

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

TUESDAY

10:00 A.M.

FEBRUARY 21, 2023

PRESENT:

Vaughn Hartung, Chair

Alexis Hill, Vice Chair

Michael Clark, Commissioner

Mariluz Garcia, Commissioner

Jeanne Herman, 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:

23-0107 AGENDA ITEM 3 Public Comment.

Ms. Elise Weatherly wondered if the weather was a sign from God. She quoted some Bible verses and mentioned that wrongdoers would be held accountable. She discussed threats sent to former Registrar of Voters Deanna Spikula and pondered if the Federal Bureau of Investigation (FBI) was going to investigate this. She also discussed connections with musicians in the community.

Ms. Donna Clontz provided materials to the Board with information on the Senior Resources Fair as well as a copy of *Senior Spectrum*. She discussed the fourth senior resource fair that took place at the Northwest Reno Library and informed about upcoming fair events. She also requested that Agenda Item 8D1 be removed from the Consent Agenda as there were additional community members who wished to be considered for appointment to the Washoe County Senior Services Advisory Board.

Mr. Mark Neumann discussed potholes in Sun Valley caused by fiber optic construction and requested County action to repair affected roads. He mentioned that the sand that was spread on the road before snowstorms was covering the sidewalks along Highland Ranch Road and requested that a crew be sent out to clean them so children could walk to school safely.

Dr. Larry Weiss declared he had been in the field of aging for 50 years which included running the Sanford Center for Aging for 13 years, establishing a non-profit called the Center for Healthy Aging, as well as serving on the Washoe County Senior

Services Advisory Board for 6 years. He requested that the Board delay Agenda Item 8D1 to allow for the consideration of additional candidates.

Mr. Mac Rossi requested the continuation of Agenda Item 8D1 to consider additional candidates including himself.

Mr. Nicholas St. Jon displayed a document, which was placed on file with the Clerk. The document regarded a Supreme Court ruling from 1803 stating that no legislature could make a law that overrode the Constitution. He stated that the metal detector outside the Commission Chambers constituted illegal search and seizure and demanded it be removed. He also asked that the County not release any election tallies until the last ballot had been received, citing Nevada Revised Statutes (NRS), and accused counties of being in violation by releasing tallies early. He expressed eagerness to meet with Commission members as discussed in a previous meeting and declared his frustration with the three-minute limitation on public comments.

Mr. Jeff Church provided a handout which was distributed to the Board and placed on file with the Clerk. The handout regarded a drainage issue in Damonte Ranch. He announced that the City of Reno was looking to create a new stormwater utility which would result in fees to the community, and requested that the County oppose the utility. He commended Commissioner Clark for requesting to repeal or replace the RTC-5 gas tax and opined the Ordinance enabled the County Commission to choose to implement the tax or not. He quoted Melanie Foster and said the Board had the power to adjust the increases. He said the Board could not repeal the tax while the bonds were outstanding, but it could elect to pay off the bonds and then repeal the tax. He suggested the Board pay off the bonds and repeal the gas tax or pass an ordinance to stop the annual tax increase.

23-0108 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown highlighted Agenda Item 9 which dealt with the Walmart opioid settlement and informed that on February 28 the Board would receive a presentation from the Human Services Agency (HSA) on the Washoe County opioid action plan.

Chair Hartung inquired if an attorney-client meeting would be necessary for Agenda Item 9. Assistant District Attorney Nathan Edwards responded they did not need to meet and informed that a summary had been sent to the Board.

Commissioner Garcia discussed the important role pets could play with seniors in helping to combat loneliness, depression, and poor health. She informed about a program for low-income seniors who may need help with providing pet care. She advised that Washoe County Regional Animal Services (WCRAS) accepted donations of pet food weighing 15 pounds or less at 2825 Longley Lane. The public could find additional information on the WCRAS website.

Commissioner Clark acknowledged public comments regarding Agenda Item 8D1 and said the County needed to announce openings for advisory boards more broadly because he believed the public was unaware of the opportunities. He self-identified as a senior citizen and condemned people trying to involve partisan politics when it came to volunteering on advisory boards. He requested that open positions be advertised to attract the most volunteers. He observed that the second Commission meeting in March had been cancelled, leaving only one March meeting on the schedule. He opined that one meeting in the month did not allow the Commission to work for its constituents and asked that the situation not occur again. He discussed the expenditure increase in Agenda Item 17 from the February 14 meeting for the costs incurred in the Carlos Gutierrez V. State of Nevada court case and declared a need for further analysis and clarification. He voiced Commissioner Herman's concerns regarding overcrowding at the jail and requested an item be placed on the calendar for the March 28 meeting to follow up on the concern. He also requested that a breakdown of the tax dollars that had been spent on the Carlos Gutierrez trial be provided to the Board. He mentioned Agenda Item 20 from the February 14 meeting regarding the daycare shortage and reported he had received dozens of comments regarding the provision of daycare spots for both Washoe County employees and foster children. He asked what the Commission was doing to help other citizens in need of child care. He recounted previous comments regarding a housing development that was willing to build a daycare center and inquired about County partnerships to entice daycare providers. He suggested that daycare could be a good business opportunity for young people looking to make a living.

Chair Hartung informed that he and Vice Chair Hill toured the Silicon Valley Advanced Water Purification Center and the Pure Water Monterey facility at Monterey One Water. He declared intentions for the remainder of the balance in his Commission District Special Fund to be disbursed to the Nevada Water Innovation Institute (NWII) at the University of Nevada, Reno (UNR). He stated the NWII was conducting research in the field of bioactivated carbon that had yielded results in terms of power savings. He announced that he would be out for several weeks on family medical leave and would be available sporadically by phone.

23-0109 **AGENDA ITEM 5** Appearance and Presentation by Mitchell Fink, P.E. and Mariam Ahmad, P.E. regarding a quarterly update on traffic related matters.

Licensed Engineer Mariam Ahmad conducted a PowerPoint presentation and reviewed slides with the following titles: Traffic Policy; How Traffic Related Requests are Received, Identified and Prioritized; Traffic Calming & Traffic Engineering Requests for 2022; Outcomes for 2022; Examples of Traffic Calming Request and Response (2 slides); Summary; Thank You.

Ms. Ahmad declared that the traffic policy approved in 2019 had been a helpful tool for the department. This helped staff work with customers to come up with solutions that were governed by the traveling public and pedestrian safety. She informed there were several methods of contact for the department, but the preferred method was

through Washoe 311 as it was the best method for tracking requests as they came in.

Licensed Engineer Mitchell Fink shared an overview of the number and types of traffic requests received by the department as well as how they were assessed. He provided a report of the outcomes for the previous year. He informed that in 2022 the department spent approximately \$175,000 on traffic engineering or calming projects throughout the County. He estimated a budget of \$700,000 for 2023 projects. Chair Hartung asked which part of the budget the \$175,000 came from in 2022. Mr. Fink responded the funds came from the Capital Project budget.

Chair Hartung interjected that the Reno Transportation Commission (RTC) had voted to give funding to the three municipalities. He said the City of Reno would get about half of the \$3 million he had requested, while the City of Sparks and Washoe County would split the rest. He requested that the engineering department investigate accessing those funds for traffic calming in neighborhoods. Responding to Chair Hartung, Division Director of Engineering and Capital Projects Dwayne Smith stated the fund had been accessed regionally.

Mr. Fink thanked Chair Hartung for the information about additional resources and mentioned that the funding could be used for various traffic issues. He showed photographic examples of recently completed traffic-calming projects.

Ms. Ahmad summarized the presentation and displayed the County's traffic and roadway webpage which included the traffic calming policy, a visual of how requests were processed, and what customers could expect when submitting requests. She also walked through how to submit an online request through the Washoe 311 webpage. Chair Hartung emphasized the necessity of submitting requests through Washoe 311 to help log and track submissions. He declared he had been requesting traffic calming on Dolores Drive since before he was on the Board of County Commissioners (BCC) and was glad that the speed cushions had been implemented.

Vice Chair Hill mentioned she had sent a lot of requests to the engineering office and expressed thanks to the department for following up with community members. She asserted that the Board and the federal government were focused on pedestrian safety. She recalled a presentation from the U.S. Department of Transportation (DOT) she observed at the National Association of Counties (NACo) conference she attended earlier in the month and spoke about planning and implementation grants that were available for improving pedestrian and bicycle safety. She cited opportunities for grant applications to enhance the safety of Incline Village (IV) and Verdi. She suggested there may be opportunities to partner with the Regional Transportation Commission (RTC) on a transportation grant. She added that she was looking forward to seeing the \$700,000 worth of traffic projects carried out in the following year. She informed when she started with the Commission, the traffic budget was around \$100,000. Mr. Fink stated the annual budget was approximately \$50,000 at that time.

Vice Chair Hill commented there was work being done in Caughlin Ranch due to major pedestrian safety issues along the trails. She inquired if the Board would receive a report regarding the citizens in each district who had asked for traffic calming measures. Mr. Smith responded that his department aimed to do better in distributing those reports as his department continued to grow both in staff and budget. He said if the members of the Board were looking for more specific information in the reports, they could reach out to engineering staff who could adjust the particulars. Vice Chair Hill imparted that she wanted to know when constituents were submitting requests and what roads the requests were for. She hoped to receive the information through the Communications Department or from the Washoe 311 reports.

Chair Hartung reiterated his thanks for the traffic calming work done on Dolores Drive. He recounted several accidents that had taken place there and commented that it was not good when so many incidents occurred in one place that the community had to start speaking out. He affirmed he had petitioned to get traffic calming placed on Sky Ranch Boulevard when his children were young. He suggested that an item come back to the Board outlining the process that occurred when traffic complaints were submitted. He mentioned the time required to implement traffic calming devices but argued that they saved the Sheriff's Office (WCSO) time because the WCSO was relieved of having to go out and provide enforcement in those areas. He mentioned staff had been resistant to placing new stop signs in neighborhoods but opined that they were effective. He addressed Mr. Neumann's public comment and inquired about how his concerns could be addressed. He asked who maintained the roads and sidewalks in question.

Mr. Smith requested that the public report potholes to Washoe 311 and informed those complaints would go to the County Roads Department. He asserted it had been a difficult winter and potholes were appearing in abundance throughout the County. He noted that Washoe County staff was not always responsible for cleaning off sidewalks; the community was also expected to share in those responsibilities. He reminded that the County had limited staff and had to prioritize larger safety concerns. He affirmed that the County owned Sun Valley Boulevard, but it was a regional street, meaning that regional funding would be applied through the RTC to help with those repair costs.

Chair Hartung stated he believed Mr. Neumann's public comment was about Sun Valley Boulevard and said there were no abutting residents to take on the responsibility for the sidewalks along that street. Mr. Smith responded that he would have to look to determine the specifics in that area. Chair Hartung commented when the roads were plowed, debris was pushed onto the sidewalks. Mr. Smith opined that those issues were occurring throughout the County and his department wanted to ensure it was addressing those issues. He mentioned staff was addressing traffic concerns in older neighborhoods that were impacted by the build-out of new development. He affirmed the County was focused on working with development partners and their consultants to ensure roadways met current standards. He stated that a large chunk of the 2023 budget was for new signaling and staff was looking to partner with developers so they could leverage Washoe County and grant dollars. Chair Hartung reiterated his desire to see an item come back to the Board because he believed it was imperative for the Board to understand the

process. He suggested it was not possible for a Commissioner to drive through every road in their district. Commissioner Herman noted she had traveled through her entire District.

Chair Hartung stated that most of the districts were not just unincorporated areas of Washoe County and suggested that Commissioner Garcia's District was mostly made up of incorporated Reno and Sparks locations with a small piece of the unincorporated County. He alleged that citizens who lived in specific neighborhoods saw issues daily and announced he would like to work with staff to streamline community requests and figure out a way to cut through red tape.

PROCLAMATIONS

23-0110 **6A1** Proclaim the month of February 2023 as Career and Technical Education (CTE) Month.

Commissioner Clark read the Proclamation.

Washoe County School District (WCSD) Director of Signature Academies and Career and Technical Education (CTE) Josh Hartzog accepted the Proclamation and introduced his colleagues Mr. Matt MacKay and Ms. Kathie Smith. He thanked the Board for its time and for promoting CTE Month. He informed that at each of the 12 high schools in the WCSD, there were about 4 to 5 CTE programs, totaling approximately 30 programs. There were also programs at District-sponsored charter schools including Ace High School and Coral Academy. He declared that all the programs were focused on preparing students for working careers after high school whether they were going to the system of higher education or entering directly into the workforce. The programs were focused on providing academic, technical, and professional skills with a focus on work-based learning.

Chair Hartung restated that he and Vice Chair Hill had toured water purification plants in Southern California and declared that there was a need for technicians to run those plants. He asserted that CTE learning was important because the path to traditional college was not for every young person and there were many highly-skilled jobs available through technical education.

There was no response to the call for public comment.

On motion by Commissioner Clark, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 6A1 be adopted.

11:05 a.m. **The Board went into recess.**

11:07 a.m. **The Board reconvened with all members present.**

DONATIONS

- 23-0111** **7A1** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$1,325.00]; and (2) accept donations from various donors to Washoe County Human Services Agency Homelessness Fund to support welfare activities in the amount of [\$10.00] retroactive for the period October 27, 2022 through January 31, 2023; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 23-0112** **7A2** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$5,222.00]; and (2) accept donations to the Human Services Agency - Senior Services Fund to support operations of the Washoe County Senior Centers in the amount of [\$2,111.71] retroactive for the period October 22, 2022 through January 31, 2023; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 23-0113** **7A3** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$13,419.00]; and (2) accept donations from various donors to Washoe County Human Services Agency Child Protective Services Fund to support welfare activities in the amount of [\$22,760.00] retroactive for the period October 22, 2022 through January 31, 2023; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 23-0114** **7B1** Recommendation to (1) accept and acknowledge 475 pairs of socks from the Grace Community Church of Reno, a non-profit religious organization, donated to the Nevada Cares Campus totaling an estimated market value of [\$5,343.00]; (2) accept and acknowledge 1,700 cases of Pure Life bottled water from HERO Environmental donated to the Nevada Cares Campus totaling an estimated market value of [\$7,293.00]; (3) accept and acknowledge 627 pairs of socks from the Sparks High School donated to the Nevada Cares Campus totaling an estimated market value of [\$7,053.00]; (4) accept and acknowledge various winter and additional items donated to the Nevada Cares Campus from the non-profit, We Serve with Helping Hands, totaling an estimated market value of [\$981.58]; (5) accept and acknowledge 20 dozen doughnuts donated to the Nevada Cares Campus from the Doughboys Donuts in the estimated amount of [\$339.00]; (6) accept and acknowledge various winter clothing items donated to Housing and Homeless Services for people experiencing homelessness from J.D. Klippenstein, totaling an estimated market value of [\$75.00]; (7) accept and acknowledge various pet items from Washoe County Regional Animal Services donated to the Nevada Cares Campus in the estimated amount of [\$74.52]; (8) accept and acknowledge various winter clothing items donated to the Nevada Cares Campus from Washoe County, Office

of the County Manager, Holiday Donation, totaling an estimated market value of [\$450.00]; [total estimated value \$21,609.10], pursuant to Washoe County Code 15.140-15.160. Manager's Office. (All Commission Districts.)

- 23-0115** **7C1** Recommendation to accept donations to Washoe County Regional Animal Services in the amount of [\$8,736.31] retroactive for the period July 1, 2022 through December 31, 2022, from numerous donors (see attached list), to be used for the humane care and treatment of sick and/or injured, stray, abandoned, or at-risk animals received; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to make the necessary budget amendments. Regional Animal Services. (All Commission Districts.)

Commissioner Clark expressed thanks to Eric and Stephanie LaRue for their donation in Agenda Item 7A1 and identified them as organizers of the Reno-Tahoe Odyssey Race. He discussed Agenda Item 7B1 and mentioned that he was scheduled to tour the Cares Campus (CC). He commented that Washoe County Regional Animal Services (WCRAS) had donated 1,080 dog waste bags and 4 dog waste dispensers for usage at the CC. He asked if there had been dog waste dispensers on the campus prior to the donation and how many in total there were. He mentioned that several organizations and individuals had donated socks and alleged that he had heard of bed bugs and lice issues at the CC. He asked how clothing and socks were handled when people left the CC as bed bugs could travel on those items. Chair Hartung added that he would like to have a conversation about bed bugs.

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 7A1 through 7C1 be acknowledged and accepted.

CONSENT AGENDA ITEMS – 8A1 THROUGH 8D1

- 23-0116** **8A1** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Communications; Monthly Statements/Reports; and Executed Contracts. Clerk. (All Commission Districts.)

- 23-0117** **8B1** Recommendation that in accordance with NRS 354.624 that states each local government is required to provide for an annual audit and in accordance with the State of Nevada Department of Taxation the Board of County Commissioners move to approve the award of the Washoe County's Independent Audit Services to BDO USA, LLP for a contract period of one (1) year effective March 2023 for fiscal year ending 2023 and if approved, staff will submit the notification of award to the Nevada Department of Taxation by March 31, 2023. Comptroller. (All Commission Districts.)

23-0118 **8C1** Recommendation to approve a 2022 Nevada State Emergency Response Commission (SERC), Hazardous Materials Emergency Preparedness (HMEP) Mid-cycle grant for [\$69,121.00, no County match required]. The HMEP grant is intended to provide for planning and training to prevent, mitigate and respond to hazardous materials incidents. Grant Term: Retroactive from January 26, 2023 - September 30, 2023. If approved, authorize the Local Emergency Planning Committee (LEPC) Chair to execute grant documents and authorize the County Manager or his designee, to sign the Washoe County Sub-Grant Agreement between Washoe County and the Reno Tahoe Airport Authority (RTAA) per NRS 244.1505, in the amount of [\$69,121.00] to conduct an Airport Full-Scale Exercise which includes vendor fees, moulage supplies and hydration costs: approve Resolution necessary for the same; and direct the Comptroller's Office to make the appropriate budget amendments. Manager's Office. (All Commission Districts.)

23-0119 **8D1** Recommendation to appoint Denise Myer to [District 3] to the Washoe County Senior Services Advisory Board for the remainder of the term ending September 30, 2023 and Recommendation to appoint Kenji Otto [Alternate] for the remainder of the term ending June 30, 2025. Human Services Agency. (All Commission Districts.)

Chair Hartung inquired if the Board would like to remove Agenda Item 8D1 for a separate vote. Commissioner Clark observed that there was a rush of people trying to apply for the advisory board position after the deadline had passed. He stated that if the item was pulled, he would like to be part of the interviews of the additional candidates with Vice Chair Hill. Chair Hartung informed that the Board could pull the item for a future date and bring it back. He asked Assistant District Attorney Nathan Edwards if he was able to just pull the item. Mr. Edwards informed that the Chair had supreme power on the decision. He said Chair Hartung could pull the item by edict and announce that it would be heard later. Chair Hartung observed that there was a desire amongst the Board to pull the item and bring it back at a later date. He agreed it was frustrating that there was little interest in the position during the call for applications that was followed by a flood of applications after the position closed.

Commissioner Clark recounted that two people had applied for the position, then there was a rush of applications after the deadline. He expressed concern about the public's perception and stated that volunteers were hard to come by. He did not want it to seem like anyone was being slighted. He expressed a desire to allow all applicants to have a fair interview but opined that the multitude of late applications felt duplicitous. He asserted he was willing to sit with Vice Chair Hill to interview the new applications and determine their intent for serving on the Senior Services Advisory Board. He did not want advisory boards to become politicized. Mr. Edwards informed whether the Board pulled the item or not, he recommended not having two Commissioners interview the candidates because it would be regarded as a sub-committee of the Board. He proposed that only one

Commissioner interview the candidates.

Chair Hartung inquired if the Board should bring an item to the next meeting that stated that the Commission was going to appoint two Commissioners to conduct the interviews during an advisory board meeting. Mr. Edwards responded that the Board could not appoint members for an interview team at the current meeting. He reminded that if two members did get appointed to do interviews, they would become a sub-committee that would be required to produce meeting agendas, hold public comment, and provide minutes and supporting materials. Commissioner Clark suggested all the applicants could come back to a Commission meeting so all the Board members could review the resumes and their reasons for wanting to be on the advisory board. Mr. Edwards responded that the Board could do that for a future agenda if it desired.

Chair Hartung inquired what the extent of the interviews before the Commission would be; he wanted to know if the Board would need to bring in other advisory board applicants to interview them as well. He cautioned that a lot of people worked and would be unable to attend a 10:00 a.m. meeting to be interviewed for a volunteer position. Commissioner Clark asserted that with the issue at hand, there were people present in the audience who were asking for the item to be pulled. He reasoned that a similar occurrence may not happen again for other advisory boards if future positions received the proper noticing. Chair Hartung declared the Board would table the item and bring it back for future consideration in March.

On the call for public comment, Ms. Donna Clontz agreed with the Commission's solution to continue Agenda Item 8D1. She thought it would be eye-opening for the Board to hear about the qualities and skills that the applicants could bring to the County and seniors.

Mr. Mac Rossi declared he was on several committees with the City of Reno and only heard about the Senior Services Advisory Board position by word of mouth.

Ms. Patricia Gallimore asserted that she was the president of the Reno/Sparks National Association for the Advancement of Colored People (NAACP) and was a senior citizen. She considered herself to be a very informed citizen and thought it was an issue that she did not hear about the opening on the Senior Services Advisory Board. She voiced that the internet was not always the best method for reaching seniors and suggested that news and board openings be posted at the senior centers in town as inclusion was very important. She expressed gratitude for the Board's continuation of the item and informed that she had applied for the position. She said she worked a lot with seniors teaching Zumba and nutrition and served as vice president of the Nevada Alliance for Retired Americans (NARA). She also sat on the board for Northern Nevada Hopes (HOPES), and the Nevada Minority Health and Equity Coalition (NMHEC) and co-chaired the health committee of the local branch of the NAACP. She reiterated the importance of inclusion and said getting information out to the community was important.

Mr. Kenji Otto declared he would be rescinding his application to serve on the Senior Services Advisory Board.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 8A1 through 8C1 be approved, with item 8D1 being tabled for a future meeting.

23-0120 **AGENDA ITEM 9** Recommendation and possible action to approve the settlement between Walmart and the State of Nevada in the opioid litigation and execution by Washoe County of "Walmart Settlement Participation Form" and releases pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon for participation in settlements. An exact net amount to the county is not determined at this time, but it is expected the settlement will result in a gross payment from the defendants to the State of Nevada in an amount of \$32,231,037.14 and that the County's net payout from that amount will be determined according to the provisions of the One Nevada Agreement on Allocation of Opioid Recoveries approved by the Board in July 2021. Under the One Nevada Agreement, Washoe County will receive (before deductions required but yet to be calculated): 6.841995% of the Local Government Allocation (making up 38.77% of the total allocation) 14% of the Medicaid Match Allocation (17.37% of the total allocation) District Attorney. (All Commission Districts.)

Deputy District Attorney Michael Large informed that this settlement was similar to a settlement with Johnson & Johnson and several other opioid distributors. He declared that the approval of the item would allow for the execution of Exhibit K, the Subdivision Participation Form, and for staff to add the settlement to the One Nevada Allocation Agreement.

Chair Hartung clarified that the Board was approving the settlement, not where the money was going. Vice Chair Hill asked for a summary of what would happen if the Board decided not to go with the presented plan.

Mr. Large explained there were presently two parallel actions, the State of Nevada's direct-action lawsuit against all opioid distributors and manufacturers, and a Washoe County lawsuit. Both cases were being handled by the same hired counsel. He stated that the County's litigation had been stayed and the State of Nevada was taking the lead role in the litigation. He declared if the County was to decline to accept the settlement the County would litigate alone against Walmart and any other parties not settled with, which would require the County to incur the costs involved in the lawsuit. He stated the settlement would expedite the process and get money to the County faster.

Vice Chair Hill clarified that staff saw the settlement as the best deal for the community. Mr. Large confirmed that staff recommended approval of the settlement and reiterated that it was the best way to get money to the County. He reminded that litigation

could last many years and illuminated that the current case had been ongoing for three or four years. There was a June trial date set for the State's case. Vice Chair Hill commented she was in support of the settlement and wanted the community to know the Board was looking for the best deal and to get as much money to the community as quickly as possible.

Commissioner Clark asked if the County hired outside counsel, and if so, who was hired and at what cost. Mr. Large informed that the Eglet Adams firm was hired as national counsel and Bradley, Drendel & Jeanney were hired as local counsel, which was approved by the Board in 2021. He did not know the cost but declared there would be a contingency fee for each of the settlements. The attorneys' fees were part of the net proceeds of the settlement and each settlement was a little bit different. He said that was why it was not sum-certain yet. They had to figure out what was being allocated from the attorneys' fees and what the direct cost to Walmart would be as opposed to the other defendants in the action.

Chair Hartung opined it may be a good idea for the District Attorney's (DA) Office to meet with the new Commissioners to inform them on the process of the litigation as well as the pitfalls of going through sole litigation rather than working with the State. Mr. Large informed he would be happy to have an attorney-client session any time the Board wished.

Commissioner Clark divulged he had not decided whether to support this item or not and declared that staff and any presenters should provide the members of the Board with disclosures such as costs so they could make an informed decision. Assistant District Attorney Nathan Edwards stated the County would be notified of costs by the State as it was the lead in the litigation. He said it was the nature of high-level class-action lawsuits for there to be a lag in terms of cost calculations. He asserted a ballpark estimate was the best information that could be ascertained at that point. He informed the options were to wait until the County had received a certain amount or to bring the item before the Board with the best information available at that time.

Chair Hartung suggested that staff only give the background information. He declared that the item had been discussed for several years and it was important to give a history of how items got to where they were.

Commissioner Clark thanked Mr. Edwards for the clarification and proclaimed that the Eglet Adams firm worked based on a percentage of the profits from the lawsuit and opined that Bradley, Drendel & Jeanney would as well. He wanted to know what those percentages were to determine what the County would be charged to be represented by those firms. Mr. Edwards indicated he would follow up after the meeting to provide gross figures to the Commission. He reminded that detailed calculations would be altered due to how the allocations played out amongst the different defendants. He said he could follow up with any specific information via email and the Commissioners would have the opportunity to ask questions. Commissioner Clark explained he wanted to know the percentage of the settlement the County would be getting and how much the County's legal representation would receive. He declared he was interested in knowing what the cost

to the County's constituents would be.

On the call for public comment, Mr. Mark Neumann read the exact dollar amount listed in the title of the item. He suggested that if the County did settle, the money should go towards addiction rehabilitation centers.

Chair Hartung clarified that the dollar amount in the title was the total dollar amount that would be divided amongst all parties in the State lawsuit. In response to a request by Chair Hartung, Mr. Large read the proposed motion language.

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

23-0121 **AGENDA ITEM 10** Recommendation to approve a cross-fund, cross-function budget appropriation transfer [total \$1,434,115.58] from the Other Restricted Fund to the Homelessness Fund for budget alignment with organizational restructuring and additional transparency of homelessness-related revenues and expenses and direct the Comptroller's Office to make the necessary budget appropriation and cash transfers. Net impact is zero. Manager's Office. (All Commission Districts.)

Commissioner Clark opined that the item was a bookkeeping issue and asked what the outcomes were and where the public could see the impact of the money spent. He inquired if there was any statistical information available. County Manager Eric Brown replied that staff did not include that information for the item. This information was presented to the Board on a quarterly basis and would be brought back to the Board in March so it could see the outcomes and what the money was being used for.

There was no response to the call for public comment.

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

23-0122 **AGENDA ITEM 11** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager's Office. (All Commission Districts.)

County Manager Eric Brown informed that Government Affairs Liaison Cadence Matijevich was in Chambers to present to the Board.

Vice Chair Hill thanked Ms. Matijevich for testifying in support of the Equity Infrastructure Project (EIP) for transportation in Lake Tahoe. She mentioned a desire to discuss the bill regarding Interstate 80 (I-80) that was submitted by Storey County. She declared it was planning to build a safety corridor that would affect many Washoe County constituents who commuted to work. She wondered if this bill was on Washoe County's radar and how it could support the infrastructure for Storey County. Chair Hartung opined that light rail was the best way to deal with transportation safety issues. Manager Brown suggested that the Board discuss the I-80 item the following week. He stated he met with Storey County Manager Austin Osborne to review the bill and would like to provide an overview to the members of the Board so they would better understand its contents. Chair Hartung said he was supportive of the bill and thought the I-80 corridor would be tough to fix. He declared he was at the Tesla Gigafactory when Governor Joe Lombardo made a statement in support of the growth of I-80. He looked forward to discussing the bill in depth. He asked if a motion was necessary for this item. Assistant District Attorney Nathan Edwards stated that the Board could make a motion to accept if it wanted to, but ultimately the item was designed to give direction to staff. Chair Hartung asserted that staff knew the Board's intent and a motion was not necessary.

There was no public comment or action on this item.

23-0123 **AGENDA ITEM 12** Public Comment.

Mr. Mark Neumann thanked the Board and County Manager Eric Brown for their attendance at different advisory boards throughout the County.

23-0124 **AGENDA ITEM 13** Announcements/Reports.

County Manager Eric Brown informed that the Nevada Department of Transportation (NDOT) would be holding a listening session regarding the U.S. Route 395 corridor beginning that day. People could participate by going to 395NorthValleys.com to file comments and view plans for U.S. Route 395. He mentioned that the session would be held for about two weeks ending the first week of March and that the County's Communications Department would provide information on the session through social media.

Commissioner Clark spoke about the Dandini project that would be near the Sheriff's Office (WCSO) training area, and about the County being classified as a daycare desert. He wanted to see these on future Board agendas. He responded to Mr. Church's public comment regarding the gas tax. He commented the tax was detrimental to the working class. He expressed a desire to slow or cap the tax.

Chair Hartung asked if Assistant District Attorney Nathan Edwards had followed up with Commissioner Clark about his questions related to RTC-5 from the previous meeting. Mr. Edwards confirmed he had.

* * * * *

11:56 a.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Taylor Chambers, Deputy County Clerk*

These Minutes were revised to reflect the correct adjournment time of 11:56 a.m. The revised Minutes were approved by the Board of County Commissioners on November 14, 2023. The original set of Minutes follows this page.

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

TUESDAY

10:00 A.M.

FEBRUARY 21, 2023

PRESENT:

Vaughn Hartung, Chair

Alexis Hill, Vice Chair

Michael Clark, Commissioner

Mariluz Garcia, Commissioner

Jeanne Herman, 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:

23-0107 AGENDA ITEM 3 Public Comment.

Ms. Elise Weatherly wondered if the weather was a sign from God. She quoted some Bible verses and mentioned that wrongdoers would be held accountable. She discussed threats sent to former Registrar of Voters Deanna Spikula and pondered if the Federal Bureau of Investigation (FBI) was going to investigate this. She also discussed connections with musicians in the community.

Ms. Donna Clontz provided materials to the Board with information on the Senior Resources Fair as well as a copy of *Senior Spectrum*. She discussed the fourth senior resource fair that took place at the Northwest Reno Library and informed about upcoming fair events. She also requested that Agenda Item 8D1 be removed from the Consent Agenda as there were additional community members who wished to be considered for appointment to the Washoe County Senior Services Advisory Board.

Mr. Mark Neumann discussed potholes in Sun Valley caused by fiber optic construction and requested County action to repair affected roads. He mentioned that the sand that was spread on the road before snowstorms was covering the sidewalks along Highland Ranch Road and requested that a crew be sent out to clean them so children could walk to school safely.

Dr. Larry Weiss declared he had been in the field of aging for 50 years which included running the Sanford Center for Aging for 13 years, establishing a non-profit called the Center for Healthy Aging, as well as serving on the Washoe County Senior

Services Advisory Board for 6 years. He requested that the Board delay Agenda Item 8D1 to allow for the consideration of additional candidates.

Mr. Mac Rossi requested the continuation of Agenda Item 8D1 to consider additional candidates including himself.

Mr. Nicholas St. Jon displayed a document, which was placed on file with the Clerk. The document regarded a Supreme Court ruling from 1803 stating that no legislature could make a law that overrode the Constitution. He stated that the metal detector outside the Commission Chambers constituted illegal search and seizure and demanded it be removed. He also asked that the County not release any election tallies until the last ballot had been received, citing Nevada Revised Statutes (NRS), and accused counties of being in violation by releasing tallies early. He expressed eagerness to meet with Commission members as discussed in a previous meeting and declared his frustration with the three-minute limitation on public comments.

Mr. Jeff Church provided a handout which was distributed to the Board and placed on file with the Clerk. The handout regarded a drainage issue in Damonte Ranch. He announced that the City of Reno was looking to create a new stormwater utility which would result in fees to the community, and requested that the County oppose the utility. He commended Commissioner Clark for requesting to repeal or replace the RTC-5 gas tax and opined the Ordinance enabled the County Commission to choose to implement the tax or not. He quoted Melanie Foster and said the Board had the power to adjust the increases. He said the Board could not repeal the tax while the bonds were outstanding, but it could elect to pay off the bonds and then repeal the tax. He suggested the Board pay off the bonds and repeal the gas tax or pass an ordinance to stop the annual tax increase.

23-0108 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown highlighted Agenda Item 9 which dealt with the Walmart opioid settlement and informed that on February 28 the Board would receive a presentation from the Human Services Agency (HSA) on the Washoe County opioid action plan.

Chair Hartung inquired if an attorney-client meeting would be necessary for Agenda Item 9. Assistant District Attorney Nathan Edwards responded they did not need to meet and informed that a summary had been sent to the Board.

Commissioner Garcia discussed the important role pets could play with seniors in helping to combat loneliness, depression, and poor health. She informed about a program for low-income seniors who may need help with providing pet care. She advised that Washoe County Regional Animal Services (WCRAS) accepted donations of pet food weighing 15 pounds or less at 2825 Longley Lane. The public could find additional information on the WCRAS website.

Commissioner Clark acknowledged public comments regarding Agenda Item 8D1 and said the County needed to announce openings for advisory boards more broadly because he believed the public was unaware of the opportunities. He self-identified as a senior citizen and condemned people trying to involve partisan politics when it came to volunteering on advisory boards. He requested that open positions be advertised to attract the most volunteers. He observed that the second Commission meeting in March had been cancelled, leaving only one March meeting on the schedule. He opined that one meeting in the month did not allow the Commission to work for its constituents and asked that the situation not occur again. He discussed the expenditure increase in Agenda Item 17 from the February 14 meeting for the costs incurred in the Carlos Gutierrez V. State of Nevada court case and declared a need for further analysis and clarification. He voiced Commissioner Herman's concerns regarding overcrowding at the jail and requested an item be placed on the calendar for the March 28 meeting to follow up on the concern. He also requested that a breakdown of the tax dollars that had been spent on the Carlos Gutierrez trial be provided to the Board. He mentioned Agenda Item 20 from the February 14 meeting regarding the daycare shortage and reported he had received dozens of comments regarding the provision of daycare spots for both Washoe County employees and foster children. He asked what the Commission was doing to help other citizens in need of child care. He recounted previous comments regarding a housing development that was willing to build a daycare center and inquired about County partnerships to entice daycare providers. He suggested that daycare could be a good business opportunity for young people looking to make a living.

Chair Hartung informed that he and Vice Chair Hill toured the Silicon Valley Advanced Water Purification Center and the Pure Water Monterey facility at Monterey One Water. He declared intentions for the remainder of the balance in his Commission District Special Fund to be disbursed to the Nevada Water Innovation Institute (NWII) at the University of Nevada, Reno (UNR). He stated the NWII was conducting research in the field of bioactivated carbon that had yielded results in terms of power savings. He announced that he would be out for several weeks on family medical leave and would be available sporadically by phone.

23-0109 **AGENDA ITEM 5** Appearance and Presentation by Mitchell Fink, P.E. and Mariam Ahmad, P.E. regarding a quarterly update on traffic related matters.

Licensed Engineer Mariam Ahmad conducted a PowerPoint presentation and reviewed slides with the following titles: Traffic Policy; How Traffic Related Requests are Received, Identified and Prioritized; Traffic Calming & Traffic Engineering Requests for 2022; Outcomes for 2022; Examples of Traffic Calming Request and Response (2 slides); Summary; Thank You.

Ms. Ahmad declared that the traffic policy approved in 2019 had been a helpful tool for the department. This helped staff work with customers to come up with solutions that were governed by the traveling public and pedestrian safety. She informed there were several methods of contact for the department, but the preferred method was

through Washoe 311 as it was the best method for tracking requests as they came in.

Licensed Engineer Mitchell Fink shared an overview of the number and types of traffic requests received by the department as well as how they were assessed. He provided a report of the outcomes for the previous year. He informed that in 2022 the department spent approximately \$175,000 on traffic engineering or calming projects throughout the County. He estimated a budget of \$700,000 for 2023 projects. Chair Hartung asked which part of the budget the \$175,000 came from in 2022. Mr. Fink responded the funds came from the Capital Project budget.

Chair Hartung interjected that the Reno Transportation Commission (RTC) had voted to give funding to the three municipalities. He said the City of Reno would get about half of the \$3 million he had requested, while the City of Sparks and Washoe County would split the rest. He requested that the engineering department investigate accessing those funds for traffic calming in neighborhoods. Responding to Chair Hartung, Division Director of Engineering and Capital Projects Dwayne Smith stated the fund had been accessed regionally.

Mr. Fink thanked Chair Hartung for the information about additional resources and mentioned that the funding could be used for various traffic issues. He showed photographic examples of recently completed traffic-calming projects.

Ms. Ahmad summarized the presentation and displayed the County's traffic and roadway webpage which included the traffic calming policy, a visual of how requests were processed, and what customers could expect when submitting requests. She also walked through how to submit an online request through the Washoe 311 webpage. Chair Hartung emphasized the necessity of submitting requests through Washoe 311 to help log and track submissions. He declared he had been requesting traffic calming on Dolores Drive since before he was on the Board of County Commissioners (BCC) and was glad that the speed cushions had been implemented.

Vice Chair Hill mentioned she had sent a lot of requests to the engineering office and expressed thanks to the department for following up with community members. She asserted that the Board and the federal government were focused on pedestrian safety. She recalled a presentation from the U.S. Department of Transportation (DOT) she observed at the National Association of Counties (NACo) conference she attended earlier in the month and spoke about planning and implementation grants that were available for improving pedestrian and bicycle safety. She cited opportunities for grant applications to enhance the safety of Incline Village (IV) and Verdi. She suggested there may be opportunities to partner with the Regional Transportation Commission (RTC) on a transportation grant. She added that she was looking forward to seeing the \$700,000 worth of traffic projects carried out in the following year. She informed when she started with the Commission, the traffic budget was around \$100,000. Mr. Fink stated the annual budget was approximately \$50,000 at that time.

Vice Chair Hill commented there was work being done in Caughlin Ranch due to major pedestrian safety issues along the trails. She inquired if the Board would receive a report regarding the citizens in each district who had asked for traffic calming measures. Mr. Smith responded that his department aimed to do better in distributing those reports as his department continued to grow both in staff and budget. He said if the members of the Board were looking for more specific information in the reports, they could reach out to engineering staff who could adjust the particulars. Vice Chair Hill imparted that she wanted to know when constituents were submitting requests and what roads the requests were for. She hoped to receive the information through the Communications Department or from the Washoe 311 reports.

Chair Hartung reiterated his thanks for the traffic calming work done on Dolores Drive. He recounted several accidents that had taken place there and commented that it was not good when so many incidents occurred in one place that the community had to start speaking out. He affirmed he had petitioned to get traffic calming placed on Sky Ranch Boulevard when his children were young. He suggested that an item come back to the Board outlining the process that occurred when traffic complaints were submitted. He mentioned the time required to implement traffic calming devices but argued that they saved the Sheriff's Office (WCSO) time because the WCSO was relieved of having to go out and provide enforcement in those areas. He mentioned staff had been resistant to placing new stop signs in neighborhoods but opined that they were effective. He addressed Mr. Neumann's public comment and inquired about how his concerns could be addressed. He asked who maintained the roads and sidewalks in question.

Mr. Smith requested that the public report potholes to Washoe 311 and informed those complaints would go to the County Roads Department. He asserted it had been a difficult winter and potholes were appearing in abundance throughout the County. He noted that Washoe County staff was not always responsible for cleaning off sidewalks; the community was also expected to share in those responsibilities. He reminded that the County had limited staff and had to prioritize larger safety concerns. He affirmed that the County owned Sun Valley Boulevard, but it was a regional street, meaning that regional funding would be applied through the RTC to help with those repair costs.

Chair Hartung stated he believed Mr. Neumann's public comment was about Sun Valley Boulevard and said there were no abutting residents to take on the responsibility for the sidewalks along that street. Mr. Smith responded that he would have to look to determine the specifics in that area. Chair Hartung commented when the roads were plowed, debris was pushed onto the sidewalks. Mr. Smith opined that those issues were occurring throughout the County and his department wanted to ensure it was addressing those issues. He mentioned staff was addressing traffic concerns in older neighborhoods that were impacted by the build-out of new development. He affirmed the County was focused on working with development partners and their consultants to ensure roadways met current standards. He stated that a large chunk of the 2023 budget was for new signaling and staff was looking to partner with developers so they could leverage Washoe County and grant dollars. Chair Hartung reiterated his desire to see an item come back to the Board because he believed it was imperative for the Board to understand the

process. He suggested it was not possible for a Commissioner to drive through every road in their district. Commissioner Herman noted she had traveled through her entire District.

Chair Hartung stated that most of the districts were not just unincorporated areas of Washoe County and suggested that Commissioner Garcia's District was mostly made up of incorporated Reno and Sparks locations with a small piece of the unincorporated County. He alleged that citizens who lived in specific neighborhoods saw issues daily and announced he would like to work with staff to streamline community requests and figure out a way to cut through red tape.

PROCLAMATIONS

23-0110 **6A1** Proclaim the month of February 2023 as Career and Technical Education (CTE) Month.

Commissioner Clark read the Proclamation.

Washoe County School District (WCSD) Director of Signature Academies and Career and Technical Education (CTE) Josh Hartzog accepted the Proclamation and introduced his colleagues Mr. Matt MacKay and Ms. Kathie Smith. He thanked the Board for its time and for promoting CTE Month. He informed that at each of the 12 high schools in the WCSD, there were about 4 to 5 CTE programs, totaling approximately 30 programs. There were also programs at District-sponsored charter schools including Ace High School and Coral Academy. He declared that all the programs were focused on preparing students for working careers after high school whether they were going to the system of higher education or entering directly into the workforce. The programs were focused on providing academic, technical, and professional skills with a focus on work-based learning.

Chair Hartung restated that he and Vice Chair Hill had toured water purification plants in Southern California and declared that there was a need for technicians to run those plants. He asserted that CTE learning was important because the path to traditional college was not for every young person and there were many highly-skilled jobs available through technical education.

There was no response to the call for public comment.

On motion by Commissioner Clark, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 6A1 be adopted.

11:05 a.m. **The Board went into recess.**

11:07 a.m. **The Board reconvened with all members present.**

DONATIONS

- 23-0111** **7A1** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$1,325.00]; and (2) accept donations from various donors to Washoe County Human Services Agency Homelessness Fund to support welfare activities in the amount of [\$10.00] retroactive for the period October 27, 2022 through January 31, 2023; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 23-0112** **7A2** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$5,222.00]; and (2) accept donations to the Human Services Agency - Senior Services Fund to support operations of the Washoe County Senior Centers in the amount of [\$2,111.71] retroactive for the period October 22, 2022 through January 31, 2023; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 23-0113** **7A3** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$13,419.00]; and (2) accept donations from various donors to Washoe County Human Services Agency Child Protective Services Fund to support welfare activities in the amount of [\$22,760.00] retroactive for the period October 22, 2022 through January 31, 2023; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 23-0114** **7B1** Recommendation to (1) accept and acknowledge 475 pairs of socks from the Grace Community Church of Reno, a non-profit religious organization, donated to the Nevada Cares Campus totaling an estimated market value of [\$5,343.00]; (2) accept and acknowledge 1,700 cases of Pure Life bottled water from HERO Environmental donated to the Nevada Cares Campus totaling an estimated market value of [\$7,293.00]; (3) accept and acknowledge 627 pairs of socks from the Sparks High School donated to the Nevada Cares Campus totaling an estimated market value of [\$7,053.00]; (4) accept and acknowledge various winter and additional items donated to the Nevada Cares Campus from the non-profit, We Serve with Helping Hands, totaling an estimated market value of [\$981.58]; (5) accept and acknowledge 20 dozen doughnuts donated to the Nevada Cares Campus from the Doughboys Donuts in the estimated amount of [\$339.00]; (6) accept and acknowledge various winter clothing items donated to Housing and Homeless Services for people experiencing homelessness from J.D. Klippenstein, totaling an estimated market value of [\$75.00]; (7) accept and acknowledge various pet items from Washoe County Regional Animal Services donated to the Nevada Cares Campus in the estimated amount of [\$74.52]; (8) accept and acknowledge various winter clothing items donated to the Nevada Cares Campus from Washoe County, Office

of the County Manager, Holiday Donation, totaling an estimated market value of [\$450.00]; [total estimated value \$21,609.10], pursuant to Washoe County Code 15.140-15.160. Manager's Office. (All Commission Districts.)

- 23-0115** **7C1** Recommendation to accept donations to Washoe County Regional Animal Services in the amount of [\$8,736.31] retroactive for the period July 1, 2022 through December 31, 2022, from numerous donors (see attached list), to be used for the humane care and treatment of sick and/or injured, stray, abandoned, or at-risk animals received; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to make the necessary budget amendments. Regional Animal Services. (All Commission Districts.)

Commissioner Clark expressed thanks to Eric and Stephanie LaRue for their donation in Agenda Item 7A1 and identified them as organizers of the Reno-Tahoe Odyssey Race. He discussed Agenda Item 7B1 and mentioned that he was scheduled to tour the Cares Campus (CC). He commented that Washoe County Regional Animal Services (WCRAS) had donated 1,080 dog waste bags and 4 dog waste dispensers for usage at the CC. He asked if there had been dog waste dispensers on the campus prior to the donation and how many in total there were. He mentioned that several organizations and individuals had donated socks and alleged that he had heard of bed bugs and lice issues at the CC. He asked how clothing and socks were handled when people left the CC as bed bugs could travel on those items. Chair Hartung added that he would like to have a conversation about bed bugs.

There was no response to the call for public comment.

On motion by Vice Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 7A1 through 7C1 be acknowledged and accepted.

CONSENT AGENDA ITEMS – 8A1 THROUGH 8D1

- 23-0116** **8A1** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Communications; Monthly Statements/Reports; and Executed Contracts. Clerk. (All Commission Districts.)

- 23-0117** **8B1** Recommendation that in accordance with NRS 354.624 that states each local government is required to provide for an annual audit and in accordance with the State of Nevada Department of Taxation the Board of County Commissioners move to approve the award of the Washoe County's Independent Audit Services to BDO USA, LLP for a contract period of one (1) year effective March 2023 for fiscal year ending 2023 and if approved, staff will submit the notification of award to the Nevada Department of Taxation by March 31, 2023. Comptroller. (All Commission Districts.)

23-0118 **8C1** Recommendation to approve a 2022 Nevada State Emergency Response Commission (SERC), Hazardous Materials Emergency Preparedness (HMEP) Mid-cycle grant for [\$69,121.00, no County match required]. The HMEP grant is intended to provide for planning and training to prevent, mitigate and respond to hazardous materials incidents. Grant Term: Retroactive from January 26, 2023 - September 30, 2023. If approved, authorize the Local Emergency Planning Committee (LEPC) Chair to execute grant documents and authorize the County Manager or his designee, to sign the Washoe County Sub-Grant Agreement between Washoe County and the Reno Tahoe Airport Authority (RTAA) per NRS 244.1505, in the amount of [\$69,121.00] to conduct an Airport Full-Scale Exercise which includes vendor fees, moulage supplies and hydration costs: approve Resolution necessary for the same; and direct the Comptroller's Office to make the appropriate budget amendments. Manager's Office. (All Commission Districts.)

23-0119 **8D1** Recommendation to appoint Denise Myer to [District 3] to the Washoe County Senior Services Advisory Board for the remainder of the term ending September 30, 2023 and Recommendation to appoint Kenji Otto [Alternate] for the remainder of the term ending June 30, 2025. Human Services Agency. (All Commission Districts.)

Chair Hartung inquired if the Board would like to remove Agenda Item 8D1 for a separate vote. Commissioner Clark observed that there was a rush of people trying to apply for the advisory board position after the deadline had passed. He stated that if the item was pulled, he would like to be part of the interviews of the additional candidates with Vice Chair Hill. Chair Hartung informed that the Board could pull the item for a future date and bring it back. He asked Assistant District Attorney Nathan Edwards if he was able to just pull the item. Mr. Edwards informed that the Chair had supreme power on the decision. He said Chair Hartung could pull the item by edict and announce that it would be heard later. Chair Hartung observed that there was a desire amongst the Board to pull the item and bring it back at a later date. He agreed it was frustrating that there was little interest in the position during the call for applications that was followed by a flood of applications after the position closed.

Commissioner Clark recounted that two people had applied for the position, then there was a rush of applications after the deadline. He expressed concern about the public's perception and stated that volunteers were hard to come by. He did not want it to seem like anyone was being slighted. He expressed a desire to allow all applicants to have a fair interview but opined that the multitude of late applications felt duplicitous. He asserted he was willing to sit with Vice Chair Hill to interview the new applications and determine their intent for serving on the Senior Services Advisory Board. He did not want advisory boards to become politicized. Mr. Edwards informed whether the Board pulled the item or not, he recommended not having two Commissioners interview the candidates because it would be regarded as a sub-committee of the Board. He proposed that only one

Commissioner interview the candidates.

Chair Hartung inquired if the Board should bring an item to the next meeting that stated that the Commission was going to appoint two Commissioners to conduct the interviews during an advisory board meeting. Mr. Edwards responded that the Board could not appoint members for an interview team at the current meeting. He reminded that if two members did get appointed to do interviews, they would become a sub-committee that would be required to produce meeting agendas, hold public comment, and provide minutes and supporting materials. Commissioner Clark suggested all the applicants could come back to a Commission meeting so all the Board members could review the resumes and their reasons for wanting to be on the advisory board. Mr. Edwards responded that the Board could do that for a future agenda if it desired.

Chair Hartung inquired what the extent of the interviews before the Commission would be; he wanted to know if the Board would need to bring in other advisory board applicants to interview them as well. He cautioned that a lot of people worked and would be unable to attend a 10:00 a.m. meeting to be interviewed for a volunteer position. Commissioner Clark asserted that with the issue at hand, there were people present in the audience who were asking for the item to be pulled. He reasoned that a similar occurrence may not happen again for other advisory boards if future positions received the proper noticing. Chair Hartung declared the Board would table the item and bring it back for future consideration in March.

On the call for public comment, Ms. Donna Clontz agreed with the Commission's solution to continue Agenda Item 8D1. She thought it would be eye-opening for the Board to hear about the qualities and skills that the applicants could bring to the County and seniors.

Mr. Mac Rossi declared he was on several committees with the City of Reno and only heard about the Senior Services Advisory Board position by word of mouth.

Ms. Patricia Gallimore asserted that she was the president of the Reno/Sparks National Association for the Advancement of Colored People (NAACP) and was a senior citizen. She considered herself to be a very informed citizen and thought it was an issue that she did not hear about the opening on the Senior Services Advisory Board. She voiced that the internet was not always the best method for reaching seniors and suggested that news and board openings be posted at the senior centers in town as inclusion was very important. She expressed gratitude for the Board's continuation of the item and informed that she had applied for the position. She said she worked a lot with seniors teaching Zumba and nutrition and served as vice president of the Nevada Alliance for Retired Americans (NARA). She also sat on the board for Northern Nevada Hopes (HOPES), and the Nevada Minority Health and Equity Coalition (NMHEC) and co-chaired the health committee of the local branch of the NAACP. She reiterated the importance of inclusion and said getting information out to the community was important.

Mr. Kenji Otto declared he would be rescinding his application to serve on the Senior Services Advisory Board.

On motion by Vice Chair Hill, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 8A1 through 8C1 be approved, with item 8D1 being tabled for a future meeting.

23-0120 **AGENDA ITEM 9** Recommendation and possible action to approve the settlement between Walmart and the State of Nevada in the opioid litigation and execution by Washoe County of "Walmart Settlement Participation Form" and releases pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon for participation in settlements. An exact net amount to the county is not determined at this time, but it is expected the settlement will result in a gross payment from the defendants to the State of Nevada in an amount of \$32,231,037.14 and that the County's net payout from that amount will be determined according to the provisions of the One Nevada Agreement on Allocation of Opioid Recoveries approved by the Board in July 2021. Under the One Nevada Agreement, Washoe County will receive (before deductions required but yet to be calculated): 6.841995% of the Local Government Allocation (making up 38.77% of the total allocation) 14% of the Medicaid Match Allocation (17.37% of the total allocation) District Attorney. (All Commission Districts.)

Deputy District Attorney Michael Large informed that this settlement was similar to a settlement with Johnson & Johnson and several other opioid distributors. He declared that the approval of the item would allow for the execution of Exhibit K, the Subdivision Participation Form, and for staff to add the settlement to the One Nevada Allocation Agreement.

Chair Hartung clarified that the Board was approving the settlement, not where the money was going. Vice Chair Hill asked for a summary of what would happen if the Board decided not to go with the presented plan.

Mr. Large explained there were presently two parallel actions, the State of Nevada's direct-action lawsuit against all opioid distributors and manufacturers, and a Washoe County lawsuit. Both cases were being handled by the same hired counsel. He stated that the County's litigation had been stayed and the State of Nevada was taking the lead role in the litigation. He declared if the County was to decline to accept the settlement the County would litigate alone against Walmart and any other parties not settled with, which would require the County to incur the costs involved in the lawsuit. He stated the settlement would expedite the process and get money to the County faster.

Vice Chair Hill clarified that staff saw the settlement as the best deal for the community. Mr. Large confirmed that staff recommended approval of the settlement and reiterated that it was the best way to get money to the County. He reminded that litigation

could last many years and illuminated that the current case had been ongoing for three or four years. There was a June trial date set for the State's case. Vice Chair Hill commented she was in support of the settlement and wanted the community to know the Board was looking for the best deal and to get as much money to the community as quickly as possible.

Commissioner Clark asked if the County hired outside counsel, and if so, who was hired and at what cost. Mr. Large informed that the Eglet Adams firm was hired as national counsel and Bradley, Drendel & Jeanney were hired as local counsel, which was approved by the Board in 2021. He did not know the cost but declared there would be a contingency fee for each of the settlements. The attorneys' fees were part of the net proceeds of the settlement and each settlement was a little bit different. He said that was why it was not sum-certain yet. They had to figure out what was being allocated from the attorneys' fees and what the direct cost to Walmart would be as opposed to the other defendants in the action.

Chair Hartung opined it may be a good idea for the District Attorney's (DA) Office to meet with the new Commissioners to inform them on the process of the litigation as well as the pitfalls of going through sole litigation rather than working with the State. Mr. Large informed he would be happy to have an attorney-client session any time the Board wished.

Commissioner Clark divulged he had not decided whether to support this item or not and declared that staff and any presenters should provide the members of the Board with disclosures such as costs so they could make an informed decision. Assistant District Attorney Nathan Edwards stated the County would be notified of costs by the State as it was the lead in the litigation. He said it was the nature of high-level class-action lawsuits for there to be a lag in terms of cost calculations. He asserted a ballpark estimate was the best information that could be ascertained at that point. He informed the options were to wait until the County had received a certain amount or to bring the item before the Board with the best information available at that time.

Chair Hartung suggested that staff only give the background information. He declared that the item had been discussed for several years and it was important to give a history of how items got to where they were.

Commissioner Clark thanked Mr. Edwards for the clarification and proclaimed that the Eglet Adams firm worked based on a percentage of the profits from the lawsuit and opined that Bradley, Drendel & Jeanney would as well. He wanted to know what those percentages were to determine what the County would be charged to be represented by those firms. Mr. Edwards indicated he would follow up after the meeting to provide gross figures to the Commission. He reminded that detailed calculations would be altered due to how the allocations played out amongst the different defendants. He said he could follow up with any specific information via email and the Commissioners would have the opportunity to ask questions. Commissioner Clark explained he wanted to know the percentage of the settlement the County would be getting and how much the County's legal representation would receive. He declared he was interested in knowing what the cost

to the County's constituents would be.

On the call for public comment, Mr. Mark Neumann read the exact dollar amount listed in the title of the item. He suggested that if the County did settle, the money should go towards addiction rehabilitation centers.

Chair Hartung clarified that the dollar amount in the title was the total dollar amount that would be divided amongst all parties in the State lawsuit. In response to a request by Chair Hartung, Mr. Large read the proposed motion language.

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

23-0121 **AGENDA ITEM 10** Recommendation to approve a cross-fund, cross-function budget appropriation transfer [total \$1,434,115.58] from the Other Restricted Fund to the Homelessness Fund for budget alignment with organizational restructuring and additional transparency of homelessness-related revenues and expenses and direct the Comptroller's Office to make the necessary budget appropriation and cash transfers. Net impact is zero. Manager's Office. (All Commission Districts.)

Commissioner Clark opined that the item was a bookkeeping issue and asked what the outcomes were and where the public could see the impact of the money spent. He inquired if there was any statistical information available. County Manager Eric Brown replied that staff did not include that information for the item. This information was presented to the Board on a quarterly basis and would be brought back to the Board in March so it could see the outcomes and what the money was being used for.

There was no response to the call for public comment.

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

23-0122 **AGENDA ITEM 11** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager's Office. (All Commission Districts.)

County Manager Eric Brown informed that Government Affairs Liaison Cadence Matijevich was in Chambers to present to the Board.

Vice Chair Hill thanked Ms. Matijevich for testifying in support of the Equity Infrastructure Project (EIP) for transportation in Lake Tahoe. She mentioned a desire to discuss the bill regarding Interstate 80 (I-80) that was submitted by Storey County. She declared it was planning to build a safety corridor that would affect many Washoe County constituents who commuted to work. She wondered if this bill was on Washoe County's radar and how it could support the infrastructure for Storey County. Chair Hartung opined that light rail was the best way to deal with transportation safety issues. Manager Brown suggested that the Board discuss the I-80 item the following week. He stated he met with Storey County Manager Austin Osborne to review the bill and would like to provide an overview to the members of the Board so they would better understand its contents. Chair Hartung said he was supportive of the bill and thought the I-80 corridor would be tough to fix. He declared he was at the Tesla Gigafactory when Governor Joe Lombardo made a statement in support of the growth of I-80. He looked forward to discussing the bill in depth. He asked if a motion was necessary for this item. Assistant District Attorney Nathan Edwards stated that the Board could make a motion to accept if it wanted to, but ultimately the item was designed to give direction to staff. Chair Hartung asserted that staff knew the Board's intent and a motion was not necessary.

There was no public comment or action on this item.

23-0123 AGENDA ITEM 12 Public Comment.

Mr. Mark Neumann thanked the Board and County Manager Eric Brown for their attendance at different advisory boards throughout the County.

23-0124 AGENDA ITEM 13 Announcements/Reports.

County Manager Eric Brown informed that the Nevada Department of Transportation (NDOT) would be holding a listening session regarding the U.S. Route 395 corridor beginning that day. People could participate by going to 395NorthValleys.com to file comments and view plans for U.S. Route 395. He mentioned that the session would be held for about two weeks ending the first week of March and that the County's Communications Department would provide information on the session through social media.

Commissioner Clark spoke about the Dandini project that would be near the Sheriff's Office (WCSO) training area, and about the County being classified as a daycare desert. He wanted to see these on future Board agendas. He responded to Mr. Church's public comment regarding the gas tax. He commented the tax was detrimental to the working class. He expressed a desire to slow or cap the tax.

Chair Hartung asked if Assistant District Attorney Nathan Edwards had followed up with Commissioner Clark about his questions related to RTC-5 from the previous meeting. Mr. Edwards confirmed he had.

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11:56 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Taylor Chambers, Deputy County Clerk*