because it ran eight hours. He spoke about a voting anomalies investigation that concluded the prior September, which then went to an audit review board. There, he said he was not able to speak about any of the findings he made, and a vote was never made to accept the audit. When it appeared again at a January meeting, he prepared a 45-page report, but nobody asked any questions. He was later told the report had been closed without a vote because it had been brought to the BCC. He asked whether that was true and if the Board had voted on it. He requested that item be placed on a future agenda, along with the topic of the beginning public comment section.

County Clerk Jan Galassini advised the Board she received emailed public comments which were placed on file.

3:08 p.m. **The Board recessed.**

3:09 p.m. **The Board reconvened with all members present.**

23-0359 **AGENDA ITEM 26** Announcements/Reports.

Commissioner Clark noted he spoke to two residents of Tyrolian Village who would be out of town on June 27. He requested that the item be placed on a July agenda to accommodate them since they were the appellants.

Vice Chair Herman asked for a discussion on the benefits of reinstating the first public comment period. Chair Hill responded the Board of County Commissioners' (BCC) rules gave the Chair discretion over the management and order of the agenda, and this was how she wished to conduct the meeting. That did not mean it would be conducted this way forever. Vice Chair Herman hoped to prevent future problems. Chair Hill said it was an individual's choice whether to follow the Board's rules or cause disruptions. Assistant District Attorney (ADA) Nate Edwards agreed the Chair had that authority, though he added each Commissioner could have individual conversations with the Chair to make their opinions known to her.

Commissioner Andriola stated she had previously suggested allowing the recipients of each Commissioner's discretionary funds to provide follow-up reports so checks and balances would be provided in a transparent and succinct way. She said she had spoken with staff about a proposal that would permit all Commissioners an opportunity to provide feedback. She wanted the topic to return to the Board once staff was ready.

* * * * *

3:14 p.m. There being no further business to discuss, the meeting was adjourned without objection.

ALEXIS HILL, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Derek Sonderfan, Independent Contractor*