

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

TUESDAY

10:00 A.M.

FEBRUARY 25, 2020

PRESENT:

Bob Lucey, Chair
Marsha Berkbigler, Vice Chair
Kitty Jung, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Jan Galassini, Chief Deputy County Clerk
Eric Brown, County Manager
David Watts-Vial, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:32 a.m. with the Library Board of Trustees in concurrent session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

20-0103 AGENDA ITEM 3 Public Comment.

Ms. Elise Weatherly spoke about the difficulty she had trying to file a contempt of court document online. She praised the Rosewood Rehabilitation Center, saying she was allowed to play piano there, and she thought an employee there could set an example for The Seasons of Reno. She spoke about Brookdale Living, Fire Star Premium Residences of Reno, and the importance of good administrative staff.

Chief Deputy County Clerk Jan Galassini mentioned she received a handout from Ms. Carole Black, which she distributed to the Board and placed on file.

Ms. Black mentioned she would not be able to stay for the afternoon but wanted to discuss short-term rentals (STRs). She noted she had sent emails to the Board about STRs, including a hazard proposal. She said the hazard proposal related mostly to the ability to evacuate but it did not consider the total area occupancy. She mentioned the proposals the Board put together addressed some safety concerns, but more were needed. She reviewed a graph from her handout, pointing out the STR proposal included different tiers which required different permitting. She said the threshold between Tier 1 and Tier 2 was an occupancy of ten, which she felt should be reduced to five to allow for more discretionary review and resident input. She stated the uses provided by staff were not comparable to the uses allowed in the area.

Ms. Tammy Holt-Still displayed some documents, copies of which were provided to the Clerk. She stated the area had not experienced much precipitation, but the

lake would flood again. She highlighted a Washoe County remark that flooding had been caused by unprecedented rain and snow, but she pointed out the area previously experienced even higher amounts. She expressed concern that Class C effluent was being mixed with Class A effluent and placed in a 100-year flood plain. She expressed frustration about the lack of information provided by County staff regarding the lands bill.

Mr. Sam Dehne displayed a business card, a copy of which was placed on file with the Clerk. He spoke about the planes pictured on the card, Burning Man, the Tesla Gigafactory, President and CEO of the Economic Development Authority of Western Nevada Mike Kazmierski, and the *Reno Gazette-Journal*.

Ms. Alexandra Profant displayed a number of documents, copies of which were provided to the Clerk. She thanked County Manager Eric Brown for expediently providing a copy of the Washoe County Code for the Incline Village Library. She mentioned she was a District 1 Planning Commissioner applicant and she felt she was the best choice for the job due to her education in preservation planning. She indicated National Park Service Department of the Interior preservation planning standards designated four levels of planning, each of which had public and private funding mechanisms. The National Trust for Historic Preservation was the only federal entity that gave local voices more consideration than federal ones and allowed for private and public funding. The other levels, she explained, were state, regional, and local. She contended plans could get confused or duplicated if certified local governments did not get in front of preservation planning efforts, which could cost money. She emphasized Nevada residents had the right to protect and possess their property, and this could be done in conjunction with a State preservation tax credit.

Mr. Wiselet Rouzard, Community Engagement Director for Americans for Prosperity, pointed out STRs were becoming more prominent in the state and across the country. He said people of his generation utilized STRs to capitalize on the affordability of visiting Las Vegas and Reno. He described the STR proposal as strong and he supported it. He indicated two-thirds of the people who owned STRs used them to help pay off their mortgages, debts, and other monthly expenses. He said he wanted to ensure there were no government policies that created barriers to providing quality service to the market space. Citing a prior public commenter, he pointed out families often utilized STRs to stay away from traffic and certain atmospheres and urged the Board to keep the occupancy threshold at ten so as not to criminalize large families. He lauded the provision requiring noise devices for habitual offenders.

Mr. Kelvin Bell displayed business cards which were given to the Clerk for the record. He mentioned he was part of an international network involved with STRs which focused on providing sufficient housing for people visiting certain locations. STRs provided the opportunity for people visit places they had not visited before. He mentioned some areas like Las Vegas had imposed such strict regulations that they were forbidden to operate. He applauded the Board for setting rules and guidelines but urged that they be fair. He wanted barriers for people to participate to be low but expectations for people to abide by the guidelines high. He thought it was an interesting opportunity for people to earn

additional income, preserve their heritage, and interact with people coming to the community. He noted his network provided quality housing, safety measures, property value increases, and protection for the community without creating a nuisance.

The following items (Agenda Items 4 through 6) were heard by the Washoe County Board of Commissioners and the Washoe County Library Board of Trustees.

20-0104 AGENDA ITEM 4 Washoe County Library Annual Report Presentation for Fiscal Year 2018-2019

Library Director Jeff Scott conducted a Powerpoint presentation and reviewed slides with the following titles: Strategic Plan FY 2018-20; Community Hub (2 slides); Grow Young Readers (2 slides); Express Creativity; Know Your Community; Financial Support; and Upcoming in 2020. He noted they were nearing the end of one strategic plan and were planning a new one. Every initiative was guided by the themes of the current strategic plan.

Mr. Scott pointed out the downtown library was constructed in 1966. He stated the children's section was originally on the garden level, but it was moved in the 1990s to create the Sierra View Library. One of his goals had been to bring the children's area back up to the main level, which was achieved in May 2019 with a \$900,000 donation from a trust fund. This was one of three renovations planned with those trust funds. He said the downtown library's change to remain open seven days a week made it more integrated with the community. The installation of outside decorations was made possible by a grant from the State Historic Preservation Office. He mentioned County libraries functioned as early voting locations for primary and general elections, and one was also a caucus location. Keycards allowed access to meeting rooms and enabled early voting staff to arrive early and stay late without increasing staff time.

Mr. Scott explained meeting room reservations could be made online at washoecountylibrary.us. He explained the Community Court unveiled by the library allowed people ticketed downtown to go to a safe place to pay their fines. He said Reno Municipal Court Judge Tammy Riggs made a presentation at the Library Board's January meeting about why that court worked so well. Previously, people who missed their court dates ended up going to jail, which resulted in fees much higher than the initial violations. The library also offered referrals to homelessness services. They hoped to receive a report from Judge Riggs and the University of Nevada, Reno about the help this Court provided.

Mr. Scott remarked the Kids Café program, where meals from the Food Bank would be provided to kids, used to be offered only during the summer; now meals were provided all year. This gave kids on reduced lunch programs access to lunch even when school was not in session. He promoted the spring Explorer Brochure, which was due to come out later in the week.

Mr. Scott reviewed the different phases of the VR Pilot Program, commenting the next phase would allow for a more immersive experience. One outreach

effort they made with the Washoe County School District incorporated the science curriculum, and some libraries were working with hospitals and medical schools to allow for the virtual development of workplace skills. He said one program allowed people to design a graphic and have it printed and steamed onto a shirt or a bag.

Mr. Scott indicated the \$422,000 in State funding that resulted from the Nevada Library Association's (NLA's) advocacy would benefit every library in the state. As a result of this funding, Washoe County would receive \$21,000 every year to enhance its e-book collection and other services, as opposed to \$7,000 in the past. He noted over 100 librarians from across the state attended the NLA conference in Reno, bringing in \$40,000 to downtown amenities. He provided a breakdown of the sources for the Library's budget, noting the 2 percent from public fundraising came primarily from the Friends of Washoe County Library.

Mr. Scott stated radio frequency identification and automated materials handling systems had been installed over the prior few years in various libraries, which would automate many library services. This would allow staff to do more outreach and programs. He hoped to find more fundraising for the Sparks and Northwest Library renovations. Regarding the census, he relayed \$20,000 was received from the State for each person counted in the census. For the first time, the census could be done online and he thought libraries in rural areas could be valuable for people without internet access. He stated Washoe County libraries hosted early voting for the caucus and 12,000 people voted there, which represented 17 percent of the overall statewide early vote totals. He said staff had to manage long lines in the Downtown Library, and the Northwest library had over 400 people in line at one time. He praised staff for their assistance in providing a great experience.

Vice Chair Berkbigler thanked Mr. Scott for the report, saying the Board received many questions about the libraries, especially the Downtown Library.

20-0105 **AGENDA ITEM 5** Presentation of Friends of Washoe County Library Donation of [\$100,000] to be Approved by Washoe County Library Board of Trustees (All Commission Districts).

Chair of the Washoe County Library Board of Trustees Wayne Holland invited the Friends of Washoe County Library (Friends) to the podium to acknowledge their generosity and service to the library system.

Library Director Jeff Scott thanked the Friends, noting they had supported the library for over 40 years. He mentioned they held book sales five to six times a year with each raising between \$15,000 and \$20,000, all of which went back to the library. This funded reading programs, marketing brochures, and technology, and he remarked the library could not do what it did each summer without the Friends.

President of the Friends Daniel Erwine explained the Friends were made up of several smaller groups, including the Book Sale Steering Committee, the Board of the

Friends, and the Washoe County Library Board of Trustees. He thanked the County Commissioners who were supportive of all their efforts.

Trustee Jean Stoess opined the Friends were the most enthusiastic committee she had ever seen, and their meetings were exciting. She thanked the Friends for what they did for the Board of Trustees.

Commissioner Jung said she loved the Friends and the Washoe County Library system. She mentioned she made quarterly book donations to the Friends, enabling her to rent the books back so they did not accumulate in her home. She felt the library system and the Friends enhanced the quality of life. She mentioned all of the Friends were public servants, some even after retirement. She added she was a member of the Friends.

Chair Lucey agreed the Friends were the one group committed to the library system through their book sales and dedication to the community. He said they provided a level of democracy for those who did not have the opportunity through generous donations. Additionally, the Friends' donations allowed kids to participate in things they might not be able to experience in their homes. He thanked the Friends.

There was no response to the call for public comment.

20-0106 AGENDA ITEM 6 Public Comment as to Washoe County Library Board

There was no response to the call for public comment.

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Commissioner Jung praised Trustee Jean Stoess for being the first female Washoe County Commissioner. Trustee Stoess stated the gender disparity was much different when she first joined the Board of County Commissioners and she was glad to see the different people on the current Board. She praised the technology in Chambers.

Chair Lucey thanked Trustee Stoess for her service as a Commissioner and a Trustee. Trustee Stoess commented her son had been a Sheriff's Deputy for 17 years, prompting Chair Lucey to remark on the dedication of the Stoess family.

11:27 a.m. The Washoe County Library Board of Trustees adjourned and the Washoe County Board of Commissioners recessed.

11:29 a.m. The Washoe County Board of Commissioners reconvened.

20-0107 **AGENDA ITEM 7** Announcements/Reports.

County Manager Eric Brown announced the County took a major step forward in its collaboration with the Cities of Reno and Sparks by entering into an agreement with Built For Zero. The three entities would put together a team to send to a workshop in April. He mentioned the Family Court would provide an update to the Board at the March 10 meeting about plans for expansion. He noted two public meetings had been held about the lands bill where citizens provided input. Lastly, he anticipated an agenda item the following month about the structure of Citizen Advisory Boards (CABs).

Vice Chair Berkbigler mentioned she and Mr. Brown held a meeting with some individuals who were concerned about voter fraud in the prior election. She cited a national study which brought up three issues which should be considered in preparation for the next election. First, the study indicated there were districts in which more people voted than were registered; she said Commissioner Herman had evidence of people registering to vote using her home address. Second, she expressed concern about ballot solicitation, something she said happened at three different polling stations. She explained ballot solicitation involved either people handing in ballots they collected from citizens who could not get to the polls or people handing pre-marked ballots to voters who had been transported to the polls by bus. The final issue was voting by non-citizens. She felt it was important to do the right thing for the citizens. She commented she received a request from gaming properties who were interested in having polls in their non-gaming areas. This would give employees and hotel guests the opportunity to vote. She asked Mr. Brown to look into that prospect.

Commissioner Herman noted a Sun Valley CAB Board Member proposed the idea of using funds from Sun Valley's two marijuana facilities to help the Sheriff's Office clean up Sun Valley. She pointed out Washoe County was recorded as being a sanctuary county, but funding could stop if that was not changed. She said the Sheriff was researching the issue so federal funding would not stop. Finally, at the request of a citizen she stated that a county was bound to protect all citizens.

Commissioner Jung announced a special meeting of the Regional Animal Services Advisory Board on February 27 addressing the corporatization of animal abuse. She said she planned to attend a Shared Federal Framework (SFF) joint meeting in April with a number of other government agencies and organizations, and she requested feedback from the Board about regional issues that needed attention. She said she was unsure what worked last time the SFF met, but pointed out nothing changed with regard to the interstate passing through Reno. She wanted direction from the Board's advisors about what she could expect, what they should advocate for, and whether it would be worth the trip. She promoted upcoming Open Space and Regional Parks Commission and Senior Services Advisory Board meetings.

Chair Lucey acknowledged Washoe County Emergency Manager Aaron Kenneston for organizing a trip to participate in a regional integrated emergency management course. Elected officials, staff, and emergency responders would take part in

the course through the Federal Emergency Management Agency. He indicated only a couple counties were allowed to participate each year since it was only offered twice annually. He praised Mr. Kenneston's leadership and ability to organize the training, which showed commitment to the region. He felt it would be helpful for staff and policymakers to understand their roles in a tragedy.

Chair Lucey stated the Regional Transportation Commission selected Reno Assistant City Manager Bill Thomas as its new director. He expected Mr. Thomas to attend the next RTC meeting. He announced he, Mr. Brown, Commissioners Herman and Hartung, and County Recorder Kalie Work would attend the National Association of Counties legislative conference to meet with the delegation about county and legislative issues.

Commissioner Hartung commented there was a touching service for Reno Mayor Bob Cashell, which he said was well-attended. He requested information from Sheriff Darin Balaam about the cause of an accident that took place at the intersection of Pyramid Highway and David James Boulevard. Referencing an earlier discussion about a regional response to post-traumatic stress disorder, he asked for input about how the Board could lead the process by organizing a team to assist first responders regardless of their agency or their field of work.

Vice Chair Berkbigler stated the Washoe County Health District put together a program to address the coronavirus should it arrive in Washoe County. She suggested any citizens with concerns or questions should contact the Health District.

Chair Lucey thanked Sheriff Balaam and Undersheriff Wayne Yarbrough for their commitment to Mayor Cashell's funeral service. He noted the area was currently entertaining sheriffs from 17 western states who were in the area to discuss public safety concerns.

CONSENT AGENDA ITEMS – 8A THROUGH 8F

- 20-0108** **8A** Approval of minutes for the Board of County Commissioners' regular meetings of January 14, 2020 and January 21, 2020. Clerk. (All Commission Districts.)
- 20-0109** **8B** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2017/2018, 2018/2019 and 2019/2020 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 \$21,221.33]. Assessor. (All Commission Districts.)
- 20-0110** **8C1** Recommendation to approve a Lease Agreement between Song Properties, LLC, and Washoe County for a 60 month term commencing

March 1, 2020 through February 28, 2025 [\$101,604.00 annually with a 2.5% annual increase] with the option of a 36 month renewal for the occupancy of Sober 24 located at 1530 East 6th Street, Reno, Nevada. Community Services. (Commission District 3.)

- 20-0111** **8C2** Recommendation to approve an increase to Purchase Order No. 5500023497 established for Professional Services between Washoe County and Wood Rodgers, Inc. for quality control inspection performed for the County's Pavement Preservation Program [increase amount by \$32,584.25 for a total amount of \$120,684.25]. Community Services. (All Commission Districts.)
- 20-0112** **8C3** Recommendation to approve an Agreement between Washoe County and Reno Tennis Club, retroactive to January 28, 2020, for maintenance and use of Washoe Tennis Center for a three year term with the option for two one-year renewals [minimum contribution of \$3,000 annually, in lieu of rent, toward maintenance, repair and improvement costs at Washoe Tennis Center]; and authorize the Director of Community Services to execute subsequent renewals. Community Services. (Commission District 1.)
- 20-0113** **8C4** Recommendation to approve a Water Rights Deed to re-convey 4.13 acre-feet of water rights from Washoe County to Linda Nelson Davis and Robert L. Webster Trustees of the Jennifer Joanna Davis 2001 Revocable Trust dated July 20, 2001. Community Services. (Commission District 2.)
- 20-0114** **8D1** Recommendation for waiver of six month cooling off period for independent contractor Krista Meier, retroactively beginning July 2019, appointed counsel administrator [annual cost \$52,000] Manager's Office. (All Commission Districts.)
- 20-0115** **8D2** Recommendation to award Request for Proposal (RFP) No. 3119-20 for the Statewide COOP Plans Writer and Trainer to the most responsive and responsible bidder, Ankura Consulting Group, LLC. in the amount of [\$107,000] and if approved, authorize the Purchasing and Contracts Manager to execute the contract. Manager's Office. (All Commission Districts.)
- 20-0116** **8D3** Recommendation to accept a 2020 Nevada State Emergency Response Commission (SERC), United We Stand (UWS) grant for [\$30,000.00, no County match required]. Grant Term is retroactive to December 31, 2019 through June 30, 2020. If approved, authorize the Chairperson to execute grant documents and authorize the County Manager or his designee, to sign the Sub-Grant Agreement between Washoe County and the City of Reno in the amount of[\$19,075.15,] and the Regional Emergency Medical Services Authority (REMSA) in the amount of[\$10,924.85:] approve Resolution necessary for same; and direct the Comptroller's Office to make the

appropriate budget amendments. Manager's Office. (All Commission Districts.)

- 20-0117** **8D4** Recommendation that the Board of County Commissioners adopt the 2020 Washoe County Multi-Hazard Mitigation Plan, and if adopted authorize the County Commission Chairman to execute a Resolution to promulgate the plan. Manager's Office. (All Common Districts.)
- 20-0118** **8E1** Recommendation to accept a private grant of [\$1,000.00] from Joan Bates Sims Charitable Fund at the Community Foundation of Western Nevada to be used for protective equipment for deputies, if approved, authorize Comptroller's Office to make appropriate budget amendments. Sheriff. (All Commission Districts.)
- 20-0119** **8E2** Recommendation to accept an unsolicited grant of [\$15,000.00] from The E.L. Cord Foundation to be used for Washoe County Sheriff's Office most pressing needs, if approved, authorize Comptroller's Office to make appropriate budget amendments. Sheriff. (All Commission Districts.)
- 20-0120** **8E3** Recommendation to 1) Award Request for Proposal (RFP) No. 3106-20 for Portable x-ray and bomb detection equipment on behalf of the Washoe County Sheriff's Office, Special Operations Division to the lowest, responsive, and responsible bidder, [staff recommends Logos Imaging LLC 6835 Sherman Street Loveland, CO 80538 for a total cost not to exceed \$103,399.00]; 2) Award Request for Proposal (RFP) 3112-20 for Self-Contained Breathing Apparatus (SCBA) equipment and supplies on behalf of Washoe County Sheriff's Office, Special Operations Division to the lowest, responsive and responsible bidders, [staff recommends Adamson Police Products 10764 Noel Street, Los Alamitos, CA 90720, and MES (Municipal Emergency Services) Fire 4343 Viewridge Avenue, Suite A, San Diego, CA 92123 for a total cost not to exceed \$210,000.00] and 3) Authorize the Purchasing and Contracts Manager to execute agreements, at the discretion of the County. Sheriff. (All Commission Districts.)
- 20-0121** **8E4** Recommendation to approve a grant award [\$18,649.00, no match required] in overtime reimbursement for a deputy assigned full time to the Federal Bureau of Investigation (FBI) Northern Nevada Child Exploitation Task Force (NNCETF). Washoe County will be reimbursed for overtime and benefit costs directly related to activities in conjunction with the FBI NNCETF. Funds are available for Federal FY 2020 for the retroactive period of October 1, 2019 - September 30, 2020. If approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 20-0122** **8E5** Recommendation to approve Sheriff's Security Agreement between the Incline Community Business Association and the Washoe County

Sheriff's Office to provide uniformed Deputy Sheriffs for security [costs to be reimbursed by the Incline Community Business Association] during requested Incline Community Business Association Events beginning July 4, 2020 through July 31, 2021 to be held at various locations in Incline Village, Washoe County. Sheriff. (Commission District 2.)

20-0123 **8F** Recommendation to approve the addition of six (6) Power911 Workstations to the Washoe County Great Migration agreement with West Safety Services; with four (4) of the workstations intended for the City of Sparks Public Safety Answering Point (PSAP) and two (2) intended for the Washoe County PSAP; for a cost not to exceed [\$138,480] annually; total expenditures to be funded within the adopted operating budget of the E911 Fund. Technology Services. (All Commission Districts.)

Commissioner Hartung acknowledged Agenda Item 8E3 because it was so important for the safety of the community and thanked the Board for supporting it.

Deputy Chief County Clerk Jan Galassini noted a correction was needed on the January 14 minutes where Agenda Item 12 was referenced as Agenda Item 10. The minutes would be amended to reflect the change.

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

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

BLOCK VOTE – 10, 11, 13, 14

20-0124 **AGENDA ITEM 10** Recommendation to accept and approve a Nonpoint Source Grant Program 319(h) subgrant agreement from the Nevada Division of Environmental Protection for the Lower Wood Creek Phase I Water Quality Improvement Project [in the amount of \$200,000] with match [in the amount of \$280,000] for the period the date the subgrant agreement is approved by the Nevada Division of Environmental Protection through March 31, 2022, and direct the Comptroller's Office to make the necessary budget amendments. Community Services. (Commission District 1.)

Vice Chair Berkbigler indicated this agenda item was for a project that addressed Lake Tahoe clarity.

There was no response to the call for public comment.

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

20-0125 **AGENDA ITEM 11** Recommendation to approve the reclassifications of two (2) vacant, part-time Legal Secretary positions, pay grade I, to one (1) full-time Office Assistant II, pay grade E (Juvenile Services), two (2) vacant Senior Licensed Engineers, pay grade RS, to Licensed Engineers, pay grade QR (CSD), and the creation of six (6) full-time positions with the new job classification of Communications Call Taker, pay grade G, and one (1) full-time position with the new job classification of Communications Center Manager, pay grade R (Sheriff's Office), as evaluated by the Job Evaluation Committee; and authorize Human Resources to make the necessary changes. [Net annual fiscal impact is estimated at \$594,043] Human Resources. (All Commission Districts.)

Vice Chair Berkbigler pointed out this item moved the topic of dispatch forward.

There was no response to the call for public comment.

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

20-0126 **AGENDA ITEM 13** Recommendation to approve the reimbursement of costs incurred by the City of Reno [\$1,255.95], the City of Sparks [\$254,876.00], Washoe County School District [\$54,984.00], and departments of Washoe County [\$71,154.22] for expenses related to and in support of the Enhanced 911 Emergency Response System and portable and vehicular event recording devices, and recommended by the 911 Emergency Response Advisory Committee, for a total amount not to exceed [\$382,270.17] as specified within the adopted Enhanced 911 Fund's FY20 operating budget. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be approved.

20-0127 **AGENDA ITEM 14** Recommendation to approve the Intrado Change Order dated December 12, 2019, to Service Order for Power LVR services signed December 22, 2014, between Washoe County and Intrado Life & Safety, Inc., for the upgrade of the current Verint voice recording solution to Verint's v15.2 voice recording solution for the three Public Safety Answering Points ("PSAPs") (Reno, Sparks and Washoe County) not to exceed [\$633,600 to be paid as 60 monthly payments of \$10,560]; total expenditures to be funded within the adopted operating budget of the E911 Fund. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

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

20-0128 **AGENDA ITEM 9** Introduction and first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 406, Building Placement Standards, to add a new section, Commercial and Industrial Building Placement Standards, which will allow for variance or modification of the building placement standards including setbacks, minimum lot size, or minimum lot width for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application; and other matters necessarily connected therewith and pertaining thereto. If supported, set the public hearing for second reading and possible adoption of the Ordinance for March 10, 2020. Community Services. (All Commission Districts.)

County Manager Eric Brown introduced the public hearing.

Chief Deputy County Clerk Jan Galassini announced this would be assigned Bill No. 1833.

There was no public comment on this item.

Bill No. 1833 was introduced by Commissioner Berkgigler, and legal notice for final action of adoption was directed.

20-0129 **AGENDA ITEM 12** Recommendation to discuss and obtain direction regarding the development of a Washoe County Arts Commission. Manager's Office. (All Commission Districts).

Assistant County Manager Kate Thomas noted Washoe County had moved into the arts organization realm with the ArTrail, and she pointed out artist Erik Burke painted a new mural on a downtown County facility. She felt it was prudent that the Commissioners had suggested an arts commission. She said she sought input on four main areas so a Resolution could be brought forward to adopt the commission and move forward with appointments; the four areas were staff, commission size, budget, and objective. She remarked arts councils provided various services including sponsoring festivals, showcasing local artists, hosting exhibits, and facilitating professional development services to existing arts organizations. Additionally, they could award grants to local artists. She recommended utilizing existing Manager's Office staff to establish the arts commission, though they would work on securing dedicated staff resources as the program grew. She also mentioned the potential of combining it with special events programming.

Vice Chair Berkbigler commented she was excited about the project because she was unsure whether anyone knew how much of the County's inventory was considered art. She felt staffing through the Manager's Office was a good start because the County did not have the budget for something bigger. She advocated for a commission size of five, with one member appointed by each Commissioner. She noted she donated \$8,800 from her discretionary fund to begin the program. She thought the first objective would be for the new appointed commissioners to review and compile a list of the art the County possessed. She said art was a major part of the community that visitors wanted to see.

Commissioner Jung mentioned Page 2 of her staff report was cut off. Ms. Thomas explained it spoke about some relevant staff members, but she would get Commissioner Jung a staff report that was not cut off.

Commissioner Jung asked about the general fund allocation referenced in the staff report. Ms. Thomas answered the City of Reno used the room tax towards various pieces of the program and the general fund allocation supported staff. She said she would get back to the Commissioner with numbers. In response to Commissioner Jung's query about the public art dedication, Ms. Thomas responded the \$200,000 from room tax was for the public art dedication. She remarked the City of Reno's budget was convoluted because it dealt with staff, grants, physical space, support for the commission, and special events. She said she would provide a memo breaking down their entire budget.

Commissioner Jung asked whether the City of Sparks also had a \$200,000 arts budget. Ms. Thomas replied the City of Sparks facilitated their investments in the arts with a room tax allocation. \$20,000 annually came from usage fees and a one-time \$150,000 allocation came from the Sparks Tourism Facility & Revitalization Steering Committee; that committee received money from room tax. When asked by Commissioner Jung whether the City of Reno had a similar committee, Ms. Thomas stated they did not but they received room tax. She further said Washoe County was projected to receive

\$437,000 this fiscal year from room tax after receiving \$425,000 the prior fiscal year; this went into the general fund as a revenue source.

Commissioner Jung said she wanted a breakdown of how much the Cities of Reno and Sparks had received since 2016, where it went, and more information about the committees. She suggested holding a joint meeting with the cities to determine where gaps existed that the County could fill, citing the ArTrail as an example. She commented the County already supported art culture without a specific art commission by supporting Artown and the Balloon Races. While she supported the arts, she felt it could be more efficient to utilize all entities' money rather than going through separate commissions with separate meetings.

Commissioner Jung expressed dissatisfaction that the money was placed in the general fund because it was difficult to track where it went. She thought a broader discussion about room tax and its uses was needed before setting up a joint meeting. She admitted the County's role could be giving money to the cities for their existing arts commissions for bigger projects and a greater reach into unincorporated County areas. She mentioned Artown had trouble reaching rural neighborhoods, but she opined art and culture were needed more in areas without access to the downtown area. She expressed her desire to work with the cities on this rather than working separately.

Vice Chair Berkbigler acknowledged the goal was not to compete with the cities on a monetary level, but to determine which projects the County supported, many of which they did not receive credit for. She said she allocated the \$8,800 after attending an event where the cities got credit for their contributions but the County did not. She summarized the logic behind the formation of a commission was to perform a review of art projects for which the County spent money. Ms. Thomas confirmed the County wanted to be complimentary to the cities' efforts as opposed to competing with them. The cities were excited to add layers of art support within the community.

Chair Lucey agreed with Commissioner Jung that time spent by staff and the Board of County Commissioners' (BCC) on a new arts commission could result in wasted money. He believed art projects were currently handled through the Community Service Department (CSD) and the Manager's Office. Ms. Thomas confirmed art events were done that way and the ArTrail project was handled by the Manager's Office through the grants program.

Chair Lucey wondered why there should be a separate commission to discuss art in the community. He said he would rather spend every dollar on projects rather than on other committees. He wanted to identify how money would be utilized efficiently for the arts so the BCC could decide how to move forward. He noted each Commissioner already participated in many other meetings and had a clear understanding of what their districts wanted. He said he had no problem with Manager's Office staff managing the projects. He felt the budget discussion needed to clarify whether room tax revenue would be co-mingled for projects or spent only on art. He said there needed to be motivation for the County to provide aesthetic beauty in the community, and every district should benefit.

Vice Chair Berkbigler responded she had no issues with the BCC also acting as an arts board, though she was unsure whether the BCC had the time to do that. She questioned how that would be managed and who would utilize her \$8,800 donation to perform the survey of art in the County. She agreed now was not the time to introduce new budgetary issues, but she did not want to see this item fall through the cracks. She sought a plan to show what the County was doing with the art it had to benefit the citizens of the Truckee Meadows region. She was unsure how that would happen without a separate commission unless there was a dedicated staff member prepared to make monthly or quarterly presentations to the BCC.

There was no response to the call for public comment.

Chair Lucey felt the item needed more work. He read the portion of the staff report concerning the commission's responsibilities and felt it merely identified processes for a larger discussion about funding. The cost for administrative support would be more than \$200,000. Even if no projects were completed, money would be spent on staff time. He sought further workshopping to streamline the process because, while he agreed there should be some sort of commission, he wanted to pursue a functionally efficient one. Additional discussion needed to take place to determine whether meetings would happen monthly or only as projects came up.

Vice Chair Berkbigler moved that staff do further research and compile a partial list of those things the County had that were considered art or part of arts programming funding the County spent. Additionally, she asked that the topic come back the following month for a broader discussion on the importance of the arts.

Commissioner Jung seconded the motion. She did not feel the County should hire someone to tell them what their art was when people like Geralda Miller of Art Spot Reno would do it for free. She thought the County should approach each city's arts commission, mention Vice Chair Berkbigler's \$8,800 seed money for ArTrail, and ask what the County could do to fill any gaps. The BCC would then decide how much they wanted to fund. She said hiring more people would not improve citizens' ability to access art. She suggested working with Reno Councilmember Dave Aiazzi or Artown Executive Director Beth MacMillan on this. She mentioned the Reno City Council had cut their arts budget so she suggested the County work with Ms. MacMillan to ensure there were projects in each district. She remarked the County already supported Artown but did not receive acknowledgment for it.

Commissioner Jung commented there were many County buildings downtown, such as the library, the Human Services Agency, and the Courthouse, that people did not realize belonged to the County. She supported Vice Chair Berkbigler's overarching goal of achieving prominence and stressed the importance of the seed money allocated by the Vice Chair. Commissioner Jung added she spent \$5,000 to light the space whale downtown. She thought Lazy 5 Regional Park did not receive enough attention for art and culture while venues such as Bartley Ranch did. She felt Vice Chair Berkbigler

needed to drive what happened with the \$8,800 she allocated, though she said she would also donate money.

Chair Lucey mentioned the Reno-Sparks Convention and Visitors Authority surveyed individuals who felt the change in evolution in the community was based on the arts community; many came for conferences, but a secondary portion of their trips involved seeing the aesthetic beauty downtown. He encouraged the Board to focus on broadening that base to other parts of the County.

Commissioner Hartung reminded the Board there were recurring music concerts at the Spanish Springs Library and he agreed those types of events could make a difference in the community. He stated art included performing arts and those artists should be given an opportunity.

Ms. Thomas summarized the direction she received. Chair Lucey added the direction also included coordinating with the Cities of Reno and Sparks to see what the County could do.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that staff do further research and compile a partial list of those things the County had that were considered art or part of arts programming funding the County spent. Additionally, it was ordered that the topic come back the following month for a broader discussion on the importance of the arts.

20-0130 **AGENDA ITEM 15** Public hearing: Approve an Outdoor Festival Business License application (pursuant to Washoe County Code Chapter 25 and related provisions) and associated license conditions submitted by Austin Gavlak for Powabunga 2020, a music and arts festival, from March 20, 2020 to March 22, 2020 at the Tahoe Biltmore Lodge & Casino (APN: 123-053-02) on SR 28 primarily in the parking lot area. Live outdoor music will be played from 4pm to 10pm on March 20 and from 3pm to 10pm on March 21 and March 22.

Event set-up is proposed on March 19, 2020 and take-down and dismantling is proposed to occur on March 23, 2020. Event organizers estimate 3,000 spectators per day. If approved, authorize the Director of the Planning and Building Division, Community Services Department to issue the license when all pre-event conditions have been met, including but not limited to conditions on parking, security, lighting, hours, alcoholic beverage and food consumption, ingress and egress, temporary restroom facilities, fire safety, and whether to waive a performance bond. Community Services. (Commission District 1.)

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

On the call for public comment, Mr. Tyler Gaffaney said the Powabunga Music Festival would bring world-class artists to Crystal Bay with daily attendance of more than 3,000. The festival would bring critical economic impact to Lake Tahoe and Washoe County, including revenue from overnight room rentals, food and beverage purchases, and lift tickets. He felt the event would boost wintertime business and it could drive future visitation. He said he looked forward to working with the Powabunga team.

Mr. Bill Wood, General Manager of the Crystal Bay Club, voiced support for the Powabunga Festival. He mentioned the town of Vail, Colorado recognized the social and marketing benefits of this festival. An event this size could give the local community, whose economy he described as relatively flat, a boost, citing the success of similar festivals in El Dorado and Placer Counties. He spoke about the measures the Tahoe Biltmore Lodge & Casino and the Crystal Bay Club would take to ensure safety and prevent underage drinking and gaming. He urged the Board to grant the requested permits.

Vice Chair Berkbigler mentioned the project had been examined closely and it was an outstanding project which she felt would bring in tax dollars. Chair Lucey agreed and said the area had a great history. He thanked the facilities there for what they did.

Commissioner Hartung opined there was a need to become more event-centric, and entertainment should be provided for the new generation who moved here and filled jobs in the area. He thought events like this would make it a more attractive place.

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

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Chair Lucey announced the Board would recess. He asked Assistant District Attorney David Watts-Vial whether there was a need for a closed session since the Board of Fire Commissioners already voted to have one. Mr. Watts-Vial replied a session was not needed because there was nothing that involved Washoe County associations. He suggested the Board recess, reconvene as the Board of Fire Commissioners, and adjourn from there.

12:34 p.m. **The Board of County Commissioners recessed.**

3:00 p.m. **The Board reconvened with all Commissioners present.**

20-0131

AGENDA ITEM 16 Introduction and first reading of ordinances amending Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, Use Classification System, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; within Article 410, Parking and Loading, to update the off-street parking space requirements table to include a reference to short-term rentals; and within Article 910, Enforcement, to specify that appeals of Administrative Hearing Office decisions related to short-term rentals would be heard by the Board of County Commissioners. Chapter 110 would also be amended to create Article 319, Short-Term Rentals (STRs), to establish standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, Accessory Uses and Structures, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, Administrative Review Permits. The ordinances would also amend Chapter 50 (Public Peace, Safety and Morals) to include a definition of short-term rental and define unpermitted short-term rentals as a public nuisance; and amend Chapter 125 (Administrative Enforcement Code) to establish enforcement provisions related to short-term rentals, including but not limited to definitions, inspections, evidence of operation, evidence of violations, appeals and associated timeframes, stop activity orders, warnings, penalties, and penalty notices. Short-term rentals are a type of temporary lodging booked for fewer than 28-days and operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals. The amendments also resolve discrepancies arising within existing Washoe County Code chapters as a result of the new code language, and other matters necessarily connected therewith and pertaining thereto.

And, if introduced, set the public hearing and second reading of the ordinances for March 10, 2020. Community Services. (All Commission Districts.)

County Manager Eric Brown introduced the public hearing.

Jan Galassini, Chief Deputy County Clerk, read the titles for Bill Nos. 1834, 1835, and 1836.

Chair Lucey asked Assistant District Attorney David Watts-Vial for direction on how to address three separate bills each amending three separate chapters of the Code. Mr. Watts-Vial replied the item was styled to set the public hearing and do a second reading of the ordinances on March 10, 2020. He advised they could do the hearings that was necessary and introduce the bills as they would any other. Chair Lucey announced they would hear them all together.

Senior Planner Kelly Mullin conducted a PowerPoint Presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: WDCA19-0008: Short-Term Rentals; Project Baseline; Mission Statement; Project Phases; Public Engagement; Proposed Code: Highlights (2 slides); Areas to Discuss; Fees and Fines; Recommendations; Next Steps; and Questions.

Ms. Mullin recalled the Board of County Commissioners (BCC) received an update in November on the process to establish standards for short-term rentals (STRs) in unincorporated Washoe County. Since receiving policy direction from the Board, Code language was drafted and made available to the community for comment. The Planning Commission heard the item the prior month and unanimously approved the proposals. Today, she asked the Board to introduce and conduct the first reading.

Knowing the controversial nature of STRs, Ms. Mullin said, extensive public outreach was necessary. A variety of methods were presented for interested stakeholders to voice their concerns, which resulted in tremendous participation. She indicated STRs fell under the residential use category but they were a specific use type whose impacts needed to be addressed. Because the impacts increased as the number of occupants increased, a tiered system was proposed. She noted Tier 2 STRs would require a discretionary permit allowing for additional impact review.

Ms. Mullin brought up the public's query about whether the requirement of a local agent to respond within 30 minutes meant a physical response. She said many of the potential complaints could be addressed via phone or text. She acknowledged noise complaints were among the most difficult to address and the Sheriff's Office (SO) had limited resources to enforce calls for noise. She noted a 24/7 hotline would be set up for noise complaints, which would immediately reach out to the responsible party to address the issue. One of the benefits of establishing quiet hours would allow disturbances during quiet hours to be treated as violations of STR standards, encouraging STR operators to put their own mechanisms in place to ensure neighborhood compatibility.

Ms. Mullin remarked parking concerns were frequent in the County and across the nation, and she admitted parking was extremely limited or non-existent in Incline Village and Crystal Bay. She noted every use type in the County's Development Code had associated requirements for the number of off-street parking spots. The ratio was often based on square footage or number of employees, though some uses were based on the number of rooms or beds. The current proposal of one off-street parking space per four occupants was the result of the November discussion; originally it had been one space per

three occupants. She explained another change was providing for additional flexibility in situations where a property had extenuating parking circumstances.

Regarding the external placard requirement, Ms. Mullin mentioned it would be up to the operator whether to display the placard all the time or only when the unit was rented. She stated this placard would allow a neighbor to contact the local responsible party or the complaint hotline more easily. It would also inform first responders of the responsible party and the maximum occupancy number.

Ms. Mullin reminded the Board the discussion focused on a cost-neutral approach; the cost to enforce the program would be paid for by STR permit fees rather than general taxpayer dollars. The plan was to use Host Compliance, LLC to help identify STR operators who did not have a license so they could be contacted to ensure they obtained the appropriate permits. The suggested 12 to 18-month reassessment would consider not only the fee and fine structure, but also the standards put in place.

Vice Chair Berkbigler stated she wanted it clear in the language that a local representative's 30-minute response to an issue could be by phone or text. She expressed doubt that someone could always get to a residence within 30 minutes, particularly in snow. She pointed out the standards required that the permittee had to be the property owner, but she wanted it to be clear the property owner could sign with a property manager who could apply for a permit if use of the owner's house was signed over to them. She felt this would reduce the number of complaints. Ms. Mullin confirmed the language was structured to allow a property manager to go through the permitting process. In the end, though, the property owners needed to be aware that what happened on their properties had to comply with the standards. Vice Chair Berkbigler wanted to ensure renters would not be fined.

Vice Chair Berkbigler expressed concern about how occupancy limits would be enforced. She pointed out there was nothing in the language allowing a mother to have a child in her room with her. She felt language was needed to allow flexibility with children younger than a certain age. Ms. Mullin responded providing a floorplan of the home would be one of the requirements on the application. The application would then be reviewed by the Planning Department, building staff, and the fire department to ensure the areas proposed as bedrooms had been used as bedrooms in the past. This would also be confirmed by the inspection. She remarked there had been discussion about age limits and it was determined all ages should be applicable because certain safety considerations would not change depending on the age of the occupants. She mentioned kids could also have impacts on neighboring properties. She added staff was willing to change the ordinance if the Board desired.

Vice Chair Berkbigler thought the language needed to be clarified because a nursing baby would not take up square footage and a mother would want her baby in the room with her. Mojra Hauenstein, Division Director of Planning and Building, commented international building codes did not distinguish between ages because safety standards applied to everyone equally. Vice Chair Berkbigler stated regulations could not be so onerous that they prevented compliance and she insisted some language to ensure

flexibility was needed. When asked by Ms. Hauenstein about a suggested age limit, Vice Chair Berkgigler responded five or seven years old.

Chair Lucey agreed and, as a father of young children, he would want his children to stay in his room, particularly in a home they did not know well. By international code standards, that would be three occupants in one room. He respected that Ms. Hauenstein had to follow international codes designed to be followed consistently by every building community. He felt children under five should be exempt from occupancy requirements.

Vice Chair Berkgigler noted she had many discussions with staff about parking, pointing out many streets had no parking. She said she liked the idea of one car per four people, but certain houses around Lake Tahoe might not have enough parking for that house's maximum occupancy. That might need to be addressed in the future if it did not work.

Vice Chair Berkgigler expressed concern with the provision about unscheduled inspections as she felt it interfered with privacy. She wondered if it would apply if the homeowners themselves were home at the time. Moving on to the topic of noise, she told a story about a complaint of outdoor music being played at 10:00 a.m. She wondered about the potential recourse for this situation. Lastly, she emphasized the language about displaying a placard only when the house was rented needed to be clear. She stated the SO and realtors opposed the idea of a placard because it could invite robbers.

Commissioner Hartung asked how violations were recorded, particularly in situations where callers felt a complaint was not resolved. Ms. Mullin replied there were a few ways to address that depending on the nature of the violation and whether it could be supported by photographic evidence. Commissioner Hartung asked how a photo could be substantiating evidence given the availability of photo software. Ms. Mullin admitted the definition of which evidence would be appropriate was not yet determined. However, a complaint alleging too many parked cars could be checked by an inspector if it was made during work hours. Additionally, discussions had occurred about allowing digital evidence.

Planning Manager Chad Giesinger said a proposed amendment to Chapter 125 would allow administrative penalty notices to be issued by peace officers or enforcement officials based on the written and signed statement of a complaining party. He mentioned this process was currently being used for violations by a supermarket and similar situations could happen with STRs. The proposed amendment would require all photo and video evidence to be time and date-stamped, and the location from which the evidence was collected be attested to by the complaining party. He added STR operators could appeal for an administrative hearing, where the hearing officer would be the arbitrator. That decision was then appealable to the BCC, and then to the court.

Commissioner Hartung asked whether that meant the BCC would be part of the adjudicating process as opposed to a lesser board like the Board of Adjustment. Mr. Giesinger replied the current process was that any violation of Chapter 110 required an

appeal process to a board. Currently, administrative hearing decisions were appealable to the Board of Adjustment, but a proposed amendment in this ordinance would make STR complaints appealable to the BCC since it was deeply involved in the process.

With regard to Commissioner Berkbigler's earlier concerns, Mr. Giesinger read a portion of the Code that specified an enforcement official was authorized to enter the premises provided the structure was occupied, credentials were presented to the occupant, and entry was requested. The language, he explained, had been copied from an existing provision in the Building Code with only slight modifications. Lastly, there were conditions for situations when a building was unoccupied. Commissioner Berkbigler asked how often that happened and Mr. Giesinger replied it was very rare.

Commissioner Herman noted other Commissioners already brought up many of her concerns. She compared this to attempts she had seen to establish Covenants, Conditions, and Restrictions (CC&Rs) after a subdivision was completed. She said her decision would be based on what everyone had to say but she expressed uncertainty about how constitutional this was. She expressed concern about a shortage of funds and enforcement.

Chair Lucey asked whether the proposal would mandate inspections of defensible space. Ms. Mullin confirmed the lake was a high hazard area where the fire protection district already enforced defensible space standards; STR permit requests would trigger inspections to ensure compliance with those regulations. She remarked that might not be applicable in other areas.

As a licensed real estate agent, Chair Lucey opined tenancy law might supersede this, though he added he wanted an opinion from the District Attorney's (DA's) Office. Tenancy laws, he continued, required 24-hour notice to enter the structure unless there was an emergency. He indicated the Building Department was not allowed to conduct any inspection unannounced, and he cautioned they needed to be careful with that provision. He expressed opposition to the placard idea, saying it would advertise that renters were staying in the house. He thought this was unnecessary especially given the involvement of Host Compliance, and he would not support it.

Chair Lucey asked how Host Compliance would handle a situation where the STR permittee only rented their residence intermittently. Ms. Mullin recognized many STRs were used by homeowners so the current ordinance required all permittees to certify they would comply with those standards at all times. Given that there was no way to track who was using a home, this provision would prevent homeowners from claiming they caused a violation. Chair Lucey expressed concern that this could give neighbors a weapon to utilize against neighbors they didn't like. He wondered whether this could violate Fourth Amendment rights. He pointed out Nevada Revised Statute (NRS) 118A.330, which pertained to landlords, required 24-hour notice. He expressed trepidation about the legal issues this could cause.

Commissioner Jung believed every neighborhood dealt with noise and there were laws already in place to address noise. She did not like the ideas that anyone could dictate where people could park on a public street, though she acknowledged there were time limits, nor did she know how that aspect would be enforced. She felt everyone deserved to be safe in their home, whether or not it was an STR. She thought installing a sprinkler in every house would result in fire departments being used for emergency medical services. She agreed there could be constitutional concerns with occupancy limits. She indicated there was a grey area between private property rights and the rights of neighborhood citizens to enjoy their property. She thought the Board should get a list of everyone who paid taxes to the Reno-Sparks Convention and Visitors Authority and consider offering a 1-year grace period for those with no complaints. She said she often had to address situations when neighbors tried to use laws to punish neighbors they did not like.

Commissioner Jung asked how many new full-time equivalent positions would be needed to enforce this. Ms. Mullin confirmed only one would be needed and that position would be paid for by the fines and fees. Commissioner Jung compared enacting new laws to the screening procedures of the Transportation Security Administration. She wondered how much the BCC wanted to micromanage the safety of people and if they should handle these differences in civil court, which was where she felt they should go.

Commissioner Jung noted the AirBNB home she stayed at in Morro Bay had a placard and she expressed opposition to that. Another AirBNB home included a letter with phone numbers for people to call in an emergency and she agreed with Vice Chair Berkgigler that face-to-face meetings might not be necessary. She expressed trepidation about putting property managers in jobs because her job at Washoe County was not to put people in or out of business.

Commissioner Jung explained Lake Tahoe had always been a vacation rental destination, but other competing interests involved international investors buying entire neighborhoods. She acknowledged there could be unintended consequences. She pointed out South Lake Tahoe was currently involved with the courts on this topic and she hoped the DA would caution them about certain areas that were in dispute. She opined people with a certain amount of resources were happy to hire attorneys. She did not think it should be so expensive that only be the richest people could rent out their properties.

Commissioner Jung said she supported the Commissioner whose district this primarily impacted, including supporting a decision that could later be shown not to work. She emphasized the BCC had the right to change its mind based on new data. She felt they should hold the people doing shady things in a neighborhood accountable, but anyone who was consistently paying their taxes as of the prior month should be given a 1-year reprieve. She thought newcomers should be held to higher scrutiny and a slower approach could prevent lawsuits and would demonstrate responsible government. She indicated the County offered mediation services if necessary.

Commissioner Jung summarized she thought a solution could be reached that was fair for every level of the market, though she thought the corporatization of the AirBNB model should be monitored. She supported Vice Chair Berkbigler's position and admitted something should be done so everyone could enjoy the full benefits of their properties, whether through renting or owning.

Commissioner Hartung praised staff for trying to put together an equitable piece of code. He concurred safety was the biggest issue but expressed concern about giving neighbors more property rights than homeowners. He applauded any effort where someone made a profit on an investment, whether from renting out a piece of equipment or renting their own time. He added he had not heard any complaints in District 4 about this.

On the call for public comment, Mr. Wiselet Rouzard, Community Engagement Director for Americans for Prosperity, said they were working with the City of Las Vegas to legalize short term renting. He said he was excited to hear the word constitution mentioned at this meeting. He indicated room sharing was a growing segment and this ordinance could prevent individuals from capitalizing on their property. He said they supported economic opportunities in the form of mutually beneficial exchanges. He told a story about giving up his home during the economic downturn, saying he would have been able to stay had he been able to rent out a room. He agreed with the Commissioners' opposition to placards and thought the County was taking the right steps.

Mr. Kelvin Bell thanked the Board for allowing people to earn income other than by labor-hours spent. He mentioned he might consider buying a house in the Reno area to visit. He expressed concern about homeowners being bound by the same rules as when their homes were rented because it could dissuade owners from bringing friends who would spend money in the area. He agreed neighbors did not always treat each other well. He felt owners should be allowed to hire operators to manage properties. He suggested the parking requirement be raised to one spot per five or six people. Lastly, he felt operation of an STR could help pay for college.

Mr. Marcel Bourdase felt he was a good taxpayer and liked Commissioner Jung's suggestion of a 1-year grace period. He told a story of being a regular visitor and then buying a townhome to rent out when they were not there. He said he focused on ensuring neighbors could contact him with any issues and he had successful experiences with their STR. He suggested offering a 3-year grace period between inspections for owners who were behaving. He expressed concerns about occupancy issues as well as using this process as a way to weaponize neighborhoods.

Ms. Sara Sharkey, prior Chair of the Reno Sparks Association of Realtors Legislative Committee, said she felt rental regulation was not a realtor issue but a private property rights issue; homeowners had the right to own, sell, and rent their property. She supported enforcement of noise, parking, and trash ordinances. She praised staff for reaching out to all parties interested in STR regulations and said all efforts had been made to seek public input. She expressed concern about exterior signage, a lack of clarity in

language concerning response time requirements, and unscheduled inspections, and she endorsed exempting children from occupancy limits.

Ms. Judith Miller reiterated a concern voiced by others about the sheer number of STRs and the need for limits. She disagreed with some people's belief that limiting STRs infringed on property rights. She relayed a story about a city council limiting the number of real estate offices just after she got her license but said she respected the right of a community to decide the number of certain businesses allowed. She felt none of the proposed changes solved the issues of declining school enrollments, damage to the environment, the lack of workforce housing, or inadequate evacuation routes. She felt there were other options regarding limits and hoped the County would research those. She recommended delaying approval until there were provisions limiting STRs. She provided a document which was placed on file with the Clerk.

Ms. Nancy Barton was called but declined to speak.

Ms. Ronda Tycer provided a document for the Board, a copy of which was placed on file with the Clerk. She alleged the STR ordinance was based on three false premises: that bans did not work, that STR bans violated homeowners' property rights, and that STRs were residential uses and not business uses. She provided examples of cities which banned STRs and argued that cities and counties had the right to determine land use through zoning laws. Additionally, she said most city councils required STR owners to be people who resided in the dwellings. She reviewed some of the limitations set by other areas in the country.

Mr. Trevor Smith, President of the Incline Village Board of Realtors, said that board supported private property rights and the ability to rent. They felt ordinances which addressed nuisance issues were already in place. He felt the Commissioners recognized many of the key issues. He pointed out some homeowners associations had rules about placing signage. He recommended avoiding parking regulations since they were already enforced by the Tahoe Regional Planning Agency (TRPA). He agreed a 30-minute physical response time would be unrealistic. He looked forward to implementing a sensible, enforceable plan.

Ms. Catherine Oppio noted she owned her home in Tahoe for 45 years and had rented it throughout that time. During the recession, she said, she bought a home in Reno and rented her Tahoe home, which enabled her to keep her home and afford the taxes and upkeep. She admitted she and her family would probably be out of compliance when they stayed there, providing the example of her grandson having friends over. She said she did not want anyone to infringe on her rights.

Ms. Traci Pitts stated she was impressed with the Commissioners' comments. She explained she was a homeowner in Crystal Bay and she was uncertain if she could keep her home without the ability to rent it out. She stated she paid all her taxes and ensured her house was safe. She agreed with prior comments about weaponization and expressed concern about the unenforceability of noise ordinances because it was difficult

to tell where noise originated. She appreciated the comments about response time, signage, and unannounced inspections. She expressed frustration that she could not rent out the small guest house on their property because of the one-rental-per-property rule.

Ms. Janet Orgill reviewed the renting history of her home. She agreed with comments about public right of ways and felt rules that applied to STRs needed to apply to everyone. She thought it was her right to host her family, noting one particular family party would have placed them out of compliance with the proposed rules. She expressed concern about complaints being lodged at 10:02 p.m. and possibly receiving a ticket if her decibel reader was triggered by barking dogs. She surmised she would need to turn home rental into a business if she had to pay \$1,000 in permit fees. She pointed out the capacity of Incline Village would not change based on how many homes were occupied. Lastly, she felt the use of signage would be detrimental to the safety of tenants.

Mr. Mike Young, representing the Incline Community Business Association, said Incline Village had been a resort town since its development in the 1960s. He said it was necessary to have a steady flow of people in town for businesses to survive. He agreed parking was a problem but said STRs were not the cause. He felt the same number of units had been used as STRs for the past 20 to 30 years. He noted homeowners did not want to be told who could stay in their homes. He said he supported local property managers and concurred homes needed smoke detectors, carbon monoxide detectors, and defensible space. He stated tenants should not have fewer rights than anyone else. He pointed out 60 percent of the homes in the area were second or vacation homes.

Chief Deputy County Clerk Jan Galassini noted she received correspondence from Ms. Elise Fett and Ms. Carole Black.

Mr. Marcos Lopez mentioned he was a member of Americans for Prosperity and said he loved what he heard. He pointed out he used AirBNB for all travel and thought the STR ban in Miami, Florida would not survive.

Chair Lucey realized there was an opportunity to introduce the three bills today but said there could be secondary and tertiary impacts to the community. He noted Lake Tahoe was always a community of tourism, so much so that the RSCVA branded the area as Reno-Tahoe. He commented there would be no need for workforce housing if people did not work as maintenance workers or cleaners for STR homes. He stated the Board needed to think about more than just the specifics in the ordinances, they needed to consider the challenges that could occur with any ordinances brought forward. He felt these ordinances needed a lot of work and he could not support them as they were written. He pointed out these ordinances would not apply only to people in Incline Village as it would impact the entire county. He acknowledged not everyone wanted to stay at hotels. He also recognized that STRs within the Cities of Reno and Sparks would fall under those jurisdictions, but unincorporated County residents would also be affected.

Vice Chair Berkbigler suggested providing direction to staff about the top issues that needed to be addressed. She emphasized Nevada was not California and the

laws were vastly different. Additionally, local governments did not have the authority to make certain decisions without previously being permitted to do so by the Legislature, and some of the suggestions made at the meeting would require them to cross that threshold. She felt they needed to consider how this would impact Nevadans based on Nevada law. She provided an example of an owner not being considered a business if they only owned a certain number of homes. She said the BCC was not in the position to change zoning regulations to define those as businesses without a change in the law.

Vice Chair Berkbigler understood any regulations would need to be amended. She expressed support for the idea of giving a 1-year grace period to people complying with the law and paying taxes. She stated it was clear several Commissioners were opposed to the idea of external signage, which she thought could be addressed by requiring an enhancement of the documents available inside the house. She thought the language regarding children needed to be clarified and she wanted to know the process for addressing people who played music loudly on outdoor speakers.

Vice Chair Berkbigler echoed the concern about pitting neighbors against each other, admitting Incline Village residents often got frustrated with each other. She was uncertain whether the parking issue needed to be addressed. She wanted the language about unscheduled inspections to be removed and the language about 30-minute response time requirements to be clarified to include phone calls and texts. Penalties would then be imposed when owners did not respond timely. She agreed the ordinances could not be introduced at this meeting, but she requested they come back quickly.

Commissioner Hartung opined property owners could be the ones most affected by the ordinance. He mentioned STRs in Miami had been ruled as illegal by a circuit court judge, but the decision was being appealed. Referencing Commissioner Jung's point, he said many other jurisdictions were currently writing codes about STRs. He underscored the need for clear and concise direction.

Commissioner Hartung agreed about signage but was undecided about a 3-year inspection period since inspections would ensure the safety of the structure. He thought there was a delicate balance between not enough regulation, which could result in lawsuits against the municipality, and too much. He wanted clarification about the definition of response, who people were responding to, and how that would be administrated. He expressed reluctance to enact an ordinance before neighboring jurisdictions enacted and tested theirs in court. It could cost the County a lot of money if they got tested in court.

Commissioner Jung pointed out it was wise not to introduce the ordinance and then ask for more work. She stressed this was not an indictment of Ms. Mullin's work, but nobody wanted to waste time with a second reading on this. She sympathized with people who did not want STRs nearby, especially if laws were being broken. She said it was possible this ordinance might not be ready this season because the Board wanted to be judicious and not reactive. She noted she would rather spend money on snowplow service

and bear boxes. She remarked the entire country was dealing with this and she wanted to go after all bad actors.

Chair Lucey indicated the BCC had worked on the STR issue for over a year. He noted homes in Arrowcreek and Montreaux were rented out for weddings and several had multiple dwellings or areas that could be partitioned off. He thought the language permitting only one rental per property should be removed because it would impact properties in his district. Citing the distance between homes in the Arrowcreek area, he felt occupancy limits had no relevance as neighbors might not be able to hear a large party; he opposed prohibiting parties. He acknowledged Incline Village was its own unique area and it was challenging for policymakers to write policy for one area and not another. He wanted to back off much of the policy and he wanted to work directly with staff to address concerns that impacted District 2 in particular. He agreed Washoe County should not be the first to enact regulations.

Vice Chair Berkbigler remarked Douglas and Placer Counties already had regulations in place. Douglas County thought their regulations were working well but Placer County only just enacted them. She mentioned litigation was still pending for the city of South Lake Tahoe. El Dorado County was currently working on the issue. Washoe County could not be the first one to enact regulations, she noted, because others already had. She asked whether Assistant County Manager Dave Solaro had enough guidance.

5:06 p.m. Commissioner Jung left the meeting.

Mr. Solaro stated the information provided to the Board was the result of staff following the best planning practices to gather feedback from the community and other stakeholders. He wished to review the list of issues he had to get clarification from the BCC about any changes they wanted.

There was significant discussion and the general direction from the Board was as follows: any owner who did what they were supposed to do and did not receive complaints would get a 1-year pass on having to comply with the new regulations; no exterior signage would be required for vacation rentals; outdoor speakers would be allowed in an effort to treat all residences the same; unannounced inspections would not be part of the ordinance; both renters and neighbors would have the ability to call Host Compliance to obtain information about where to lodge complaints; after an initial inspection for each unit, owners would be required to ensure all safety requirements were fulfilled each year while physical inspections would happen every three years; parcels with multiple detached units would be able to rent each out as separate STRs in areas where that policy did not conflict with TRPA regulations; children five years and younger would be exempt from occupancy limits; and, with the help of Chair Lucey and Vice Chair Berkbigler, the next draft of this ordinance should return to the Board as soon as possible.

Chair Lucey pointed out there would be three more opportunities for people to voice their concerns: the initial Resolution, the first reading, and the second reading. No more outreach to the public or any stakeholders would be necessary. He thanked staff for

the time they spent but he wanted to get this right given the contentious nature of the subject. Vice Chair Berkbigler praised Ms. Mullin, Ms. Hauenstein, and Mr. Solaro for their work.

20-0132 **AGENDA ITEM 17** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

Chair Lucey indicated this item was not necessary.

20-0133 **AGENDA ITEM 18** Public Comment.

There was no response to the call for public comment.

20-0134 **AGENDA ITEM 19** Announcements/Reports.

Vice Chair Berkbigler said Chair Lucey had expressed concern about the potential cost of an arts commission. She wondered whether an arts advisory board would work, with the Board of County Commissioners acting as the arts commission. She asked Assistant County Manager Kate Thomas to include that as a possibility.

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5:30 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Derek Sonderfan, Deputy County Clerk*