

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

TUESDAY

10:01 A.M.

MAY 16, 2023

PRESENT:

Alexis Hill, Chair
Michael Clark, Commissioner
Mariluz Garcia, Commissioner
Clara Andriola, Commissioner

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

ABSENT:

Jeanne Herman, Vice Chair

The Washoe County Board of Commissioners convened at 10:01 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:

23-0296 AGENDA ITEM 3 Announcements/Reports.

County Manager Eric Brown announced that the Washoe County Planning Commission was still looking for applicants who lived in District 5 of unincorporated Washoe County to fill a vacancy on that board. He declared applicants must be registered voters and the deadline to apply would be May 20, 2023, at 5:00 p.m. He reported there was also an opening on the Board of Equalization (BOE) for a term that would begin in 2024. The application process would stay open through October 2023. He announced that if anyone in the public was interested in applying, more information could be found on the Washoe County website (washoecounty.gov).

Commissioner Clark stated he would have to leave the meeting at 4:00 p.m. to attend Judge Erica Flavin's investiture. He spoke about public comment being moved to the end of the meeting and wondered if anyone knew when the end of the meeting was. He stated that at the previous meeting, an individual sat in the Chambers for the whole day to provide public comment to the Board. Commissioner Clark felt sorry for people who attended Board of County Commissioners' (BCC) meetings and had to wait hours to make a public comment. He thought people should be able to go to the meeting in the morning, make their comments at the beginning of the meeting, and go home. He declared he wanted the Board to vote on when to have public comment. He recalled an article he read in the newspaper that accused Chair Hill of breaking the law. He stated he was not accusing anyone of breaking the law, but he wanted to do what was right. He said the Board should

hear what the public had to say. He reiterated that a member of the public who was a senior citizen had to sit in the meeting all day to make a public comment. He thought it was insulting and belittling to the public. He asked that public comment at the beginning of the meeting be placed on an agenda and voted on by the Commissioners. He wanted to see who voted for it and who voted against it. He recalled the article went on to say that Chair Hill was unanimously elected as Chair, which was correct. He thought she was a reasonable person whom he could discuss just about anything with. He asserted the unilateral decision to take away the public's voice, even though it was not illegal, was not right. He declared if the Board had to vote again, he would not vote for her to be the Chair. He reiterated that taking the citizens' voices away was not acceptable to him.

Commissioner Clark commented that on Friday, May 12, 2023, he hosted a senior gathering at the Reno Elks Lodge, and he wanted to thank Ms. Gina Nolte, Mr. Jay Kenny of Doughboys Donuts, and the Reno Elks for allowing the group to use the facility. He also thanked Program Assistant Alexandra Wilson who coordinated the event. He reported Truckee Meadows Fire Protection District (TMFPD) Chief Charles Moore and Washoe County Sheriff's Office (WCSO) Undersheriff Jeff Clark both spoke at the event. He shared that approximately 100 community members were in attendance and had asked a lot of questions. He recalled an individual spoke to him about a Reno City Councilmember making a statement in Spanish and then translating the statement to English during a City Council meeting. The individual wondered how residents could know what was said in Spanish and suggested that governmental bodies hire interpreters for meetings. Commissioner Clark thought that was a good idea and suggested the Board hire interpreters to ensure everyone had the opportunity to understand what took place during a meeting.

Commissioner Clark spoke about the Board's discussion the previous week regarding Tyrolian Village in Lake Tahoe. He relayed he spoke with the Assessor and learned that the residents of Tyrolian Village owned the property their condos were situated on, and in some cases a detached garage. He stated that at times the detached garages were located in common areas that were owned by all the residents. In those cases, people were only allowed one vehicle per garage regardless of the number of vehicles the garage could hold. Commissioner Clark reiterated Mr. Carlos Archuleta had to wait more than eight hours to speak with the Board for three minutes about his home. Commissioner Clark wanted to know if County staff had spoken with Mr. Archuleta and if they were working to help him. He stated that in the future when the Board considered issues regarding short-term rentals (STRs), the Board should have a good understanding of what it was dealing with in the community. He declared he wanted to bring an item to the Board to look at caps on STRs for the long term. He wanted to know when STRs would be on a BCC agenda. He declared he sent an email to Manager Brown, Assistant District Attorney (ADA) Nate Edwards, and Chair Hill explaining that he had attended the Republican Women's reception for Commissioner Andriola at the Governor's Mansion. While there, he was sitting with people from Incline Village (IV) who mentioned the May 9, 2023, meeting and putting the STRs back on an agenda. He asserted he wanted to put the item on an agenda to be able to hear from the citizens. He spoke about special use permits (SUPs) and requested the Praana Transmission Line item from the previous meeting be brought back

before the Board as he had heard that the company was attempting to sell the project to a foreign company. He wanted to know if those allegations were true. He mentioned comments from the community that the project was close to the Herlong, California, military base, and people did not want foreign investment so close to it. He asserted because he voted in favor of the item, he was requesting it be brought back before the Board so the applicant could answer his questions.

Commissioner Clark spoke about Item 6D2, and Chair Hill asked him to make those comments during the Consent Agenda as the present item was for announcements, not the discussion of other action items. Commissioner Clark reiterated his request to have public comment return to the beginning of the meeting agenda and his request to have the Praana Transmission Line item brought back before the Board.

Commissioner Andriola stated she researched the Praana Transmission Line contract. She reported the contract specifically stated the SUP would remain in effect as long as the business was in operation and maintained a valid business license. If it was sold, the contract would be null and void and would come back to the Commission. She wanted to state for the record there were provisions that if any changes were made to the business, the contract was null and void and would come back to the Board.

Commissioner Garcia said that on May 11, 2023, she and Manager Brown, along with members of the Cities of Reno and Sparks, met with leadership from the Reno Housing Authority (RHA) which gave a great presentation. There was a lot of discussion regarding affordable housing throughout the County for low-income families, seniors, and people with disabilities. She informed she took a driving tour to many of the properties, all of which were in District 3. She wanted to let people know that on the Washoe County Senior Services webpage, there was a “quick links” tab that directed to the community resources website where people could easily access information about the RHA and other resources. She declared it was an eye-opening experience and recommended the other Commissioners take the same tour.

Chair Hill requested the Board reconsider STR case WSTRAR22-0013 as Mr. Sanjay Gupta shared with the Commission inaccuracies regarding the Covenants, Conditions, and Restrictions (CC&Rs) that were presented by the appellant. Chair Hill spoke about the Washoe County BCC Rules and Procedures Handbook that was adopted on October 4, 2022. She pointed out item 5.6 on page 1, requests to staff. She reminded that Commission members would not request any staff projects that entailed over two hours of staff work without seeking approval from the Commission through an item placed on the Board agenda. Commissioner requests considered on an agenda for that purpose should identify the related strategic objective or fiscal goal. If no strategic objective or fiscal goal was identified, that must be noted. She informed the Board would be taking a lunch break at 1:00 p.m. for one hour if the Board was not already finished with the meeting.

Commissioner Clark mentioned he wanted to speak about the registration of lobbyists. Chair Hill stated the Board would get to that agenda item during the meeting.

PROCLAMATIONS

- 23-0297** **4A1** Proclaim May 15, 2023 and the week of May 14-20, 2023 as Peace Officers Memorial Day and National Police Week.
- 23-0298** **4B1** Proclaim the month of May 2023 as Building Safety Month.
- 23-0299** **4C1** Proclaim the month of May 2023 as International Internal Audit Awareness Month.

Chair Hill stated she wanted to act on all three Proclamation items together. There would be one vote and one public comment period.

Commissioner Garcia read the Peace Officers Memorial Day and National Police Week Proclamation into the record.

Sheriff Darin Balaam thanked the Board for recognizing fallen officers and all members of the Washoe County Sheriff's Office (WCSO), as well as those around the nation. He thanked Commissioner Garcia and County Manager Eric Brown for attending the memorial service. Chair Hill stated she and Commissioner Clark were also in attendance. Sheriff Balaam corrected that Chair Hill and Commissioner Clark were at a different memorial event than the one he was speaking about.

Commissioner Andriola read the Building Safety Month Proclamation into the record.

Division Director of Planning and Building Kelly Mullin introduced the building program team which consisted of inspectors, plan checkers, permit technicians, and support staff. She opined the team did great work. She informed that in 2022 the department issued over 5,500 building permits and conducted over 29,000 inspections. She declared the group worked hard to serve its customers and ensure the buildings in Washoe County were safe. She thanked the Board for recognizing the team.

Commissioner Garcia declared she appreciated the amazing customer service the building department provided.

Commissioner Clark read the Internal Audit Awareness Month Proclamation into the record.

Internal Auditor Manager Katelyn Kleidosty introduced Internal Auditor Louis Martensen and informed the City of Reno's Internal Audit team had also joined them in the Chambers. She thanked Chair Hill and Vice Chair Herman for serving on the Internal Audit Committee.

Chair Hill thanked the audit team for its commitment and dedication to making sure the County was being transparent for the citizens.

On the call for public comment, Ms. Emily Kidd informed she was a certified internal auditor and was before the Board to promote internal audit services and the internal audit profession. She stated she met many of the Board members through her role as the internal auditor for the City of Reno and stated she was the president of the Northern Nevada chapter of the Institute of Internal Auditors. She stated auditors provided an integral role in local governments. The role was uniquely situated to provide independent appraisal functions. They assisted boards and councils as well as executive management in establishing accountability, transparency, and a culture of continuous improvement in government operations. At its core, internal auditors helped the organization achieve its objectives and success. Currently, the region was underrepresented in internal audit professionals across governments and quasi-government entities. She wanted to take the opportunity to applaud the Board's commitment to auditing and audit services with its recent addition of a second position on the audit team. She looked forward to working with them.

Ms. Penny Brock provided a document that was distributed to the Board and placed on file with the Clerk. She stated there were many items that members of the community believed needed an internal audit, the first being the 2020 and 2022 elections. She declared there were many irregularities that violated State and federal law. She opined there was a problem with the algorithm flipping votes. She believed more than 40,000 people who were on the voter rolls needed to be investigated. She informed she had documentation she felt would be helpful for an internal audit. She requested an audit of the 2020 and 2022 voter rolls. She recounted a story about two volunteers who went to an address on a dirt road and found it was an abandoned gold mine. She declared there had been multiple mail-in ballots from that address. She thought there needed to be an internal audit on the Cares Campus as more than \$110 million was given to the Cares Campus since 2021. She wanted to know where the money went. She stated another audit needed to be performed regarding the \$300,000 that Manager Brown was authorized to spend. When she read the Nevada Revised Statutes (NRS), it stated that only the governing Board or its authorized representative, who was the Purchasing and Contracts Manager, could spend up to \$100,000. She asserted there needed to be an audit to know where the money went.

Ms. Elise Weatherly thanked the Board for its work. She stated some people hated police officers, building inspectors, and internal auditors, but she did not. She declared she was grateful for accountability and agreed with Ms. Brock that there should be an investigation of the 2020 and 2022 elections. She spoke about former Registrar of Voters (ROV) Deanna Spikula and wondered how anyone could send her death threats. She thought there should be an investigation to see if Ms. Spikula had anything to do with election fraud. She recalled viewing a building burning in another country because it did not have a sprinkler system and said she appreciated building inspectors. She recounted her time working at the Eldorado Resort Casino where she asked internal auditors to ensure

things were done properly. She stated if she did something wrong, she was willing to change. She spoke about corruption and telling the truth.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Agenda Items 4A1 through 4C1 be adopted.

DONATIONS

23-0300 **5A1** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$4,325.00]; and (2) accept donations from various donors to Washoe County Human Services Agency Homelessness Fund to support welfare activities in the amount of [\$39.00] retroactive for the period February 1, 2023 through April 15, 2023; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

23-0301 **5A2** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$7,001.85]; 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 [\$8,134.43] retroactive for the period January 30, 2023, through April 15, 2023; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

23-0302 **5A3** Recommendation to accept donations from anonymous donor to the Human Services Agency - Senior Services Fund to support operations of the Washoe County Senior Centers in the amount of [\$529.90] retroactive for the period January 30, 2023 through April 15, 2023; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

On the call for public comment, Ms. Elise Weatherly recalled the previous meeting where she requested \$5,000. She stated if she were to receive all the money being donated through these agenda items it might make up for the money that she accidentally spent on Summit Christian Church. Chair Hill asked Ms. Weatherly to please redirect comments to the donation items under consideration by the Board.

Commissioner Clark thanked all the donors and mentioned Sparks firefighters in Union 1265 who donated \$5,265.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Agenda Items 5A1 through 5A3 be acknowledged, accepted, and directed.

CONSENT AGENDA ITEMS – 6A1 THROUGH 6D8

- 23-0303** **6A1** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Tax-Delinquent Property Sales; Monthly Statements/Reports; Budgets; Executed Contracts. Clerk. (All Commission Districts.)
- 23-0304** **6B1** Recommendation to acknowledge receipt of the five audits completed for the Minimum Accounting Standards (MAS) Audit of the various courts in Washoe County from the Internal Audit Division. The purpose of these audits was to perform the mandatory four-year audit of the following courts in Washoe County: Second Judicial District Court, Incline Justice Court, Reno Justice Court, Sparks Justice Court, and Wadsworth Justice Court, as required by the MAS adopted by the Nevada Supreme Court. Finance. (All Commission Districts.)
- 23-0305** **6C1** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$15,000.00] for Fiscal Year 2022-2023; District 5 Commissioner Jeanne Herman recommends a [\$15,000.00] grant to Red Rock Volunteer Fire Department -- a nonprofit organization created for religious, charitable or educational purposes -- to support costs associated with the purchase, installation and support of a generator at the Red Rock Volunteer Fire Department; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager's Office. (Commission District 5.)
- 23-0306** **6C2** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$10,000.00] for Fiscal Year 2022-2023; District 3 Commissioner Mariluz Garcia recommends a [\$10,000.00] grant to Sierra Nevada Journeys -- a nonprofit organization created for religious, charitable or educational purposes -- to support outdoor educational experiences for elementary school students in grades third through fifth attending Sun Valley Elementary School, Lois Allen Elementary School, Virginia Palmer Elementary School or Esther Bennett Elementary School; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager's Office. (Commission District 3.)
- 23-0307** **6D1** Recommendation to accept an unsolicited grant of [\$8,875.00] from The Washoe County Honorary Deputies Association to be used for the purchase of three BT-36015-G 9mm semi-automatic carbine rifles for the K9 Unit, and if approved, authorize Comptroller's Office to make appropriate budget amendments, pursuant to Washoe County Code 15.140-15.160; Sheriff. (All Commission Districts.)

- 23-0308** **6D2** Recommendation to approve a funding award number G22NV0001A [amount not to exceed \$13,799.00, no County match required] for the 2022 High Intensity Drug Trafficking Area (HIDTA) Northern Nevada Drug Task Force to be used for overtime, investigative, and travel expenses from High Intensity Drug Trafficking Area federal grant funds as administered through Las Vegas Metropolitan Police Department, for the retroactive period of February 1, 2023 - December 31, 2023, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 23-0309** **6D3** Recommendation to approve federal grant funding award number G23NV0001A [amount not to exceed \$15,000.00, no County match required] for the 2023 High Intensity Drug Trafficking Area (HIDTA) Northern Nevada Drug Task Force to be used for overtime, investigative, and travel expenses from HIDTA as administered through Las Vegas Metropolitan Police Department, for the retroactive period of January 1, 2023 through December 31, 2024 and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 23-0310** **6D4** Recommendation to approve the 2022 High Intensity Drug Trafficking Area (HIDTA) Northern Nevada Investigative Support Center federal grant funding [amount not to exceed \$9,000.00, no County match required] to be used for the necessary furniture, fixtures, computer equipment, software, email access, and desk phone utilized by the Investigative Research Analyst while stationed in the Washoe County Sheriff's Office Northern Nevada Regional Intelligence Center as administered through Las Vegas Metropolitan Police Department for the retroactive period of March 13, 2023 through December 31, 2023, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 23-0311** **6D5** Recommendation to accept the 2023 High Intensity Drug Trafficking Area (HIDTA) Northern Nevada Interdiction Task Force funding from the Office of National Drug Control Policy (ONDCP) as administered through Las Vegas Metro Police Department [amount not to exceed \$100,000.00, no County match required] to be used for overtime, investigative and travel expenses from HIDTA for the retroactive period of January 1, 2023 to December 31, 2024, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 23-0312** **6D6** Recommendation to accept the 2023 High Intensity Drug Trafficking Area (HIDTA) Regional Narcotics Unit funding (award number G23NV0001A) [amount not to exceed \$105,000.00, no County match required] from the United States Office of National Drug Control Policy (ONDCP) administered through Las Vegas Metro Police Department for the retroactive period of January 1, 2023, to December 31, 2024 to be used for operational purposes including overtime, travel, and investigative

expenses, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

23-0313 **6D7** Recommendation to accept the Blackbaud Giving Fund award [amount \$1,500, no county match required] to support the Washoe County Sheriff's Office Specialized Vehicle Unit, and if approved, direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

23-0314 **6D8** Recommendation to accept an award [\$19,840.75, no match required] in overtime reimbursement for a deputy assigned full time to the Federal Bureau of Investigation (FBI) Northern Nevada Child Exploitation Task Force (NNCETF). Washoe County will be reimbursed for overtime costs directly related to activities in conjunction with the FBI NNCETF. Funds are available for Federal FY 2023 for the retroactive period of October 1, 2022 - September 30, 2023. If approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

Commissioner Garcia stated that out of an abundance of caution she wanted to disclose something related to Agenda Item 6C2. Well before the item was agendized, she reached out to the District Attorney's (DA) Office regarding her employment with the Washoe County School District (WCSD) and her previous nonprofit board experience as it related to that item. As previously disclosed, she was an employee of the WCSD, finishing up her last school year as a field-based school counselor. She also wanted to disclose she served as a board member for the nonprofit organization Sierra Nevada Journeys (SNJ) from November 2019 to November 2022. After an internal ethics review, the DA's Office recommended that a disclosure would suffice in her capacity as County Commissioner to promote access to parks, wellness, and outdoor STEM (science, technology, engineering, and math) education for her constituents who attended Sun Valley Elementary School.

Assistant District Attorney (ADA) Nate Edwards followed up regarding Commissioner Garcia's disclosure. He explained that Nevada Revised Statute (NRS) 281A.420 had four categories of conflict that had to be disclosed. Once a disclosure was made, a determination would be made whether there had to be an abstention. He stated an abstention was disfavored by the law. Subsection 4 of NRS 281A.420 stated that it must be presumed that the independence of judgment of an official would not be materially affected by any of the four categories as long as what they were supporting did not fall more or less heavily on them than anyone else within the general group. It then went on to state that the public policy of this State favored the right of a public official to perform the duties for which the public officer was elected or appointed, and to vote or otherwise act upon a matter provided a proper disclosure was made. Later on, it stated that the abstention by a public officer disrupted the normal course of representative government and deprived the public and the public officer's constituents of a voice in governmental affairs.

Abstention was only required under those principles in what the statute said were “clear” cases. He explained that was the rationale behind not having to abstain in this situation.

Chair Hill wanted to hear the Consent Agenda items together for one vote and public comment. She also wanted to highlight Agenda Item 6C1 which was the Commission District Special Fund disbursement from Vice Chair Herman in the amount of \$15,000 for the Red Rock Volunteer Fire Department. Chair Hill thought there was a representative present to make a public comment regarding that item. She highlighted Agenda Item 6C2 which was the Commission District Special Fund disbursement from Commissioner Garcia in the amount of \$10,000 to SNJ for outdoor educational experiences for Sun Valley Elementary School.

On the call for public comment, Mr. Bill Garand was not present when called to speak.

Mr. Sean Hill stated he led SNJ which was a local STEM and outdoor education nonprofit organization. He informed SNJ would facilitate outdoor education programming for Sun Valley youth as referenced in Agenda Item 6C2. He stated he was present on behalf of the students from the following schools: Sun Valley Elementary, Lois Allen Elementary, Virginia Palmer Elementary, and Ester Bennett Elementary. He reported a collaborative study from the universities Harvard and Stanford indicated students were behind academically due to the pandemic. Mr. Hill added that the gap was much deeper for students of color. He thought young people also lost ground socially and concerning their mental health during the pandemic. He declared his programs provided informal educational experiences that captivated kids and showed them what was possible. STEM, outdoor education, and leadership were all part of the program that he wanted to bring to students in their backyard at the Sun Valley Regional Park. He informed the nonprofit sector provided critical community support, and in some cases, worked hand-in-hand with government agencies to resource services. He declared that as a nonprofit leader, he had to look for funding from all corners including government, private foundations, and the corporate sector. He informed that Tesla, Incorporated (Tesla) invested in the program because it recognized the opportunity for the next generation of the STEM workforce. He asserted the program was not only an opportunity for employers, but it was also an opportunity for high-paying jobs that could lift families out of the cycle of poverty. He thought the item was a worthwhile investment in the youth of the North Valleys.

Ms. Penny Brock displayed a document that was placed on file with the Clerk. She declared many people questioned why their tax money was going to these donations. She stated that Commissioners Andriola and Clark raised questions. She expressed concern about the donation of \$10,000 to SNJ. She reported taxpayers were spending over a billion dollars on Washoe County schools, but 80 percent of the kids could not read. She opined illiteracy was a catalyst for juvenile delinquency and an uneducated workforce. She thought it would be better to allocate tax dollars to law enforcement to aid with increasing crime. She added there was a growing fentanyl crisis in Washoe County. She declared she was not in favor of the donation, but she knew it was going to pass because

the item was on the Consent Agenda. She expressed consternation over items being placed on a Consent Agenda because the public could not address items individually.

Ms. Betty Thiessen spoke about Agenda Item 6C1. She thanked Vice Chair Herman for bringing the item up and opined the Red Rock Volunteer Fire Department needed help. She recalled there had been two large fires in the last couple of years that had drained the department's funds. She reported the department had an annual picnic to raise funds, but the donation would help them. She pointed out that Vice Chair Herman donated a generator to the department. Ms. Thiessen informed power was out a lot in the area and the fire department needed a generator.

On motion by Commissioner Garcia, seconded by Chair Hill, which motion duly carried on a 4-0 vote with Vice Chair Herman absent, it was ordered that Consent Agenda Items 6A1 through 6D8 be approved. Any and all Resolutions pertinent to Consent Agenda Items 6A1 through 6D8 are attached hereto and made a part of the minutes thereof.

22-0315 **AGENDA ITEM 10** Public hearing, discussion, and possible action on the Washoe County Tentative Budget for Fiscal Year 2024 pursuant to NRS 354.596-estimated appropriations [\$1,064,109,500], as well as possible changes to the Tentative Budget and adoption and certification of it as the Final Budget for Fiscal Year 2024 pursuant to NRS 354.598-estimated appropriations [\$1,065,357,887]. The proposed budget incorporates Board priorities of funding for existing contractual obligations, personnel costs-including new positions, third year property tax refunds, maintaining the County's assets and infrastructure needs, elections support, and operating budget requests. The proposed budget also includes the following actions: 1) To approve the changes to position control for Fiscal Year 2024 indicated on Attachment A-including 74.49 Net New Full Time Equivalent (FTE) positions and Reclassifications impacting 39.0 positions/incumbents. If necessary to accommodate any material changes desired by the Board as identified during the hearing on the Tentative Budget, this item may be continued to May 23, 2023, at 10:00 AM. Finance. (All Commission Districts.)

County Manager Eric Brown stated the County came to the Board with the proposed budget for Fiscal Year 2024 (FY24) which reflected the Strategic Plan guidance as set forth by the Board earlier in the year. He stated staff had taken input from the Board and marshaled it into the policy decisions the Board would see reflected in the budget. He thanked the County leadership across the departments for working through challenging financial times with the pandemic and rising inflation. He informed that over the last three years, the County had been able to put together a strong financial performance. He pointed out the County spent less than projected each year in terms of general fund expenditures. He declared the culture of the organization remained intact in terms of being responsible stewards of the monies that it received. He did not see a change in that going forward. He mentioned a forecasted softening of consolidated tax (C-Tax) and other revenues and expressed the desire to proceed with caution regarding the County's approach to

expenditures. He declared the budget minimized additional full-time equivalent (FTE) requests, and those that were proposed were prioritized based on direction from the Board in the Strategic Plan.

Chief Financial Officer (CFO) Abbe Yacoben conducted a PowerPoint presentation and reviewed slides with the following titles: General Information; Financial Structure; FY 2024 Budget July 1, 2023 – June 30, 2024; FY 2024 Budget Priorities; Economic Outlook – Highlights; Highlights; Few material changes between the FY 2024 Recommended budget; FY 2024 Budget Totals \$1.07 Billion; estimated expenditures and other uses governmental funds chart (2 slides); proprietary and non expendable trust funds chart; FY 2024 Budget: Governmental Funds, by Function; FY 2024 Budget: Proprietary Funds; Washoe County authorized FTEs chart; FY 2024 Budget – General Fund; general fund sources and uses charts; Washoe County FY 2024 general fund final budget chart; General Fund – Fund Balance; General Fund Recommended Net New Position FTE's; General Fund Recommended Reclassifications; General Fund FY 2024 Recommended Transfers Out; FY 2024 Budget – Other Funds; Other Funds Recommended Net New Positions FTE's and Reclassifications; Recommended Capital Improvement; FY 2024 Recommended Budget; Questions/Discussion.

Ms. Yacoben stated she would provide general information about the budget because there were Board members with varying years of service. She informed the County adopted an annual budget as opposed to the State which adopted a bi-annual budget. The County's fiscal year ran from July 1 through June 30. When staff referred to FY24 it was because the year ended in 2024. She declared all budgets were passed and submitted in the State's prescribed manner and methodology. She pointed out the State was very prescriptive so all the documents the Board would see would be in the State required format. She informed the State would have to certify the County's budget. Once adopted, the budget could only be amended through the Nevada Revised Statutes (NRS). She informed the PowerPoint presentation was provided for Board members to refer back to if they had questions or needed more information.

Ms. Yacoben declared the County had several different types of funds which were governmental and proprietary. She stated the general fund totaled \$516 million, was 48 percent of the total budget, and was considered the County's checking account as it was where all the services that were not required to be funded by other revenue sources were funded. She thought of the general fund as the County's bread and butter because it funded public safety, engineering, department support, human resources, finance, technology services, attorneys, and other major service departments for the County. She pointed out that almost every government she could think of had a general fund. She stated special revenue funds were restricted by grants or donations that people or agencies had given for specific purposes and had to be accounted for separately. She informed the debt service fund was used when the County issued bonds for large projects. She explained that as the County issued debt, it made promises or covenants that it would do certain things, which included separating the accounting. She pointed out that if the funding was from a special revenue source other than a property tax or C-Tax, the County had to be transparent about the funds. She relayed the Board would see a presentation on capital project funds

following her presentation. She informed those were projects that would last for more than one year and in general, were more than \$100,000 in cost. She declared she wanted to focus on enterprise funds because they were comprised of utilities, building and safety, golf courses, and other funds that were not subsidized by the general fund. She stated those funds ran like businesses and were accounted for separately. She informed internal services funds were also accounted for like businesses, but they served the County's internal departments for things like equipment, health insurance, and risk.

Ms. Yacoben recounted the Board met in January to discuss strategic goals and visioning. She displayed the "FY 2024 Budget Priorities" slide and pointed out the strategic planning goals listed. She declared the goals had been a priority of the Board for some time. She stated the Board would see those items in the budget. She said she would continue to mention the strategic goals throughout her presentation. She informed that before she could talk about how much the County could spend, staff had to know how much money was coming in. She reported property tax was very stable and noted there was a projected increase in property taxes by the State of Nevada Department of Taxation at 8.45 percent across all funds. She asserted there was a residential tax cap of 3 percent and a commercial tax cap of 8 percent. She declared this was almost 50 percent of the general fund's revenue which would be depicted later in a chart. She disclosed the County was projected to face some banking uncertainties, inflation, and low employment rates. She stated staff had budgeted a 5 percent C-Tax increase over the prior year. The County was currently trending at 1.4 percent and was projected to reach 2 percent at the end of the year. She declared she would continue to monitor the softening of C-Tax revenues and report back to the Board as it was the second largest source of revenue for the general fund. She pointed out the County's ongoing expenditures were growing at a more rapid pace compared to previous years. She assured she would bring the issue to the Board if the trend continued to prevent an ongoing balance. She highlighted this was year three for the Incline Village (IV) property tax settlement refunds. She informed that the following year the Board would see the Washoe County School District (WCSD) portion of the refund but this was the last year of the actual settlement payments. She stated the County was enhancing services in Board dictated visionary areas and was investing in the Capital Improvement Program (CIP). She declared staff proposed the addition of 74 FTEs across all funds, 46 from the general fund and 28.5 from other funds.

Ms. Yacoben briefed the Board on the changes between the tentative and final budget. She assured the net increase was small at around \$581,000 as four positions were coming online that had not been anticipated when staff presented the tentative budget to the Board. She informed those additional positions were for the Public Defender (PD) and Alternate Public Defender (APD) offices. She informed that in the capital improvement fund, staff thought the cost for the 75 Court Street historic exterior project was to be spread out over several years, but the funding had to come out in the first year, so staff moved that funding from multiple years to one year. She informed the general fund was about 48 percent of the total \$1.07 billion budget while special revenue funds and property tax income were around 28 percent. She noted that the internal service funds, which served the internal departments, were at 9 percent. For financial reporting purposes, those were rolled into the general fund, making the general fund over 50 percent of the budget. She added

capital funds were 10 percent of the budget. She wanted the Board to have a picture of the magnitude of the County's funds as well as where other funds were ordered. She displayed a capital improvement fund of around \$95 million. She declared if there were ever any questions throughout the year, staff was there to help. She informed total governmental funds were about \$940 million. She displayed the slide with the proprietary and non expendable trust funds chart and thought the most notable of the listed funds was the utility fund because major upgrades were occurring in that fund. She stated the next six funds listed were enterprise and internal services funds that totaled \$125 million. She informed she looked at the chart displayed on the "FY 2024 Budget: Governmental Funds, by Function" slide to determine if the County was providing the services that the community demanded, required, and expected. Based on what she had heard and read in the Washoe County Code (WCC), she declared the County was providing those services such as public safety and welfare. She reminded the general government category included staff members and departments that served a supportive role to outwardly facing departments. She displayed a breakdown of proprietary funds and noted the utilities fund was by far the largest. Ms. Yacoben displayed the slide with the Washoe County authorized FTEs chart and stated she would switch from discussing figures in terms of dollars to people. She pointed out that right after the great recession, the County had 3,179 employees and presently had 3,117. She added that the population had grown from 409,000 to 501,000. She stated those numbers indicated the County was keeping up with staffing levels, improving technology and processes, and serving the public.

Ms. Yacoben highlighted sources of revenue for the general fund and noted property tax was almost 50 percent of the fund's revenue. She declared staff watched C-Tax closely and noted staff might not brief the Board on property tax as much as C-Tax because property tax was much steadier. She pointed out the two funds made up 85 percent of the total general fund revenue. On the spending side of the general fund, she informed salaries and benefits made up 63 percent of expenditures. She informed that from her research, she had found that other cities and towns typically had higher percentages allocated for salaries and benefits than the County. She declared services and supplies made up 16 percent of expenditures and included everything from pencils to software. She informed she would provide a breakdown of transfers out where the general fund was subsidizing other revenue funds and allowing those programs to continue with full service to the community. She highlighted the net change in fund balance and explained those negative balances were positive because, as Manager Brown pointed out, historically the County had underspent budgets which lead to surplus funds. This allowed staff to propose one-time projects to the Board to be funded by surplus monies. While that negative might seem shocking at face value, Ms. Yacoben reassured it was going to work out due to the County's frugal behavior in the past. She reminded the Board that its policy was an unassigned ending fund balance of between 10 and 17 percent which staff wanted to adhere to. She stated there was a fine line between holding too much in cash and residents not receiving the services they needed, and not holding enough to weather a big storm like the County had just seen. She displayed a graphic representation of the general fund's final budget on the "General Fund – Fund Balance" slide. She thought it was interesting that the graph showed that in some years, expenditures exceeded revenue, and in other years, revenue exceeded expenditures. She compared the graph to a personal savings account.

Ms. Yacoben reminded there had been 46 new positions approved in the general fund. She pointed out the addition of the four positions from the PD and APD offices. She stated other positions might have been clarified by the Job Evaluation Committee (JEC), but they were not different from what staff had presented in the previous meeting. She informed that as the County tried to modernize and increase technological advances; positions could be reclassified. She stated this was done when departments went to the JEC, which was comprised of representatives from different departments. They analyzed what the positions would be doing and used the Korn Ferry methodology to ensure the reclassifications were appropriate. She stated staff was proposing to approve 13 reclassifications to ensure the right positions were in the right places to carry out modern duties. She declared transfers out would total about \$95 million and she displayed where the funds would transfer to on the “General Fund FY 2024 Recommended Transfers Out” slide. She highlighted the transfers out to capital improvements, saying \$16.5 million would go towards one-time projects and \$11 million would be allocated to ongoing projects. She spoke about the infrastructure scorecard and pointed out it indicated a need for approximately \$18 million to keep assets at their current level. She stated the \$11 million was a step in the right direction.

Ms. Yacoben pointed out that other funds made up 52 percent of the budget. She stated there were almost 30 recommended new positions and 26 job reclassifications. She displayed an overview of the capital improvement projects which totaled \$192 million. She reminded it was a five-year CIP, the first year of which became part of the budget. She mentioned some of the listed projects were multi-year, but the County needed to appropriate and budget for the first year so it had spending authority. She explained the utilities fund was for things like large pieces of equipment and upgrades to plants. She declared she was not surprised when she saw the percentage of the utility fund. She stated the County spent money on parks, facilities, and other general capital improvements which she would go over in more detail later.

Ms. Yacoben assured once the Board passed the budget it became the County’s legally approved spending limit unless changed by the NRS. She stated it became the financial plan where the Board was connecting its Strategic Plan to the dollars. In more granular detail, it became the County’s operations guide for day-to-day duties to achieve the Board’s vision. She went over the next steps as prescribed by the NRS. On June 1, 2023, the budget had to be with the State and then posted online for public viewing. After posting, on August 1, 2023, the County had to submit its detailed five-year CIP, the debt management policy, and the statement of indebtedness. She directed the Board members to their packet materials for additional details. Staff chose to omit some specifics from the presentation due to wordiness, but she wanted to ensure the Board had the information as reference material.

Chair Hill thanked Ms. Yacoben for her presentation. She stated it was her third year going through the budget with the County and opined it was the best budget presentation she had seen. She thought Ms. Yacoben provided a lot of clarity for new Board members. She declared the Board should be proud of the budget because it was making some strategic and difficult decisions in an attempt to be cautious. She thought Ms.

Yacoben and her team had done a wonderful job. Ms. Yacoben thanked her team and the department heads for their cooperation. Chair Hill added she thought the budget met the policies the Board had set as well as the community needs.

Commissioner Clark thanked Manager Brown and his team for listening to his concerns and making additions to the budget based on his questions. He spoke about the pay increases given to the County Manager's direct reports on January 3, 2023, and expressed concern that there was no retroactive pay scheduled for the bulk of the Washoe County employees. He asserted he had sent several emails regarding this to Manager Brown and his staff and while he was getting responses, he received no dialogue. He demanded the Board step up and discuss the issue during a Board meeting. He asserted he could not vote to approve the budget unless the Board discussed retroactive pay for Washoe County employees. He stated he wanted to know what the economic impact was for the payroll of Washoe County employees. For instance, when special events were held in Washoe County, the event coordinators provided an economic impact report to the County. He thought it would be important for the citizens of the County to know the true economic impact on citizens. He wanted to be able to tell constituents when they paid their taxes, that money was regenerated into the community and made everyone's life better.

Commissioner Clark expressed concern regarding transfers out from the general fund. He wanted to know the difference between indigent services and homeless funds. He pointed out the indigent services fund was \$23 million, and the homeless fund was \$21.8 million. Between the two of those, the County was looking at \$50 million. He wanted to figure out the difference between the two funds and why they were broken out into different categories. Ms. Yacoben stated she would provide Commissioner Clark with more detail on the differences between the funds. She stated sometimes special revenue funds would be separated. She explained there was a property tax levy that went into the indigent fund whereas the homeless fund would be transferred from the general fund. Other types of grants and transfers would subsidize those activities. Sometimes funds were separated based on the type of revenue in the fund. It did not mean there was no overlap between the populations, it was just the way the County had to do its fund accounting. Chair Hill thought Commissioner Clark was specifically asking about services. Commissioner Clark clarified he wanted to know what the services were and why the funds were broken down. Ms. Yacoben stated the funds were separated due to revenue source. She stated she would compile information to explain what the revenue sources were for each fund and what the activities were that came out of each fund and provide that information to Commissioner Clark later. Commissioner Clark commended Ms. Yacoben on her presentation and restated his desire to understand the difference between indigent and homeless funds. He suggested future budget presentations include a total of the combination of the two funds. Ms. Yacoben responded there were examples of the populations being served by the different funds and staff would provide Commissioner Clark with the best information to describe to his constituents. Chair Hill added that indigent services did not just fund the Cares Campus, it funded many services, departments, and people throughout the County. Commissioner Clark stated the line between the two funds was confusing and he wanted more clarity. Manager Brown informed there was a similar request sent to staff by Vice Chair Herman which Budget Manager Lori Cooke

responded to. Manager Brown thought Ms. Cooke did a great job answering what was in the indigent fund versus senior services and he would be happy to provide that information to Commissioner Clark. He suggested thinking of senior services as a subset of indigent funds. He added all counties were required to provide indigent funds by statute, which included indigent burials and veteran benefits. Commissioner Clark stated he would like to see the breakdown of the funds. He wondered about the economic impact of the County's payroll and if it had any merit to share with constituents. Ms. Yacoben responded she did think it was relevant and staff would provide him with more information.

Commissioner Andriola commented on the legislative session that was coming to a close. She wondered about any budgetary impacts that could occur as a result of legislative actions. Regarding those potential impacts, she asked if NRS provided guidance related to the statutory requirements for filing the budget with the State. Ms. Yacoben responded the NRS specified that the County could augment the budget, mainly when there was additional revenue or additional beginning fund balances over and above what was budgeted. She stated there were also contingencies, and while the County did not like to use them, the County could if it had to. She stated the County historically underspent its budgets so it could try to absorb any legislative impacts. Commissioner Andriola asked if there was any indication of legislation that might have a financial impact on the County. Ms. Yacoben responded there was a translation bill that staff was watching. They would accommodate it if and when it became law. She assured the County would comply with all new legislation that came from the legislative session. Chair Hill announced that as the Board's legislative representative, she was in communication with staff weekly and stated it was a better session than the previous one. Manager Brown agreed the current legislative session was not as troubling as previous sessions.

Commissioner Andriola spoke about accelerating the timeline for the retroactive pay for staff. She acknowledged there was a lot of uncertainty with the legislative session and the softening of the C-Tax. She commented there were always variables, and no one had a clear view of future outcomes. She wanted an opportunity for the retroactive pay not to be spread out in order to speed up the timeline to make all County employees whole. She thought it was an important part of making County employees feel valued and that their contributions were recognized. She did not want to make employees wait. She thought the Korn Ferry study offered an opportunity to look at equitable pay and make the County competitive. She opined the County had great staff whom she had been very impressed with. She declared Manager Brown should be proud of his staff and the leadership he had in place. She wondered what the statutory requirement was to make such a request. Not to approve the retroactive pay, but to look at bringing the item back in four months to see if there was a provision that could accelerate retroactive pay. Ms. Yacoben stated staff could provide the Board with a financial update and stated she would have to think about how that would work and would get back to the Board. Chair Hill asked if a budget augmentation was possible to which Ms. Yacoben responded it depended on whether the County had additional revenue or an additional funding source for the item. Chair Hill thought that Commissioner Andriola was inquiring about augmentations. Commissioner Andriola stated she wanted the County to be compliant but also look at the augmentation of that budget coming back for consideration so the Board could look at not

having staff wait so long for retroactive pay. Ms. Yacoben responded if the item was augmentable, it could be brought back before the Board. If not, staff could bring the Board an economic update and the carry-forward amounts in each fund to let the Board know the reason for that. Commissioner Andriola stated when the time was right, she wanted to include that as part of a contingency for the motion on this item.

Commissioner Andriola requested an additional contingency for the motion to include a provision that any discretionary funds dispensed by the Commissioners to nonprofit organizations include some accountability. She thought it was a process that staff could implement and said the Board had an obligation to have those funds accounted for.

Assistant District Attorney (ADA) Nate Edwards followed up on the discussion regarding budget augmentation. He stated the statute on augmentations was NRS 354.598005 which allowed an augmentation to occur if there were excess revenues that had been identified. He informed the Board could approve the budget as presented and it could come back later on after Commissioner Andriola's question was looked at more closely. He asserted that did not guarantee there would be enough to augment, but it was conceptually possible. He spoke to Commissioner Clark's question regarding indigent funds and informed there was a special provision in the NRS in Chapter 428 that required the County to provide for the care of the indigent within the County. He stated that was a long-standing principle that was part of the statutory framework.

Commissioner Clark thanked ADA Edwards for his explanation. He stated he asked those questions so he could have a better understanding of the funds. He said the economic impact of payroll in a community contributed to the vibrancy of the community. There was also an opportunity to honor and tell the people who worked for the County that they were valued and to ensure they understood their value. He wanted to show County employees that the Board honored them and respected the work they were doing. He wanted County employees to know he was standing up for them and he knew the raises for County employees would lead to more spending in the economy. He thought the raises were good for employee morale and the economy. He thought the best way to retain staff was to keep employees happy.

Commissioner Garcia thanked Ms. Yacoben and her team for their great work. Regarding Commissioner Andriola's request to iron out details regarding district fund reporting and transparency, she wondered if it was appropriate for this type of agenda item, or if it would be better to put an item on a future agenda to discuss those processes. ADA Edwards asked Ms. Yacoben if there were line items in the budget that were for Commissioner district funds to which she responded yes. ADA Edwards thought Commissioner Andriola was interested in certifying and approving the budget which included those line items and that she wanted staff, as part of that approval, to begin developing accounting criteria for those funds. He thought the message had been stated and was part of the discussion of the budget. He said it would be preferable if an item came back on a future agenda to develop County standards for Commission district special fund spending so it could be separated from the actual approval and certification of the budget. Manager Brown informed Commissioner Andriola that there were accountability standards

built into the community reinvestment grants that the County had given nonprofit organizations in the region for the past year. This was one of the requirements of the American Rescue Plan Act (ARPA) funding that the County received. He recommended accountability measures would be a better term if that captured the spirit of what Commissioner Andriola was trying to accomplish. Manager Brown declared staff could bring something back to the Board for it to review and comment on. He added that in his experience, many times the discretionary funds that Commissioners chose to use were for purposes that were not easily documentable from an accountability standpoint. He stated many of the organizations that were recipients might struggle with reporting. He said these funds were different from grant funds which needed accountability and outcomes. He recommended that staff bring the Board recommendations at a future meeting. Commissioner Andriola stated she was not trying to make the process complicated. She was not trying to create an accounting trackable system where recipients had to turn in receipts. She wanted something as simple as having the nonprofit come back before the Board and affirm that the funds were spent as designated. She assured she was not trying to create a burden. She did not feel that there needed to be a review of the process; she thought it could be as simple as requiring the organization to certify that the funds were spent legally as intended.

Commissioner Clark indicated he wanted to support Commissioner Andriola's idea because he was interested in knowing how funds from Commissioners would be used by nonprofit organizations. Chair Hill reminded that agenda items for Commissioner-donated funds listed specific things for which the funds were allocated. When Commissioners allocated funds, they were looking at a specific project that was asked for by staff. Commissioner Clark suggested when Commissioners were donating funds, it should be noted what the funds were intended for, so the public would understand. Chair Hill reiterated that information was already listed in the agenda item.

On the call for public comment, Ms. Penny Brock displayed a document that was placed on file with the Clerk. She stated she could not believe what she was seeing when she looked at the budget. She was shocked that the budget was over \$1 billion for a population of 500,000. She compared the budget to that of Clark County which had over 2 million people and a budget of under \$2 billion. She asserted Clark County had over four times the population of Washoe County. She thought something was wrong and the taxpayers wanted to know why. She stated when she voted for the Treasurer, she was voting for the person who was going to oversee the financials of Washoe County and would serve as the Chief Financial Officer (CFO). She was shocked to learn that the Treasurer was not the CFO. Another thing that surprised her was that the CFO position served under the County Manager. She did not understand why all the County's financial positions were not under the Treasurer's Office which would give accountability and transparency to the voters. She thought the taxpayers would like to see that happen. She expressed consternation that the final budget was greater than the proposed budget that was previously presented to the Board. She did not know why Manager Brown asked for those additional funds. In the proposed changes she noticed that the Office of the County Manager (OCM) wanted a conflict counselor which would be an appointed position.

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

Commissioner Andriola asked if the motion would include that the Commission could see the augmented budget if there was a possibility to include a provision for retroactive pay. Chair Hill asked if staff understood that direction. Ms. Yacoben responded yes and indicated staff would come back to the Board.

Commissioner Clark spoke about Ms. Brock's comment regarding Washoe County's budget being disproportionate compared to Clark County, the largest county in the State. He thought that was an unusual comparison.

On motion by Commissioner Garcia, seconded by Chair Hill, which motion duly carried on a 3-1 vote with Commissioner Clark voting no and Vice Chair Herman being absent, it was ordered that Agenda Item 10 be adopted, certified, and approved.

23-0316 **AGENDA ITEM 11** Discussion and possible action to approve, with or without changes, the County Manager's recommended Capital Improvement Plan (CIP) for Fiscal Years 2024-2028 and direct the County Manager to submit the CIP to the State of Nevada and others by August 1, 2023, as required by NRS 354.5945 [FY 2024 total appropriations of \$185,195,029] which requires all local governments annually to prepare a five-year capital improvement plan to be submitted to the State Department of Taxation and County Debt Management Commission by August 1st of each year. The CIP is a five-year plan for the County's capital improvements for park facilities, including trails, open space, and regional parks; libraries; roads under purview of the County; purchase of light and heavy fleet equipment; utilities infrastructure; capital outlay for major equipment; and County buildings and other facilities. The CIP is limited to capital projects with an estimated cost of \$100,000 or more for assets that have a life-span of more than one year, as part of the reporting requirements of the State and under Board of County Commissioner (BCC) policies. Finance. (All Commission Districts.)

Chief Financial Officer (CFO) Abbe Yacoben conducted a PowerPoint presentation and reviewed slides with the following titles: Five-Year Capital Improvement Plan (3 slides); FY 2024 Capital Improvements Fund (CIP); CIP Fund – FY 2024 Projects (2 slides); FY 2024 Parks Capital Fund; FY 2024 Utilities Fund; FY 2024 Roads/Equipment Services/Other Funds; FY 2024 Capital Facilities Tax; Capital Improvement Program; Questions/Discussion.

Ms. Yacoben reminded Board members they had just adopted the budget for the first year of the Capital Improvement Program (CIP), but the County planned out five years. She displayed the slide with the County's infrastructure scorecard which depicted where all County assets were scored to determine which assets needed the priority of funding in any given year to allow assets to stay in close to, or the same, condition. She

stated the goal was always to raise the grade. She declared staff tried to connect the CIP with the Board's strategic initiatives, for example, sustainability outcomes such as light-emitting diode (LED) light conversions. She stated when working on parks, the goal was to make them inclusive and accessible, so everyone had the opportunity to participate and use the equipment.

On the second "Five-Year Capital Improvement Plan" slide, Ms. Yacoben highlighted a summary of the CIP's five-year forecast. She stated any of the upcoming year numbers could change, but presently the total funding for the five years was \$350,300,000. She informed the County had an internal CIP committee that discussed items when they came forward. She stated the members of the committee all had different perspectives and asked different types of questions to ensure that only the most needed and affordable projects moved forward. She shared the "FY 2024 Capital Improvements Fund (CIP)" slide which depicted a pie chart with the breakdown of CIP projects. She presented a list of 2024 projects and highlighted projects such as a voter project, a radio system project, and HVAC upgrades. She pointed out the second judicial court case management system project and expressed pride that it was going to be carried out in 2024. She mentioned park projects that were spread throughout the County. She reiterated the goal of inclusivity and accessibility in parks and facilities.

Ms. Yacoben reminded that during the budget presentation, she had mentioned the utility fund was the largest of the enterprise funds. She spoke about large projects that were coming up including an expansion of the South Truckee Meadows Water Reclamation Facility (STMWRF). Projects that stood out to her in the roads, equipment services, and other funds category were the plan for new street sweepers to keep roads tidy and slurry seal to make road reconstruction as infrequent as possible. She stated the County bought new equipment as needed and had replacements scheduled based on the useful lives of the different pieces of equipment. She shared the "FY 2024 Capital Facilities Tax" slide and explained that the capital facilities tax was paid out to different entities and was not part of the County's capital outlays. She displayed the "Capital Improvement Program" slide and informed the projects listed on the slide had not been budgeted for the first year of the CIP plan, but they had been talked about. She asserted no final decisions had been made on those needs, but they might come up in the future. She disclosed the projects might require the use of debt financing as some of the projects were large and the County would not have the capacity to pay for them all at once. If that did happen, the project and the bond issue would come before the Board at one time so the Board could see what the County was going to be paying over the term of the bond for that project. She reminded that only year one of the five-year CIP would be adopted presently because that was the Board's appropriation authority.

On the call for public comment, Ms. Penny Brock expressed consternation regarding the budget. She declared she had inquired if the County was in debt and was told no, but in looking through the budget she thought the County was in debt due to its debt bonds. She expressed concern about federal and local debt. She spoke about undesignated projects and wondered why there was so much money allocated to them. She mentioned the Cares Campus was set to receive \$5,130,090. She spoke about the parks fund and

recalled that funds for the Ellen's Park Playground had been approved at the May 9 meeting. She wondered why it was mentioned again during the budget presentation. She stated she was bothered by the voter project and the estimated cost of over \$12 million for new voter software. She wondered how taxpayers could know the actual cost of the project when the figures presented were only an estimate. She mentioned general fund projects with over \$1 million allocated, but the people did not know what the projects were. She wondered what the \$100,000 for the health fund and \$29,000 for the homeless would be used for. She stated there was a line item for restricted revenue fund expenditures at \$552,216, and she wondered what those funds would be used for. She declared taxpayers wanted specifics and she did not like that funds were listed as undesignated because she wanted to know what the money would be used for.

Ms. Elise Weatherly spoke about a movie where a new president came into office and requested to go through the Country's budget line by line. She declared she wanted to know what the return on investment (ROI) was with the money the County was spending and she wanted assurance that expenditures were justified.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 4-0 vote with Vice Chair Herman being absent, it was ordered that Agenda Item 11 be approved and directed.

23-0317 **AGENDA ITEM 7** Request by the County Manager, through the Washoe County Clerk, and pursuant to Washoe County Code ("WCC") 3.030, to initiate an amendment to Washoe County Code Chapter 5 - (Administration and Personnel, adding section 5.023 entitled "Registration and Regulation of Lobbyists") and to direct the County Clerk to submit the request to the District Attorney's Office for preparation of a proposed ordinance in accordance with WCC 2.040. If initiated, include direction to the District Attorney's Office to model the ordinance on the City of Reno's existing lobbyist registration framework in Reno Municipal Code chapter 2.22 by, generally, defining lobbyists to mean someone who receives compensation from another to communicate with county policymakers to influence policy, requiring lobbyists to register with the county and wear visible ID credentials on county premises, allowing the Board to set fees to register as a lobbyist by resolution, and providing penalties for noncompliance. Manager's Office. (All Commission Districts).

Chair Hill stated she had requested this item to be brought before the Board and expressed appreciation to staff for their expediency in getting this item on the agenda. She stated the City of Reno had similar requirements which she thought created more transparency. She declared constituents needed to know when people were present in the Chambers or on County premises if they were being paid and who they were being paid by. She knew the Board believed in transparency and thought the Board members should know people's motives when they were speaking.

Commissioner Clark asked if there were forms lobbyists would need to fill out and if so, he requested to know what questions the County would be asking. He declared that information should be part of the agenda packet and Board members should not vote for this item until they were able to see the questionnaire. He declared if the Board was going to move forward with this item, he thought Commissioners should have a requirement to disclose when they received campaign contributions from an individual if that person appeared before the Board to ensure full transparency. He wondered if the Board was attempting to point out an individual who was lobbying for a group or business. He suggested the Board should enact an ordinance that modeled the City of Reno's Ordinance 6415 which was passed on October 12, 2016, and required members to disclose if they had received campaign contributions. He thought that requirement would bring additional transparency into policymaking and the lobbying process. He declared if someone had to register to talk to the Commission, Board members should have to disclose if anyone had influenced them. He reiterated he wanted to know exactly what forms lobbyists would have to fill out. He asked if lobbyists would receive a badge and what they would get out of this requirement.

Chair Hill reminded the Board this item was an initiation and an opportunity for Commissioners to give direction to staff. She stated specifics were not available at that time but would be when staff brought this item back before the Board for a first reading. She declared the Board could make changes at that time and would have the opportunity to see the form lobbyists would fill out and ask additional questions. She affirmed lobbyists would wear a badge, as noted in the Staff Report. She explained if someone was wearing a badge that indicated they were a lobbyist, it would provide an opportunity for others to go online and see who that person was employed by. She clarified that as Board members, they had an ethics law they had to follow, and the Secretary of State (SOS) required Board members to disclose all their financials. She thought this item was a missing piece of transparency which would allow the public to understand who was talking to the Board and whom they represented.

Commissioner Clark stated he wanted to make his comments at the onset of this item before it was brought before the Board in an almost complete form without a lot of input. He stated that during the years members were not running, there was an opportunity to accept a campaign donation and not disclose it until the following year. He thought it was important that Board members go on the record before financials were disclosed to the SOS. He stated people might not know for almost one year if someone had contributed to a Board member's campaign. He thought it should be disclosed.

Commissioner Andriola thanked Chair Hill for the clarification on the process of disclosing campaign funds. She asked if it was required for a Board member to disclose any communication regarding an action item that occurred outside of a public meeting. She stated she had been a registered lobbyist in the past and had many meetings that she had to attend. She had to wear a badge and fill out the required forms to disclose she was a lobbyist. She was interested to see how the process worked as there would be transparency when an individual disclosed when they were being paid to represent an organization or individual.

Commissioner Clark wondered how the Board was going to monitor if someone had received compensation. Chair Hill stated she loved how honest the citizens of the County were and she thought they would be honest in making that disclosure. It would be a misdemeanor if they did not. Commissioner Clark stated if someone was trying to be nefarious, they were not going to disclose that information. He wondered how the Board could force people to be honest. He reiterated the penalty was going to be a misdemeanor and wondered how many misdemeanors it took for something to become a felony. He wanted to know how the process worked. Commissioner Clark asked if lobbyists were going to have to wear badges and if the Board would vote on a particular style of badge.

On the call for public comment, Ms. Penny Brock displayed a document that was placed on file with the Clerk. She thought this item was shocking. She opined this item was before the Board due to a unilateral decision made by one Commissioner. She thought this item was an attack on the people's First Amendment rights. She stated people had a right to address the government. She wanted to know why people had to register to be a lobbyist. She stated this item indicated that someone who represented an individual had to register as a lobbyist and she wondered if she would have to register because she represented herself. She asked if anyone who wanted to comment at a Board meeting would be required to register as a lobbyist. She thought this item would scare away citizens and deter them from speaking to elected officials. She opined this item was an effort to keep the public from attending and speaking up. She urged the Commissioners to vote no on this item.

Mr. Scott Finley provided documents that were distributed to the Board and placed on file with the Clerk. He opined constituents were being singled out and targeted by the Board. He recalled that on April 25, a constituent by the name of Ms. Janet Butcher made the statement that she was not associated with a group. He wondered what made the Commission think Ms. Butcher was a lobbyist. He asked if it was the amount of time she committed to keeping the Commission informed. He stated he did not understand how the continued, enthusiastic engagement by a motivated constituent was alarming. He declared he would be concerned if Ms. Butcher stopped attending Board meetings to share her thoughts. He read from the Reno Municipal Code (RMC) Chapter 222 and pointed out that provisions under that code made it a misdemeanor for a person to misrepresent themselves as a lobbyist with civil penalties not to exceed \$500. He added lobbyists might be required to pay an annual fee set by the City Council. He wondered if the Commission sought to tax and litigate Ms. Butcher into silence and how Ms. Butcher would go about proving she was not a lobbyist. He asked if the Board planned to litigate and use discovery to seize Ms. Butcher's email and phone records. He inquired if Board members were afraid of Ms. Butcher or if they were acting on behalf of lobbyists who were afraid of Ms. Butcher. He declared there was nothing stopping lobbyists from watching the meeting via live stream and texting Commissioners to tell them which way to vote. He requested the Board move to reject this item and instead consider placing an item on the agenda that would restrict electronic communication between the Commission and its appointed officials during meetings to mitigate the influence of lobbyists. He added such an ordinance should exclude the District Attorney (DA) and legal staff.

Ms. Betty Thiessen asserted she was totally against this item. She thought it was another way to shut down the comments of the public. She asked how a lobbyist could be defined. She agreed with Mr. Finley's comments and echoed that the Commissioners' phones and computers should be shut down during meetings.

Mr. Tom Green stated that when former Commissioner Bob Lucey was voted out of office, the Porter Group held a large party for him. Mr. Green wondered if that party was paid for by the Porter Group or with taxpayer funds. He mentioned some Board members were scheduled to travel to Washington, D.C., with the Porter Group. He stated he was a lobbyist and was present to lobby for what he thought was right but he had never been paid to be present at meetings. He did not know who the Board was trying to target, but he did not think it was going to work. He stated people who frequently attended meetings to comment did so because they were speaking for what they believed in. He thought Commissioner Clark had important points in that there were no checks and balances on what was happening after hours with all the Commissioners. He spoke about the process for selecting Library Board members and thought the Board members were influenced to make decisions by people who messaged them to advocate for Ms. Katy Simon Holland. He spoke about an incident where former Commissioner Lucey was invited to dinner by Alaska Airlines. He opined the Board was using this agenda item to stifle public comment.

Ms. Susan Vanness read from the Staff Report and opined it did not make sense. She declared it could be interpreted in any way. She agreed with Commissioner Clark and the other public commenters. She requested Board members disclose where they were traveling in June which led to the cancellation of the meeting on June 13. She stated she wanted to know if Board members were paying their own airfare to attend the event. She suggested only two members should attend the event so three members could stay and hold a meeting on June 13. She thought the Board should disclose its attachment to the Porter Group. She agreed that electronic devices should be muted during meetings.

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

Chair Hill mentioned she thought there was some confusion amongst public commenters. She stated this item regarded individuals who were paid to be lobbyists.

Assistant District Attorney (ADA) Nate Edwards responded to a question from Commissioner Andriola by stating that Board members had disclosure obligations under Nevada Revised Statutes (NRS) Chapter 281A. He asserted whenever a Board member had a pecuniary interest in an item that was a money interest, meaning it could hurt or help a Board member financially in some meaningful way, Commissioners had to disclose that. He explained if a Board member had a commitment in a prior capacity to the interest of another, those were defined to include things like business relationships, close friendships, and other things, Board members had to disclose those on the record. If a member had received a gift or a loan in connection with a matter, for example, if a developer offered to take a Commissioner to dinner, that would be a gift and the

Commissioner would have to disclose that. He added if a Board member had lobbied for someone who was appearing before the Board within that same year, a Board member would have to disclose that. He added that issue was very close to a commitment of private capacity, so it was an overlap between the two. He stated those were the four categories of the law that the Board had to disclose as Commissioners. Under the Board's Rules of Procedure, 6.7.6, Board members had a duty to disclose any ex parte communication they had with people external to the County on an item that the Board was sitting in an adjudicatory capacity on. Those were appeals from the Board of Adjustment (BOA) or the Planning Commission. For example, on a land use matter before the Board, if a member had ex parte communications with the developer or neighbors, then under the Board's own rules, the member was supposed to disclose those communications. There were several disclosure obligations already in existence for Board members. Commissioner Andriola thanked ADA Edwards for the clarification and thought it was always a good reminder that the Board had obligations for transparency. She appreciated ADA Edwards researching that information and sharing it with the Board.

Commissioner Andriola requested clarification that this agenda item would be brought back before the Board later. Chair Hill responded this item would come back as a first reading.

On motion by Chair Hill, seconded by Commissioner Garcia, which motion duly carried on a 3-1 vote with Commissioner Clark voting no and Vice Chair Herman being absent, it was ordered that Agenda Item 7 be initiated and directed.

23-0318 **AGENDA ITEM 8** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Pending legislative bills can be located here: <<https://www.leg.state.nv.us/Session/82nd2023>>. Current bills the County is tracking that may be reported on or discussed are listed under Government Affairs at www.washoecounty.gov <<http://www.washoecounty.gov>>. Due to time constraints inherent in the legislative process, a list of specific bills that staff will seek direction from the Commission on during this item will be posted on the web site under Government Affairs at www.washoecounty.gov <<http://www.washoecounty.gov>> by 6:00 p.m. the Friday before the meeting. Due to the rapid pace of the legislative session, additional bills upon which comment may be sought from the Board of County Commissioners will be posted as soon as known. Manager's Office. (All Commission Districts.)

Government Affairs Liaison Cadence Matijevich stated her weekly report had been distributed to the Board and posted on the website. It highlighted the bills of interest and a full list of bills the County was tracking. She stated there were no specific

bills identified for the Board to take action on that week. She informed there were three weeks left in the legislative session. She declared new legislation was being introduced that mostly pertained to the State budget. She added there was potential for a few more bills to be introduced that would directly affect Washoe County which she would bring forward as they came about. She stated she would continue to advocate for the bills that the Board had given specific direction on and would monitor bills that lined up with the County's legislative principles. She added she would work to address potential unfunded mandates on any of the bills that remained moving through the process. She asserted there was a deadline that week for bills to pass through the second house committee and through the full second house the following week.

Chair Hill thanked Ms. Matijevich for her thorough report and all the work she had done for the Board throughout the session.

There was no public comment or action on this item.

23-0319 **AGENDA ITEM 9** Recommendation to adopt a resolution to set Washoe County's 911 telephone line surcharge to: \$1.00 per month for each customer access line to the local exchange of a telecommunications provider; \$1.00 per month for each mobile telephone number assigned to a customer by a supplier of mobile telephone service; and \$10.00 per month for each customer trunk line to the local exchange of a telecommunications provider, to be effective July 1, 2023; and all other matters properly relating thereto. Technology Services. (All Commission Districts.)

On the call for public comment, Ms. Penny Brock stated this was a tax increase on the people. She declared the Board could call it a fee or whatever it wanted. The County had just put the burden of a more than \$1 billion budget on the people and continued to nickel and dime them to death. She asserted there was a financial crisis in America where people were facing a debt of \$31 trillion as well as inflation. She wondered how the people would be able to afford additional taxes. She stated this item also included reimbursement for body-worn or vehicle-mounted camera systems for certain law enforcement agencies. She wondered why that was within this agenda item. She thought that issue should be under law enforcement. She pleaded with the Board not to place more taxes on the people after passing a budget of over \$1 billion.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 3-1 vote with Commissioner Clark voting no and Vice Chair Herman being absent, it was ordered that Agenda Item 9 be adopted.

Chair Hill informed she needed to leave the meeting and did not want to take a break when there were people present for Item 12. She asked Assistant District Attorney (ADA) Nate Edwards if she needed to designate someone to be the meeting Chair since Vice Chair Herman was absent from the meeting to which ADA Edwards responded yes. Chair Hill stated there was a tie between Commissioner Garcia and Commissioner

Clark for the most senior person at the dais and asked Commissioner Garcia if she felt comfortable going through the last two items. Commissioner Garcia responded yes.

1:00 p.m. **Chair Hill left the meeting.**

23-0320 **AGENDA ITEM 12** Public Comment.

On the call for public comment, Ms. Penny Brock provided a document that was placed on file with the Clerk. She indicated she did not have time to state all her comments regarding the budget and wanted to enter them into the record. She said she would be speaking about County Manager Eric Brown's \$1 billion budget. She wondered why the budget was not the elected Treasurer's budget. She asked why the Chief Financial Officer (CFO) and Comptroller positions served under Manager Brown instead of the Treasurer. She expressed concern for items in the budget such as the \$225,459 allocated to welfare, the \$25 million for debt services, money for the Korn Ferry Study, the \$23 million for indigent funds, and the \$22 million for the homeless. She declared there were 750 homeless people at the Cares Campus, and she wondered how the County could keep justifying spending more money on the homeless. She mentioned \$3 million was designated for senior services and she wondered why there was not more care for senior citizens. She opined many seniors did not have housing due to rising rent and property taxes. She queried why the Commission kept raising property taxes when seniors were on fixed incomes and struggled to pay for property tax, energy, and phone bills. She spoke about items in the budget listed as undesignated and thought if there was a surplus of money, it should go back to the property tax owners. She asked why the Registrar of Voters (ROV) Office needed so much money and commented on the ROV Office remodel.

Mr. Scott Finley provided documents that were distributed to the Board and placed on file with the Clerk. Mr. Finley declared he was a resident of Washoe County and had a military background in the financial management and comptroller career field of the United States Air Force (USAF). He opined Nevada's Open Meeting Law (OML) under Nevada Revised Statute (NRS) 241 was being violated. He demanded the Board move public comments back to the beginning of the meeting. He thought the Commission had taken action to antagonize its constituents by shifting public comments away from the beginning of the meeting in an attempt to filibuster its constituents into silence. He declared instead of quietly accepting the Board's decision, the people were speaking up to provide input whenever possible. He declared Nevada's Attorney General Aaron Ford stated any practice or policy that discouraged or resulted in preventing public comment even if technically in compliance with the law, might violate the spirit and intent of the OML. Mr. Finley claimed moving public comments away from the beginning of meetings violated the spirit and intent of NRS 241 and discriminated against constituents with disabilities and the elderly. He opined it made meetings unnecessarily difficult for those constituents and placed an extreme burden on them. He asked how the Commission was able to justify its existence to aid in the conduct of the people's business when it saw its constituents as the enemy and took measures to stifle rather than elevate them. For those reasons, he requested the Board move public comments back to the beginning of meetings to restore the spirit and intent of NRS 241.

Ms. Betty Thiessen echoed Mr. Finley's statements regarding public comment. She said she also wanted to back up Commissioner Clark on his request to bring public comment back to the beginning of every meeting. She requested the Board add the Praana Transmission Line item back to an agenda as requested by Commissioner Clark as well as the retroactive pay for Washoe County employees. While scanning the Washoe County website, she noticed the site indicated public comment would be at the beginning of every meeting. She asserted the people needed public comment to be placed back at the beginning of the meeting.

Ms. Valerie Fiannaca thanked Commissioner Clark for holding a senior town hall. She stated she did not live in his district, but she received a lot of information from the event. She hoped her Commissioner would do the same for their district. She opined the County had lost \$41 million in COVID-19 (C19) funds and had a commitment from two County Commissioners to look into where those funds went. She requested that same commitment from the rest of the Board. She spoke about the Nevada Commission on Ethics and its hearing regarding Washoe County School District (WCSD) Trustee Joe Rodriguez. She expressed concern regarding a bill being heard at the Legislature that would allow vote counting to start on the first day of early voting. She declared she had no trust in elections. She informed she knew an individual who had applied to be the County's Assistant Registrar of Voters (AROV) but had been turned down. Ms. Fiannaca stated that the individual had sent her resume to the Board. Ms. Fiannaca requested Board members look through the applications and judge whether the individual was qualified.

23-0321 AGENDA ITEM 13 Announcements/Reports.

Commissioner Clark mentioned there were several things he wanted to see on an agenda for a Board vote. He wanted to know where all the Board members stood regarding removing public comment from the beginning of the meeting. He thought there needed to be a discussion and vote amongst the Board regarding that issue. He declared since he voted on the Praana Transmission Line project, he wanted the item to be placed back on an agenda as soon as possible. He thought the Board should audit the donations from Commissioners. He stated the Board should look at businesses it might donate money to in order to determine needs. He wanted to see the outcomes if the Board did decide to donate so taxpayers could know how their tax dollars were being spent. He stated he supported Chair Hill's desire to revisit the Tyrolian Village item and suggested the Board should invite staff from the Assessor's Office because Tyrolian Village was a unique piece of property with rules regarding common areas and parking.

Commissioner Clark stated Vice Chair Herman had asked him to inquire about her reimbursement from her trip to Washington, D.C., and said she still had not received travel reimbursements. He asked County Manager Eric Brown what the usual turnaround time was for travel reimbursements. Manager Brown informed reimbursements were usually dispersed within a couple of weeks, but he happened to know there were some outstanding issues with the trip that finance was trying to clean up with Vice Chair Herman. He stated he would ask Commission Support to follow up. Commissioner Clark said Vice Chair Herman had told him that over the years she thought she had not been paid for about

half of her travel expenses. He thought that was something the Comptroller should look into to set the record straight.

Commissioner Clark observed the County purchased ice cream makers for the Senior Center and he wanted to know if they had been in use and available for senior events. Manager Brown responded the ice cream machines had been used. Commissioner Clark asked where the machines were used and what the outcome was. Manager Brown responded the machines were located in the Senior Center and referred Commissioner Clark to the email exchange he had with the director of the Senior Center. Commissioner Clark stated he thought the machines were going to be moved around. Manager Brown responded he did not have knowledge of that but would ask for a follow-up.

Commissioner Clark spoke about a booklet printed for seniors that had several misprints. He asked if anyone was able to proofread the item before it was printed, or if the booklets could be reprinted when errors were found. He said he wanted to do things better.

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1:11 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*