

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

TUESDAY

10:04 A.M.

DECEMBER 12, 2023

PRESENT:

Alexis Hill, Chair*

Jeanne Herman, Vice Chair

Michael Clark, Commissioner

Mariluz Garcia, Commissioner

Clara Andriola, Commissioner

Janis Galassini, County Clerk

Eric Brown, County Manager

Nathan Edwards, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:04 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:

23-0800 AGENDA ITEM 3 Public Comment.

Mr. William Mantle provided a document that was distributed to the Board and placed on file with the Clerk. He stated it had been two months since he submitted his last report regarding the Korn Ferry pay study. Following that appearance before the Board of County Commissioners (BCC), County Manager Eric Brown met with him regarding his concerns. Mr. Mantle reported that the meeting was professional but felt none of his concerns were addressed. He declared that the compensation structure of a merit system was the format in which seniority and dedication to an organization were appreciated. He acknowledged that implementing the Korn Ferry study was a complex undertaking, but he thought that should not be an excuse for inferior outcomes. Under Washoe County Code (WCC) 5.095, he noted that uniform salary, wage rates, and classifications were necessary for an effective and efficient personnel system. He wondered what it would take for the Board to discuss his concerns formally. He believed employees should not feel lucky or unlucky when it came to merit and pay, yet there were County employees who felt that way. He alleged that leadership declined to honor people's merit and asked Board members how they would feel if they worked for the County for three years only to learn they were earning the same as someone with less than one year of experience. He mentioned that some employees received new anniversary dates while others did not, which caused inequities in salary increases.

Ms. Lori Wray displayed a document that was placed on file with the Clerk. She spoke on behalf of Scenic Nevada, which was on a mission to preserve, protect, and enhance the scenic character of Nevada. She expressed opposition to Agenda Item 12. She opined billboards diminished scenic vistas and negatively impacted the character of Washoe County communities. She urged the Board to consider the existing billboard bans in the region. She thought the BCC could use Agenda Item 12 as an opportunity to have an existing billboard removed at no expense to the taxpayers. She pointed out that the WCC prohibited signs on County-owned public property and that the County should promote signs that were aesthetically pleasing and compatible with scenic views. She suggested the BCC deny a new lease and have the billboard removed. She stated that Lamar was a national outdoor advertising company that could put its sign in a city that welcomed billboards. She asked the Board to consider the community's wishes to memorialize the County and City codes by not perpetuating the further use of the billboard.

Mr. Scott Finley provided a document that was distributed to the Board and placed on file with the Clerk. He spoke about the Truckee Meadows Public Lands Management Act (TMPLMA), which he asked the Board to condemn as he believed it was a ploy to steal public lands. He wondered how the TMPLMA could protect the environment when it sought to turn public land into private developments. He declared he lived within a one-minute walk from property owned by the Bureau of Land Management (BLM), where he walked his dogs, rode horses, and enjoyed the high desert landscape. He alleged that the property near his home would be turned over to private land developers if the TMPLMA passed. He mentioned affordable housing and claimed if the only way someone could afford to live in an area was through the destruction of the surrounding environment, they were not wanted in Washoe County. He opined that quality, not quantity, was essential to social stability. He asserted infinite growth was impossible in a finite system, and Washoe County was finite. He suggested land developers build skyscrapers like in New York to protect Washoe County's environment and enhance its economy. He believed the passage of the TMPLMA would set a precedent that Nevada's public lands were up for grabs. He reiterated his request for the Board to pass a resolution making a formal declaration to condemn the TMPLMA.

Ms. Janet Butcher declared she had a Christmas wish list for the Board. She asked the BCC to vote in favor of the people, not the builders, and to stop rezoning areas of the County. She discussed issues caused by re-zoning existing residential neighborhoods and recalled speaking with someone who had their view of Mt. Rose destroyed by a warehouse. She requested the use of paper ballots in the upcoming election. She expressed a desire for Vice Chair Herman's election integrity resolution to be put on an agenda in the original format presented to the Commission. She discussed the Consent Agenda and requested that Agenda Items 7C1 and 7C2 be pulled for separate discussions.

Ms. Valerie Fiannaca provided documents that were distributed to the Board and placed on file with the Clerk. She declared that she and some other citizens had lost the privilege of attending library events, which she discovered while trying to sign up for a musical event at a local library branch. She stated no written notification was given to any of the affected constituents. She informed that she retained an attorney and included

the letter they wrote to District Attorney (DA) Herb Kaplan in the documents she provided to the Board. She speculated the issue would result in a lawsuit. She mentioned that her handouts also contained the American Library Association's (ALA) Winter Wishlist and Gift Guide. She opined the ALA was a Marxist organization and that the Washoe County libraries were run by a person who espoused all the principles of the ALA. She asked the Board to read the letter from her attorney and thought an apology would be nice.

Mr. Cliff Nellis appreciated the return of public comment at the beginning of the meeting. He did not think the Board should grant a pay increase to Manager Brown and opined his wages should be reduced instead. He spoke about elections and expressed his desire for paper ballots, single-day elections, and voter identification. He alleged voting machines were corrupt and untrustworthy. He claimed the hand-counting of ballots would restore the public's confidence in elections and thought switching elections to a paper ballot format would be quick and easy. He suggested representatives from the Democratic and Republican parties participate in ballot counting. He asked the BCC to request the Library Board of Trustees (LBT) hire a new Library Director.

Mr. Nicholas St. Jon provided a document that was placed on file with the Clerk. He declared according to the BCC's rules of procedure, a Commissioner could bring any item before the Board to have it placed on an agenda as long as it was legal and within the jurisdiction of the Board. He mentioned topics requested by Vice Chair Herman and Commissioner Clark that had not been placed on an agenda and speculated someone was unilaterally making decisions for the Board. He said he submitted a public records request to release the newly drawn precinct map, which he claimed was complete but had not been released to the public. He asked the Board to pass resolutions banning vaccine passports and making Washoe County a Second Amendment sanctuary county. He wondered why there was not an agenda item regarding creating a Citizen Advisory Board (CAB) for elections. He requested to know the exact amount of money spent on the Cares Campus.

Mr. Roger Edwards provided a document that was distributed to the Board and placed on file with the Clerk. He spoke about a project the General Improvement District (GID) planned to request. He asserted that the Gerlach GID was not a project developer. He thought it would be unfair for an agency that provided services such as water, sewer, electricity, roads, and other things to be permitted to develop a piece of property as it would not incur the cost of securing those essential services the same way another developer would. He opined the project's density change request was unwarranted because many developable lots in Gerlach remained unsold, and he believed Gerlach was not experiencing a population growth spurt. He noted several special events, such as Burning Man, were hosted in Gerlach throughout the year, but he did not think those events justified a density increase for the town. He reiterated his request for the BCC to deny any requests for zoning changes brought forth by the Gerlach GID. He asked the Board to place Vice Chair Herman's election integrity resolution on an agenda.

Mr. William T. Steward displayed documents that were placed on file with the Clerk. He commended the Board for working to route 9-1-1 calls through one public safety point by 2025. He displayed a map of the Arrowcreek subdivision bordered by

United States Forest Service (USFS) land. He pointed out that Arrowcreek had started a fire-wise program and had a committee that worked with the Truckee Meadows Fire Protection District (TMFPD) to establish evacuation routes for the community. He thought the Board should implement similar evacuation plans throughout the County. He spoke about the recent Lahaina, Hawaii fire, where entire communities were destroyed. He displayed a photo of a home that survived the fire due to adequate defensible space. He reiterated his request for the BCC to discuss evacuation routes for the community. He mentioned an article regarding the fire insurance market, which he thought would collapse because insurance companies wanted to halt coverage against fires.

Mr. Dale Smith spoke about rural and agricultural land gentrification, specifically the Pair of Aces Ranch. He declared that he was not connected to the Ranch's owners other than as a user of the Ranch property. He discussed the facets of horsemanship, including Dressage and other agility events, some of which were Olympic sports. He pointed out that young people learning horsemanship did so at private ranches and training facilities. He expressed discontent towards allowing ranches to be shut down to build subdivisions. He opined ranches and training arenas should be available so young people could train to be horsemen.

Ms. Penny Brock provided documents that were distributed to the Board and placed on file with the Clerk. She asserted the BCC could vote to require that paper ballots be used for voting and hand-counting methods be utilized. She noted that Assembly Bill (AB) 321, passed in 2021, outlining requirements for mail-in ballots. She stated Nevada law permitted each county to decide its voting process. She suggested mail-in ballots be sent to precincts to be hand-counted with the other ballots on Election Day. She claimed that Nye County did not use Dominion voting machines in 2022 and conducted its election through paper ballots and hand-counting. She thought the actions of Nye County infuriated the Democratic party, so it attempted to require the strict use of electronic voting machines in the future with AB242, which Governor Joe Lombardo subsequently vetoed. She asked the BCC to place an item on an agenda to determine how voting would be conducted for the 2024 election. She said there was an article in the *Nevada Independent* regarding AB242, and she speculated that electronic voting machines were under scrutiny in court systems throughout America. She recalled that she spoke at the previous BCC meeting regarding a federal judge who did not want Dominion voting machines used in the upcoming elections because there was too much evidence proving the machines had issues.

Ms. Jill Dobbs opined there were concerning developments and trends related to homeless pets in Washoe County. She spoke about a professional services agreement (PSA) between the Washoe County Regional Animal Services (WCRAS) and the Nevada Humane Society (NHS). She believed the PSA directly impacted dozens of other organizations in the community. She stated she was a former member of the WCRAS Advisory Board and currently served as the Executive Director of the Society for the Prevention of Cruelty to Animals (SPCA) of Northern Nevada. She pointed out that there had yet to be any public updates on the PSA to explain how it would be revised or how its ambiguities should be interpreted. She asked the Board to place an item on the agenda to discuss the PSA and allow the public to be involved in the process.

Mr. Paul White said he worked with educationcrusade.org. He urged Vice Chair Herman and Commissioner Clark to request an agenda item regarding the County's Regional Homelessness Strategic Plan. He stated Education Crusade had developed an alternative to that plan, which he thought would be more successful. He alleged the shelter was full of physically capable people who were not required to stop using illicit substances or search for employment. After his request to tour the Cares Campus was denied, he entered the facility undercover and reported the site was a mess. He spoke about an individual he met who turned down Mr. White's offer of a job and housing if the person could stop using illicit substances in 48 hours. He remarked that the individual had since received services from the Cares Campus, where he was housed in an apartment and provided with transportation and food. Mr. White opined the current system was not helping people. He claimed in 50 years of working with the homeless community, he had not met any homeless people who had done everything they could to help themselves. He reiterated his request for an agenda item to discuss Education Crusade's alternative homelessness plan.

Mr. Mark Neumann displayed a document that was distributed to the Board and placed on file with the Clerk. He wished the Board, Washoe County staff, and members of the community a merry Christmas and a happy new year. He spoke about senior services and said there were new pamphlets with information for seniors available at the Senior Center. He thanked Commissioner Andriola for inviting Nevada Attorney General (AG) Aaron Ford, Deputy Secretary of State for Elections Mark Wlaschin, and Washoe County Registrar of Voters (ROV) Jamie Rodriguez to attend a recent Spanish Springs CAB meeting. He noted Vice Chair Herman was also in attendance. He reported having discussions with Community Outreach Coordinator Candee Ramos and Ms. Rodriguez regarding hosting a meeting so community members could obtain more information regarding Nevada elections.

Ms. Janet Nelson thanked the Board for being conscious of the environment, which she believed was the most critical issue of the time. She declared she became a climate activist in 2021 at the age of 81. She remarked that she did not think about climate change when she was younger. She spoke about *Silent Spring* by Rachel Carson, which discussed how Dichlorodiphenyltrichloroethane (DDT) and other pesticides affected the environment. As a result of the information in Ms. Carson's book, protests led to the banning of those chemicals and the creation of the Environmental Protection Agency (EPA). She recalled that in 1970, the first Earth Day was celebrated, creating public awareness about the environment. She thought the demand for energy over the years had increased the burning of fossil fuels and the heat-trapping pollution that came with it. She mentioned Al Gore's 2006 documentary *An Inconvenient Truth*. She asserted that the onset of massive storms, increased temperatures, wildfires, and rising sea levels brought people closer to climate disaster. She was encouraged by the County's hiring of Sustainability Manager Brian Beffort, who planned and coordinated environmental programs for the County. She thought the Board could work to improve the environment, increase people's well-being, and save lives. She noted many issues in the County needed to be handled but claimed those issues would not matter if climate change was not addressed.

Ms. Elise Weatherly mentioned a music project she was working on with Mr. Tom Gordon and declared she would provide the DA's Office with a copy of the album. She recited a song she wrote that described issues she had with her homeowner's association (HOA). She spoke about God and the environment.

Mr. Rick Snow stated that his church taught him to "do unto others as you would have done to you" and wished the Board operated under that same principle. He discussed a complaint he made to the County that he felt was improperly handled. He asserted that if people took their time to make formal complaints to the County, the Board should ensure appropriate responses.

Mr. Bill Miller wished the Board happy holidays. He spoke in support of Washoe County's efforts to increase environmental sustainability. He declared Reno and Las Vegas were tied for the greatest increase in average annual temperatures in America since the 1970s. He opined that temperatures would continue to increase indefinitely unless fossil fuel pollution was eliminated. He congratulated the Board for creating the Sustainability Manager position and supporting that role's work. He claimed taking on climate change was not easy and carried political risks. He thanked the BCC for taking those chances and working to keep Washoe County livable and beautiful for future generations.

Mr. Terry Brooks read an original poem regarding hunger related to homelessness and wished everyone a happy holiday.

Ms. Bari Levinson asserted she volunteered with the Sierra Club Great Basin Group and was a retired chemical engineer and physician. She said that the Sierra Club was excited to review the update on the sustainability program Mr. Beffort would present in Agenda Item 5. She expressed support for the County's efforts to reduce greenhouse gas emissions and meet the challenges of climate change. She pointed out that those efforts included energy conservation improvements, vehicle fleet electrification, ongoing support for a greener grid, and support for an urban forestry program. She thought it was essential to be mindful of environmental justice to benefit marginalized communities as the County moved forward with programs. She appreciated that the County planned to make recommendations toward Nevada's climate action plan to reduce greenhouse gas emissions. She appreciated the County's creation of the Sustainability Manager position and expressed her support for Mr. Beffort's work. She stated the Sierra Club would continue to support any efforts to improve sustainability in the County.

Ms. Mia Gzebb spoke about inequities created by the Korn Ferry compensation study. She reported that over the past four months, many employees affected by Korn Ferry, herself included, tried to reach out and express their concerns through the proper channels to correct the inequities. She asserted speaking before the Board was a last resort, but she felt out of options. She claimed many employees in the Environmental Health Services (EHS) department were affected by the policy to bring employees whose pay fell below the new pay range up to the bottom of that range. She declared that EHS

trainees made \$31.69 per hour and employees with over one year of experience made \$33.28 per hour before the pay study. After the pay study, employees were all brought up to the new minimum of \$33.39 per hour, meaning that new employees received a 5.3 percent increase. In comparison, employees with over one year of experience received a 0.3 percent increase that effectively erased the 5 percent merit increase those employees had earned on their first anniversary. She reported that some of the newer employees had since reached their one-year anniversary and received a 5 percent pay increase, meaning those employees now made more hourly than those who had their one-year anniversary before the Korn Ferry study. She remarked that after employees inquired about this situation and asked HR to fix the issue, they received denial emails from HR and Northern Nevada Public Health (NNPH) leadership with little explanation. She believed that the Washoe County Employees Association (WCEA) had provided the only equitable solution, which was to keep all employees where they were in their current pay range when moving them to the new pay range. She recalled that the County denied the suggestion without further explanation or exploration. She pointed out that the County had a rigid pay and merit structure based on years of service. She alleged that her department had multiple instances of employees who had been with the County longer than others who were making significantly less money than newer employees. She claimed these issues created confusion, frustration, and mistrust that harmed the work culture. She asked the Board to work to correct the inequities the Korn Ferry study created.

Ms. Olivia Alexander-Leeder declared she was a Registered Environmental Health Specialist (REHS) with the EHS Division of NNPH. She reported she was one of the employees affected by the wage compression issues caused by the Korn Ferry pay study. She was hired in August 2021 and received a five percent merit increase in August 2022. When the new Korn Ferry wages took effect in August 2023, her hourly wage was brought up to the new minimum for her position, which effectively erased her one-year merit increase and caused her to make less money than a coworker hired one year after her. She was also making less money than a coworker hired three months before her because they received a discretionary adjustment while she did not. She expressed pride in the work she contributed to the NNPH. She felt she deserved compensation commensurate with her value and time dedicated to her division and community. She asked the Board to rectify the issue and restore equity to the pay structure at NNPH.

Mr. Ian Check stated he had also been affected by the Korn Ferry pay study. He reported that employees doing the same job he did who were now making more money than him due to the pay study would make more than \$15,000 over the next few years, which he would miss out on. He thought the situation negatively impacted his department as discussions surrounding the issue regularly took people away from doing their jobs. He believed the issue made employees feel unsupported by the County. He was not asking for special treatment; he wanted the issue addressed for all affected employees. He asked the Board members to reassess the pay roll-out and look into the issues staff brought to their attention.

Ms. Jessica Gearhart said she was a REHS with the EHS division of NNPH. She declared she was one of the unlucky employees regarding the Korn Ferry wage

adjustments. She started working for NNPH in January 2022 and reported that a coworker she helped train, who started with NNPH eight months after her, was now making more than she was due to the Korn Ferry pay study. As Mr. Check pointed out, there would be a substantial difference in her wages versus her coworker's over time. She did not understand how that could be considered fair. She thought the process had been demoralizing and devaluing. She requested the Board address the issue and asserted wages should not be based on luck.

Ms. Narcisa Perez asserted she was an NNPPH employee affected by the Korn Ferry study. She opined the pay roll-out was inequitable and unfair. She was a four-year employee with the County yet was paid the same as other clerical staff employed for less time and whose interview panels she sat on. She recalled Mr. Mantle's comments and believed she was one of the unlucky employees regarding the Korn Ferry study. She felt unvalued, unappreciated, and that her hard work went unnoticed.

Mr. Luke Franklin noted he was a Senior REHS for NNPH and had been employed with the County for over 23 years. He spoke about the process of becoming an REHS, noting new employees had to attend mandatory training and meetings, learn internal policies, and set aside time to study for a mandatory test they needed to pass to retain their positions. He reported that the NNPH hired ten new employees in the past two years, four of whom had recently passed the REHS exam. When the Korn Ferry study was conducted, staff who had passed their REHS exams discovered some wage discrepancies regarding merit and promotional increases that created a disparaging gap between new hires and those who had been employed at NNPH for over one year. He remarked staff presented those pay issues to management, who chose not to fix the issue. He declared he was supporting newer staff and trying to fix the problem. He asked the Board to step in and adjust the issues to compensate staff adequately. If adjustments were not made, he thought experienced staff might become more frustrated and seek employment elsewhere. He claimed losing competent and experienced employees was frustrating. He asked the Board to make the necessary adjustments so the department could move toward building a better, happier workforce.

Mr. Mike Touhey remarked he was an executive board member of the WCEA and an eight-year employee of the NNPH as a Senior REHS. He congratulated previous speakers as he knew it was not easy to speak before the BCC. He declared the pay issues were affecting the lowest-paid members of County staff, which he opined was why staff had taken so long to come forward with their problems. He asserted that the Korn Ferry pay rollout effectively erased a year of service for many employees whose families would benefit significantly from those one or two extra dollars an hour. He was tired of seeing people come to work upset and crying because these issues affected their pay and livelihood. He served as one of the primary trainers for his division and reported there were 22 positions in his department, and a total of 25 people had been hired in the past three years because the department struggled to keep employees. He asked the Board to do what it could to fix the issues. He remarked that the WCEA sent a letter to management to ask that pay from the Korn Ferry study be rolled out in a uniform process that maintained the

merit of all employees, and he opined the current issues would not be present if the County had done so.

Ms. Gail Townsend stated she watched the video of a previous BCC meeting where people protested content in the libraries. She strongly supported the library and thought the community was lucky to have such a fantastic library system. She knew the Commissioners were not directly involved with library issues but pointed out that the BCC set the library's budget. She thanked the Board for granting funds to the Spanish Springs Library. She reported regularly taking her grandson to the library and participating in book clubs. She hoped when the Board appointed members to the LBT, it would consider everyone's right to read.

Ms. Sue Franckel chose not to speak when called.

Mr. Kris Swanson provided documents that were distributed to the Board and placed on file with the Clerk. He mentioned the Gerlach GID and thought it had plans to create a high-density suburban housing project in a rural area outside the corridor of Gerlach, which he alleged went against the town's Master Plan. He wondered how a GID that oversaw utilities could enter the housing development market. He understood grant funding had been obtained for the project and asked who had the idea to apply for those funds. He stated there were claims of a lack of low-income housing available in Gerlach and a need for high-density suburban land. He declared that the GID already owned some parcels with utilities that were not developed. He did not think the project made any sense. When the project came before the BCC for approval, he hoped that the Commissioners would give the item the attention it deserved and tell the GID to come back in ten years when Gerlach had a real issue or to sell the land. He opined building the project was not in the GID's charter.

Mr. Gary Schmidt provided documents that were distributed to the Board and placed on file with the Clerk. He noted he was working with Mr. Swanson on a 125-acre project in Gerlach. He declared within the sewer-water district in Gerlach that he was the largest property owner and owned more property than the community of Gerlach itself. He alleged an application would come before the BCC the following week from the Gerlach GID to request a land-use subdivision, which he thought violated the GID's charter and Nevada Revised Statute (NRS) 318. He spoke about the binder of meeting materials available to the public during BCC meetings, which was mandated under NRS 241.0020.7E. He claimed under NRS 241.080.7C, when any documents were submitted to the Board during the meeting, they were required to be immediately made available to the public. He noted he and Mr. Swanson provided extra copies of their documents, which he placed on a chair at the back of Chambers. He recalled there used to be a table in Chambers for people to place extra copies of the materials they presented to the Board during public comment. He asserted anyone could ask for a copy of the materials in the public binder, and the BCC would have to halt its meeting until the individual received their copies. He suggested the Board reimplement the practice of having a table in Chambers for the public to access meeting materials.

Mr. Pierce Asencio spoke about the community's lack of pedestrian-safe streets and sidewalks. He reported walking to his bus stop in the dark, through ditches, and in the street, where he was regularly nearly struck by oncoming cars in the early mornings. He declared he did not feel safe and regularly asked his parents to drive him to his bus stop to avoid near-death experiences. After the new Proctor R. Hug High School was built, he stated traffic had become more of a problem as the streets were not large enough to accommodate increased traffic. He thought many of his classmates missed class because they felt unsafe traveling to or from school.

Mr. Bruce Foster stated he was the precinct 6411 captain and a caucus captain under District D. During a recent outing with his wife, he observed an individual lying under a blanket on the corner of Greg Street and Veterans Parkway. He said his wife contacted the Sparks Police Department (SPD) to request a wellness check for the individual, but two hours later, when Mr. Foster drove by again, he noticed the individual had not moved. He thanked Commissioner Andriola for attending a recent Spanish Springs CAB meeting along with Mr. Aguilar and Ms. Rodriguez, who provided a presentation regarding the election process. He wondered how people could see election results and ensure the upcoming elections were honest, secure, and transparent. He asked the Board to schedule an agenda item regarding creating a CAB so the public could be more involved in elections.

Mr. Cliff Low provided documents that were distributed to the Board and placed on file with the Clerk. He spoke about Agenda Item 11 and stated there was never time to do it right, but there was always time to do it over, meaning people should be careful to do things right the first time, or they would be forced to use up resources to correct mistakes. He recalled a previous comment he made where he wished that Washoe County and the TMFPD would have the proper resources in the new year to protect people's lives, property, and quality of life. He alleged there was a lack of resources in the County's Planning Division because there were not enough personnel to implement code enforcement properly in Washoe Valley, which affected the quality of life of people in the community. He remarked one of the documents he distributed was an excerpt from the County's current Master Plan regarding open space development in West Washoe Valley. He declared Planning Manager Eric Young had said staff removed the provision for open space development in West Washoe Valley due to the complexity and restrictions on private parcels. He thought there were revisions in the Master Plan that could be misinterpreted.

Ms. Kristy Evans declared that she lived and worked in Gerlach. She thanked the Board for allowing Gerlach residents to comment virtually. She claimed some of the biggest challenges the community of Gerlach faced were the lack of available and affordable houses and commercial properties. She assumed the rest of the County faced the same issues but thought Gerlach's problems were unique because the community was surrounded by railroad and BLM land, meaning the current town boundaries were all the property to which Gerlach had access. She reported several vacant commercial parcels on Gerlach's main street, but no new businesses could open because those properties were unavailable. She thought the community had ideas of services it wanted in town, but further

growth could not happen without access to properties. She asserted a main street littered with abandoned buildings was not a future she wanted for Gerlach. She believed housing was an even more immediate issue that needed to be addressed. She remarked that she worked at the school, and three families who would have otherwise stayed had to move because they could not find a place to live. She pointed out that the BCC approved the purchase of a mobile home for the County Roads Department because there was nowhere else for staff to live. She reported that community members working in the town currently resided in old recreational vehicles (RV) because there were no other housing options. She noted there was only one home currently for sale in Gerlach, listed at more than \$1 million. She assured the people who worked and lived in the town could not afford that house. She alleged services and businesses could not be successful without a labor force, and there could be no labor force without accessible housing options. She asked the Board to explore solutions and hoped it would seriously consider proposals to support more affordable residential and commercial properties in Gerlach.

* **11:37 a.m.** Chair Hill arrived at the meeting and assumed the gavel.

Mr. Gene Savoy Jr. provided documents that were distributed to the Board and placed on file with the Clerk. He said he was the president of the Historic Steamboat Hot Springs in South Reno. He thanked Commissioner Clark for supporting the business and its current campaign to raise \$100,000 to replace its 100-year-old roof, which was damaged during the winter of 2022. He encouraged the Board to participate in helping to restore the structure. He declared the organization was committed to preserving the availability of its unique geothermal mineral water for health and wellness purposes. He wished the Board a merry Christmas and happy holidays.

23-0801 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Clark spoke about Mr. Cliff Low's public comment and thought he made valid points regarding the Master Plan. He reiterated Mr. Low's sentiment to get things right the first time so efforts were not duplicated. He remarked Mr. William Steward spoke about fire defensive tactics, and Commissioner Clark thought the Board should address any excess fuel issues related to the county-owned property surrounding Arrowcreek. He asked Assistant District Attorney (ADA) Nate Edwards to weigh in on any retribution or retaliation for employees speaking their minds regarding the Korn Ferry pay study. ADA Edwards thought employees were free to make those comments and did not think they would warrant retaliation or retribution. He asserted employees were protected in participating during public comment and observed that the commenters were respectful and substantive in their remarks. Commissioner Clark said he valued the employees who commented and felt issues with the Korn Ferry study needed to be addressed. He recalled that before the pay study, positions in the Manager's Office took pay raises in anticipation of implementing the Korn Ferry study. He reported receiving other complaints from employees regarding issues with the pay implementation. He thought the Board needed to work to ensure the County was fair and equitable to all its employees. He requested an item be placed on an agenda to address the issues with the Korn Ferry pay implementation so all County employees could come forward and discuss

the issues without fear of retribution. He spoke about Ms. Valerie Fiannaca's comments and wondered if she was only banned from libraries or if she was banned from other County facilities as well. He mentioned Mr. Nicholas St Jon's comments regarding placing items on meeting agendas and wondered why none of his requested items had made it on an agenda. He addressed Mr. Dale Smith's remarks about horse facilities in the area and alleged that Los Angeles (LA) County was trying to ban rodeos. He discussed Ms. Penny Brock's comments and thought a Citizen Advisory Board (CAB) for elections should be implemented to give citizens more input on elections. He recalled receiving a call from former Chief Judge Lynne Jones about a janitorial services contract at the courthouse. He remarked that several complaints about the janitorial company had been logged and wondered how the County could hold companies that were not doing a good job accountable.

Commissioner Andriola noted that she and Vice Chair Herman served on the Washoe County School District (WCSD) Capital Funding Protection Committee, which met on December 7, 2023, to discuss a 15-year growth plan for the WCSD. She reported there were 109 projects intended to be carried out over the next 15 years that would cost a total of \$2.2 billion. She declared the projects were innovative and would support the infrastructure of existing schools and the building of new schools. She shared that she and two deputies assigned to the Washoe County Sheriff's Office (WCSO) Homeless Outreach Proactive Engagement (HOPE) team visited a location near Lockwood inhabited by unhoused individuals. She appreciated the HOPE team's dedication to making a difference in the community. She remarked that during her tour, she asked how many people the HOPE team helped in the last year and was surprised to learn the program successfully helped get 172 individuals into sustainable housing. She observed petroglyphs at the site and thought it should be designated as a park to preserve the historical nature of the area. She changed subjects to ask about an opportunity to create budgetary allowances for buying goods and services from local vendors. She asserted she was working to help the equine community and reported that Assemblywoman Alexis Hansen was also working on issues within that community.

Vice Chair Herman thanked the Board members for their patience with her as she filled in for Chair Hill earlier in the meeting. She recalled rules were established many years ago regarding the number of horses per acre someone could have on their property in the County. She reported that during several Board of Adjustment (BOA) meetings she attended, there was discussion regarding making rules regarding horses for different areas of the County. She provided two draft versions of resolutions titled "Clean Elections" that were distributed to the Board and placed on file with the Clerk. She opined that one version of the resolution was simple, and one was more complex. She asked that one be selected and placed on an agenda for discussion and a vote. She spoke about a previous Board action to stop maintaining certain gravel roads in the County. She reported that an individual took it upon himself to maintain some of those roads in his area until his equipment broke down. She thought that individual deserved an award for the work he did for the community. She stated she attended a meeting the previous night and learned that the WCSO was short on squad cars for officers. She suggested the Board work to ensure officers had patrol vehicles.

Manager Brown announced that there was an opening on the Deferred Compensation Committee. Anyone interested in applying for the position could visit the County website (www.washoecounty.gov) for more information. He asked the Board to pull Agenda Item 6A3 at the request of the WCSO. He congratulated Mr. Ryan Gustafson, who was appointed to serve as the Director of the Human Services Agency (HSA). He opined Mr. Gustafson did a great job during the transition and looked forward to working with him. He acknowledged the commenters who expressed concerns about the Korn Ferry study and declared he was also concerned with the current issues presented by the pay implementation. He asserted there were some unique promotion and pay practices at Northern Nevada Public Health (NNPH) that were not necessarily broad-scale with the rest of the County. At the request of Commissioner Clark, he assured he would continue to explore what could be done.

Commissioner Clark pointed out that at the previous Board of County Commissioners' (BCC) meeting, there was a discussion about renewing a contract for a billboard by the Cares Campus, which was continued to a later meeting. He noted that the discussion would occur during Agenda Item 12 of this meeting and saluted County staff for their expediency in bringing the item back before the Board. He wondered how quickly issues with the Korn Ferry pay study could be resolved. He wanted the issue resolved as soon as possible to build morale and assure County employees of their value. Manager Brown responded that he and the Human Resources (HR) department were willing to meet with and brief Commissioner Clark on how quickly they had already moved to address most of the issues with the Korn Ferry study. He pointed out that the employees who commented during public comment were NNPH employees, meaning he needed to work with the Health Officer and be respectful of the NNPH budget, policies, and procedures. Commissioner Clark said he did not like seeing employees at the podium in tears and wanted some swiftness in resolving the problem so the BCC did not have to hear about the issue again.

Chair Hill wished everyone happy holidays. She stated she had the opportunity to attend the Menorah lighting the previous Thursday, which she opined was a great event. She reported that she served as a judge at the We the People competition the previous Saturday and was impressed to see the students working to put reasoning, law, current events, and history behind their points of view. She thought all participating schools did an excellent job and appreciated being part of the process.

23-0802 **AGENDA ITEM 5** Presentation and discussion by Brian Beffort, Sustainability Manager regarding progress and plans for the County's greenhouse gas reduction and other sustainability work affecting both County operations and community-wide activities in Fiscal Year 2024.

Sustainability Manager Brian Beffort conducted a PowerPoint presentation and reviewed slides with the following titles: State and County Mandates; Why is Sustainability Important; What are Greenhouse Gases; What Emissions do we Measure; County Operations GHG Emissions; County Facilities Reductions; County Ops reduction

will baseline from 2021; Emissions Baseline: 2021; Facilities; Fleet Sustainability; Green Team; Community-Wide GHG Emission; Community-Wide Emissions Reductions; Establish Urban Forestry Program; Funding Opportunities; Thank You.

Mr. Beffort stated the federal government, Nevada, and Washoe County had goals to achieve net zero for greenhouse gas emissions by 2050. The County supported that goal with strategic priorities and the Green Recovery Plan, which aligned with the County's mission to provide a safe, secure, and healthy community. He thought the County would know it was making progress when a difference was made in people's lives measured by clean air, improved health outcomes, greater comfort, lower energy bills, more jobs, a more robust economy, and a higher quality of life. He asserted it was essential to benefit historically marginalized populations that could not afford to benefit from clean energy innovation in buildings and transportation. He reported that Washoe County adopted the global standard of measuring metric tons of Carbon dioxide equivalent. He said many of the gases listed on the "What are Greenhouse Gases" slide could be hundreds and even tens of thousands of times more potent than Carbon dioxide in the atmosphere. Emissions were measured in three distinct categories: scope one was emissions that took place every time a vehicle powered by gasoline or diesel was turned on; scope two was emissions generated by NV Energy when delivering electricity; and scope three were emissions from all employee travel, products and services delivered to the County upstream, and all waste thrown away downstream.

Mr. Beffort announced in 2008, Washoe County completed its first greenhouse gas inventory. In 2021, the County contracted with nZero to track energy use and emissions, which had provided annual inventories since 2021. He noted from 2008 to 2022, emissions from County operations were reduced by 35 percent, which far exceeded the federal and State goals of 28 percent reductions by 2025. This was possible because the County's grid was greener, with fewer coal-fired power plants and more renewable energy sources for electricity. He recognized the County's Facilities staff, who had been dedicated to making sustainable improvements when possible. He reported that the County would use 2021 metrics as the baseline for comparing progress using uniform and consistent metrics that met global, science-based standards. Based on inventory from 2021, the County needed to achieve just under five percent in reductions each year to meet its 2030 goals. He thought that could be achieved by reducing the demand for energy by improving insulation, installing more efficient lighting and appliances, and ensuring energy use per square foot was as efficient as possible. He informed that well-insulated buildings used less energy, kept people more comfortable in extreme temperatures, lowered energy bills, and reduced emissions, and did not require more robust energy systems. Since 2010, global investments in weatherization and energy efficiency resulted in ten times more emissions reductions than all installed solar and wind production globally. He added in June 2024, he would present a review of a more detailed plan for County reductions.

Mr. Beffort reported the County had roughly 650 vehicles, 150 of which could possibly be replaced with electric vehicles (EV). He noted the County had 17 EVs and plug-in hybrid cars in the fleet. Obtaining more EVs was challenging as only certain vehicles could be appropriately replaced with EVs; vehicles like snowplows, utility trucks,

and road graders did not have electrical equivalents available. He spoke about Hydrogen and renewable diesel as alternative fuels and explained those options were not yet available in the region. He recognized the County Green Team, comprised of staff members who volunteered their time to achieve sustainable solutions in their departments. They worked in gardens, recycled batteries and plastic, and researched sustainable replacements for various products used by the County. He expressed his appreciation to all staff involved in supporting sustainability in the County.

Mr. Beffort displayed the “Community-Wide Emissions Reductions” slide. He explained that the pie chart was from Nevada’s annual greenhouse gas inventory and showed the relative contribution of greenhouse gases across sectors. He noted the biggest challenges were transportation, electricity generation, industry, and buildings. Staff worked with the State and other regional partners to craft recommendations for Nevada’s priority climate action plan, due in March 2024. In a parallel process, staff was working on a County-wide reduction plan led by Climate Action Fellow Emily Stapleton. He stated the project would be before the Board for review in September 2024. He pointed out that Reno was the fastest-forming city in the United States (US) and suggested one way to reduce emissions was to bring more trees to the area. Staff worked with the parks department and Human Resources (HR) to draft a scope of work for an urban forester position, which would work with regional partners to plant more trees, reduce urban heat, clean the air, and bring other values. He informed that the Sustainability Department applied for several grants, some of which had been awarded to the County, and staff would continue to work on applying for additional grant funding.

Chair Hill was impressed with how much work Mr. Beffort had achieved in the short time he had worked for the County. She agreed that the County needed to support the Green Team, which had accomplished many projects. She thought it was a great team effort and appreciated that Mr. Beffort had many staff members supporting him.

Commissioner Garcia asked why Mr. Beffort planned to use 2021 as the baseline. Mr. Beffort responded that 2021 was the year the department received its first full-year inventory conducted by nZero, which aligned with science-based targets and global initiatives to ensure that everyone was talking about and measuring things the same way.

Commissioner Andriola appreciated all the information regarding State-mandated goals and staff’s plans to execute them. She asked about long-term cost savings for the County. Mr. Beffort responded that it was important for the County to make data-driven decisions. He stated everything would be based on metrics of cost return. In delivering reports to the Board, staff would also try to ensure they were tracking reduced emissions, which would result in cleaner air, fewer adverse health outcomes, and other benefits. He looked forward to delivering those reports.

DONATIONS

23-0803 **6A1** Recommendation to accept donations in the amount of [\$4,147.00]

and a \$100.00 pizza gift card to Washoe County Regional Animal Services retroactive for the period July 1, 2023 through September 30, 2023, from numerous donors (see attached list), to be used for the humane care and treatment of sick and/or injured, stray, abandoned, or at-risk animals received; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to make the necessary budget amendments. Regional Animal Services. (All Commission Districts.)

23-0804 **6A2** Recommendation to accept a one-time equipment donation of [128] Automated External Defibrillators (AED's) from the Nevada Department of Health and Human Services to the Washoe County Sheriff's Office to be placed in all patrol vehicles and used as life saving devices. Sheriff. (All Commission Districts.)

23-0805 **6A3** Recommendation to accept a one-time cash payment of [\$18,000.00] from the Department of Homeland Security, Special Response Team, by the Washoe County Sheriff's Office to be used for training costs associated with a week-long training iteration in Vehicle Based Tactics (VBT) taught and attended by both Agencies. Training will be conducted from February 26th to March 2nd at the Regional Training center. Sheriff. (All Commission Districts.)

According to County Manager Eric Brown's comments during Agenda Item 4, Announcements and Reports, Agenda Item 6A3 was pulled.

There was no response to the call for public comment.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 6A1 through 6A2, with the exclusion of Item 6A3, be accepted.

CONSENT AGENDA ITEMS – 7A1 THROUGH 7E1

23-0806 **7A1** Recommendation to approve the Protest to Water Rights Application No. 93079, filed in the Office of the State Engineer, pursuant to Nevada Revised Statute 534.270.3(g)(1), requesting a change in the approved place of use of temporary surface (flood) waters of White Lake in the Cold Springs Hydrographic Basin, to preserve Washoe County's ability to protect and manage the water resources of Washoe County as prescribed under Washoe County Code Article 422. [Fiscal impact of \$30 for Protest filing fees]. Community Services. (Commission District 5.)

23-0807 **7B1** Recommendation to approve the use of General Fund Contingency in the total amount of [\$95,000] for fiscal year 2024 in accordance with Nevada Revised Statute (NRS) 354.598005 to increase expenditure authority for the 2024 Joy Lake Road Pipe Failure; and direct the

Comptroller to make the appropriate budget appropriation transfers. [Total fiscal year 2024 impact \$95,000; net fiscal impact \$-0-]. Finance. (All Commission Districts.)

- 23-0808** **7C1** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$4,700.00] for Fiscal Year 2023-2024; District 1 Commissioner Alexis Hill recommends a [\$4,700.00] grant to the Northern Nevada Member Assistance Program - a non-profit organization, created for religious, charitable or educational purposes - to support the future efforts of assisting working families through its food pantry and apprentice assistance programs; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager's Office. (Commission District 1.)
- 23-0809** **7C2** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$7,500.00] for Fiscal Year 2023-2024; District 2 Commissioner Mike Clark recommends a [\$2,500.00] grant to the Northern Nevada Member Assistance Program - a non-profit organization, created for religious, charitable or educational purposes - to support the future efforts of assisting working families through its food pantry and apprentice assistance programs; [\$5,000.00] grant to The Healing Center and Spa Steamboat Hot Springs - a non-profit organization, created for religious, charitable or educational purposes - to support the efforts for roof repairs for the historical building; approve Resolution necessary for same; and direct the Comptroller's Office to make the necessary disbursements of funds. Manager's Office. (Commission District 2.)
- 23-0810** **7C3** Recommendation to appoint Ryan Gustafson as Director of Human Services Agency effective December 12, 2023, with an annual salary of \$203,819.20. Manager's Office. (All Commission Districts.)
- 23-0811** **7C4** Discussion and approval of Washoe County's Federal Legislative Principles and Lobbying Practices, including an update and direction to staff regarding the 118th Congress. The principles and practices are meant to serve as guidance to staff, lobbyists, and elected officials in representing the County before the United States Congress and Federal Agencies and to provide a means to advance and protect the County's interests on issues at the federal level, including health and human services, land use and management, capital projects, emergency preparedness, and election administration. Among other things, they address legislative, regulatory, administrative, and fiscal impact issues that may arise during the remainder of the 118th Congress and the County's practices as it conducts lobbying activities to advance the County's interests. Approval of these principles and practices may include but is not necessarily limited to the following

overarching categories: fiscal sustainability, economic impacts, vulnerable populations, and innovative services. Manager's Office. (All Commission Districts.)

23-0812 **7D1** Recommendation to retroactively accept a Nevada Division of Emergency Management grant award [amount not to exceed \$280,000.00, no County match required] as administered through the State of Nevada, Office of the Military, Division of Emergency Management, Federal FY 2023 project number 97067.23, to the Washoe County Sheriff's Office Bomb Unit for the purchase of a Chemical, Biological, Radiological, Nuclear, and Explosive detection robot for the Consolidated Bomb Squad for the grant term of October 1, 2023 through September 30, 2025 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

23-0813 **7D2** Recommendation to retroactively accept a Nevada Division of Emergency Management grant award [amount not to exceed \$149,460.00, no County match required] as administered through the State of Nevada, Office of the Military Division of Emergency Management, Federal FY 2023 project number 97067.23 to the Washoe County Sheriff's Office Community Emergency Response Team (CERT) for payment of three intermittent positions as well as equipment and supplies for the grant term of October 1, 2023 through September 30, 2025 and if approved authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

23-0814 **7D3** Recommendation to retroactively accept a grant award [\$258,981.00, no County match required] from the Bureau of Justice Assistance (BJA), State Criminal Alien Assistance Program (SCAAP), FY 2022, Award Number 15PBJA-22-RR-05075-SCAA, to the Washoe County Sheriff's Office, Detention Bureau beginning August 30, 2023 through September 30, 2024. If approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

23-0815 **7D4** Recommendation to retroactively accept a Nevada Division of Emergency Management grant award [amount not to exceed \$110,422.00, no County match required] as administered through the State of Nevada, Office of the Military, Division of Emergency Management, Federal FY 2023 project number 97067.23, to the Washoe County Sheriff's Office Northern Nevada Regional Intelligence Center (NNRIC) for the purchase of software enhancements for the grant term of October 1st, 2023 through September 30th, 2025 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

- 23-0816** **7D5** Recommendation to retroactively accept Nevada Division of Emergency Management grant award [amount not to exceed \$193,621.70, no County match required] as administered through the State of Nevada, Office of the Military, Division of Emergency Management (DEM), Federal FY 2023 project number 97067.23, to the Washoe County Sheriff's Office Special Operations Division Cyber Crimes Unit for the purchase of forensic software and licenses, and travel/training for county/non-county employees for the grant term of October 1, 2023, through September 30, 2025 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 23-0817** **7D6** Recommendation to retroactively accept a Nevada Division of Emergency Management grant award [amount not to exceed \$166,759.00, no County match required] as administered through the State of Nevada, Office of the Military, Division of Emergency Management, Federal FY 2023 project number 97067.23, to the Washoe County Sheriff's Office Bomb Unit for the purchase of equipment, supplies, and travel and training for county/non-county employees for the Consolidated Bomb Squad for the grant term of October 1, 2023 through September 30, 2025 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 23-0818** **7D7** Recommendation to accept an agreement for the annual reimbursement limit of [\$41,415, no match required] in overtime reimbursement for two deputies 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 2024 for the retroactive period of October 1, 2023 - September 30, 2024. If approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 23-0819** **7E1** Recommendation to accept Treasurer's status report for the period ending November 30, 2023, of payment of refunds and interest since last update in the amount of \$70,910.62 on certain property tax overpayments for residential properties at Incline Village/Crystal Bay, in compliance with the October 21, 2019 Order issued by the District Court in Village League to Save Incline Assets, Inc., et.al. vs. State of Nevada, et.al., Case No. CV03-06922, as modified and clarified by the settlement agreement regarding the processing of refunds. Treasurer. (All Commission Districts.)

On the call for public comment, Ms. Valerie Fiannaca provided documents that were distributed to the Board and placed on file with the Clerk. She expressed

opposition to Agenda Item 7C1. She alleged the Northern Nevada Member Assistance Program's (NNVMAP) website had only been operational since August 2023 and did not have much content. She claimed the NNVMAP was affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). She claimed the AFL-CIO was a democratic organization and that 80 percent of the organization's donations went to the Democrat party. She asked that the Board's \$500,000 per year discretionary funds be placed on an agenda and voted on because she speculated it was vote buying. She opined that the AFL-CIO was not something the Board should give money to.

Mr. Cliff Low spoke about Agenda Item 7C4 regarding legislative principles and lobbying practices. It was his understanding that the Truckee Meadows Public Lands Management Act (TMPLMA) sought to take parcels of land that were currently in the public domain out of the public domain. He asked that legislative priorities and principles be added to oppose any federal legislation taking public Washoe County land out of the public domain.

Ms. Penny Brock objected to items being put together on the Consent Agenda. She alleged the people had a right to address each item separately. She spoke about Mr. Ryan Gustafson's background and wondered if he had management experience. She claimed Mr. Gustafson would make more than the Governor if appointed as Director of the Human Services Agency (HSA). She expressed opposition to Agenda Item 7C4. She stated the County's contract with the Porter Group was \$88,000 for six months plus expenses, but the contract did not outline the expenditures. She asked if the County needed a lobbyist group based out of Washington, D.C., and thought the Board needed a presentation on the item before approving it.

Vice Chair Herman stated she would not vote for items 7A1 or 7C4.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 3-2 vote, with Vice Chair Herman and Commissioner Clark voting no, it was ordered that Consent Agenda Items 7A1 through 7E1 be approved.

12:40 p.m. **The Board recessed.**

1:03 p.m. **The Board reconvened with all members present.**

23-0820 **AGENDA ITEM 11** Public Hearing: Second reading and possible adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) by adding various sections and maps to multiple articles within Divisions Two, Three, Four and Eight, in order to transfer existing regulatory language found in the 2010 Washoe County Master Plan to the Development Code as part of a comprehensive update to the Master Plan (Envision Washoe 2040). The following articles have been amended by adding new sections thereto: Article 204 Forest Area to add sections related to Matera Ridge Community Modifiers, Mt. Rose Scenic Highway

Commercial Modifiers, Mt. Rose Resort Services Area, and specific plans; Article 206 High Desert Area to add sections related to temporary residential development, Squaw Valley Reservoir Community Modifiers, Downtown Gerlach Community Modifiers, and specific plans; Article 208 North Valleys Area to add sections related to avigation easements, Golden Valley Community Modifiers, Lemmon Valley Community Modifiers, and specific plans; Article 210 South Valleys Area to add sections related to Old Washoe City Community Modifiers, development standards and allowed uses, and Steamboat Valley Community Modifiers, development standards and allowed uses; Article 212 Southeast Truckee Meadows Area to add a section related to public access easements in the Virginia range; Article 216 Spanish Springs Area to add sections related to western theme design standards, business park design standards, specific plans, the Spanish Springs Airport, and allowable uses in the Spanish Springs planning area; Article 218 Sun Valley Area to add sections related to Downtown Sun Valley Design and Development Standards, and specific plans; Article 226 Warm Springs Area to add sections related to export of native water resources and Palomino Valley Community Modifiers; Article 302 Allowed Uses to add a section related to diesel power generation; Article 340 Industrial Performance Standards to add sections related to building design and air quality; Article 406 Building Placement Standards to add a section related to common open space fences; Article 820 Amendment of Master Plan to add a section related to administrative amendments; and Articles 204, 206, 208, 210, 216, 218 and 226 for the addition of planning area community maps; and all matters necessarily connected therewith and pertaining thereto. Virtual Public Comment Eligible: Gerlach. Community Services. (All Commission Districts.)

Chair Hill opened the public hearing.

County Manager Eric Brown read the title for Ordinance No. 1709, Bill No. 1899.

Senior Planner Eric Young conducted a PowerPoint presentation and reviewed slides with the following titles: Case Description; Proposed Amendments; Modifiers; Regulation of Users; Building Placement Standards; Administrative Amendments; Findings of Fact; Possible Motion; Thank you.

Mr. Young stated this was the second reading of a development code amendment adopting amendments to the code relative to the update of the Washoe County Master Plan, otherwise known as Envision Washoe 2040. He noted a significant component of the update was moving regulatory language from the Master Plan to the Development Code. As staff worked to develop and draft the new Master Plan, several different regulatory pieces of code that had not been moved to the Development Code were identified. He remarked that change happened with several articles, particularly modifiers that referred to each of the different planning areas. He provided examples from various

area plans that were designed for the Development Code but had been adopted as part of the Master Plan. This Agenda Item allowed staff to move those identified code pieces into logical spots in the Development Code. Other examples identified by staff included allowed uses and policy standards. He pointed out one change relative to common open space fencing, which had been implemented as code but was listed as a policy. Staff proposed it be made into code. He noted the new Master Plan had links to other plans and interactive features. He reported staff worked with the District Attorney's (DA) Office to develop the proper way to amend the modern Master Plan in the future.

Mr. Young displayed the "Findings of Fact" slide and pointed out that the Planning Commission was only required to make one finding from the list but was able to make all four as part of their review of the development code amendments. He stated that between the first reading of this item and now, the Board asked staff to reach out to the public to address concerns brought up during the meeting. Staff did this and learned there were some concerns regarding features in the Master Plan called character management areas that did not transfer to the Development Code. He remarked character management areas existed as overlays in the Master Plan. Staff determined what should move to the Development Code by considering that no code changes should be required when someone brought a development application to the County. He noted that some people had questions about open-space subdivisions, which he thought was a complex approach to maintaining open-space and large-lot subdivisions and hampered the staff's ability to promote conservation easements. He opined the meetings with the public went well. He thought there was some concern about whether the same protections people had in the past would continue with the new plan. He believed the new plan was critical to maintaining those protections. He explained that planners would have a much more concise, clear document to consult when a development project came in. The plan would be short and clear, and when it was brought before the Planning Commission or the Board of County Commissioners (BCC), there would not have to be a lot of interpretation of what the code meant. He declared staff was meticulous about not moving items into code that would require interpretation and believed the new plan would be more user-friendly for everyone. He respected and understood that it was scary to do something new and thought staff would not know for some time whether the amendments were successful, but he thought it was important to try. He recalled at the previous BCC meeting, staff committed to more community engagement than was required by statute for any future Development Code amendments.

Vice Chair Herman expressed concern regarding this item. She stated that she could not vote for facets of this item because she did not understand them. She wondered about the exportation of native water resources from the area of the County she lived in. She said she had not received explanations, claimed many vague pieces of this item scared her, and she was not ready for this change. She opined the first hearing for this item was rushed and she did not want to make a mistake by voting for something that could reflect poorly on her.

On the call for public comment, Ms. Penny Brock expressed concern about this item. She believed that the hearings for this item began in 2021 during COVID-19

(C19), and alleged the public was unaware of some of the public hearings that occurred during that time. She did not believe there was much public input on this item. She spoke about evacuation issues from fires in the Mt. Rose area and asserted people did not want more commercial buildings there. She alleged Envision 2040 was being enacted in cities and counties throughout America. She speculated it was a federal plan and the public did not have the whole story of what Envision 2040 was about. She asked the Board to be cautious about approving this item. She recalled Mr. Young's statement that the Planning Division would not know if this project worked as intended for some time. She wanted the County to get things right the first time and thought this item was too big of an issue to get wrong. She agreed with Vice Chair Herman that this item needed more time.

Mr. Gary Schmidt stated he had worked for 60 years in the development business across four states. He remarked he had attended County Commission meetings for over 50 years. He thought this was an interesting subject. He liked transparency and agreed with a lot of what Mr. Young said. He suggested this item be segmented and sent to the Citizen Advisory Boards (CAB) for review. He spoke about the amenities available in Gerlach and wondered what other commercial activities people wanted there. He believed the Board should include provisions for residential activities on commercial properties in Gerlach.

Mr. Cliff Low displayed documents that were placed on file with the Clerk. He stated the Board approved the Master Plan, which would become effective when the Regional Planning Agency approved it. He thought this item should be approved, but the job was not done. He appreciated the opportunity to meet with Mr. Young and Planning Manager Trevor Lloyd regarding this item. He disagreed with Mr. Young's statement that open-space subdivisions hampered conservation easements. He believed staff needed to bring an agenda item before the Board to provide instructions on using the code to prevent confusion.

Mr. William Naylor expressed disappointment at the lack of opportunity for the public to coordinate the new Master Plan and the changes to the Development Code. The lack of ability to reconcile those documents had resulted in omissions he felt would weaken the County's ability to manage growth, which would cause confusion in the processing of development requests for both the Planning Commission and the BCC. He thought it would allow builders to submit projects that were not appropriate. At the Board's suggestion, several Washoe Valley citizens met with Mr. Lloyd and Mr. Young to discuss their concerns and seek changes. He appreciated that meeting but did not think County staff intended to make any of the requested amendments. He thought the Development Code update process should be strengthened to require public notification and input. He suggested language in specific area plans, such as the history and existing conditions, development constraints, and vision, be given significant weight in decisions by the Planning Commission and the BCC relative to any new developments.

Commissioner Andriola asked Mr. Young how long the process was to create Envision Washoe 2040. Mr. Young responded that the process took approximately three years. Commissioner Andriola asked if the County received public input over the

entire three-year period. Mr. Young replied that the County had never conducted as robust of an engagement process as it did for this project. He was proud of the County's outreach efforts. Commissioner Andriola asked for confirmation that this item was pulling from current regulations so that the Master Plan could be a policy-driven document and the Development Code could be code-driven, but no policy changes were occurring. Mr. Young declared that was correct; staff did not create any new rules through this process. He noted that the exportation of water out of Warm Springs without prior BCC approval already existed as a policy; staff wanted to change that policy to code. He reiterated that staff did not create new rules; they were moving some things from policy to code. He remarked during the public engagement process, the County had to say no to a lot of requests from developers and the public because they asked for changes to the development review process or amendments to area plans. He asserted people could bring forward development code applications to ask for any changes they desired, but those changes were not part of this process.

Commissioner Andriola appreciated the County's outreach efforts through this process and hoped those efforts would continue for any changes to the administrative code. Mr. Young noted that one of the priorities adopted by the Board was a review of public outreach processes to ensure the County did a better job communicating with the public going forward.

Chair Hill pointed out that when there were items in policy that were not in the code, things were less transparent and more complicated for the public or developers to understand. She thought this process would make it easier for people to know how to do business with the County regarding development.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 4-1 vote with Vice Chair Herman voting no, it was ordered that Ordinance No. 1709, Bill No. 1899, be adopted, approved, and published in accordance with NRS 244.100.

23-0821 **AGENDA ITEM 8** Recommendation to conduct a performance evaluation of Washoe County Manager Eric Brown, including a discussion of the results of the 2023 Performance Feedback Survey; to adopt priorities and expectations for the County Manager; and discussion and possible action to approve a single lump sum merit bonus for the County Manager (current base salary is \$331,115.20) in an amount to be determined by the Board, to amend Section 2.A of the County Manager's Employment Agreement to extend the term of the Agreement for one (1) additional year to November 21, 2025, and to amend Section 2.C of the County Manager's Employment Agreement to increase severance pay from six (6) months of the Manager's annual base salary to twelve (12) months of his annual base salary, and if approved, to authorize the Chair to sign the amendments, and to authorize the Comptroller's Office and Human Resources to make all necessary adjustments. Human Resources. (All Commission Districts.)

Human Resources Director Patricia Hurley conducted a PowerPoint presentation and reviewed slides with the following titles: Evaluation Parameters; Performance Evaluation Requirements; Timeline; Survey Criteria; Survey Response Rate; Survey Results; Survey Results; Leadership, Integrity, and Communication; Survey Results: Strategic Plan; Survey Results: Overall Performance; Three-Year Result Comparison; Thank You.

Ms. Hurley stated section 9C of the current employment agreement between Washoe County and County Manager Eric Brown required that the County commence and conduct a performance evaluation of the County Manager. Nevada Revised Statute (NRS) 241.033 required written, hand-delivered notice of the time and place of the meeting where the review was to take place at least five working days before the meeting. The County was also required to provide the County Manager with a list of the topics to be discussed during the review. She reported on August 15, 2023, Manager Brown was provided notice of his performance evaluation through a hand-delivered notification. On October 17, 2023, Chair Hill and Manager Brown gave final approval on the content of the evaluation, and performance feedback surveys were sent to the individuals listed in Amendment A of the Staff Report, including the Commissioners, direct reports, department heads, elected officials, and external stakeholders. Survey questions included categories about leadership, integrity, management, strategic planning, being a board liaison, and communication. The three core categories of the survey were leadership, integrity, and communication. She pointed out a new category that was added for this evaluation, which was strategic planning. Each question could be responded to with exceeds expectations, meets expectations, area of growth, or evaluator had no basis for judgment. She noted responses of exceeds or meets expectations were combined because either of those responses indicated a successful performance. She said 33 individuals were invited to participate, 29 of whom responded, resulting in an 88 percent response rate. She provided a breakdown of the response rates of the groups, noting five Commissioners were invited, and four participated, resulting in an 80 percent response rate; nine direct reports were invited, and all nine participated for a 100 percent response rate; of department heads and elected officials, ten were invited, and nine participated, resulting in a 90 percent response rate; nine stakeholders were invited, and seven responded for a 78 percent response rate.

Ms. Hurley reviewed the results of the survey. For the leadership category, participants were asked if Manager Brown functioned as an effective leader of the organization, gaining trust, respect, and cooperation; 100 percent of participants rated him as meeting or exceeding standards. For the integrity category, it was asked if Manager Brown set an effective example of high personal standards and integrity, inspiring others to do the same; 100 percent of participants rated him as meeting or exceeding standards. In the Communication category, participants were asked if Manager Brown practiced timely and effective communication with all organizational stakeholders and staff; 97 percent of participants ranked him as meeting or exceeding standards. She said the one individual from the department heads and elected officials' group who thought Manager Brown needed improvement in communication did not provide any additional commentary explaining why they chose that option. For the strategic planning category, participants

were asked if Manager Brown provided clear directions to address strategic initiatives; 100 percent rated him as meeting or exceeding expectations. She declared three responses indicated areas for growth relating to Board meeting facilitations and another three for team development. She stated those responses came from the direct reports, and department heads and elected officials' groups; however, no specific feedback was provided.

Ms. Hurley shared some quotes from the survey, one of which was that Manager Brown approached each challenge with a calm, respectful, professional demeanor and had proven to be the type of leader in the region who could help carry important initiatives across the finish line. Another quote read that Manager Brown led with integrity, earning the trust and respect of his team, and that he was a trusted partner who listened to new ideas with openness and willingness to engage in discussions and consider changes where needed. She displayed the "Three-Year Result Comparison" slide, noting Manager Brown had been evaluated four times, but she did not want to add the fourth year to the presentation for aesthetic purposes. She remarked in 2020, Manager Brown's leadership, integrity, communication, and overall performance were all ranked at 93 percent. She observed in 2021, Manager Brown's ratings increased and remained consistent through 2022.

County Manager Eric Brown conducted a PowerPoint presentation and reviewed slides with the following titles: 2023; 2023 Accomplishments (3 slides); Enhanced Commissioner Support Program; 2023 Accomplishments; New Leadership Hired; Strong Financial Management (2 slides); Community Reinvestment Funding; Ongoing Regional Collaboration; Housing and Homeless Services; Serving Our Vulnerable Populations; Regional Dashboard – Sheltered/Unsheltered; National Media Attention; Awards (2 slides); The Year Ahead 2024; 2024 Key Goals; Thank You.

Manager Brown believed it was an honor to serve as the County Manager of Washoe County. This being his fourth review, he thought his passion for his work had only gotten stronger. He declared while the past four years had not been easy, this had been a gratifying experience for him. He clarified that while he may have given strategic direction or guidance on projects, the accomplishments in his presentation were the achievements of the whole organization. He asserted the County was serious about the strategic planning process, which served as the framework to prioritize how things were done. He stated that 2023 was a year of laying the foundation for generational change in the community. In 2020, 2021, and some of 2022, the County was dealing with the aftermath of the COVID-19 (C19) pandemic and trying to ensure the community was safe and recovering. In 2023, the focus shifted to what the County could do to make significant, positive, long-term changes for the community. The first accomplishment he mentioned was the regionalization of dispatch for fire and emergency medical services (EMS). Earlier in the year, the County signed an interlocal agreement for computer-aided dispatch with the Cities of Reno and Sparks and the Regional Emergency Medical Services Authority (REMSA). He reported teams were working to ensure the platform worked across various jurisdictions, and the project should be complete in two years. He opined the project had the potential to significantly impact the County's response times for EMS and fire and would ultimately save lives. The next accomplishment was regarding elections. The

County hired a consultant group to examine its election operation process earlier in the year. The review provided some practices the County could implement to administer elections more consistently and pointed out that the County was woefully understaffed. This gave the County more information on where it needed to be from a staffing standpoint and to reflect those needs in the budget. He reported the County was currently fully staffed per those recommendations. The review also noted the County's need for standard operating procedures (SOP) regarding elections. During the transition from a primarily in-person voting State to a primarily mail-in-ballot voting State, new SOPs were not developed. He remarked staff were working with outside consultants to prepare the County for the presidential election in 2024. He spoke about the launch of the County's climate resilience initiative. He recalled in 2019, County staff expressed that climate action was something the County should take a leadership role in, which he thought Sustainability Manager Brian Beffort could help the County accomplish. He stated that the BCC approved the launch of an equity and inclusion initiative in early 2023, and the County now had language access and facilities disability compliance underway as the initial priorities of that project.

Manager Brown discussed permanent supportive housing through the Cares Campus, noting that the County received roughly \$21 million in American Rescue Plan Act (ARPA) funds to build 50 housing units to provide housing to people transitioning out of homelessness. Additionally, the County allocated \$2 million to the Affordable Housing Trust Fund. He reported that the County had updated and adopted its employee compensation administration. He reminded the Board that he had suggested one of the County's biggest investments coming out of the C19 pandemic should be its people, and the Board subsequently approved a \$12 million expenditure to update the compensation administration. He knew the Korn Ferry study would not make everyone happy, especially if employees were unhappy with their departments or leadership going into the project. He believed that implementing this plan would put the County in a better position to retain employees, particularly those of longer tenure who had reached their pay cap. He pointed out that the pay study allowed people to see further compensation growth and hopefully stay with the County longer. He spoke about the Envision 2040 Master Plan, which he thought was another major accomplishment. He declared establishing a leadership role in behavioral health was a goal from the Board's most recent workshop. He remarked that the County purchased the West Hills facility and was working to solicit stakeholder input regarding the highest and best use of that property.

Manager Brown remarked in 2022, the County returned Fire and EMS services to Gerlach in partnership with the Pyramid Lake Paiute Tribe. In 2023, the County partnered with the Tribe again to deploy high-speed internet to Gerlach, which he thought was an impactful event for that community from an economic development perspective. He was working with Chief Information Officer Behzad Zamanian to develop broadband plans for other historically underserved areas of the County, including the North Valleys and the Pyramid Highway Corridor. He mentioned SpeakUp with eComment and Sign In To Speak, which were software tools to help the public communicate better with the County. He thanked Chief Judge Lynne Jones and Assistant County Manager Kate Thomas for working together to hire conflict counsel to help work through some of the caseload

back-ups the County was experiencing. He recalled Commissioner Clark and Vice Chair Herman had asked for work to be done in the Senior Center, and he stated staff was working on a request for proposals (RFP) for \$1.8 million in improvements to the Senior Center, which would begin in January 2024. He reported about \$500,000 had already been spent on improvements to senior centers in the County.

Manager Brown spoke about the Commission Support Program, noting that 2023 was the second year for the Washoe County Leadership Academy (WCLA) class. He stated this program was a way to develop a pipeline of community members who were willing and prepared to participate in boards and commissions. He pointed out nine individuals from the first WCLA class had applied for various Boards and Commissions. He thought that was a good sign regarding the ability to get people involved who had not been before. He acknowledged that Deputy Registrar of Voters Marc De La Torre, while in his former position of Community Outreach Coordinator and Community Outreach Coordinator Candee Ramos, worked to complete the first Commissioner onboarding program. He observed the County conducted 99 public meetings throughout the year, and he was able to attend about half of them. He noted that the County facilitated 44 proclamations and recognitions in 2023. He pointed out that 253 of 281 escalated constituent requests had been resolved, and 280 of 305 total commissioner requests had been resolved. He reminded the Board that during BCC meetings, when members of the public or the Board made requests, staff logged those requests and followed up on them after the meeting with the appropriate department to ensure the County was responding to those requests.

He noted that the County implemented Perimeter as an emergency evacuation mapping tool on the heels of the Lahaina, Hawaii fire. He pointed out that Washoe County was one of the first communities to pilot the Perimeter tool, which showed residents where they were in the incident area and their evacuation route. He asserted that the Lemmon Valley flood mitigation plan proved effective during the second-worst winter on record in Washoe County. He proclaimed that the County increased childcare capacity by 250 children for foster families and County employees. He said the County developed and launched an online hub for the CABs to illustrate development activities better. The community generated \$6.5 million in private investment for the Cares Campus, which he thought was impressive. The County settled the Washoe County School District (WCSD) Incline Village (IV) litigation. He mentioned that work on employee development initiatives was continued through a speaker series where outside speakers were brought in to discuss professional development topics and provided coaching for department heads and people in leadership roles.

Manager Brown announced new hires in leadership roles throughout the County and gave kudos to the HR team, which recruited all those positions. He declared the County expanded and improved its recruitment efforts for boards and commissions. From a financial management standpoint, he claimed the County was still strong and had received a clean, independent audit. The County ended the fiscal year (FY) with better-than-anticipated General Fund results as expenditures continued to be under budget, resulting in positive debt ratings. He discussed grant acquisition, which had been another

of his focus areas. The County was awarded almost \$180 million in Federal C19 funds since the beginning of the pandemic. It had also established a framework for distributing the \$40 million of opioid settlement monies to reduce addiction. He displayed the “Community Reinvestment Funding” slide and explained it was a list of some of the Federal funds received by the County. He pointed out that the appropriations were primarily from congressional delegations in Nevada. He pointed out that the bottom of the slide listed grants the community reinvestment group secured over the year, totaling \$4.7 million. He spoke about ongoing regional collaboration, which was a big part of his job. He spent time communicating and planning with outside agencies to solve regional problems. Now that the County was focusing on mental health services, the Board would continue to see work in that area. He stated he worked with Vinson Guthreau at the Nevada Association of Counties (NACO) to organize the County Manager ad-hoc committee of NACO to collaborate on issues like elections, staffing, grant acquisitions, and other things.

Manager Brown spoke about vulnerable populations. He stated that about 486 single adults and 35 families found permanent housing through the Cares Campus and Our Place. He asserted that the County was working towards getting people into stable housing and finding the resources needed to live stable lives. He stated Washoe County was one of only two jurisdictions to achieve quality data through Built for Zero, meaning over 90 percent of the County’s community programs were reporting to the Homeless Management Information System (HMIS). This was important because the numbers would be more accurate in the future. Historically, the County relied heavily on the point-in-time count, which was notoriously inaccurate. The County now received monthly information that helped staff more accurately track where those populations were. He stated the “Regional Dashboard-Sheltered/Unsheltered” slide was an example of the regional dashboard. He spoke about the recent national media on the Cares Campus.

Manager Brown acknowledged that Chief Medical Examiner Dr. Laura Knight received the 2023 Governor’s Award for promoting organ and tissue donation. He displayed the second “Awards” slide, which depicted various awards received by County staff and departments. He highlighted that Washoe County’s Public Guardian, Tracey Bowles, received the National Guardianship Association President’s Award and congratulated her team. He stated the “2024 Key Goals” slide was a list of goals he hoped to accomplish or make meaningful progress on. He highlighted the regionalization of dispatch and the completion of the West Hills refurbishment to open the facility for mental health services. He noted the County planned to take the lead on behavioral health administration and declared that staff would open a recruitment in the first quarter of 2024 for a Behavioral Health Administrator and support staff for that position. He planned to upgrade the County’s elections infrastructure, noting there would be three elections in the coming year, and about 40 percent of his time was spent in preparation with the Elections Group and outside stakeholders. He planned to work with the Cities of Reno and Sparks to evaluate the interlocal contracts between the County and Cities to determine if they were still valid or if any adjustments were necessary. He wanted to continue work on Diversity, Equity, and Inclusion (DEI) initiatives. He acknowledged the Board’s request for staff to determine funding sources for a new courthouse and an infirmary at the jail. He thanked

his team and all the department heads who made 2023 accomplishments possible and thanked the Board for its guidance. He looked forward to 2024.

Chair Hill thought Manager Brown's list of 2023 accomplishments could be someone's career achievements. She pointed out that Manager Brown had experienced a nearly complete turnover of the Board, excluding Vice Chair Herman. She thought he had done a great job of growing with the BCC's new personalities and priorities and finding ways to find wins with the diverse Commission. She appreciated his work on the Cares Campus and commended the county's achievements for vulnerable populations. When hiring someone, she usually asked three questions which were: can they do the job, which she thought Manager Brown could; would she like them while they did the job, she stated she did like Manager Brown and enjoyed working with him; and did they love the community, which she could tell Manager Brown did. She recommended amending Manager Brown's contract to include a one-year extension to the term of the agreement, extending severance from six months to one year, and a bonus of ten percent, which was \$33,111.52. She stated Manager Brown was not asking for a salary increase despite not being compensated at the level of other regional directors. She asked Manager Brown to explain why he was not seeking a salary increase. Manager Brown responded he did not ask for a salary increase in solidarity with his rank-and-file employees. He was pleased with the same arrangements that they had in terms of Cost-of-Living Adjustments (COLA). He did not believe he had ever asked for an increase in pay as some of his colleagues had done in other jurisdictions. He thought he was blessed to get the money he made and was grateful for it. He stated there was no ulterior motive; he was blessed to be where he was and did not want to ask for more than his contract allowed.

Commissioner Clark spoke about the performance feedback survey. He speculated there were ways to leverage positive reviews from survey participants due to the influence of Manager Brown's position. He pointed out that Governor Joe Lombardo's salary was \$163,000 per year and thought Manager Brown made more money than other managers of counties similar in population to Washoe County. He acknowledged that Manager Brown did not ask for a raise but wondered why he should receive a bonus. He alleged the list of accomplishments presented by Manager Brown were things that would have happened with or without Manager Brown. He expressed discontent with the request to increase Manager Brown's severance to one year and thought six months should be enough for anyone. He expressed concern about the appearance of giving Manager Brown a raise before making the working-class employees of the County whole. He alleged that Manager Brown and his staff received large raises before the Korn Ferry study in anticipation of pay adjustments.

Commissioner Andriola thanked Manager Brown for taking the time to work with her as a new Commissioner. She thought it was important to set a culture of inclusion and openness and give people the autonomy to do their jobs, which she thought Manager Brown did. She acknowledged that Korn Ferry had been on her mind but thought the issue should not be included when discussing Manager Brown's performance. She thanked Ms. Hurley for her presentation and for considering Commissioner Andriola's suggestion to extend the performance survey to the entire organization for future

evaluations. She commended Manager Brown for not asking for a salary increase. She was unsure about increasing Manager Brown's severance to one year and asked Ms. Hurley to compare severance packages from other positions in the community. Ms. Hurley responded that there was a growing trend to increase severance from six months to one year. Chair Hill added one-year severance packages were normal throughout the region as equity for high-profile positions. Commissioner Andriola thought that was a necessary clarification to make. She asked if ten percent bonuses were comparable to other positions. Ms. Hurley replied that bonuses were discretionary, but in looking at comparable entities, the City of Reno Manager received a ten percent bonus, and the City of Sparks Manager did not receive a bonus but did receive a five percent base pay increase. She remarked the Clark County Manager was new and had not received an annual performance evaluation yet. Chair Hill commented that Manager Brown received a ten percent bonus in 2022. Commissioner Andriola thanked Manager Brown for his hard work and steadiness.

Commissioner Garcia stated working with Manager Brown the past year had been a tremendous pleasure. She noted that Manager Brown started less than six months before the C19 pandemic. She thought he had a formidable job and wanted to base her comments on facts. She acknowledged the positive survey results and eComments. She remarked community members had reported Manager Brown was professional, a great leader, and was easy to work with. She thought collaboration was an area Manager Brown shined in, setting him apart from others. She supported extending Manager Brown's contract by one year, increasing his severance and agreed that he was well deserving of a bonus. She thought Manager Brown was the type of leader the region needed and deserved.

Vice Chair Herman stated she had spent more time with Manager Brown than the rest of the Board. She declared each time she called, he always answered. When she asked him something, she got an answer, or he said he would call her back with the answer, which he always followed through on. She reported that people were impressed that Manager Brown showed up for CAB meetings. She supported giving Manager Brown a bonus and respected that he was not asking for a raise. She thought he was looking out for the good of the County.

On the call for public comment, Ms. Penny Brock declared she wanted to discuss Manager Brown's salary. She claimed that Manager Brown's current salary was \$296,000 or more yearly. He would make over \$27,000 per month if a raise were approved. She thought Manager Brown's contract was supposed to be re-negotiated and wondered why it was not. According to Zip Recruiter, she reported the average salary in Reno was \$51,000 per year. She spoke about the salaries of the President of the United States (POTUS) and the Clark County Manager, who oversaw larger populations than Washoe County. She stated Manager Brown did his job, but people were supposed to get paid to do their job. She did not think he should receive a bonus for doing his job. She wondered what

he did that went over and above expectations. She did not understand why the Board would approve an increase in Manager Brown's severance package.

Ms. Carol Burns was not present when called to speak.

Ms. Janet Butcher stated Manager Brown was a calm and pleasant person. She thought his salary was 252 percent higher than the average and 220 percent higher than the median salaries in Washoe County. She thought bonuses were typically awarded after recovering from disasters and pointed out there were no disasters in 2023. She remarked that she researched other counties in the United States (US) to compare their budgets to Washoe County and thought the differences were unbelievable. She appreciated that Manager Brown mentioned the Elections Group and wondered why the County needed the help of outside resources for elections. She alleged that in December 2022, Manager Brown misinformed the Board and the public that the County had not received any qualified applicants for the Registrar of Voters (ROV) position, but people later learned about qualified people who applied. She reminded people to participate in the caucus.

Mr. Gary Schmidt stated he ran for County Commission in 2010 but lost and had been attending Commission meetings for over 50 years. He pointed out that the County Commission only hired one person, the County Manager. He recalled when he ran for Commission, he suggested that Assistant County Manager (ACM) positions also be hired by the BCC. He thought the Board should require that there always be an ACM in the office when the County Manager was not present. He believed in marketplace competition and thought the ACMs should be treated as County Managers in waiting so people would be ready to take the position if the County Manager was terminated or resigned. He suggested a yearly competition between the County Manager and the ACMs to determine who would serve as the County Manager, which he thought would make the system smoother. He remarked when he was a nightclub owner, he had 50 to 70 people on staff, and he made it a point to fire two or three of them per week because fear was a great motivator. He wondered how many people had been fired from the County the previous year.

Mr. Scott Finley asked the Board to hold off on granting Manager Brown a bonus until the Korn Ferry issue was resolved because he believed it would affect employee morale. He did not think Manager Brown's bonus should be contingent on the outcome of the Korn Ferry pay study, but he did believe Manager Brown's bonus should be withheld until the issues were resolved. He speculated there was a lawsuit against Manager Brown by Mr. Robert Beadles and wondered if the Board was considering that.

Commissioner Clark pointed out that just because other jurisdictions and municipalities were going towards a one-year termination package did not mean that

Washoe County had to. He thought six months was more than adequate. He provided direction to Manager Brown to establish a CAB for elections.

On motion by Commissioner Garcia, seconded by Chair Hill, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 8 be adopted, approved, extended, increased, and authorized.

23-0822 **AGENDA ITEM 9** Introduction and first reading of an ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving a development agreement between Washoe County and St. James's Village, Inc. for St. James's Village, a residential subdivision (Tentative Subdivision Map Case No. TM5-2-92).

The purpose of the development agreement is to extend the deadline for recording the next final map from October 16, 2023, to October 16, 2025, and to adopt amended conditions of approval (WAC23-0013). The project is located along the central portion (on both sides) of Joy Lake Road, west of the I-580 freeway. The project encompasses a total of approximately 1,626 acres, and the total number of residential lots allowed by the approved tentative map is 530. The parcels are located within the Forest Planning Area and Washoe County Commission District No. 2. (APNs 046-080-40; 046-060-45 & 47; 046-131-24; 046-132-06; 046-133-15 & 17; 046-180-12, 14 & 15; 154-011-07; 156-040-09, 10, 14 & 15; 156-111-23; 156-141-04. And, if approved, schedule a public hearing, second reading and possible adoption of the ordinance for January 9, 2024, and authorization for the Chair to execute the Development Agreement. Community Services. (Commission District 2.)

Washoe County Planning Manager Trevor Lloyd conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; Background; St. James's Village – Existing Site Plan; St. James's Village – Site Plan at Buildout; Additional Conditions; Findings; Recommendation and Motion; Thank you.

Mr. Lloyd announced that the second reading for this agenda item would occur on January 23 since the January 9 meeting was cancelled. He informed that the purpose of the request was to extend the deadline for recording the next final map to October 16, 2025. He explained the application was submitted prior to October 16, 2023, which created a placeholder that would stay the expiration of the Tentative Map.

Mr. Lloyd remarked that St. James's Village was located within the Forest Planning Area and was at the southern terminus of the public portion of Joy Lake Road. He noted development for the subdivision was originally approved in 1992. It had gone through a series of final maps and extensions since then, as well as an additional development agreement in 2012. He said the tentative map was originally approved for 530 lots, but the total number of residential lots would decrease to 467 at build-out due to construction of Interstate 580 (I-580). He stated Washoe County had the opportunity to impose additional conditions, several of which he believed would benefit the County.

These included requests from the Washoe County Planning and Building Division (PBD) Parks Program staff to dedicate a 15-foot-wide non-motorized public trail easement and additional trail connections to adjacent public lands. There was also a condition to protect natural and cultural resources along Steamboat Creek. He pointed out that staff from the Washoe County Engineering and Capital Projects Division imposed a condition that future final map submittals complied with Washoe County Development Code. He advised that Washoe County Code (WCC) Section 110.814.30(d) required the Board to make the four findings displayed on the “Findings” slide. He shared that staff believed the extension was in the County’s best interest and he recommended approval of the proposed development agreement.

Mr. Ken Krater of Krater Consulting Group discussed the reason for the request and stated that when the project was originally approved by Washoe County, the water system was approved as a “tree” system. This meant one branch would travel down St. James’s Parkway and another down Joy Lake Road. He said Washoe County’s Department of Water Resources did not see a benefit-cost ratio (BCR) of connecting those two systems because it was a relatively small water system and connection would have been costly. He noted the connection would have required a 40-to-50-foot descent to the bottom of Brown’s Creek and an ascent to the other side, which would have caused undesired environmental impacts.

Mr. Krater explained that development of the Sierra Reflections project would allow for eventual looping of the site’s current water system. He stated they worked with Nevada Department of Transportation (NDOT) when I-580 was built to ensure placement of large sleeves under the freeway that allowed for water lines. He noted they presented Truckee Meadows Water Authority (TMWA) with many options to phase in the looping. However, looping at the current time would cost \$460,000 per lot and there were a small number of lots requested in the final maps. He reported they had gone to court and participated in mediation. He advised they would reach a resolution and the looping would be developed. The requested extension would allow them more time to work with TMWA to develop a phased looping plan that was economical. He said spending \$7 million to loop 23 lots did not make financial sense. He remarked that they fully agreed with Washoe County staff’s additional conditions and supported dedicated trails in the Galena area. He thought the dedicated trails had originally been overlooked and asserted they would be great for residents and the community. He expressed hope the Board would support the time extension and noted the development’s strong sales. He stated the project allowed the area’s new residents to build their custom dream home. He opined the project was successful and received community support because people recognized the development’s high quality.

Commissioner Clark pointed out that the project was in his district. He noted that he previously requested to postpone the agenda item until he spoke with Mr. Krater. He said he was not sure why that did not happen.

On the call for public comment, Ms. Penny Brock disclosed that she moved to Galena Forest in 1988. She said she went through a battle with St. James’s Village and

asserted the map was approved for high density at that time, which she thought was a huge issue. She noted St. James's Village had not executed high density, but rather made larger lots with custom homes. She commented that Joy Lake Road was another huge issue because it was not built for St. James's Village. She noted some homes had driveways that went onto Joy Lake Road and posited that most homes had two cars. She opined that when the development was built-out, an additional 1,000 vehicles would be on Joy Lake Road and Mt. Rose Highway. She mentioned fire danger and stated more housing meant increased possible fire danger. In the event of a fire, evacuating 1,000 additional vehicles would be an issue. She remarked that a road was built going through Washoe Valley and towards Carson City, but all drivers wanted to use Joy Lake Road because it accessed Mt. Rose Highway. She claimed the neighbors in Galena Forest were an issue because St. James's Village was a gated community, and the gate would not be opened if there was an evacuation. She reported that she no longer lived in Galena Forest but had contacted some friends there who could not attend the meeting. She said a developer of Joy Lake Road put bumps on the road to slow traffic but opined that was not a sufficient solution when 500 homes and 1,000 vehicles would be added to Joy Lake Road and Mt. Rose Highway. She asserted that responsible planning could not ignore the issue.

Mr. Cliff Low observed that St. James's Village was in the Forest Area Plan but in the Washoe Valley watershed, so it affected Washoe Valley. He requested the agenda item either be postponed until Commissioner Clark met with the applicant or turned down completely. He said the Staff Report mentioned that when the tentative subdivision map was approved, the Planning Commission (PC) and Board of County Commissioners (BCC) determined the development was consistent with the Master Plan. He inquired if it was consistent with the Master Plan in effect in 1992 or the current Master Plan that was in effect for approximately 13 years. He asked how the project fit in with the Master Plan that would soon be implemented. He mentioned a statement the applicant made about water and noted the Staff Report said the resolution of water issues was needed to move forward. He said the process to provide a tentative or final map should not go on indefinitely and needed to be resolved in a timely manner. The Staff Report discussed that notice of the public hearing and possible adoption of the development agreement must be sent to all property owners within 300 feet of the property, per WCC. He thought few people would receive the notice due to the subdivision's large lots. He opined that few people were at the meeting because they did not know or care about the issue. He advised the Board to either deny or postpone the agenda item.

Mr. Gary Schmidt mentioned he was the owner of the Reindeer Lodge on Mt. Rose Highway for over 50 years. He said he lived in that area before Mt. Rose Highway was flattened out and he spoke about the area's snow removal procedures during that time. He discussed the history of Joy Lake Road and commented that it was a historical wagon trail. He thought Joy Lake Road should not have been gated because it was a historic pioneer trail, and said previous Commissioners were responsible for the gate. He suggested that future development in the area be conditioned to remove the gate for historic and safety purposes, as he believed the road belonged to the public. He said bumps and speed limits could help control traffic, but the gate played a crucial role in getting off the mountain during a fire. He posited people would not be aware if the gate was opened during an

emergency because they were used to it being closed, which would cause traffic issues on Mt. Rose Highway.

County Clerk Jan Galassini advised Chair Hill that if the Agenda Item was introduced, it would be Bill No. 1900.

Chair Hill stated the agenda item was agendized before she became aware that Commissioner Clark wanted it postponed. She disclosed that the applicant expressed to her they wanted to keep the item agendized. She shared her understanding that the Board should proceed. Assistant District Attorney (ADA) Edwards affirmed that since the item did not call for adoption of an ordinance and was a first reading, Commissioner Clark had time to meet with Mr. Krater prior to potential adoption.

Commissioner Clark said he previously asked ADA Edwards if there would be any issues if he spoke to the applicant. ADA Edwards remarked that he indicated the meeting would present no issues. Commissioner Clark confirmed he had followed proper protocols to ensure he could speak with the applicant.

Bill No. 1900 was introduced by Commissioner Andriola, and legal notice for final action of adoption was directed.

23-0823 **AGENDA ITEM 10** Recommendation to adopt seven resolutions accepting real property for use as public streets, which pertain to portions of six official plats and one irrevocable offer of dedication as listed below totaling 23.19 acres and 3.59 linear miles; and if approved, direct the Clerk's Office to record the resolutions to accept:

- 1) R23-166 for a portion of the Official Plat of Eagle Canyon Ranch Unit 9, Tract Map 5389, recorded on September 28, 2020, as document number 5083344, being: Pine Forest Drive, Sand Springs Drive, and a portion of Neighborhood Way and Whitney Pockets Drive, Assessor Parcel Number (APN) 532-344-02; approximately 2.416 acres and 0.44 linear miles;
- 2) R23-167 for a portion of the Official Plat of Eagle Canyon Ranch Unit 9B, Subdivision Tract Map 5444, recorded on September 13, 2021, as document number 5225283, being Carico Valley Place, Ione Valley Drive, Kumiva Drive, and Mojave Desert Drive and a portion of Neighborhood Way and Whitney Pockets Drive; APN's 532-393-34 and 532-402-03; approximately 4.45 acres and 0.57 linear miles
- 3) 3) R23-168 for a portion of the Official Plat of Ladera Ranch Phase 1, Subdivision Tract Map 4790, recorded on June 8, 2007, as document number 3542043, being Dream Catcher Drive, Dream Catcher Court, Painted Sky Way, Flint Springs Drive, Flint Springs Court, and Quail Ridge Court; APN's 502-712-09, 502-722-46, and 502-32-16; approximately 5.778 acres and 0.82 linear miles;
- 4) R23-169 for a portion of the Official Plat of Woodland Village

- Phase 21, Subdivision Tract Map 5273, recorded on June 27, 2018, as document number 4826743, being Brady Ridge Court, Jones Creek Court, Tohakum Court, and a portion of Village Parkway; APN 556-641-45; approximately 2.89 acres and 0.47 linear miles;
- 5) R23-170 for a portion of the Official Plat of Woodland Village Phase 23, Subdivision Tract Map 5379, recorded on June 29, 2020, as document number 5045584, being Davis Meadow Court, Relay Ridge Court, Ginny Creek Court, Slab Cliffs Drive, East Slab Cliffs Court, West Slab Cliffs Court, Church Peak Court, Bronco Creek Court, and Alpine Walk Court; APN's 556-701-42, 556-701-43, 556-711-18, 556-691-22, 556-691-23, 556-681-21; approximately 4.774 acres and 0.78 linear miles;
 - 6) R23-171 for a portion of the Official Plat of Sugarloaf Ranch Estates Unit 2, Subdivision Tract Map 5468, recorded on January 24, 2022, as document number 5270925, being Malabar Drive and a portion of Seaberry Drive, Cloud Berry Drive, Cloud Berry Court, Calle De La Plata, and Hickory Drive; APN 534-776-12; approximately 2.878 acres and 0.51 linear miles; and
 - 7) R23-172 for an Irrevocable Offer of Dedication, recorded on March 31, 2023, as document number 5369205, being a portion of Eclipse Drive; APN 089-531-07; approximately 0.02 acres and 0.01 linear miles. Community Services. (Commission Districts 4 and 5.)

Chair Hill asked if the Board desired a presentation on this agenda item and it was determined that no presentation was needed. Chair Hill stated that this type of property was accepted into the County frequently.

There was no response to the call for public comment.

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

22-0824 **AGENDA ITEM 12** Public Hearing on Resolution R23-163 to allow for objections with possible action to approve a Sign Location Lease for an outdoor advertising structure between Washoe County (Lessor) and the Lamar Companies (Lessee), retroactive to June 1, 2023 for a 36-month term, with option to renew for 24 additional months, for the continued use of a portion of land (approximately 250 square feet) identified as Assessor's Parcel Number (APN) 008-211-51 (formerly APN # 008-211-46) to allow a billboard sign with rental fee to Washoe County [in the amount of \$1,750.00 monthly] pursuant to Nevada Revised Statute 244.2833. Community Services. (Commission District 2.)

Chair Hill opened the public hearing.

Chair Hill recalled a discussion about the sign during the previous Board of County Commissioners (BCC) meeting on Tuesday, November 28, 2023, and asked if any Commissioners wanted a staff presentation. A desire was expressed for a brief staff presentation, which was provided by Community Services Department (CSD) Operations Division Director Eric Crump. Mr. Crump stated this was the second part of a resolution adopted by the BCC on November 28, 2023, regarding the Sign Location Lease for an existing billboard on County-owned property. He added the property location was commonly referred to as the Cares Campus. He explained the structure under consideration was an existing billboard and was within the City of Reno, which meant Reno development code and ordinances applied. Mr. Crump said as he understood it, the billboard was a legal, non-conforming sign. He informed the Commissioners that the lease was originally between Lamar and a private property owner. He described the City of Reno purchased that property and was assigned the lease, and then subsequently, that property was transferred to Washoe County from the City of Reno, and the lease was assigned to the County. He added the lease had recently expired. Mr. Crump advised the proposed lease was for a 36-month term with an option to renew for an additional 24 months with a monthly rental fee of \$1750, which equated to \$21,000 annually. He confirmed the billboard's location did not interfere with any current or future known operations of that location. He reasoned the sign did not provide any benefit to the County other than the lease revenue. He disclosed that he had received three emails in objection to the lease. He observed there were representatives from Lamar who were at the meeting that day but had to leave and would not be able to answer questions directly. Mr. Crump said he was happy to answer any questions that he could.

Chair Hill thanked Mr. Crump for the overview.

Commissioner Clark remarked on the speed of the resolution and recalled concerns he expressed previously about the lease renewal. He informed of his efforts to meet with representatives from Scenic Nevada to get their perspective, but due to the rapid return of discussion regarding the proposed resolution, he had been unable to meet with Scenic Nevada yet. He cited Ms. Lori Wray, who, in particular, had sent a lot of information. He shared an excerpt from a letter she sent, which implored, “We hope you uphold the 20 plus years of prohibiting billboards in Washoe County and respect the wishes of County residents, including Reno where almost 60 percent of registered voters banned new billboard construction and new permits.” Commissioner Clark stated his intention to stand with the 60 percent of voters in the area who did not appreciate billboards. He also said he noticed the number of elected officials, current and past, who accepted in-kind contributions from Lamar, which concerned him. He provided specific examples of donations from Lamar to local politicians and thought the County should not be in what he called the billboard business because most citizens voted in opposition to new billboard construction.

Commissioner Garcia asked for clarification about the number of billboards currently owned by the County, and rejected the suggestion the County was in the billboard business. Mr. Crump confirmed the number of billboards owned by the County was two, both of which he related were on property acquired by the County and were “inherited”

rather than sought. Commissioner Garcia inquired about who was responsible for the cost of removing the sign, which she understood would ultimately be done when the space was turned into a park. Mr. Crump said Lamar was responsible for removing the sign since the structure was their property.

Vice Chair Herman observed if the sign was removed, there would no longer be a revenue source from the property. She thought the County could utilize the revenue, perhaps to pay someone's wages.

Commissioner Andriola thanked staff for addressing numerous questions she had about the lease, including trying to ascertain how long the sign had been in place. Specifically, she wanted to know whether it was in place prior to the vote prohibiting new billboard construction, and she thought the billboard did predate that restriction. Mr. Crump advised the new sign regulations were enacted in 1999. Commissioner Andriola inquired about ownership of the sign structure, which Mr. Crump informed was owned by Lamar. He confirmed the County inherited the sign when ownership of the land was transferred from the City of Reno to Washoe County, which now leased the land to Lamar for continued use of the sign. Commissioner Andriola asked whether there was anything in Washoe County Code (WCC) that would legally prohibit renewal of the lease. Mr. Crump passed the question to Planning Manager Trevor Lloyd, who stated the property was under the jurisdiction of the City of Reno and that there was nothing in WCC that could enforce properties within the City. He affirmed WCC only regulated signs that were in unincorporated Washoe County. He added there was a provision for Washoe County properties that allowed existing billboards to remain in perpetuity, but there was a prohibition against placement of new billboards throughout unincorporated Washoe County. Commissioner Andriola said the difference between the existing, inherited structure and a new one was significant to her, and she noted the financial benefit. She stated her support for the resolution.

Assistant District Attorney (ADA) Nathan Edwards added to Mr. Lloyd's remarks about Code differences, which he maintained were substantial in this case. He explained under WCC, billboards had to be removed when a lease was terminated or when it expired. He said the lease in question did expire, but the Reno City Code only included termination provisions and did not have an expiration component. Due to this, he advised there was no legal hurdle to the lease extension.

Commissioner Clark said just because it was possible and legal to renew the lease did not mean it was the best choice. He maintained that choosing to renew the lease did not uphold the voters' preference. He thought the opportunity to remove the sign should be taken and did not think revenue from the lease was significant enough to overlook citizens' preferences. He remarked the sign was an unsightly distraction at an already dangerous convergence of two major highways.

Commissioner Garcia mentioned a conversation with Housing and Homeless Services Division Director Dana Searcy, who said the billboard did not negatively affect Cares Campus operations. Commissioner Garcia asked Mr. Crump for

his perspective on maintenance and accessibility impacts on the County and whether he saw any issues. He responded that he had also spoken with Ms. Searcy, who indicated the sign's location was out of the way of both the current and planned day-to-day operational area of the Cares Campus. He reasoned that since there was no impact on County operations, it was purely a policy decision for Commissioners to make.

On the call for public comment, Ms. Penny Brock displayed a document, copies of which were distributed to the Board and placed on file with the Clerk. She emphasized the importance of upholding the people's will, who made their stance clear in voting to ban new billboard construction. She observed billboards added to an already negative reputation Reno had for its appearance. She said this was a chance to get rid of the billboard and asked Commissioners to vote against the resolution.

Mr. William Naylor shared his long-standing involvement with Scenic Nevada and supported their efforts to reduce blight in the Truckee Meadows from billboards and signs. He mentioned some research he undertook on the resolution and felt it was clear from looking at related codes that there could not be signs on County property, with some exceptions. He said those exceptions did not include billboards. He reasoned that the interpretation provided by ADA Edwards should be the deciding factor in determining whether the development code only applied to property in unincorporated Washoe County or to all Washoe County property. He noted the large amount of time spent by himself and several other citizens on developing the sign code, and he hated to see a loophole enable the sign to be kept past expiration of the lease.

Mr. Gary Schmidt referenced a requirement in Open Meeting Law (OML) to have a complete and clear statement of what was to be considered on the agenda. He noted the agenda for that day identified parcel numbers for the billboard but not the street address. He argued that it was not clear or complete, and the street address should have been included. He further asserted that the street address was included in some supporting materials, but no photographs were included. He supposed this additional information would have helped Commissioners comprehensively consider the resolution. Mr. Schmidt reasoned it would be inappropriate for Washoe County to regulate billboards within the City of Reno. He opined there had to be established agreements in the lease between the property owner and the billboard owner to determine responsibility for removal. He thought there was an opportunity to remove the billboard, which he contended was reasonable to do based on the vote Commissioner Clark referenced in his remarks.

Mr. Cliff Low noted he was unable to speak to this resolution when it was considered on November 28, 2023, because of a conflicting meeting with Mr. Lloyd. He encouraged Commissioners to be leaders and take the opportunity to remove the billboard from the property. He read a policy from the Envision Washoe 2040 County Master Plan, which stated, "Maintain scenic resources within the County, Policy 1.1: Collaborate with all planning partners to identify and protect the region's significant visual gateways and viewsheds including ridgelines, buttes, mountains, and riparian corridors." He thought it was clear that for Commissioners to allow the sign to remain contradicted the Master Plan and principles the BCC signed on to.

Assistant District Attorney (ADA) Nathan Edwards clarified his earlier remarks. Regarding the question of whether the City or County Code applied, he quoted from the introductory section in the County Sign Code, which was meant to provide a legal framework for the regulation of signs, and specified that these codes applied to “unincorporated Washoe County.” He also cited provisions regarding termination from the City of Reno Sign Code, from which he determined there was nothing in the law that required the County to extend the lease, and equally, there was nothing that prohibited the County from extending the lease.

Chair Hill thanked ADA Edwards for his clarification and observed policymaking was a major role of the BCC, especially in situations where no clear outcome was legally indicated.

Commissioner Garcia stated her neutral position on the resolution. She was accustomed to seeing the billboards but also understood the importance of preserving scenic beauty. She asked Mr. Crump for an estimate of the number of billboards in that area, and though he did not feel he could offer a guess, he observed there were many others. Commissioner Garcia calculated there would be \$63,000 of lost potential revenue over the 36-month period if the lease was not renewed and \$105,000 if the lease was extended for another two years beyond that. She said the current revenues went into the general fund and she did not want to see that potential revenue lost.

Vice Chair Herman asked if there was any potential for the County to be sued if the lease was not renewed. ADA Edwards affirmed there was a possibility and said there had been a large amount of litigation from sign companies against local governments. He informed in some instances the sign companies had prevailed and gotten substantial amounts of money to compensate for lost revenue stream over the life of the sign. He supposed it was a risk the County would be taking if they decided not to approve the lease renewal, but his reading of the documents showed the lease was already expired and there was no lease currently in effect. Vice Chair Herman inquired if there was generally anything in sign contracts to account for disrepair. ADA Edwards responded there was an existing provision in the Reno City Code that allowed non-conforming billboards to be continued until they were required to be removed as a result of the termination of the lease or destruction or damage in excess of fifty percent of the structural value, for example, due to a disaster or weather. He explained that a sign could be ordered to be removed in that case. His opinion was that the owner of the sign would be responsible for sign removal if the legal right to keep it there was no longer in effect. He compared the situation to an apartment lease, which, if no longer in effect, would necessitate the removal of personal former lessee vehicles from the apartment's parking area. ADA Edwards recalled a series of disputes over the condition of some signs in the Steamboat vicinity, which was ultimately resolved when the new freeway was built. He said the County could always approach the sign owners with a concern, whether aesthetic or structural, especially if there was any potential danger. Vice Chair Herman wondered if a condition could be added to the lease to explicitly allow for that. ADA Edwards replied that adding provisions to the lease would be better approached with a more careful review than with remarks from the

dais that might not be comprehensive. He asked for a few minutes to quickly review the existing lease to see if anything was immediately visible that might assuage Vice Chair Herman's concerns.

Commissioner Clark offered his opinion as someone who had written and negotiated numerous leases. He noted this lease had expired, and there was no obligation to renew it. He said there was potential for a lawsuit, but only because anybody could sue anybody about anything. He restated his objection to renewing the lease but noted the opportunity to increase the rent if the BCC did proceed with lease renewal. Mr. Crump reported that negotiations were entered into regarding the lease, and \$1,750 per month was negotiated, which amounted to \$21,000 per year. For comparison, he added the other billboard lease that came before the BCC in May 2023, which generated \$4,000 annually. He recognized the opportunity afforded by the ban on new billboards in the City of Reno and said the County did not want to leave any money on the table in negotiating a new lease. Commissioner Clark recommended the Assessor's Office as a resource for information about current market values and thought the billboard might have more earning potential based on traffic count, location, and visibility.

ADA Edwards shared the provision he found after a brief overview of the existing lease. He stated in the middle of paragraph five, there was a sentence that said at the termination of the lease, the lessee agreed to restore the surface of the premises to its original condition.

Commissioner Andriola requested a point of clarification about the negotiated rate of \$1,750 per month mentioned by Mr. Crump. She wanted to confirm that was the amount negotiated per month in comparison to the other existing agreement, which was for \$4,000 per year. She was interested in learning where the rate of \$1,750 came from. Mr. Crump disclosed the County opened negotiations with a higher proposal since they knew the value of the billboard, given its location. He said open discussions with Lamar took place, and Lamar based their rates on a percentage of their income and listed costs associated with billboards on their website. He informed the County analysis concluded the negotiated rate was favorable, but they could go back to the drawing board given the conversation that day. Commissioner Andriola restated her feeling that if this was a new billboard, she would have a different opinion, but because it already existed and was in an admittedly less scenic area of town, she thought, from a business perspective, it was a worthwhile source of continued revenue generation. She echoed Vice Chair Herman's concern about ensuring the billboard was maintained. Commissioner Andriola summarized that, given all the information provided and the legal clarification from ADA Edwards, she supported the resolution.

Commissioner Clark asked ADA Edwards for clarification on whether the lease as written would allow for a billboard of a different size or style or even a cell phone tower. ADA Edwards responded his reading of the lease was that it was specific to the sign that was already there, not a broader lease of the land for alternative uses or additional construction. He said the cell tower question was not one he could answer at that time but

advised there was a series of local and federal code provisions and regulations that could be consulted for guidance.

On motion by Commissioner Garcia, seconded by Chair Hill, which motion duly carried on a 4-1 vote with Commissioner Clark voting no, it was ordered that Agenda Item 12 be approved.

23-0825 **AGENDA ITEM 13** Public Comment.

Mr. Scott Finley stated he had a career background in the financial management and comptroller fields. He mentioned Sustainability Manager Brian Beffort's presentation during Agenda Item 5 and said the presentation noted lower energy costs and carbon emission goals could be achieved. He posited that was not true because gasoline and diesel prices were high and continued to increase. He said Mr. Beffort noted the number of coal plants in the Country had decreased and he speculated that was possibly true, but irrelevant. He stated it was irrelevant because solar panels were manufactured in China for use in the United States (US) and the number of coal powered plant numbers in China had increased. He asserted that pollution produced by China was crossing the Pacific Ocean and impacting the West coast. He opined harmful chemicals were reaching the area even if they were not produced there. He mentioned nZero and shared that he had not researched the company. He doubted its data was taking the information he discussed into account and commented that China was notorious for fabricating its data. He posited that if the County's carbon emission goals were contingent on China's honesty, it was impossible for the County to reach its goals. He believed the County's focus should not be on carbon emissions, but on diversification of energy supply. He thought that in addition to wind and solar power, the County should focus on gasoline and diesel and get those prices reduced. He stated Swan Lake had dangerous levels of perfluoroalkyl and polyfluoroalkyl substances (PFAS), arsenic, and medical waste that was being dumped and he believed this should be a higher priority.

Mr. Cliff Low displayed a document, which was placed on file with the Clerk under Agenda Item 3, Minute Item 23-0800. He stated the priorities, principles, and policies listed in the South Valleys Area Plan were straightforward and he did not think their application would be confusing to anyone. He asked what role the vision statement and existing and desired conditions snapshot played in how staff administered the new Master Plan and in how they updated the Washoe County Development Code. He further inquired how potential applicants and the Planning Commission (PC) would interpret it. He thought more than one Commissioner should request an agenda item to address the topic. He said as soon as the PC addressed it, it would be in effect. He asserted he was not the only person voicing those concerns. He mentioned he received an email from Senior Planner Eric Young and read an excerpt from it: "We also do not have any language instructing people how to use the Master Plan. In particular, how to consider and utilize the character statements." Mr. Low explained that character statements included the vision statement and existing and desired conditions snapshots and those did not exist anymore but could be found in the old Master Plan. He continued reading from the email: "The

intent is that the whole plan, including the graphics and character statements, should be included in the consideration in whether an application conforms to the Master Plan. We will make it clear going forward that this should be the case. We also believe an extra section, Chapter 1, entitled ‘How to use this plan’ should be added to the next update, or we can be more clear about findings of conformance.” He asked when the next update would be. He encouraged the Board to find out from the Planning and Building Division (PBD) if an amendment should be added to the plan before it went to the Truckee Meadows Regional Planning Agency (TMRPA). He added that all users of the plan, including the PBD and Board, should know how to use the plan the Board approved and what it was intended for.

Mr. William Naylor shared that he was glad the Board approved the Development Code. He opined it needed more work, but thought it was necessary for the County to function. He mentioned that Commissioner Andriola asked a question regarding the length of time it took to develop the Master Plan when working with the public, to which the answer was three years. He said a follow-up question should have been asked, which was how long it took to prepare and approve the Development Code when working with the public, to which the answer was zero. He stated he only saw the Development Code five days before the PC acted on it. He asserted there was no time to reconcile the Master Plan to the Development Code, which was why omissions were being discussed. He noted omissions could be in either the Master Plan or Development Code. He said the two documents were not compared to ensure consistency. He asked the Board to seriously consider his suggestions and remarked that he had 45 years of experience. He cautioned that negative consequences could occur if further action was not taken.

Mr. Gary Schmidt distributed a document that was placed on file with the Clerk. He stated he respected the comments made by Ms. Kristy Evans about housing and commercial properties in Gerlach. He did not substantially disagree with her factual presentation, but doubted the application submitted by the Gerlach General Improvement District (GGID), which would be addressed at the next Board of County Commissioners’ (BCC) meeting, would appropriately solve the issues. He claimed the application was illegal and in violation of the GGID’s Charter and State law. He thought it would lead to protracted litigation and said the GGID’s application was not compliant with Gerlach’s character statement in the Master Plan. He noted that any surplus property the GGID owned should be sold as dictated by law. He posited the private market could then address housing and commercial needs in Gerlach. He commented that the Washoe County School District (WCSD) owned six or seven lots adjacent to a school in Gerlach, which were donated to house the school’s employees. He remarked that the lots were still vacant. He opined that 54 additional one-third acre lots would be added for residential development in Gerlach if the GGID got the 18 acres mentioned in its application to the market as they were currently zoned. He observed the community had just over 100 residential lots, so the addition would increase residential lots in Gerlach by approximately 50 percent. He stated he had a plan to add 16 residential lots to the area. He agreed there was an abundance of undeveloped commercial property, as stated by Ms. Evans, but said based on his experience, he believed more commercial activities in Gerlach did not exist because the market did not support it. He discussed the commercial amenities that existed in the Gerlach and Empire area and

inquired about the expectations for commercial activities in a community of approximately 150 residents.

23-0826 AGENDA ITEM 14 Announcements/Reports.

Vice Chair Herman insisted that her Election Integrity Bill be revisited. She said she would be disappointed if no action was taken on the bill and declared she did not want to be disappointed, neither did many citizens. She also wanted to establish an agreement for road maintenance, and she mentioned gravel and dirt roads in the northern part of the County. She wanted to explore using Payments in Lieu of Taxes (PILT) money because she understood PILT money was intended for that purpose. She stated there was a lot of land that the gravel and dirt roads traveled through and they supplied access to ranches and access to California. She requested comment from Assistant District Attorney (ADA) Edwards and asked if he could examine using PILT money for a maintenance agreement. ADA Edwards clarified that Vice Chair Herman had asked for a funding mechanism for dirt roads in the County. He stated the Board was generally able to act in that nature. She asked County Manager Eric Brown to work on the topic. She shared that she was not extremely familiar with planning and master plan processes. She wanted to revisit the Master Plan before it was deployed to make sure it was thorough and appropriate.

Commissioner Clark announced that Mr. William Naylor and Mr. Cliff Low lived in his district. He commended them for dedicating their time to study and attend meetings. He said their input should be considered and posited they knew more about the subjects they studied than anyone on the Board. He asserted that Mr. Naylor’s comment about how long the public was able to examine the Development Code was revealing. He opined more work needed to be done to protect citizens and the County from lawsuits. He declared certain repercussions could be prevented and stated the Board should fix the code if it needed to be fixed or study it more to make sure it did not cause negative repercussions. He saluted the two gentlemen for spending their time to help the Board understand what it voted on.

Chair Hill thanked Vice Chair Herman for her leadership during the meeting. She said Vice Chair Herman did a great job and remarked that she enjoyed working with her. She told Vice Chair Herman that her new election resolutions were received and informed her that the District Attorney’s (DA) office would review them. She asked County Manager Eric Brown if the sustainable funding of County roads could be discussed when addressing gravel roads, as she thought that was the real issue. She said it would present an opportunity to discuss Goods and Services Tax (GST) again and noted there were many components of the issue they could examine.

Commissioner Andriola wished to reiterate a point she made at the October 24, 2023, meeting. She advised the Board to examine the regionalization of wastewater and sewer treatment when reviewing planning during the upcoming year. She said she voiced this desire multiple times and wanted to voice it again.

* * * * *

4:31 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