

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

TUESDAY

10:00 A.M.

SEPTEMBER 12, 2023

PRESENT:

Alexis Hill, Chair

Jeanne Herman, Vice Chair

Michael Clark, Commissioner

Mariluz Garcia, Commissioner

Clara Andriola, Commissioner

Janis Galassini, County Clerk

Eric Brown, County Manager

Nathan Edwards, Assistant District Attorney

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

23-0573 AGENDA ITEM 3 Announcements/Reports.

Vice Chair Herman shared an experience that took place approximately eight years prior regarding a couple who owned a ranch in the north country. They visited her office to request that she have a dugway created, for which she tried to obtain funding and complete roadwork. She indicated that nothing had happened, as no one could find funds for the roadwork. She noted that \$2.9 million was awarded by the Payments in Lieu of Taxes (PILT) program during the previous year. Vice Chair Herman believed PILT funds should be used for such things as road improvements and asked that an estimate be provided for the costs to repair and maintain the road traveling to the Vya area before winter as well as for repair of the dugway. She observed the bid amounted to \$24,000, which she pointed out was a lot less than \$2.9 million. She considered using her discretionary funds since funds seemingly could not be obtained for the referenced purpose. Vice Chair Herman informed she was contacted by two gentlemen who expressed concern regarding a new development that would be constructed on Patrician Drive, as the development would cut off the only access to their property. She wished to ensure that the Commission did not allow that to happen.

Commissioner Andriola recognized the Washoe County Emergency Management team, under the leadership of Ms. Kelly Echeverria and County Manager Eric Brown, for activating the Regional Emergency Operations Center (REOC) and working with the regional partners in preparation for the situation involving the Burning Man (BM) event and the weather. Commissioner Andriola thanked Manager Brown for ensuring that all the BM attendees had the necessary communication, in addition to working with BM

and the regional partners to be proactive. She added that, thankfully, no such action needed to be executed. She spoke about the interesting stories that resulted from the incident at BM. She stated that the situation did not result in what could have been a possible disaster requiring a pretty significant response from the County.

Commissioner Garcia congratulated the organizers of the Great Reno Balloon Race. She commented about the weather and how green the outdoor environment was during the weekend of the event due to the recent rain. She mentioned that the Great Reno Balloon Race was her favorite community event because it was offered at no cost and was visually beautiful, and she believed it was an incredible touchpoint to remind the public how wonderful the County's regional parks were. She also believed that exposing youth to parks as early as possible was important for physical and mental wellbeing. Commissioner Garcia stated that on August 30 and September 1, 2023, she was happy to have had the opportunity to sponsor a field trip for 148 Sun Valley students in the fourth and fifth grades. She had two additional field trips scheduled for 167 students. She added that Sun Valley Regional Park was intentionally chosen for the field trip and remarked on the beauty of the park's trails and facilities as well as how fun the rock formations were. Commissioner Garcia did not believe there was anything better than enabling youth to go outside; participate in science, technology, engineering, and mathematics (STEM) education; interact with their peers; and experience the sunshine, especially in the aftermath of COVID-19 (C19). She thanked the Commission Support Team and the County's partners with Sierra Nevada Journeys (SNJ) for enabling the field trips to take place. Commissioner Garcia welcomed anybody interested in visiting Sun Valley Regional Park to do so. She added that it was neat to see the students making the connections between what was becoming a more urban community in a rural setting.

Chair Hill commended staff's response to the BM incident and thanked Commissioner Andriola for mentioning it. She complimented the leadership of the Emergency Management team as well as the County's regional partners. She also thanked Manager Brown for ensuring that the Commissioners were kept notified. Chair Hill stated she had the opportunity to attend the Great Reno Balloon Race on Saturday, September 9, 2023, and she remarked about the large number of attendees at the event.

Chair Hill indicated that the September 11, 2023, County Homelessness Advisory Board (CHAB) meeting was very productive. She commended staff for placing over 600 individuals in permanent housing within the past six months in addition to their work with the wraparound services at the Nevada Cares Campus. Chair Hill stated that the CHAB members planned to convene more often for public meetings to make sure that the community was informed about all the great things the CHAB was doing for the most vulnerable individuals in the region. She mentioned having the opportunity to participate in a County Jail tour recently, which she would try to participate in quarterly. She commended County staff and Washoe County Sheriff Darin Balaam for supporting inmates and treating them as community members. She complimented the tour and hoped the other Commissioners would participate in a jail tour.

23-0574 **AGENDA ITEM 4** Presentation by Bill Thomas, Executive Director & Dale Keller, Director of Engineering with Regional Transportation Commission (RTC) on FY23 RTC Annual Report, including projects recently completed, under construction, and in design.

Bill Thomas, Executive Director of the Regional Transportation Commission (RTC), hoped for the opportunity to present to the Board annually. He played a video which was placed on file with the Clerk.

Mr. Thomas conducted a PowerPoint presentation and reviewed slides with the following titles: 2023 Projects (2 slides); Projects in Design (2 slides); Hydrogen Fuel Cell (HFC); Fuel Tax; Thank You.

Mr. Thomas outlined projects that were under construction in the City of Reno, noting the two biggest were the Oddie/Wells Multimodal Project and the Sky Vista Parkway Widening and Rehabilitation Project. He anticipated the Sky Vista Parkway Project would be completed in the coming months which he thought would be impactful to the residents of the North Valleys. He opined the Oddie/Wells Multimodal Project would significantly improve vehicle, bicycle, and pedestrian traffic in the Oddie/Wells corridor. He highlighted projects that were under construction in the City of Sparks. He reported that the RTC worked with the Nevada Department of Transportation (NDOT) to secure funding for the Pyramid Improvement Phase I Project and NDOT would carry out the work.

Mr. Thomas mentioned the RTC's projects that were not in the construction phase. He said there was about a three-year turnaround from the inception of a project to the start of actual construction and stated that the Arlington Avenue Bridges Project was the closest to moving forward. He spoke about the Sierra Street and Keystone Bridge Replacement projects, noting he thought they would have significant impacts on the community once completed. He displayed the second "Projects in Design" slide which listed projects in Sparks. He said once the Pyramid Highway Project was complete, the RTC intended to begin the Sparks Boulevard Capacity Improvement Project. He claimed the biggest challenge the RTC faced was completing its projects in a manner that minimized disruptions to the community.

Mr. Thomas declared the RTC's public transportation began running on alternative fuel in 2022 and the RTC was working to obtain buses that could run on hydrogen fuel cells (HFC). He explained HFC buses had internal combustion engines, meaning they had tanks that would need to be filled instead of batteries that needed to be charged. He reported the challenge with electric buses was that the batteries often drained in the middle of a route which caused downtime as the bus sat to recharge. He pointed out that HFC buses were zero-emission which met the objective of electric vehicles (EVs) while being able to fulfill the 300-mile or more needs of the RTC's system. He remarked that two HFC buses had been ordered to be delivered in the spring of 2024 and six additional buses would arrive in early 2025.

Mr. Thomas stated the “Fuel Tax” slide showed a comparison of gallons of fuel purchased to vehicle miles traveled and indicated that individuals were consuming less fuel but driving more. He pointed out that fuel taxes were how the RTC funded most of its projects. He predicted the RTC’s funding structure would have to change in the next three to five years as more people turned to electric, HFC, and hybrid vehicles because roads still needed to be maintained regardless of the source of fuel people used. He reported that the previous fiscal year (FY) returned 1 percent less than estimated on sales taxes and 3 percent less for fuel taxes which meant the RTC received less revenue than forecasted, even with a conservative fiscal outlook. He spoke about the RTC Project Update document included in the Staff Report which he encouraged the Board to review.

Commissioner Andriola thanked the RTC for its partnership. She told a story about a constituent who moved to an area that did not have a nearby bus stop and mentioned how the County was able to work with the RTC to ensure that the individual was able to obtain transportation for dialysis treatments. She appreciated the RTC’s effort to secure funding for the Pyramid Highway Project. She commended the RTC for its work informing the community of project timelines. She suggested Mr. Thomas present to the Spanish Springs Citizen Advisory Board (CAB) regarding the Pyramid Highway and Sparks Boulevard Capacity Improvement projects.

Chair Hill asked Mr. Thomas to provide an overview of the Flex Ride expansions. Mr. Thomas declared traditional buses were expensive to run and maintain. He stated the RTC’s rapid line provided ten-minute trips for people in the urban core. He explained Flex Ride was a curb-to-curb service within a designated geographic location and noted the vehicles used for Flex Ride held 10 to 12 people. He opined it was a great service for suburban areas where it was difficult to run buses. He mentioned the RTC’s long-term goal was to have Flex Ride opportunities that covered the entire County. He shared that the goal of the RTC board was to provide everyone with public transportation, which meant different tools had to be employed. He mentioned a program to provide subsidized taxi or Uber rides to people in outlying areas of the County in the event a public transit vehicle could not be provided. He reported that the program had been successful for the senior community. Chair Hill spoke about the RTC’s transit application and hoped people could become more aware of all the transportation options available in the community.

Commissioner Garcia opined that serving on the RTC board had been an incredible learning opportunity for her. She commended Mr. Thomas on his leadership and expressed appreciation for the RTC’s focus on transportation accessibility for the entire community. She asked how the RTC planned to implement HFC infrastructure moving forward. Mr. Thomas responded that the RTC would have to determine who was going to make the hydrogen and how the RTC would acquire it. At this time, the RTC planned to have it brought into the community because the closest source was in Northern California. He relayed there were discussions regarding the creation of HFC hubs throughout the Country. He noted that Southern Nevada had the first HFC bus in the State which had been running for about a week. He acknowledged there were a lot of questions surrounding the HFC industry. He thought it was possible to generate HFC in Washoe County, but time

would tell if it could be produced on a scale that would allow the RTC to continue utilizing the technology.

Commissioner Clark expressed concern for seniors in the North Valleys. He mentioned hosting weekly lunches at different senior centers and relayed that seniors in the community were interested in the different transportation opportunities the RTC could offer them. He wondered if a member of the RTC's staff could attend one of the luncheons and explain Flex Ride options. Mr. Thomas responded he would be happy to arrange a presentation.

DONATIONS

23-0575 **5A1** Recommendation to acknowledge a donation of [\$10,170.00] from Washoe County Bar Association to fund the ongoing operations to include purchase of books, food for special events and travel/training for personnel of the Washoe County Law Library and direct the Comptroller's Office to make the necessary budget amendments. District Court. (All Commission Districts.)

23-0576 **5A2** Recommendation to Acknowledge retroactively a one-time cash donation at a value of [\$2,893.25] from Kappa Alpha Theta Foundation accepted by the Second Judicial District Court, Court Appointed Special Advocate Program, and direct the Comptroller's Office to make the necessary budget amendments. District Court. (All Commission Districts.)

Commissioner Garcia read in the donations.

There was no response to the call for public comment.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 5A1 and 5A2 be acknowledged.

CONSENT AGENDA ITEMS – 6A1 THROUGH 6I1

23-0577 **6A1** Approval of minutes for the Board of County Commissioners' regular meetings of July 11, 2023, and July 18, 2023. Clerk. (All Commission Districts.)

23-0578 **6A2** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Executed Contracts. Clerk. (All Commission Districts.)

23-0579 **6B1** Recommendation to retroactively accept an extension and additional funding related to the Bureau of Behavioral Health Wellness and Prevention Sub-Award from the Department of Health and Human Services, Division

of Public and Behavioral Health in the amount of [\$174,084.00; \$4,420.00 indirect; no County match required] to be used to pay for the remainder of FFY23 grant period extended to September 30, 2023, for the Department of Alternative Sentencing Support in Treatment, Accountability and Recovery (STAR) program for the retroactive grant period of April 1, 2022 - September 30, 2023, and if approved authorize Chief Roper to execute grant award documents. Alternative Sentencing. (All Commission Districts.)

- 23-0580** **6C1** Recommendation to authorize the Tax Collector to strike names and amounts identified on delinquency/uncollectible Personal Property Tax list for fiscal years 2017-2018 through 2021-2022, totaling [\$105,200.14]. Comptroller. (All Commission Districts.)
- 23-0581** **6C2** Recommendation to comply with Washoe County Code Section 35.150 to secure a bond in the amount of \$50,000 to bond for the faithful performance of the duties of the Washoe County’s Chief Medical Examiner. Comptroller. (All Commission Districts.)
- 23-0582** **6D1** Recommendation to acknowledge a grant award of \$41,479.00, County match of 10% required, awarded to the Washoe County Law Library, Second Judicial District Court, by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Nevada State Library, Archives and Public Records awarded on June 15, 2023, and direct the Comptroller’s Office to make the necessary budget amendments. District Court. (All Commission Districts.)
- 23-0583** **6D2** Recommendation to acknowledge a grant award of \$1,281.00, no County match required, awarded to the Washoe County Law Library, Second Judicial District Court, by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Nevada State Library, Archives and Public Records awarded on August 3, 2023, and direct the Comptroller’s Office to make the necessary budget amendments. District Court. (All Commission Districts.)
- 23-0584** **6D3** Recommendation to request that the Board of County Commissioners retroactively acknowledge the grant award from the State of Nevada, Administrative Office of the Courts to the Second Judicial District Court, in the amount of \$40,000.00 (no match required), to build a two-way interface and integrate existing E-filing Solution with new case management system (CMS) effective through November 30, 2026 and direct the Comptroller’s Office to make the necessary budget amendments. District Court. (All Commission Districts.)
- 23-0585** **6D4** Recommendation to the Board of County Commissioners to retroactively acknowledge a grant of [\$20,000, no County match required], awarded to the Second Judicial District Court from the Lee F. Del Grande

Foundation, retroactively for Family Peace Center operating expenses; and direct the Comptroller to make the necessary budget amendments. District Court. (All Commission Districts.)

- 23-0586** **6E1** Recommendation to accept the Medical Marijuana FY24 subgrant award from the State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health (DPBH) in the amount of [\$108,000.00; no county match] to provide behavioral health services for clients with substance use issues retroactive for the period of July 1, 2023 through June 30, 2024; authorize the Division Director of Human Services Agency to retroactively execute the sub-grant; and direct the Comptroller's office to make the necessary budget amendments. Funds from this subgrant award will be used to contract with Substance Abuse Prevention & Treatment Agency (SAPTA) certified providers to serve and assess clients referred by the County for substance use disorder treatment. Human Services Agency. (All Commission Districts.)
- 23-0587** **6E2** Recommendation to accept an amendment to the subgrant award for the Infant Toddler Court Program from the State of Nevada, Division of Child and Family Services in the amount of [\$12,572.00; no county match requirement] retroactive from April 1, 2023 through June 30, 2024 to support the Safe Babies Court Team program; authorize the Division Director of Human Services Agency to execute subaward amendment and related documents; and direct the Comptroller to make necessary budget amendments. Funds from this subaward amendment will allow the Washoe County Safe Babies Court team members to attend the Cross Sites Training which explore issues related to early childhood development. Human Services Agency. (All Commission Districts.)
- 23-0588** **6F1** Acknowledge receipt of report on the 82nd Session of the Nevada Legislature (2023). Manager's Office. (All Commission Districts.)
- 23-0589** **6G1** Recommendation to accept a grant award amendment increasing the funding by [\$12,000 to a new total award amount of \$112,611 with no county match] from the State of Nevada Department of Health and Human Services for toxicology expenses relating to the Overdose to Action (OD2A) program, retroactive from September 1, 2022 through August 31, 2023, and authorize the Chief Medical Examiner & Coroner of the Washoe County Regional Medical Examiner's Office to sign the award amendment, and direct the Comptroller's Office to make the necessary budget amendments. Regional Medical Examiner. (All Commission Districts.)
- 23-0590** **6H1** Recommendation to accept a Division of Public and Behavioral Health award, subgrant # SG 26143, as administered through State of Nevada, Bureau of Behavioral Health and Wellness and Prevention, [amount not to exceed \$77,308.00, no County match required] effective July, 1 2023

through June 30, 2024 to fund the implementation of a new Electronic Health Records system to be used by the Mobile Outreach Safety Team, and if approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

- 23-0591** **6I1** Recommendation to accept Treasurer's status report for the period ending August 31, 2023, of payment of refunds and interest since last update in the amount of \$155,819.15 on certain property tax overpayments for residential properties at Incline Village/Crystal Bay, in compliance with the October 21, 2019 Order issued by the District Court in Village League to Save Incline Assets, Inc., et.al. vs. State of Nevada, et.al., Case No. CV03-06922, as modified and clarified by the settlement agreement regarding the processing of refunds. Treasurer. (All Commission Districts.)

Chair Hill asked County Manager Eric Brown if any items would be pulled from the Consent Agenda to which he responded that there were no changes. Chair Hill pointed out Item 6F1, the Legislative Report from the 82nd Session of the Nevada Legislature, and commended Government Affairs Liaison Cadence Matijevich and all the departments for their hard work, resulting in a good, productive session.

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

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 6A1 through 6I1 be approved.

- 23-0592** **AGENDA ITEM 7** Northern Nevada Public Health (NNPH) District Health Officer Kevin Dick will update the Board on the recent name change of the public health authority in Washoe County.

Kevin Dick, District Health Officer of Northern Nevada Public Health (NNPH), formerly the Washoe County Health District (WCHD), conducted a PowerPoint presentation and reviewed slides with the following titles: Successful Launch; New Name. Same Mission; District Board of Health Members.

Mr. Dick thanked the Board of County Commissioners (BCC) for proclaiming August 31, 2023, as Northern Nevada Public Health Day. He stated that in 2021 there was a concurrent meeting with the Cities of Reno and Sparks and the BCC where the municipalities discussed whether the health district should change its name. Staff conducted focus groups and surveys to gauge the public's opinion on what the new name should be. In July 2022, during another concurrent meeting, the decision was made to change the health district's name to NNPH.

Mr. Dick declared that while the NNPH had a new name, the mission and programs remained the same. He pointed out that the NNPH had a new website (www.nnph.org) and staff would be receiving new email addresses. He noted if anyone sent a message to an old email address, it would be automatically forwarded to the new one so communication with the public would be maintained. He listed the services provided by the NNPH which included the issuance of birth and death records, air quality and environmental health permits, immunizations, disease investigation, sexual health and family planning, and inspections of restaurants, childcare facilities, and other public amenities. He spoke about the NNPH's efforts to protect staff and the community during the COVID-19 (C19) pandemic. He acknowledged Public Health Communications Program Manager Scott Oxarart for his leadership during C19 and his work to communicate the NNPH's rebrand to the community. Mr. Dick mentioned the District Board of Health (DBH) which was comprised of representatives from the Cities and Washoe County.

Commissioner Garcia appreciated the NNPH's emphasis on language accessibility. She spoke about the 2022 to 2025 Community Health Improvement Plan that was recently published, noting it was an incredible and thorough document. She suggested her fellow Commissioners make an appointment with Mr. Dick to review the plan and learn about the challenges constituents were facing and the priorities of the NNPH. Mr. Dick added the plan was established after conducting community health assessments which helped the NNPH identify priorities. He noted that much of the work was done in partnership with other organizations.

Commissioner Clark commended Mr. Dick on his work with the community. He inquired if there were any plans to expand the NNPH office to give employees more space. Mr. Dick acknowledged the office had become crowded as the department grew over the years. He reported the BCC's purchase of the West Hills Hospital property created an opportunity for the NNPH to create a satellite building using American Rescue Plan Act (ARPA) funds. He added there were also plans in the Ninth Street Complex Master Plan to give the NNPH some additional space in Building C.

BLOCK VOTE – 8 THROUGH 15

23-0593 **AGENDA ITEM 8** Recommendation to set the order of alternates to represent the Washoe County Planning Commission (PC) on the Truckee Meadows Regional Planning Commission (RPC) in the event the regularly appointed PC members are unavailable to serve. The existing Washoe County Planning Commissioners serving on the Regional Planning Commission are Kate Nelson, Francine Donshick and Pat Phillips. The currently proposed order of alternates is as follows: First Alternate, Michael Flick; Second Alternate, Daniel Lazzareschi; Third Alternate, Rob Pierce; and Fourth Alternate, Linda Kennedy. After the Board's decision, the Planning Commission Secretary shall transmit the ordered list to the Executive Director of the Truckee Meadows Regional Planning Agency (TMRPA). Community Services. (All Commission Districts.)

There was no response to the call for public comment.

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

23-0594 **AGENDA ITEM 9** Recommendation and possible action to approve the settlement between Teva, Walgreens, and the State of Nevada in the opioid litigation (State of Nevada v. McKesson Corp. et al., Case No. A-19-796755-B (Nev. Dist. Ct., Clark County) and execution by Washoe County of the “Teva Subdivision Participation and Release Form” and the “Walgreens Subdivision Participation and Release Form” pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries (“One Nevada Agreement”) previously agreed upon for participation in settlements (entered into on July 27, 2021). The proposed settlement between Teva and the State of Nevada is in an amount of \$193,985,662.29 before attorney’s fees and costs are deducted and will be paid in equal installments and will be paid in varying installments as reflected in over 20 years beginning in July 2024. Pursuant to the One Nevada Agreement, Washoe County will receive an estimated total net allocation of \$7,291,113.53. The proposed settlement with Walgreens and the State of Nevada is in the amount of \$285,000,000.00 before attorney’s fees are deducted (there are no costs associated with this settlement) and will be paid in equal installments over 15 years beginning in December 2023. Pursuant to the One Nevada Agreement, Washoe County will receive an estimated net allocation of \$10,936,670.30. District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

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

23-0595 **AGENDA ITEM 10** Recommendation to retroactively acknowledge the grant award from the Substance Abuse and Mental Health Services Administration to the Second Judicial District Court, in the amount of \$359,952, (no match required) to support the Specialty Court programs, effective retroactively May 31, 2023 through May 30, 2024, and direct the Comptroller’s Office to make the necessary budget amendments. District Court. (All Commission Districts.)

There was no response to the call for public comment.

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

23-0596 **AGENDA ITEM 11** Recommendation to retroactively acknowledge the grant award from the State of Nevada, Administrative Office of the Courts to the Second Judicial District Court, in the amount of [\$1,075,936] (no match required), to support the Specialty Court programs, effective July 1, 2023, through June 30, 2024. District Court. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be acknowledged.

23-0597 **AGENDA ITEM 12** Recommendation that the Board of County Commissioners retroactively acknowledge the grant award from the State of Nevada, Administrative Office of the Courts to the Second Judicial District Court, in the amount of \$350,000.00 (no match required), to implement a new Case Management System (CMS) effective through November 30, 2026 and direct the Comptroller's Office to make the necessary budget amendments. District Court. (All Commission Districts.)

There was no response to the call for public comment.

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

23-0598 **AGENDA ITEM 13** Recommendation to authorize contract to purchase a new Court Case Management System from Journal Technologies joinder off the Douglas County request for proposal for a Court Case Management System at a cost of [\$1,590,000] per the contract terms. Partial funding for the purchase has been budgeted in the County's Fiscal year 24 adopted budget within the Capital Improvement Plan [\$1,300,000]. Remaining funding for this contract will be funded with grant funds [up to \$350,000] from the State of Nevada. If approved, Second Judicial District Court will execute all relevant contract documents. District Court. (All Commission Districts.)

There was no response to the call for public comment.

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

23-0599 **AGENDA ITEM 14** Recommendation to approve the Calendar Year (CY) 2024 Health Benefits Program for employees, retirees, and their dependents at an approximate annual cost of \$72.4 million and authorize the Director of Human Resources to execute all insurance contracts and service

agreements pertinent to the Health Benefits Program. Human Resources. (All Commission Districts.)

There was no response to the call for public comment.

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

23-0600 **AGENDA ITEM 15** Recommendation to accept a FY24 Victims of Crime Act (VOCA) subgrant award from the State of Nevada, Division of Child and Family Services in the amount of [\$517,033.00; no county match] to support victim services including emergency assistance, housing assistance, locksmith services, basic needs, case management and mental health services for domestic violence, sexual abuse/assault, exploitation, and homeless victims retroactive for the period of July 1, 2023 to July 31, 2024; authorize the Division Director of Human Services Agency to retroactively execute the sub-grant and related documents; and direct the Comptroller's Office to make necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be accepted, authorized, and directed.

22-0601 **AGENDA ITEM 16** Public Hearing: Appeal of the Community Services Department (CSD) Director's rejection of the second (revised) submittal for the First Final Map for Sierra Reflections (Tentative Map Case Number TM06-001) which was submitted to Washoe County on April 5, 2023. It has now been determined that portions of the project site are located within the Carson River Mercury Superfund Site, and recent testing has shown mercury levels in the soil exceeding the maximum allowable limits as determined by the Environmental Protection Agency ("EPA") for residential development. The submittal was rejected, in part, due to a determination from the Washoe County Health District that an approved Mercury Remediation Action Plan is required and that the proposed Mercury Remediation Action Plan submitted by appellants is incomplete and lacks specific information, testing, sample locations, storage, final grading, utilities and additional items that would be required for a complete review. The submittal was also rejected, in part, as the proposed Mercury Remediation Action Plan would result in the first final map not being in substantial compliance with the tentative map, as required by NRS 278.360. Finally, the submittal was rejected as mercury contamination on the project site was not presented to the Planning Commission for its consideration in

accordance with Washoe County Code (“WCC”) 110.608.10(v) and WCC 110.608.25(f), and there were several outstanding tentative map requirements. The project was originally approved in 2006 as a 938-lot, single-family residential subdivision. The project site is located in the Pleasant Valley area, and is bordered on the north by Pagni Lane, on the east by US Highway 395 South and to the south is Little Washoe Lake. The project encompasses 29 parcels that total approximately 759.6 acres. (APNs 046-060-45, 47 & 55; 046-080-40; 046-090-01, 04 through 18, and 23 through 26; and 046-100-02 through 04, 07 and 10). Appeals of CSD Director’s decisions involving final maps are authorized in WCC 110.610.50(f). The Board of County Commissioners (Board) may affirm, reverse or modify the decision of the CSD Director. Community Services. (Commission District 2.)

This item was pulled.

23-0602 **AGENDA ITEM 18** Public Hearing: Adoption and second reading of an ordinance amending Washoe County Code Chapter 5 - Administration and Personnel to add a new section titled “Registration and Regulation of Lobbyists”, establishing for purposes of the ordinance a definition for “lobbyist”, “communication”, “policymaker” and “family member”, requiring lobbyists to register with the County Manager, requiring the County Manager to maintain and publish a list of registered lobbyists, requiring the County Manager to issue identification credentials to all registered lobbyists, requiring lobbyists to wear such identification credentials at certain times and places, and establishing criminal and civil penalties for any person who knowingly violates the provisions of the section. Manager's Office. (All Commission Districts.)

Chair Hill opened the public hearing.

Commissioner Andriola recalled Commissioner Clark’s suggestion from a previous discussion that lobbyists be asked to check a box on the public comment request card and write in who they represented instead of being required to register with the County. She remarked she had registered as a lobbyist many times and thought it was a common practice that all lobbyists adhered to. Chair Hill clarified with Commissioner Andriola that she was asking to remove the registration requirement from the ordinance and add the request for an individual to check a box indicating they were a lobbyist when signing in for public comment. Commissioner Andriola believed those changes would cause the least amount of burden to staff.

Commissioner Clark thought people should disclose if they were lobbying for an organization. He noted there might be times when a lobbyist was present in a personal capacity regarding a topic that did not relate to the organization they represented. He wondered where the line should be drawn. He assumed everyone was reasonably honest

and would declare on the comment cards if they were aligned with an organization. He asserted he was always prepared to be transparent and disclose who he supported.

Vice Chair Herman declared she did not support this item.

Commissioner Garcia remarked that the people she spoke with who worked in the industry did not have a problem with this item. She asked Government Affairs Liaison Cadence Matijevich about the fiscal impact. Ms. Matijevich responded that County staff did not expect any new expenditures to come from this item as it would utilize existing staff time. She relayed that Clark County and the Cities of Las Vegas, Henderson, and Reno all reported having about 100 registered lobbyists each. She expected there to be some initial staff time invested to get the program running, and subsequently, there would be a few hours each month dedicated to reviewing the list of lobbyists. She explained the County would have a duty to publish a list of current lobbyists and make changes as necessary. If the Board chose to include penalties for failing to register, there would be an expenditure of staff time from the District Attorney's (DA) Office. From her research of other jurisdictions in Nevada, no lobbyists had been persecuted for failing to register.

Chair Hill stated she was open to removing the registration requirement and asking lobbyists to disclose their status on the public comment form. She asked Assistant District Attorney (ADA) Nate Edwards what that change would look like. ADA Edwards thought the Board needed to continue this item to allow staff time to make the requested changes. He noted Section 5.023.2 included most of the registration requirements so it would be removed from the ordinance. He pointed out that Section 5.023.4 included information on the identification badges that were tied to the registration process; therefore, that section would be removed as well. He believed Section 5.023.3 would stay along with the section that included definitions. He said the Board would have to give direction about whether it wanted to keep the sections regarding civil and criminal penalties.

Chair Hill was in favor of keeping Section 5.023.5 intact. Commissioner Andriola agreed and thought there should be some type of consequence for failing to disclose lobbyist status. Commissioner Clark recalled Ms. Matijevich's comment that there had been no prosecutions in other jurisdictions in Nevada and he did not think there needed to be a penalty. Chair Hill opined there should be a consequence so people would take the ordinance seriously. She asserted this item was all about transparency in local government. She pointed out that the Board did not know everyone who came to public meetings. Commissioner Andriola reiterated she had registered as a lobbyist many times. She postulated that lobbyists would welcome this process and appreciate the simplicity of disclosing their status on a public comment card. She declared it was a common practice for lobbyists and policymakers to be held to a high standard of transparency.

ADA Edwards suggested a possible middle ground of removing the criminal provision but keeping the civil penalty. There would still be a consequence, but it would not be a crime to fail to disclose.

Vice Chair Herman did not see the point of this ordinance. She wondered if the Board was trying to discourage people from coming to meetings and speaking to the Commission. She thought this ordinance would interrupt meetings and prevent them from being free and transparent. She postulated that people would be afraid to speak at Commission meetings because they did not want to break any rules.

Commissioner Clark reiterated that no other municipality had to prosecute anyone for failing to register as a lobbyist when they should have. He asserted he was not supportive of this item as it stood. He thought every elected official in the County should declare whether they received campaign contributions from people. Chair Hill reminded Commissioner Clark that elected officials already did that as it was a requirement to disclose campaign contributions.

Ms. Matijevich wanted to ensure she clearly understood the Board's directions. She confirmed that along with the requirement for people to indicate if they were a lobbyist on public comment cards, the Board also wanted them to note what entity they represented. Commissioner Andriola thought the public comment cards could be amended to include a check box for lobbyists and a section to disclose who they represented. Commissioner Clark agreed with Commissioner Andriola's suggestion.

Vice Chair Herman asked if it would be easier to require lobbyists to disclose their status on the public comment cards. Chair Hill informed Vice Chair Herman that was what the Board was discussing.

On the call for public comment, Ms. Janet Butcher declared she was not a lobbyist, and she was speaking as an individual. She opined this item was a waste of time for staff and the Commissioners. She asked why the meeting at the end of the month had been canceled.

Ms. Penny Brock agreed with Ms. Butcher. She pointed out that the ordinance could be amended in the future. She wondered if people speaking as members of the public would be required to register as lobbyists. She thought speaking in front of the Board was intimidating enough and this ordinance would create barriers for the public. She opined that elected officials should welcome individuals to speak at meetings. She asked the Board not to approve this item.

Mr. Roger Edwards asked that his comments not be entered into the permanent record. He stated lobbyists did not attend general meetings to discuss items. He alleged that lobbyists met with Board members in more private settings. He did not think this item was necessary and asked the Board not to approve it.

Mr. Scott Myer agreed with Mr. Edwards. He wondered how the idea for this ordinance came about. He claimed this item prevented free speech and intimidated the public.

Chair Hill clarified that ADA Edwards thought the Board should continue this item with direction to staff. ADA Edwards responded there should be a motion to continue the hearing to a date certain with the changes discussed by the Board. He suggested the Board give direction on whether to keep the civil or criminal penalties in this ordinance. Chair Hill believed the Board wanted to remove the criminal penalty.

On motion by Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 4-1 vote with Vice Chair Herman voting no, it was ordered that Item 18 be continued to the September 19, 2023, Board of County Commissioners' meeting and that staff be directed to make the changes as discussed.

11:27 a.m. **The Board recessed.**

1:15 p.m. **The Board reconvened with all members present.**

23-0603 **AGENDA ITEM 17** Public hearing: Appeal of the Washoe County Board of Adjustment's inability to approve Amendment of Conditions Case Number WAC23-0007 for Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The amendment of conditions is a request to extend for one year the requirement that the building permit shall be issued on or before June 4, 2024, for a one single car garage and one two-car garage in the common area. The applicant and property owner is Greenview HOA. The address is 692 Palmer Ct. in Incline Village. The Assessor's Parcel Number is 128-310-05. The Board of County Commissioners shall consider the appeal based on the record and any testimony and materials submitted at the public hearing. The Board of County Commissioners may affirm, reverse, or modify the decision of the Board of Adjustment. Virtual Public Comment Eligible. Community Services. (Commission District 1.)

Chair Hill opened the public hearing.

Julie Olander, Planner for the Planning and Building Division of the Community Services Department (CSD), conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Map; Background; Site Plan; Evaluation of Amendment of Conditions (2 slides); Noticing; Reviewing Agencies & Findings; Amended Conditions; Possible Motion for Amendment of Conditions; Thank you.

Ms. Olander stated the applicant for this project was requesting a one-year extension. She noted the property was in Incline Village (IV) off Mt. Rose Highway. She displayed the "Map" slide which depicted a layout of the four units on the property. She explained the extension was needed to give the community time to obtain building permits and indicated there were two building permits currently in process. She relayed that the homeowners association (HOA) for this property had previously asked for an extension which was granted by the Board of Adjustment (BOA). If approved, this extension would push the expiration date to December 4, 2024. She pointed out there were possible motions listed in the Staff Report and the applicant was present if the Board had further questions.

Chair Hill asked Ms. Olander to explain why this item was appealed. Ms. Olander responded it was not a typical appeal, there were two votes for and two votes against the decision from the BOA, so staff had to bring this item to the Board of County Commissioners (BCC).

Mr. John Hash, a representative of the appellant, Greenview HOA, displayed two photos that were placed on file with the Clerk. He declared he was one of the homeowners on the subject property and noted the other property owners were also present in Chambers. He said the first photo depicted a wildlife lot connected to the property. He asserted the HOA would never build anything that would impact that lot. He explained the second photo was of the fencing material the residents used to surround the work site. He reported that the permitting process with the Tahoe Regional Planning Agency (TRPA) was extensive and timely, and the project had been ongoing since 2018. He informed that the other property owners had written a letter to the Board to express their concerns about this project's timeline. He thanked Ms. Olander for her work on this project.

Chair Hill asked Mr. Hash to address the extension request. Mr. Hash responded that the HOA only had one more month to obtain building permits but starting on October 15, 2023, the TRPA would not allow any more work to be done for the winter season. He reported that the TRPA did not allow dirt work between October 15 and May 1. He stated the building permit was pending approval from NV Energy for the removal of an electrical cable.

Chair Hill asked Assistant District Attorney (ADA) Nate Edwards to clarify what action the Board was supposed to take on this item. ADA Edwards responded that the Board needed to decide whether to grant the extension to allow the HOA more time to obtain a building permit. He thought it might be worthwhile for the Board to hear from the Planning Department if the building permit could be obtained without the extension.

Ms. Olander stated the HOA did not have to complete the garages by the deadline, it only had to obtain the building permit. She believed it was reasonable that the permit could be obtained prior to the current expiration date.

Commissioner Clark thought the Board should grant the extension to the HOA.

Commissioner Garcia asked Ms. Olander if the only pending item was the NV Energy approval to which Ms. Olander confirmed.

On the call for public comment, Ms. Yolanda Knaak thanked the Board for arranging for IV residents to comment remotely. She opined public comment should be at the beginning of BCC meetings, so people did not have to sit through the whole meeting to make general public comments. She spoke about businesses in Lake Tahoe. Chair Hill asked Ms. Knaak if her comments were regarding Item 17 to which Ms. Knaak responded no. Chair Hill informed Ms. Knaak she could make her comments during general public comment.

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

On motion by Chair Hill, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 17 be approved due to delays and restrictions of building in the Tahoe area.

23-0604 **AGENDA ITEM 19** Public Comment.

Ms. Yolanda Knaak discussed the rezoning of a development project in Incline Village (IV). She declared the change of zoning could affect over 56 businesses in the area. She thought certain businesses did not have the opportunity to move to different locations in town. She alleged the development project put those businesses at risk of losing their lease and having to close for good. She mentioned the project was designed for multi-use and would have a commercial business in the parking garage which she did not think was optimal. She asked the Board to help the businesses that would be affected by the development.

Ms. Katie Knepper spoke about an appeal made by Safe Embrace for its application to expand to a group care facility. She stated the appeal hearing was scheduled for the October 24, 2023, Board of County Commissioners' (BCC) meeting. She reported that Safe Embrace had operated as a group home for victims of domestic violence since 2001. She pointed out that a group home was legal in any residential neighborhood in the County. She remarked that in 2017, Safe Embrace applied for a four-bedroom expansion which was approved in 2018 without a public hearing. After construction began on the expansion, the community was assured that Safe Embrace would remain a group home. In 2019, Safe Embrace secured approval for a group care facility, and a lawsuit was brought against that change. She noted the plaintiffs won that case. During the trial, she recalled that City of Sparks staff admitted there was an error and Safe Embrace's request to be a group care facility should have been denied because group care facilities for victims of domestic violence were not allowed in any residential neighborhood in Sparks. On August 3, 2023, the Board of Adjustment (BOA) voted not to approve Safe Embrace's application for a special use permit (SUP) to become a group care facility. That decision caused Safe Embrace to appeal to the BCC. She alleged there were many reasons for the Board to deny the appeal including false statements and continuous errors from both Safe Embrace and the County. She declared that Safe Embrace would not shut down if the group care facility permit was denied as the organization could continue to operate as a group home. She claimed every property owner who lived in the area was opposed to a commercial facility in the middle of the subdivision.

Mr. Alferd Knepper was called to speak. Due to an Americans with Disabilities Act (ADA) accommodation, Ms. Knepper was permitted to read Mr. Knepper's statement on his behalf. Ms. Knepper spoke about discrepancies in Safe Embrace's application to the City of Sparks, including the failure to mention deed restrictions on the property, unpermitted garage living spaces, an incorrect account for the number of pets housed on the property, and Safe Embrace's claim that it had operated as a

group care facility for 20 years. She thought the City of Sparks should never have approved Safe Embrace's SUP and she declared she had provided proof to the BOA that Safe Embrace operated as a group home from 2001 to 2019. She asserted Washoe County Code (WCC) 125.140 stated it was unlawful for a person to knowingly make or submit a false statement, document, or material omission in connection with an application or procedure required by the chapter. She requested public comment be heard at the beginning of Board meetings so people could have more time to discuss their desired topics.

Mr. Terry Brooks read a poem about children experiencing homelessness and its impact on their education, self-image, and future.

Ms. Janet Butcher declared she was not a paid lobbyist. She reminded the Board that Constitution Day was September 17, 2023. She wondered when Vice Chair Herman's election integrity resolution would be on an agenda. She spoke about Vice Chair Herman and Commissioner Clark's requests to return public comment to the beginning of BCC agendas. She asked why Commissioner Andriola and Commissioner Garcia were not making the same requests. She spoke about the two open positions for the Library Board of Trustees (LBT) and thought 50 people had applied for those vacancies. She asked if there was a scorecard used to evaluate applicants. She recalled a suggestion from Commissioner Clark to hold a special meeting where applicants for advisory boards could appear before the BCC to answer questions and present their qualifications.

Ms. Cindy Martinez displayed documents that were placed on file with the Clerk. She spoke about Item 18. She expressed concern about the intent of the lobbyist ordinance. She recalled its first reading included justification to bring the County into alignment with local governments with similar codes. Originally, she was agnostic about it because it did not apply to her. She alleged the ordinance was created to stifle public comments. She mentioned comments made during the Community Homelessness Advisory Board (CHAB) meeting. She asserted the Commissioners each had a duty as appointed representatives to make community-benefitting decisions that aligned with their oaths of office. She believed Item 18 was a solution in search of a problem. She asked the conservative Commissioners to vote against the lobbyist ordinance when it was heard at the next BCC meeting. She requested public comment be returned to the beginning of the meetings.

Ms. Deborah Sauk pointed out that the Staff Report for Item 9 stated the settlement would be paid in equal installments and varying installments. She wondered which one it was. She noted that in Item 13 the one-time costs presented in the Staff Report were measured in thousands. She asserted that was a lot of taxpayer money to spend on an item that did not go out for open bid. She asked the Board to ensure items were opened up for bids from various companies.

Ms. Victoria Myer provided documents that were distributed to the Board and placed on file with the Clerk. She stated she was not a lobbyist. She mentioned the upcoming appointments to the LBT. She understood there were several applicants for the two open positions. She said the American Library Association (ALA) defined young

adults as people between the ages of 12 and 18. She spoke about the book *Me, Earl, and the Dying Girl* which contained sexually explicit content. She reported the book was available in the young adult section of Washoe County libraries as well as 16 high schools and 5 middle schools. She thought there was a growing number of people concerned with the content available to children in libraries. She asked that the LBT applicants be interviewed and vetted. She stated Library Director Jeff Scott had a police report filed against him.

Ms. Samantha Constantino-Gonzalez thanked the Board members for their public service. She asserted that domestic violence shelters in Washoe County did not have to be licensed by the State. She thought a State license would require that health and safety requirements were met by the shelters. She reported issues with a shelter in her community and thought State licensing requirements would solve many of those issues. She asserted the people in the shelters and the surrounding communities deserved the protection that licensing requirements would provide.

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

23-0605 AGENDA ITEM 20 Announcements/Reports.

Commissioner Andriola shared her ongoing commitment to the creation and adoption of a consistent, transparent process for evaluating applications and appointments for all County Boards.

Vice Chair Herman reiterated her request that public comment at the beginning of meetings be reinstated. She also suggested a reevaluation of the need for the physical barrier in Chambers between the Board and the public. She expressed missing the freer access between Commissioners and constituents. She spoke about a difficult recent experience at the Nevada Department of Motor Vehicles (DMV).

Commissioner Clark discussed his ongoing commitment to reinstating public comment at the beginning of the meeting. He asked Chair Hill to hold a vote on this matter. Following this, he offered two opportunities for constituents to spend time with him, the first on Wednesday, September 13, for seniors to join him for lunch at Washoe County Senior Services, and the second for anyone to join him for a bike ride along the river every other Sunday starting at Cottonwood Park.

Commissioner Andriola inquired about looking more thoroughly into the concerns expressed by Katie and Alferd Knepper in Item 19. County Manager Eric Brown provided assurance that the commenters would receive follow-up.

* * * * *

2:19 p.m. There being no further business to discuss, the meeting was adjourned without objection.

ALEXIS HILL, Chair
Washoe County Commission

ATTEST:

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

Minutes Prepared by:
Taylor Chambers, Deputy County Clerk
Heather Gage, Deputy County Clerk
Danielle Howard, Deputy County Clerk