

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

TUESDAY

10:00 A.M.

FEBRUARY 27, 2024

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

Mary Kandaras, Chief Deputy District Attorney

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

24-0118 AGENDA ITEM 3 Public Comment.

Ms. Bari Levinson read from a document, a copy of which was placed on file with the Clerk.

Mr. Bill Miller remarked that he began living in Reno in 1985. He supported affordable housing, especially ensuring it was comfortable and energy efficient. He believed housing could be gas-free and incorporate rooftop solar panels and built-in electric vehicle (EV) chargers. He thought this would increase efficiency and minimize gas and electric bills. He asked the Board to consider his request when it planned for affordable housing.

Ms. Brooke Westlake announced she had been in Reno since 1989. She noted the Library Board of Trustees (LBT) vacancy appointment would occur in March. She held a master's in criminal justice from the University of Nevada, Reno (UNR). She said her experience was unique because she went through the local school system and was diagnosed with dyslexia in graduate school. She was happy to report she would be a first-time published author later in the year. She expressed interest in the LBT vacancy and shared that she sent emails to the Commissioners.

Ms. Pam Darr said she was a Washoe County resident and she asked why the agenda lacked items regarding elections. She questioned what kind of cost analysis had been performed regarding Agenda Item 9. She stated she served on a homeowners association (HOA), which performed reserve analysis. She asked if the money potentially

spent on Agenda Item 9 would save Washoe County money in the long run or if the County should retain those funds and perform its own reserve analysis. She inquired about the lifespan of the Arrowcreek Parkway wall and noted the amount listed on the agenda was just below the amount allowed by Nevada Revised Statutes (NRS). She asked if write-offs could occur. She shared that she was concerned about elections and stated her voting record appeared incorrect. She received a letter stating it was corrected, however, the record had been inaccurately modified. She questioned if the County could use paper ballots.

Mr. Terry Brooks recited an original poem about the relationship between unemployment and homelessness. He said COVID-19 (C19) caused many people to become unemployed, many of whom became homeless and felt their lives were destroyed. He mentioned the potential for transportation issues for affected people and observed that the issues could compound, causing hopelessness. He posited that prolonged homelessness and its associated lack of nutrition could decrease a person's motivation to return to work. He speculated that depression might impact someone's ambition to seek employment.

Mr. Jim Dykstra displayed documents, copies of which were placed on file with the Clerk. He noted that since the Incline Village - Crystal Bay Township Justice Court (IVCB Justice Court) was established in Incline Village in 1980, the population growth in the City of Reno, City of Sparks, and Washoe County had exceeded that of Incline Village. He commented that one justice served a population of just over 12,000 in Incline Village, an area that had a below-average crime rate. He said including the Reno Municipal Court and Reno Justice Court, ten justices served over 32,000 people each in the Reno area's high-crime environment, which resulted in a much heavier caseload for justices in the Reno area. He pointed out that other impactful changes had occurred since 1980 and mentioned the 2006 shooting of Judge Chuck Weller. He said the need for court security had increased and stated that a security perimeter for a one-judge court was not economic when it could instead be utilized for a four-judge or six-judge court. Since 2020, the IVCB Justice Court has been mostly virtual. He declared the main reason the IVCB Justice Court was established was that people did not want to travel down the hill during winter, which had been alleviated by the virtual court. He remarked that the Board had a once-in-a-decade opportunity because Judge E. Alan Tiras had announced his retirement. He suggested that the Board allow Judge Tiras to consolidate the virtual court into the Reno Justice Court prior to his retirement. He said this would allow for the elimination of approximately three deputy sheriff and bailiff positions and would save over \$400,000 per year out of a \$900,000 budget. He posited that \$200,000 of the annual saved funds could be adjusted for inflation and then used to fund a quality community center in the newly available space.

Ms. Elise Weatherly spoke about the Board standing during invocations. She recommended that people remain seated and then float up but said that would defy the laws of physics. She explained she was not religious but believed in physics and that things happened for a reason. She speculated as to what was created and what was invented. She asked who invented numbers and said resurrection from the dead was an act of physics. She posited that light was created. She declared people had to get to the root of things to determine what they were going to believe, which could be fun.

Mr. Steve Leddy announced he was the President of the Fieldcreek Ranch HOA and that he appeared on behalf of the 14 homeowners who lived adjacent to the Arrowcreek Parkway wall. He informed that some of the homeowners could not attend due to work, health, or death, as some residents had died since the issue was brought to the County's attention 18 years prior. He thanked County employees for their efforts and said Community Outreach Coordinator Candee Ramos and Division Director of Engineering and Capital Projects (ECP) Dwayne Smith had worked to come to a viable, positive, responsible resolution for the wall failure. He thanked Commissioner Clark for taking time to discuss the wall failure with the residents.

Mr. Scott Finley read from a document, a copy of which was placed on file with the Clerk.

Mr. Mark Neumann mentioned he was elected to the Sun Valley General Improvement District (SVGID) and that the Board had appointed him to the Open Space and Regional Parks Commission. He also sat on the Washoe County Senior Services Citizen Advisory Board (CAB) and as an alternate on the Sun Valley CAB. He had spoken with County Manager Eric Brown at a Sun Valley CAB meeting about new housing. He said only \$1,987 in fees were paid for each house that was built. He said 1 percent of the overall bid for the job was paid to Washoe County Regional Parks and Open Space. He asked for consideration of a special use tax to be paid by apartment complexes since they did not offer benefits to parks that others provided through property tax payments. He reported that Deputy District Attorney (DDA) Lindsay Liddell informed him that either the Commissioners or Manager Brown would have to bring the item to her to explore if the NRS could be updated or if the Board could initiate a special use tax. He had been working with the community's senior citizens and he observed that food quality was poor in the area's senior centers. He opined that people visiting Catholic charities ate better than the community's seniors. He questioned if any Commissioners had seen the plastic trays or bread provided to seniors, and he claimed seniors were treated worse than the community's animals.

Ms. Penny Brock displayed documents, copies of which were placed on file with the Clerk. She discussed a letter sent to Manager Brown from the Nevada Secretary of State (SOS) Francisco Aguilar. She said Commissioner Clark requested that paper ballots and hand counting be put on an agenda at the previous Board of County Commissioners' (BCC) meeting. She further stated that Manager Brown announced he sent those items to the SOS's Office, and they could not be put on an agenda. She reported that she called the SOS's Office, which did not have a record of the items. She said she eventually received a response stating she would get the documents on March 1, and they would include the letter Manager Brown sent to the SOS's Office with relevant attachments. She remarked that the letter the SOS sent to Manager Brown was provided, and it raised questions. She claimed a legal review was not provided, nor was a memorandum from the District Attorney's (DA) Office or a staff report, so she sent a request for those documents. She advised the Commissioners to ask Manager Brown for the item he sent to the SOS's Office and to ask him if the attachments were included in the response letter he received back. She stated the letter from the SOS's Office did not say

the Board was unable to put the resolution on the agenda, just that doing so would not be a sensible exercise. She pointed out that the letter referred to Senate Bill (SB) 216, which she discovered was passed at the previous legislative session. She claimed it discriminated against the tribal population by not allowing them to vote by paper ballots if the resolution was passed. She posited it also discriminated against the nontribal population because the meetings conducted between the Clerk and tribal members would exclude everyone else.

Mr. Roger Edwards thought Ms. Brock's comments were accurate and well-researched. He asserted that public comments should be evaluated. He said he was in public service for 50 years and wanted to lobby for citizens' rights. He observed that he and 50 others had applied for the vacant LBT position. He commented that the agenda did not contain Vice Chair Herman's proposed item and observed that something could not be discussed if it was not on the agenda. He advised the Board needed a more effective method for handling requests for agenda items.

Mr. Gary Schmidt provided documents, copies of which were placed on file with the Clerk. He spoke about the process of due diligence and explained that he submitted a series of public records requests the prior day. He mentioned a conflict between himself and the Gerlach General Improvement District (GGID) and he clarified the conflict was between the community and the GGID. He stated that because he exposed the GGID's criminalities, it filed a frivolous and retaliatory nuisance complaint against his property in Gerlach. In response, he asked for a 30-day extension on December 4, then inquired about it again on December 18. He was informed on December 20 that his request was denied and that he had been issued a citation ten days prior, which he thought did not follow a fair or appropriate process. He reported that he attempted to appeal the decision and the body of the complaint to the Board of Adjustment (BOA) but was denied, which was a violation of State law. He referenced NRS 278.310 and read from the document he submitted.

Ms. Janet Butcher thought the Board and Manager Brown should be upset with the SOS's Office for stating the Washoe County Registrar of Voters (ROV) and Clerk did not follow through with a second step. She felt a remedy would be uncovered if the core issue was identified, which she believed was machines and software not working properly. She said that at a Congressional hearing in 2020, it was stated there were 140,000 invalid votes in Nevada. She felt Commissioners should not be interrupted when speaking.

Mr. Nick Martin announced he had been a Washoe County resident for nearly 50 years. He thought conservatives were being railroaded at every stratum of government, including in Washoe County. He opined that during contentious issues, many liberal individuals attended meetings in Chambers, including those who were not County residents. He said this also happened at LBT meetings. He declared that the US Department of Justice (DOJ) treated former President Donald Trump and President Joe Biden differently for the same actions. He began to make accusations about staff and was informed by Chair Hill and DDA Mary Kandaras that his accusations would not be tolerated. Mr. Martin commended Mr. Robert Beadles.

Ms. Thia Nielsen declared she appreciated differing points of view and approached meetings with an open mind. She informed that she was a retired schoolteacher and a seven-year Reno resident. She felt she was always an advocate for students, and she believed in open debate because it unearthed truths and cultivated learning. She explained she volunteered to hold the door at the recent Caucus, and she thought people believed their voices were heard at the event, which was an inspiring experience. She agreed with identifying oneself and she questioned why a Caucus was needed for people to know their voice was heard. She expressed concern about the election process and hoped everyone's input would always be counted.

Mr. Matthew Wilkie shared that he met with Mr. Grant Denton that morning regarding safe parking. He had also set up a meeting for a ride-along the following week to observe cleaning and other actions Mr. Denton's group was taking. Mr. Wilkie noted he was not present at the previous BCC meeting and mentioned that Chief Deputy Sheriff Corey Solferino spoke about Bill 1904. He stated Chief Deputy Solferino said the Cities of Sparks and Reno had enacted similar ordinances that further displaced people from accessing services, resources, and shelters. He asked why the County would do the same thing and expect a different result. He said Chief Deputy Solferino mentioned the ordinance was directed toward a small service-resistant population of 62 individuals, and he remarked that six questionable arrests had already been made. He opined there was a lack of Community Homeless Advisory Board (CHAB) meetings and explained that he had asked each CHAB member, either privately or during a CHAB meeting, to call a meeting. He disclosed that two members advised him they would reach out to the Chair to request a meeting. He requested that a CHAB meeting occur, and he encouraged the Board to modify Bill 1904 to eliminate misdemeanor offenses. He observed that some Commissioners posted about the Built for Zero movement on their social media accounts, and he opined the ordinance would not positively contribute to its cause.

10:45 a.m. **The Board recessed.**

11:00 a.m. **The Board reconvened with all members present.**

24-0119 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown explained the Affordable Connectivity Program (ACP) was a broadband subsidy program that had been in place for a few years. He reported there was a chance the funding would run out by the end of April. He had communicated with the area's communities, particularly seniors, regarding the program. Participation in the program provided significant discounts, such as broadband service for \$30 per month for eligible households. He encouraged people to reach out to Nevada's senators or Congressman Mark Amodei's Office with their concerns. He spoke about a bill in Congress that could extend the program through at least the end of the year. Chair Hill expressed appreciation that Manager Brown voiced the issue and provided contact information for concerned citizens.

Commissioner Andriola shared that she reached out to Nevada State Controller Andy Matthews about the launch of Checkbook Nevada, and they had a great conversation about the State's current infrastructure. She informed that Checkbook Nevada provided full transparency. It was searchable and all expenditures for various items could be viewed. She said Controller Matthews and his staff met to roll out the program to counties and cities with the same level of transparency. She thought the effort was encouraging and that it created an opportunity for leveraging expenses. She believed accountability to the taxpayers was extremely valuable. She asked Manager Brown to determine if staff could reach out to Controller Matthews on Washoe County's behalf and said he would welcome the contact. Chair Hill stated the City of Reno had an open checkbook on its website and she thought it was something the Board could approach. Commissioner Andriola shared the Checkbook Nevada website, which was checkbook.nv.gov.

Commissioner Clark thanked Mr. Mark Neumann for his comments about food at the senior centers and opined the issue had to be resolved. He mentioned that he regularly visited the senior centers and said people would not want to serve their family members the food there. He observed that it was many people's only meal of the day and consisted of small, unappetizing portions. He thought the County could do better.

Commissioner Clark commended Ms. Penny Brock's comments and thought the Board should examine its actions surrounding elections. He inquired why Nye County's election processes were unique and opined its processes seemed effective. He felt it was important to get the issue on an agenda so it could be discussed. He said he previously asked for the item to be agendaized but received a written denial from Chair Hill.

Commissioner Clark provided a document, a copy of which was placed on file with the Clerk. He thought the acquisition of more information was always advisable for Commissioners since they voted on the budget and other important items. He considered himself a sharer of information and he believed in open lines of communication. He posited that people should be able to contact himself and Manager Brown. He questioned how he would be informed of issues if they were brought to Manager Brown's attention. He said when people reached out to him, it often was not something he wanted to hear, but he would listen so the issue could be addressed through the proper channels.

Vice Chair Herman commended Ms. Brock and declared she was a thorough researcher. She requested that staff provide an explanation to Ms. Pam Darr regarding the questions she raised during Agenda Item 3.

Vice Chair Herman commented that a misunderstanding occurred at the previous Board meeting regarding a letter from Nevada Secretary of State (SOS) Cisco Aguilar, which she thought necessitated clarification. Since she could not attend in person, she viewed the meeting's recording. She stated her computer experienced technical problems and she had also undergone cataract surgery. She received the letter in small print, so she did not see it. She printed the letter two days later and noticed she had received only a portion of it. She desired clarification about the letter so she could fully understand

the subjects of discussion. She felt there was no reason her election integrity bill should not be put on the agenda, and she desired it to be agendized.

Vice Chair Herman inquired if the Nevada Department of Transportation (NDOT) could attend a meeting to explain its timeframe for opening the McCarran Boulevard ramp to northbound US-395.

Vice Chair Herman commended Heavy Equipment Mechanic Supervisor William Courtney for being an exceptionally dedicated Washoe County employee. She mentioned that Mr. Courtney was Mr. Giovanni Bruno Selmi's grandson. She stated Mr. Courtney deserved recognition because he went above and beyond his regular work duties. She said he was instrumental in Gerlach's functioning and she wanted to express gratitude to him.

Chair Hill thanked Commissioner Garcia and Human Resources (HR) for their work in resolving certain unintended consequences of the Korn Ferry study. She stated some employees experienced leapfrogging, which meant in some cases, new employees were paid more than tenured employees within the same classification. She said HR worked exhaustively with the Washoe County Employees Association (WCEA) and with employees who went through a formal appeal process. She noted the process was concluded and that salary adjustments were made for the appropriate employees. She expressed appreciation to Commissioner Garcia for her work in the background to enable these changes. She wanted employees to understand how committed the Board was to ensuring staff equity and she hoped they felt heard. She commented that leapfrogging was bound to occur in various situations, but the Board wanted to ensure the Korn Ferry study results were implemented in a fair fashion. She stated salary was an emotional subject and pointed out that everyone was on the same team and should treat others with respect and dignity.

Commissioner Clark thanked Commissioner Garcia for her efforts in helping the 34 impacted employees. He said that 34 people equated to 1 percent of the County workforce. He thought many of the other 99 percent of employees were not satisfied with the situation. He asserted that respect and dignity started with equal pay and he believed different actions could have been taken. He stated he was dedicated to the County's excellent employees and could attest to their hard work and good ethics, as he ran a County department for many years.

24-0120 **AGENDA ITEM 5** Presentation from Lt. Colonel Jason Haynes, Sierra Army Depot commander, about current Sierra Army Depot initiatives towards U.S. Army priorities of People, Readiness and Modernization, and its effects in the Sierra Nevada region. (All Commission Districts.)

Lieutenant Colonel (Lt. Col.) Jason Haynes, Sierra Army Depot commander conducted a PowerPoint presentation and reviewed slides with the following titles: Mission Statement; Workforce Demographics.

Lt. Col. Haynes provided a document titled Sierra Army Depot Military Installation Resilience Review Report, copies of which were distributed to the Board and placed on file with the Clerk.

Lt. Col. Haynes said the Resilience Review Report highlighted approximately two years of the Sierra Army Depot's (SIAD) partnership with the community, which had built redundancy and resiliency in the Lassen County area. He stated it also impacted Washoe County and brought more growth and investment opportunities to SIAD. He reported one of the effort's great results was the Defense Community Infrastructure Program (DCIP) grant from the US Department of Defense (DOD) for \$9.7 million, which added infrastructure ability to SIAD's power capabilities. He explained that SIAD drew energy from California and the grant would help build an interchange with NV Energy so SIAD could purchase power from Nevada as well. Although SIAD was in California, it partnered with Nevada as much as possible.

Lt. Col. Haynes reviewed SIAD's mission statement and noted SIAD was the US Army's premier and largest facility dedicated to equipment retrograde, regeneration, reutilization, and redistribution. He explained that equipment from the field was brought to SIAD and back to the record so it could be either shipped out to the warfighter or stored for later use. He said SIAD's operation saved taxpayer money by returning equipment to the warfighter, so it did not need to be procured and purchased again. He announced the three topics he would discuss were workforce and people, resilience and readiness, and the future of modernization.

Lt. Col. Haynes discussed the workforce and stated SIAD provided economic strength to Lassen County and Washoe County. He noted that SIAD was the single largest employer in Lassen County, and it employed approximately 1,200 civilian employees. He stated he was SIAD's only green suiter and only Army personnel, but SIAD was looking to hire more. He informed that SIAD was consistently recruiting and intended to hire a total of 100 new employees, including civilians. He said SIAD was in a year of growth and that approximately 30 percent of its employees resided in Nevada, primarily in Washoe County. SIAD's estimated economic impact on California and Nevada was \$470 million. He noted SIAD's workforce consisted of about 18 percent veterans and SIAD supported hiring veterans. He said SIAD knew its strength came from the community members it hired.

Lt. Col. Haynes spoke about readiness and declared that SIAD was a prominent organization for unique sustainment solutions. He said the Mission Statement slide informed of SIAD's initiatives. He mentioned storage and noted SIAD had about 36,000 acres with no urban encroachment, so all the equipment was stored in the high desert. The equipment was classified and brought back to the record, and there were about 7 million square feet of warehousing at SIAD. He reported that SIAD was the DOD's largest FedEx shipper.

Lt. Col. Haynes said material readiness was a highlight of SIAD and that SIAD was a center of technical excellence for all fuel and water systems across the nation,

for the Army, and for some Air Force operations. SIAD also had operational project (OPROJ) stocks and its lined-up tanks could be viewed on Google Maps. He stated the tanks were part of an operational readiness fleet that could be utilized in future operations. SIAD performed soldier support and supported the US Army Reserves regarding the Office of Compliance Inspections and Examinations (OCIE) and Central Issue Facility (CIF). He noted that SIAD shipped out clothing and equipment for the US Army Reserves. SIAD also performed plate repair for the US Army. This included classification, repairs, and shipment for plates that went into bulletproof and flak vests. He informed that a major service SIAD performed was to pull and harvest parts, which saved the Army from having to make recurrent purchases. SIAD was capable of shipping anywhere in the world. It possessed an enormous amount of rail infrastructure, including three classification yards. SIAD's location near the US 395 corridor and Interstate 80 (I-80) was helpful because of its access to Travis Air Force Base (AFB) and Military Ocean Terminal Concord (MOTCO). SIAD possessed a 10,000-foot airfield that he thought was underutilized. Regarding the airfield, he said aircraft was brought in for training and there was a great partnership between SIAD and the Naval Air Station (NAS) Fallon in which the Navy Fighter Weapons School (TOPGUN) performed training at SIAD.

Lt. Col. Haynes stated SIAD was prepared to grow. He mentioned the new Chief of Staff of the Army had made decisions to unburden the lowest-level leaders across the force. He specified this meant equipment from the Army's force would be brought to SIAD to lighten the force's property books and improve combat operations. He explained that SIAD was being modernized and transformed from post-World War II era infrastructure into a more modern, efficient, and advanced logistics center. He noted a project involving a 40-mile railroad and transportation facility would be completed over the next two years and there was a lot of increased opportunity for railroad building in various parts of Nevada and California. SIAD was taking on about 21 projects within the next 15 years, estimated at about \$38 million. It also had approximately \$71 million worth of upcoming projects awaiting programming, which he thought was an opportunity for local businesses to bid on projects and keep the US government's work local. He thanked the Board for the opportunity to present and extended an invitation to the Board to visit SIAD and see how it served the nation.

Chair Hill thanked Lt. Col. Haynes for his presentation, which she said kept citizens apprised of SIAD's actions. She expressed gratitude to Vice Chair Herman for suggesting the presentation.

Vice Chair Herman thanked Lt. Col. Haynes for presenting and she asserted that everyone should understand SIAD's significance. Lt. Col. Haynes stated he lived in Washoe County in Vice Chair Herman's District.

Commissioner Clark thanked Lt. Col. Haynes for SIAD's good work. He declared that the payroll SIAD generated and the team's dedicated work were important components of Washoe County. He shared that he wanted to take a tour.

CONSENT AGENDA ITEMS – 7A1 THROUGH 7E2

- 24-0121** **7A1** Approval of minutes for the Board of County Commissioners' regular meetings of January 16, 2024 and January 23, 2024. Clerk. (All Commission Districts.)
- 24-0122** **7B1** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2020/2021, 2021/2022, 2022/2023 and 2023/2024 secured tax roll 2) authorize Chair to execute the changes described in Exhibit A and 3) direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$45,101.13]. Assessor. (Commission Districts 1, 4, 5.)
- 24-0123** **7C1** Recommendation to approve a Public Trail Easement Deed and Maintenance Agreement between Washoe County and DRP NV 2 LLC to allow public use of a future trail through the Ascente Subdivision, crossing Assessor's Parcel Numbers 045-252-18, 045-252-19 and 045-742-01. The Public Trail Easement Deed and Maintenance Agreement allows use of the trail within the ± 10.3 acre easement area by Washoe County and the general public for recreational purposes with no cost to Washoe County. Community Services. (Commission District 2.)
- 24-0124** **7C2** Recommendation to: (1) approve the purchase of real property through a Deed of Dedication (Silver Arrow Range Road), a portion of APN 079-540-18, totaling ±277,155 square feet [at the appraised value of \$30,500.00] for use as a public access to the Washoe County Regional Archery Facility, in support of the 2021 adopted Regional Archery Facility Master Plan; and (2) authorize Assistant County Manager, Dave Solaro, to execute any and all required documents necessary for the property purchase. Community Services. (Commission District 5.)
- 24-0125** **7D1** Recommendation to approve a Capital Improvement Project (CIP) for the replacement of recreation yard artificial turf at Wittenberg Hall, a detention facility for minors, [in an amount not to exceed \$300,000] and direct the Comptroller's Office to make the necessary cross-fund budget appropriation transfers from Juvenile Services Targeted Case Management Fund to the Capital Improvement Fund. [Impact to the County budget is net-zero]. Juvenile Services. (All Commission Districts.)
- 24-0126** **7E1** Recommendation to approve a FFY 2022 Department of Homeland Security (DHS) grant passed through the State Homeland Security Program (SHSP) from the State of Nevada, Division of Emergency Management (NDEM) awarding [\$46,666.00, no County match required], for the Situational Awareness & Communications Platform Project. Grant term is retroactive from September 1, 2022, to June 30, 2024; If approved, authorize the County Manager or his designee to sign the grant award

documents when received; and direct the Comptroller's Office to make the necessary budget amendments. Manager's Office. (All Commission Districts.)

24-0127 **7E2** Recommendation to appoint Eric Crump as Director of Community Services effective February 27, 2024, with an annual salary of \$205,400.00. Manager's Office. (All Commission Districts.)

Regarding Agenda Item 7C2, Commissioner Clark asked Deputy District Attorney (DDA) Kandaras if he needed to disclose that he had given discretionary funds to the church that owned the land for purchase. DDA Kandaras advised that he did not need to disclose the action since it occurred on the public record.

On the call for public comment, Mr. Gary Schmidt shared that he had attended Board of County Commissioners (BCC) meetings for 52 years. He mentioned Agenda Item 7E2 and said he had been an entrepreneur for 60 years. He owned property in Washoe County and lived in Storey County. He opined the organization was top-heavy and did not operate like an efficient business. He stated the Community Services Department (CSD) Director position was created within the last two years and had been vacant for the last year or two. He reported that when he called CSD during that time, it was difficult for him to reach a live person and return calls were not punctual. He believed a lot of employees worked from home despite the end of COVID-19 (C19). He recommended that instead of hiring for the director position, the County hire four additional community development employees at \$50,000 each to answer phone calls and questions. He said they could alternatively hire three employees at \$66,000, which might provide more timely answers to people's questions.

Chair Hill welcomed Mr. Eric Crump to the position of Director of CSD and stated he would do a great job. She celebrated Agenda Item 7D1 and said the children at Wittenberg Hall deserved a quality outdoor area. She commended Manager Brown for recognizing the need and for advocating the project.

Vice Chair Herman asked for further explanation regarding Agenda Item 7D1. Manager Brown informed that the turf on the field at the Jan Evans Juvenile Justice Center was the original installation. It was in poor condition and needed to be replaced, as frayed turf was a hazard.

On motion by Commissioner Andriola, seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 7A1 through 7E2 be approved.

24-0128 **AGENDA ITEM 6** Presentation from Chief Judge Lynne Jones providing an update on the Second Judicial District Court's workload and select programs. (All Commission Districts.)

Chief Judge Lynne Jones conducted a PowerPoint presentation and reviewed slides with the following titles: Second Judicial District Court Judges, 2023 Statistics; Jury Trials (by calendar year); Competency and Mental Health; Language Access; SJDC Specialty Courts; The mission of the Second Judicial District Court.

Chief Judge Jones informed that she was currently in a trial and said it was an honor to attend the meeting. She explained that the Second Judicial District Court (SJDC) was comprised of 16 judges, of which she was the chief. Nine judges were in the general jurisdiction, which handled civil and criminal cases, and six judges were in the family division.

Chief Judge Jones remarked that 2023 was a banner year in many ways and she reviewed the slide titled 2023 Statistics. She noted that settlement conferences resolved matters without trial. She declared the court had an impressive amount of judicial trial days and a record number of trials. She mentioned she was personally in trials for over two months, which meant she had to issue orders behind the scenes. She estimated that for every hour in court, a judge spent three hours in preparation, while staff spent five to ten hours in preparation. She was grateful for the staff and the people funded by the court's budget. She believed the SJDC had phenomenal employees who honored Washoe County every day. The SJDC's filing office accepted documents and responded to requests every day, which accounted for the 17,000 filings processed every month.

Chief Judge Jones reviewed the slide titled Jury Trials and noted the increase in jury trials that occurred after COVID-19 (C19). She explained that jury trials involved the resolution of criminal cases and getting guilty parties to sentencing. She appreciated the County's embrace of challenges surrounding mental health issues, which she said permeated all the programs the Board oversaw, as well as the SJDC. She commended herself for appointing Judge Egan Walker to handle community outreach for mental health issues and internal mental health issues regarding defendants. A mental competency court was created under Judge Walker's oversight. She stated the court was needed because people had waited untreated at the jail for up to 6 to 12 months to receive assistance from the Lake's Crossing Center. Mental competency court was a result of combined creative efforts, and it resulted in a 34-day decrease in mental competency timelines. She explained that meant individuals experienced 34 fewer jail days and more effectively came to competency. She mentioned that diversionary efforts were meant for individuals who needed help but did not necessarily need to go through the criminal justice system. She often referred people from the Young Offender Court to the Reno Municipal Court's Community Court, which was held at the library and offered many resources.

Chief Judge Jones explained that the SJDC faced a great challenge with interpreters. She said there were only 14 certified Spanish interpreters in the State, so they constantly juggled cases. She mentioned a trial where the defendant only spoke Russian, so an interpreter was used throughout the whole trial. She used different interpreter cases as a learning opportunity to improve her knowledge of geography. She noted at least four additional languages had been encountered since her PowerPoint presentation was prepared, which the court had to provide interpreters for.

Chief Judge Jones shared that Specialty Courts included various courts, such as the Young Offender Court, which was hers. Young Offender Court was for 18- to 27-year-olds and provided intervention efforts to get them clean and sober. These individuals were required to get a job, attend counseling, and pay all their fees. She announced that Specialty Courts had a high success rate of 80 to 98 percent. Specialty Courts included Veterans Court, Young Offender Court, Adult Drug Court, Medication Assisted Court, Prison Reentry Court, and Driving Under the Influence (DUI) Court. There were about 400 participants and success continued to increase. She said this impacted the community because participants could either be on probation or diversion status and have a felony removed from their record at the program's end. She thought this was very powerful for young people because sometimes they did not fully understand that collecting drug-related felonies meant they would go to prison. She stated the programs were a great use of State monies. She said the court had acquired federal grants, but the Mental Health Court was severely underfunded. The Mental Health Court served between 60 and 70 participants and had \$21,000 in allocated funds, which she declared was not enough. She mentioned that the reporting and restrictions accompanying federal monies were problematic. The court was aggressively searching for other sources to fund Specialty Courts and mental illness issues. She cited the SJDC's mission statement.

Commissioner Andriola thanked Chief Judge Jones and commented that her amazing group of dedicated workers made the community safer and helped create paths of success to reduce recidivism. She observed the Specialty Courts' significant success rates and asked Chief Judge Jones what she believed the contributing factors were. Chief Judge Jones informed that she performed the assignments, and she thought the placement of the right judges was a significant success factor. She explained connections with judges and staff were powerful for people, as was witnessing a judge be kind and hold people accountable. She said there was a large impact in simply speaking with the offenders in Young Offender Court. She commended the passion of the judges and the Specialty Courts' staff, who she proclaimed were remarkable in their contact with participants.

Commissioner Andriola thanked Chief Judge Jones for her statement about Judge Walker and commended their foresight to draw attention to the community's behavioral health crisis. She recognized Chief Judge Jones' attendance at a recent behavioral health summit and said she understood it was the first of its kind. She felt it was important to share more information about the nature of the crisis with the community. Chief Judge Jones stated the issue affected every Commissioner and each district. She encouraged the Board to contact her or Judge Walker if it wanted the court to address, mobilize, or help with anything because she felt communication had to continue in each district.

Commissioner Clark shared a concern about safety in the court. He said he spoke with another judge who had sentenced someone to prison and then ended up alone with them in an elevator at the court after hours. He asked when the last time a security review was performed, to which Chief Judge Jones responded was in 2017. Commissioner Clark asked if there were any outstanding issues from the review and questioned if another review was needed. Chief Judge Jones declared the situation he described was a lesson to

everyone and she emphasized that security was a huge issue. She stated higher benches and a bigger well were important security factors and she noted that most items from the security review had not been addressed. She hoped that collaboration with the Washoe County Sheriff's Office (WCSO) through a joint request would allow for deputies at doors and that both doors could be open to allow movement. She explained she used the same elevator as everyone else, including those in custody. However, angry family members or fellow gang members who were not in custody were the bigger concern. She asserted the WCSO was very dedicated and was obligated to provide a bailiff and security. She stated it was not effective for a bailiff to do all the security for the courtroom. She acknowledged that another security review was appropriate and thanked the Board for including a new downtown judicial center (DJC) as one of its top priority capital improvement projects (CIP). She thought it would help in every area the Board had concerns about.

Commissioner Clark summarized that security issues had been identified but not addressed since 2017. Chief Judge Jones clarified that the issues had not been addressed completely. She noted the WCSO had done what they could, but the court building had many issues. Commissioner Clark expressed concern for public, employee, and inmate safety. He questioned the County's liability for issues it was aware of but did not fix. He thought it made sense to fix issues before they grew. Chief Judge Jones agreed and noted the increase in anger, homicide, and crime in the community. She thought the court was vulnerable and shared that she was concerned about the staff, security, and public at the court's entrance. She said with Chair Hill's permission, she would provide the security review report to the Board and begin communicating about a new review and its requirements. Chair Hill agreed.

Vice Chair Herman commented that the County was fortunate to have Chief Judge Jones as its chief judge. Chief Judge Jones declared she had reciprocal respect for all the Commissioners. She said she was available to discuss issues and wished to collaborate with the Board to address the community's needs. Chair Hill stated the Board was committed to addressing the community's needs as well.

BLOCK VOTE – 10

24-0129 **AGENDA ITEM 10** Recommendation to approve the removal of uncollectible accounts pursuant to NRS 354.257 which states “authority for removal of information concerning uncollectible accounts from records of County. The Board of County Commissioners may remove from the records of the County the amount of an account receivable and the name of the debtor, upon determination by a centralized collection system.” Accounts receivable for removal are Alternative Sentencing Supervision Fees for [\$1,457.43]; Regional Animal Services Redemption Fees for [\$23,358.51]; Regional Animal Services for Notice of Civil Penalty Fees for [\$176,938.25]; Public Defender Fees for [\$6,842.74] and Sheriff's Office Jail Room and Board fees for [\$165,379.24] for a total amount uncollectible and for accounts past statute of limitations of [\$373,976.17]. Comptroller. (All Commission Districts.)

There was no response to the call for public comment.

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

24-0130 **AGENDA ITEM 8** Direction to staff regarding the submission of comments and letters on behalf of Washoe County in opposition to the United States Postal Service (USPS) conversion of the existing USPS Reno Processing and Distribution Center to a Local Processing Center, which would require local area mail to be processed in Sacramento not Reno, as outlined in the USPS's Initial Findings Document - Mail Processing Facility Review dated February 6, 2024. Manager's Office. (All Commission Districts.)

Chair Hill noted that Commissioner Clark requested the agenda item. She mentioned Government Affairs Liaison Cadence Matijevich had ideas for a letter but wanted the Board to provide direction.

Commissioner Clark was concerned that moving the sorting center across state lines and a major mountain pass would diminish the quality of the United States Postal Service (USPS). He said issues like weather and traffic could diminish service quality, and could, more importantly, cause the loss of union jobs for Nevadans who worked at the facility. He anticipated many unintended consequences.

Ms. Matijevich thanked Commissioner Clark for his detailed feedback. She stated the items he identified were included in the draft letter she prepared. She said with the Board's direction, they would send letters to the congressional delegation in Washington, D.C., that directly represented Washoe County. She explained that USPS was an unusual federal agency because it operated as an independent enterprise and did not receive appropriations through Congress. She said Congress directed the amount of funding appropriated from the USPS fund to the USPS Office of Inspector General (OIG). Therefore, involvement from the County's congressional delegation might be different than with other issues but it could still be an excellent advocate for the County. She informed it was important to submit written comments to the USPS directly because of its unique nature. She reported that comments could be submitted through a portal and were due to the USPS by the end of the following day.

Ms. Matijevich said staff gathered information from the California Department of Transportation (Caltrans) about restrictions and the hours of closures on Interstate 80 over Donner Pass. She thought that information was missed during USPS's initial evaluation. Staff wanted to ensure the challenges of the area's topography were understood, despite the 100-mile proximity between Washoe County and Sacramento. She expressed concern for the volume and nature of the potential diverted mail. She explained the Reno processing and distribution center processed mail from Washoe County and Carson City, the State's capital, which was critical to Washoe County and Northern Nevada residents.

Commissioner Clark felt the County, Northern Nevada, and its residents were caught off guard. He noted the item was met with a groundswell when it was proposed seven or eight years prior. He thought it would be advantageous if the County had more time and could involve other municipalities served by the distribution center.

Ms. Matijevich stated the USPS's findings document was included in the Board's packet. The document was dated February 6, and a meeting was held on February 13, so the community had less than a week to review and understand the implications of the findings. Since that time, Washoe County had been involved in multiple conversations with the Nevada Secretary of State's (SOS) Office. She said she met with the Governor's chief of staff the previous week. The Nevada Association of Counties (NACO) was engaged and sent information to other communities. She had conversations with her counterparts at the Cities of Reno and Sparks, who also advocated for the issue. She spoke with representatives from the Economic Development Authority of Western Nevada (EDAWN) and the Chamber of Commerce. She said the community was coming together to ensure USPS received pertinent information prior to the deadline.

Commissioner Andriola thanked Commissioner Clark for drawing attention to the issue. As soon as she found out, she contacted Congressman Mark Amodei, who responded immediately. She thanked Ms. Matijevich for explaining how USPS was unique and for reaching out to various organizations and agencies because a loud, unified voice was crucial. She appreciated the letter and the concerted efforts and hoped a message from Governor Joe Lombardo's Office would be helpful.

Commissioner Clark thanked Ms. Matijevich for pointing out the timeline. He thought it was rare that the government moved so quickly.

On the call for public comment, Ms. Penny Brock said her biggest concern was the loss of chain of custody for mail ballots, which would be processed in Sacramento. She was surprised that neither Deputy Registrar of Voters (ROV) Cari-Ann Burgess nor USPS Board of Governors Vice Chair Amber McReynolds were present. She thought the letter should be emailed directly to Ms. McReynolds the following day. She expressed concern that the USPS was a union because she felt unions voted based on their desired presidential candidate. She did not think unions should handle mail ballots.

Mr. Gary Schmidt stated he moved to Nevada in 1972 from California and his wife owned a post office. He was opposed to moving the center to California. He declared it was unknown how long California would remain a state. He owned businesses in four states and had experienced problems with mail service. He supported any efforts to oppose the center's movement.

Commissioner Andriola motioned to proceed with the letter and continual contact throughout the community to oppose closing the facility and moving it to another location.

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

24-0131 **AGENDA ITEM 9** Recommendation to provide direction to staff regarding a deteriorating 6-foot tall, 1151 foot long precast concrete-panel wall, located along the interface of the Arrowcreek Parkway right-of-way and the rear-property line of 14 residential lots beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane. Estimates are provided but final costs are dependent upon competitive bidding. Current options include: A) remove, replace and paint the deteriorated concrete wall panels with all costs borne by Washoe County [approximately \$373,600.00]; B) remove, replace and paint the deteriorated concrete wall panels with one half of the cost borne by Washoe County [approximately \$186,000.00 with a cost share of approximately \$186,000.00 between the 14 property owners]; C) completely remove the existing concrete panel wall with all costs borne by Washoe County [approximately \$75,000.00]; or D) any other direction provided by the Washoe County Commission. All options will require a funding source to be identified. If Options A or B are directed, an agreement transferring ownership and future maintenance of the repaired wall to each individual property owner will be developed and presented at a future meeting. Community Services. (Commission District 2.)

Dwayne Smith, Division Director of Engineering and Capital Projects (ECP), conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Arrowcreek Parkway Concrete Wall – Item #9; Supporting Information; photos (1 slide); Engineer’s Estimate.

Mr. Smith oriented the Board to the location of the concrete panel wall. He reported the Arrowcreek developer, Southwest Pointe, built the wall about 25 years prior. He explained the project’s development agreement required that the developer assist with impact mitigation from Arrowcreek Parkway’s construction. No roadway existed behind the homes prior to the Arrowcreek development. He mentioned that impact concerns existed during initial planning efforts. The wall was built as part of the roadway project and was located almost exactly on the property line between the 14 residential property owners and the Washoe County right-of-way. The wall functioned as the back fence for the 14 abutting properties.

Mr. Smith noted that to mitigate the impacts of the future roadway, the roadbed was lowered and moved to the south during the roadway’s development. The wall was built at the same time as the roadway. Within five to ten years, portions of the wall began to deteriorate. It since continued to deteriorate with failed panels, although certain portions of the wall were fine. He believed the core issue was that the concrete mix used in the production of the wall panels was faulty. He informed that with periodic maintenance, a concrete wall of that nature should have a service life of approximately 100 years, a fact he obtained from the concrete wall panel manufacturer’s website. He stated

there was no current warranty for the wall. He explained there was a one-year performance warranty and typically a five-year warranty for materials.

Mr. Smith pointed out that residents contacted the County in 2012 and again in 2022 to ask for the wall's repair. To understand what that would entail, Washoe County ECP investigated the wall, performed site visits, and started working closely with the residents to understand their concerns and develop a strategy to bring to the Board for direction. He spoke about the options presented in the Staff Report and said they were not the Board's only options but represented a spectrum of possibilities.

Mr. Smith said Jacobs Engineering was hired to perform a sound study the previous year to understand additional details about the wall. ECP wanted to figure out if an engineering requirement would be triggered if Southwest Pointe built the wall again. The sound study explored if the development code would require a condition to be incorporated into the project. It concluded the noise level would not trigger an engineering condition for the wall's construction.

Mr. Smith said when Southwest Pointe expressed its desire to develop the Arrowcreek residential development in 1994, the residents who lived directly behind the new roadway were given consideration. The Board of County Commissioners (BCC) at that time directed Southwest Pointe's representative to incorporate mitigation efforts. These included lowering the roadway to reduce sound, moving the roadway to the south away from the properties, and ultimately building the wall. He explained those decisions were made and fully funded by the developer and incorporated into its plan. The plans were then reviewed and approved by Washoe County.

Mr. Smith acknowledged the many details and nuances in the Staff Report and offered to answer questions. He desired to make two points regarding the Board's recommendation. First, he clarified that options were provided to the Board, but it might want to contemplate additional options and considerations. Second, he wanted the forthcoming process to result in a transfer of the wall's ownership and future maintenance responsibilities from the County to the property owners who benefitted from its presence. He thought the request was reasonable.

Commissioner Clark noted the area was within District 2. He inquired if the land was somehow deeded from the developer to the County. Mr. Smith confirmed and stated the property was offered up for dedication in 1989. He spoke about the project's design plans and said they included the wall in offsite improvements. Commissioner Clark clarified that the wall was the improvement, and the County owned the land. The improvement was on the County's land, so the County owned the wall. Mr. Smith affirmed.

Commissioner Andriola inquired about the timeframe in which the residents voiced the issue to the County. Mr. Smith advised that after looking through emails and researching communications, they discovered the residents approached the County in 2012 to request the wall be repaired, as it started to fail within 5 to 10 years of its initial construction. He noted that at that time, the County was in a much different financial

position and no funding or capital improvement projects (CIP) could be identified to address the wall. He said this was communicated to the residents, and no action was taken by the residents or the County until about two years ago when Mr. Steve Leddy, president of the Fieldcreek Ranch Homeowners Association (HOA) made public comment at a BCC meeting. At that point, they started working with Community Outreach Coordinator Candee Ramos and spent more time understanding the issue and its history. He mentioned the situation was uncommon. He had reached out to other partner agencies and found there were agreements that defined responsibilities, ownership, maintenance, repair, and replacement in every other case. He believed the wall was included in the development agreement at the developer's request as an effort to work with residents to identify potential mitigation issues since it was not an actual planning or engineering condition.

Commissioner Andriola spoke about Mr. Smith's request that the wall's property ownership and maintenance be transferred. She asked if the impacted residents had feedback regarding the transfer and she questioned if they would then own the property and have responsibility for it. Mr. Smith explained that ownership transfer options consisted of either a quitclaim or boundary line adjustment to capture that specific portion of the Washoe County right-of-way and transfer it to the 14 abutting property owners. He believed an easement would also be necessary to allow residents access to the wall's backside for future maintenance, repair, and replacement. He said when working with the 14 property owners, staff developed a memorandum of understanding (MOU) that specified the item would be presented to the Board to seek its direction. Then, should the wall be repaired, ownership would be transferred to the property owners, ensuring they had appropriate legal access. He made sure each of the 14 property owners signed the MOU because the approach would not be successful if they did not have a unified agreement. He stated that in one of their several meetings together, it was confirmed that everyone would have to agree and commit to that approach. He appreciated the residents' assent to the MOU.

Commissioner Andriola discussed Mr. Smith's remarks that the wall should have lasted 100 years if appropriate materials were used. She asked if Mr. Smith could speak to the discovery of fault. She inquired about faulty materials and execution, and she questioned if recourse existed. Mr. Smith informed that the material appeared to be the issue, not construction. He reported that the material supplier was identified in the project plans and had gone out of business relatively quickly. He stated he was not an expert in construction defects and said it was not likely that a resource for recourse existed, although a timeframe for recourse might have existed in the past. He clarified that approximately 60 percent of the wall had issues, but the other 40 percent was in good condition and was anticipated to meet its performance life expectation.

Commissioner Clark said he had a good understanding of the item due to discussions he had participated in. He stated that if defective material or workmanship was involved, an insurance policy should still be in place even if the company went out of business. However, no one knew who the insurance carrier was. He spoke about safety and the potential for the wall to collapse while someone was in their backyard. He asserted that the County did not want to own the land and inquired if the property could be dedicated to

the HOA or if 14 separate owners could own the portion of the wall that existed on their property. Mr. Smith responded that he would let Mr. Leddy address that point. He mentioned that option had been suggested and he was informed that the HOA had no interest in assuming ownership of any part of the wall. Commissioner Clark observed that neither the County nor the HOA wanted to own the wall, but that the 14 property owners had agreed to it. He noted that each of the 14 property owners would pay \$13,285.71 if the repair cost was split in half between the County and property owners, based on the quote provided. He opined that the longer this item was delayed, the more costly it would become due to the nature of construction, materials, and labor costs.

Commissioner Clark asked if Mr. Smith had communicated with the 14 property owners about splitting the repair cost with the County. Mr. Smith answered that it had not been discussed with them. He said the option had only been identified after a recent meeting between Commissioner Clark, Mr. Leddy, and himself. He stated multiple options were brought to the Board so it could make the best possible decision. He explained he asked Mr. Leddy to bring that option to the property owners. He reported the option was included because other infrastructure types located within public right-of-ways sometimes used cost shares or special assessment districts to address things such as sidewalks. Commissioner Clark remarked that \$13,000 was a lot of money to produce and he wanted to make sure it was a feasible concept. He observed that the County's least expensive option was to demolish the wall and dedicate it to the property owners. He said the ownership of a quality fence could positively affect the properties' resale values.

Commissioner Garcia remarked that the developer built the wall in 1999 in response to the concerns of future residents, which largely centered on noise, viewshed changes, and safety. She posited that the findings of the recent noise assessment nullified the noise factor, and she asked if Mr. Smith could discuss the other two concerns. She inquired if there were existing concerns the Board should be aware of. Mr. Smith clarified that the sound study was performed to understand if an engineering condition would be triggered if the project were to be performed again, which it would not. He said safety and viewshed concerns were valid and he pointed out that property owners who lived there prior to the wall's construction now experienced a different viewshed. He noted the roadway created a potential safety issue, which he thought was why most properties next to roadways and highways had similar rear fences. He believed that point was recognized when the development agreement was created in 1994. He specified that Southwest Pointe recognized the need to address the residents' concerns regardless of a lack of engineering conditions. In response, it created and funded additional plans that were not paid for by Washoe County. Commissioner Garcia observed that special assessment district funding had been utilized. She questioned if there were fences within the larger wall on any of the 14 properties, as it was difficult to tell from the provided map. Mr. Smith said although he did not inspect every lot, he did not see any properties that possessed an adjoining fence. He thought that was reasonable because based on the plans, the wall was offset by only 12 inches, which did not provide enough room to build a second wall and perform maintenance.

On the call for public comment, Mr. Steve Leddy read from a document, copies of which were distributed to the Board and placed on file with the Clerk. He announced he was the president of the Fieldcreek Ranch HOA and stated the BCC originally determined that Fieldcreek homeowners would not bear financial responsibility for the wall. He asserted that if the County had acted when the wall failure was first brought to its attention in 2006, the County would have borne no cost.

Mr. Scott Palm read from a document, copies of which were distributed to the Board and placed on file with the Clerk. He stated that the portion of the wall behind his home was in good condition when he bought it in 2014. Otherwise, he and his wife would not have purchased it. He urged the Board to approve Option A, as presented in the Staff Report.

Ms. Julie Barbieri said she moved into her home on Fieldcreek Lane in 2001. Witnessing the wall's deterioration had been difficult for her and she would have maintained the wall if it was under her ownership. She stated her section of the wall was the first to deteriorate and she pointed out that her property contained the chain-link fence, which was not her doing. After she initially inquired, she was informed the wall was Arrowcreek's responsibility, but Arrowcreek informed her it was the County's responsibility. She said someone finally went to her home and placed the chain-link partition against the wall. At that time, she thought it was a temporary fix that would be modified after winter. After no changes had been made during spring and summer, she reached out again and was informed the wall would not be repaired. She said she was told the wall would be demolished before it was repaired because if her portion was repaired then the entire wall would have to be repaired. She had suggested the wall be repaired section by section, but this recommendation was immediately rejected. She mentioned the wall's deterioration began with her property in 2007, and the collapse occurred in the winter of 2008. Safety was her greatest concern. She stated she did not understand why she was told it was her responsibility to have a wall behind the larger wall. She agreed with Option A and with the transfer of responsibilities to the property owners after proper modifications were made. She noted the wall's materials were poor quality and could crumble at the touch.

Ms. Pam Darr said she lived in a land management association and could relate to the property owners' concerns. She questioned if it was appropriate for taxpayers to improve someone's property by providing a new wall. She felt it cost a lot of money and she believed there should have been a shared maintenance responsibility by all the involved parties. She asked if there was an option to demolish the wall and let each property owner erect their own wall. She stated she was a homeowner who had to spend money on certain items, regardless of liability or her feelings. She felt that the effect on the taxpayers should be minimized, and the solution should be reasonable for each party.

Mr. Mark Neumann shared that he bought a house at the north end of Sun Valley within an HOA and Highland Ranch Parkway was not fully developed at that time. The ensuing development of Highland Ranch Parkway impacted noise levels on his property, but it was not the Board's fault, and he did not expect taxpayers to erect a sound

barrier. He mentioned the role insurance played in repairs and thought it would be generous if the County demolished the existing wall and gave the property to the homeowners.

Commissioner Clark clarified with Deputy District Attorney (DDA) Mary Kandaras that since the County owned the land and improvement, it would not give money away if it funded repairs to the wall. DDA Kandaras affirmed and said the County was responsible for either maintaining or demolishing the wall since it owned the property. She discussed her attempt to examine the development agreement to determine various assertions regarding the County's responsibility and whether it had a future obligation to always maintain the wall. She stated she could not locate that information and could not provide an opinion at that time due to the development agreement's length. She mentioned the three options presented in the Staff Report and noted that the homeowners had only been presented with Option A. She relayed that the homeowners could not be forced to accept ownership of the property or the wall in Option B.

Commissioner Clark posited the possible options were being more accurately identified. He asked what the implications would be if Mr. Leddy's statement that the County was responsible for wall maintenance was correct. DDA Kandaras did not want to opine regarding the obligation for maintenance for all time. She could not presently find that information in the development agreement and she was operating with the information provided by Mr. Smith that the County owned the wall and property. She thought there could be a legal obligation to act if the wall presented a danger, but she could not affirm it with the current information and without further review of the development agreement.

Commissioner Clark inquired if it was appropriate to postpone the item, connect the 14 property owners with the County's legal team, and ascertain the acceptable options before a decision was made. He felt the item required resolution within 30 to 90 days.

Vice Chair Herman shared her understanding that only half the problem was being addressed because only a portion of the fence was discussed. Mr. Smith advised that his inspections revealed approximately 40 percent of the wall panels were in good condition and did not require repairs. The other 60 percent had either failed or were in the process of failing and could be repaired to create a long, durable wall. Vice Chair Herman recommended the Board defer to the County's legal team so it could assess the legally feasible actions.

Commissioner Garcia said she also focused on the development agreement and was concerned the topic was not addressed more thoroughly. She stated she preferred that additional time and information be provided before a decision was made. She also felt Option B was not viable because the Board could not force someone to assume ownership of the wall.

Commissioner Clark asked for clarification regarding the \$373,600 mentioned in the Staff Report. Mr. Smith informed that the amount included the

replacement of the failed 60 percent of wall panels, the replacement of the entire cap along the wall, and the painting of both sides of the wall's ceiling. Commissioner Clark clarified that the County could potentially fix 60 percent of the wall and give away 100 percent of its ownership. He questioned if homeowners who did not have their portion of the wall completely replaced had recourse or could reapproach the County. Mr. Smith advised that was the Board's decision.

Mr. Smith stated he had thoroughly read the development agreement and he asserted it did not identify or require a maintenance agreement. He read from the development agreement, which was attached to the July 23, 1996, BCC minutes and he discussed the roadway improvements that were mentioned. He specified that the development agreement referred to Arrowcreek Parkway as Whites Creek Lane. He explained that the developer had a board meeting in 1998 after hearing from the residents and the BCC. He referenced Minute Item 94-86, found in the February 8, 1994, BCC minutes. He said the mitigation efforts that were discussed were captured in the development agreement and represented the entirety of any maintenance obligations. He noted that design plans on the landscaping sheets included the wall and its details. He pointed out there was one detail, one note, and a line drawn on the plans to denote the wall's location. He opined this was done to conform with the development agreement's requirements for approval.

Mr. Smith said when he and the staff discussed options with the property owners throughout the years, they focused on details to ensure there was a shared understanding. In emails from 2012, other options, such as not acting or demolishing the wall, were mentioned to the property owners, and a community meeting was held to discuss various possibilities. He acknowledged that the residents had been waiting for a resolution for a significant amount of time. He remarked that his initial approach was to bring one option to the Board for discussion and direction. However, after meeting with Commissioner Clark and Mr. Leddy and after the MOU was signed, he felt that presenting one option was not fair to the Board. He said in his haste to find a resolution and bring the item to the Board, he created the other two options. He reiterated that the Board might want to pursue other options. He apologized for any lack of information and declared that the situation contained nuance.

Chair Hill clarified that Mr. Smith originally planned to bring only Option A to the Board since it resulted in a transfer of property ownership. Mr. Smith agreed.

Commissioner Andriola opined the situation differed from the expectations of normal homeowner responsibilities. She expressed concern that faulty materials were used and that the issue was not identified when the wall was given clearance. She shared that a lack of permits was another concern. Based on the available documentation, she thought it was questionable that Washoe County had responsibility for overall compliance. She believed it would be helpful to have the item's legality outlined and then revisited. She felt the Staff Report was clear but that the other options and the development agreement should be explored further. She asked if the County could be assured the other 40 percent of the wall did not contain faulty material. She expressed appreciation for Mr. Smith's

expertise and testing capabilities and questioned the repercussions of a potential new discovery of faultiness. She mentioned the Board needed assurance in this area to mitigate potential exposure and said she did not see that assurance in the accompanying materials. She commended Mr. Smith for being a creative engineer and stated she would be more comfortable with additional input from the property owners.

Commissioner Clark commended Mr. Smith for his work and assured that no apologies were necessary, as bringing the item to the Board's attention was a milestone. Commissioner Clark disclosed that he was the one who suggested cost sharing with the property owners, and he apologized that the information was not shared with them. He said he was attempting to uncover more palatable and efficient solutions.

Chair Hill summarized that the Board wished to table the agenda item and sought additional direction from the District Attorney's (DA) Office and coordination with the property owners.

Commissioner Garcia asked if Option C included a transfer of the wall's ownership. Mr. Smith advised it did not. He said in that case, the wall would be removed, and the property owners would then determine how to address that area of their properties.

Mr. Smith appreciated the Board's comments and said he had taken notes. He shared that he always intended to bring the item back to the Board but wanted clarity regarding any particulars the Board desired.

Commissioner Clark clarified that Option C meant the wall would be torn down and the County would still own the land. He asked if, in that case, the residents would need to build a fence within their property's boundary line and could not build on the County's property. Mr. Smith affirmed and stated he did not think the property owners would desire to build on the County's property. He stated they would rebuild on their properties within the 12 inches. Commissioner Clark asserted that in that scenario, the County would own a 12-inch-wide strip of land in that area.

Chair Hill explained that the Board wanted to know more about the legal consequences of the options and that more work needed to be done with the DA's Office. Also, a conversation with the property owners regarding cost sharing had to occur. She mentioned the issue occurred in Commissioner Clark's district, and he wished for it to be resolved soon.

Commissioner Garcia clarified that she was curious about the County's maintenance obligations according to the development agreement. Chair Hill agreed and stated she understood the HOA did not bear responsibility, but the individual property owners' obligations had to be explored to understand the issue more fully.

This Agenda Item was tabled.

24-0132

AGENDA ITEM 11 Introduction and first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) by modifying various sections in Division Three- Regulation of Uses and Division Four- Development Standards, in order to update regulations related to accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fences. These updates include deleting a section specifying the procedure and findings for placing a manufactured home that is less than 1,200 square feet in size; and modifying various sections to: allow detached accessory dwelling units as an allowed use by right in certain residential regulatory zones; require detached accessory dwelling units on parcels ½ acre in size or smaller to be subject to the administrative review permit process in Article 809; update the maximum square footage for both attached and detached accessory dwelling units; define “minor accessory dwelling unit”; modify permitting requirements for detached accessory structures; update the minimum square footage for manufactured homes; and add provisions related to battery-charged fences as required by NV SB 208 (2023); and all matters necessarily connected therewith and pertaining thereto; and if supported, set a public hearing for the second reading and possible adoption of the ordinance for March 19, 2024. Community Services. (All Commission Districts.)

County Clerk Jan Galassini read the title for Bill No. 1905.

Planner Katherine Oakley conducted a PowerPoint presentation and reviewed slides with the following titles: Overview; ADU’s–Background; ADU’s–Proposed Amendments; ADU’s–Permitting requirements; ADU’s–Minor ADU Incentives; Detached Accessory Structures; Detached Accessory Structures (2); Manufactured Housing; Battery-charged fencing; Public Outreach.

Ms. Oakley said the proposed ordinance was the first of four priority affordable housing amendments that the Board reviewed and directed in November 2023. She highlighted the Strategic Plan’s priority to address the housing affordability issue. The new Master Plan, Envision Washoe 2040, also identified affordable housing as a priority topic. She noted that housing accessibility and affordability were huge issues in the region. She said diversifying housing types was a major theme in Envision Washoe 2040, and that accessory dwelling units (ADUs) contributed to that diversification.

Ms. Oakley referenced the ADU’s–Permitting requirements slide. The Table of Uses demonstrated that under the proposed ordinance, ADUs that were currently allowed through an administrative review would be allowed by right. ADUs currently allowed by a special use permit (SUP) would be allowed by administrative review with the caveat that an administrative review would be required on any parcel half an acre or smaller. She explained an analysis of discretionary ADU permits received over a four-year period was performed and they found that an extreme minority of the applications received

public comment of any kind. She said this demonstrated the public process did not serve a purpose and that efficiency could be created.

Ms. Oakley stated that minor ADUs provided flexibility and the opportunity to incentivize smaller and generally more affordable units. When they analyzed historical permits, they found a vast majority were for parcels bigger than one acre. This indicated site constraints to place ADUs on smaller parcels. She pointed out an opportunity to provide options for smaller units that were not intrusive and provided more flexibility in lot placement and parking requirements.

Ms. Oakley stated they reviewed historical permits for detached accessory structures (DAS) while reviewing ADUs and found many DAS permits, all of which were approved. This revealed an opportunity to increase efficiency. She explained that if a DAS was bigger in square footage or footprint than the main home, an administrative permit was currently required, which involved a full public hearing process. She said that because this was based on dwelling size, the results were inconsistent in terms of which structures and parcels needed a higher level of review. She further explained that two neighbors with different-sized houses could want the exact same workshop and go through different processes to obtain it. She declared there was an opportunity to create more logical processes that required discretionary reviews when appropriate.

Ms. Oakley pointed out the four categories of lot sizes listed on the Detached Accessory Structures (2) slide and noted that each size had a corresponding DAS maximum square footage allowed by right. If someone wanted a DAS larger than the square footage allowed by right, different types of reviews would occur based on the desired size. Appropriate review processes would address the potential impact of bigger structures on neighboring properties. She explained the text at the bottom of the slide depicted potential compatibility characteristics that could be considered if a discretionary review was required.

Ms. Oakley mentioned that Washoe County Code (WCC) changes regarding manufactured housing had been precipitated by changes at the State level. She stated the changes benefitted citizens by increasing accessibility to smaller and more affordable housing units. A law was passed in the same State legislative session that required the County to adopt an ordinance with specific rules about battery-charged fencing. She informed that the proposed WCC amendments adopted a lot of language verbatim from the State law, so what State law required of the County was exactly reflected.

Ms. Oakley referenced the Public Outreach slide. She said the permitting requests and inquiries they received since the amendments were initiated would benefit from the proposed changes. She declared the changes' impact was evident. A huge or immediate change was not expected, but the effort would simplify the process for citizens and the Planning and Building Division (PBD).

Commissioner Clark pondered why the ordinance did not include the Incline Village area. Ms. Oakley advised that ADUs in Incline Village and the Tahoe Basin were regulated by a completely different section of code. Those areas had unique concerns and a very different regulatory structure at the regional level. The PBD thought the situation merited its own dedicated process, which would develop along with other important topics pertinent to that area.

Commissioner Clark asked if the proposed changes were allowed in other jurisdictions surrounding Lake Tahoe, such as South Lake Tahoe. Chair Hill informed that staff planned to bring the same amendments to the Tahoe Area Plan by the end of the year, after the completion of the Washoe County Master Plan. She reported that due to environmental and other concerns in the Tahoe Area Plan, staff determined they would address the proposed WCC changes at a later time. She stated that ADUs were not allowed on properties under one acre. Around Lake Tahoe, ADUs were allowed by right everywhere except Nevada, specifically Douglas County and Washoe County. She advised the State was still forging its amendments and that additional discussions would take place throughout the community. She explained full changes would be made to the Tahoe Area Plan at the end of the year.

On the call for public comment, Ms. Pat Davison stated she lived at the northern end of Red Rock Road. She read from a document, copies of which were distributed to the Board and placed on file with the Clerk. She thanked Ms. Oakley for her patience and assistance with her questions.

Mr. Gary Schmidt generally supported the proposed ordinance and said it correlated with the buildable lot and housing shortage in Gerlach. He attributed current housing costs to construction, not lots. He noted a trend to eliminate unnecessary bureaucracy and decrease construction costs. He stated that allowing smaller units decreased construction costs for housing units, specifically in Gerlach. He observed that most areas in Gerlach were one-third acre zoning, and he thought it should stay that way. He mentioned a proposal that would allow nine lots per acre, which he did not believe would solve the root issue of construction costs. He stated the proposed ordinance contributed to solving the problem since it allowed one-third acre lots to build ADUs. He remarked there was a social trend for smaller housing. He opined that while some people aspired to have large houses, younger generations only required a bedroom and bathroom in their homes since access to cell phones covered all their other needs.

Mr. Mark Neumann said he was not opposed to smaller units on small properties, but he was concerned about potential inhabited travel trailers being connected to the sewer system in residential backyards. He asked if smaller units would be required to have their own water metering and sewer system separate from the property's main dwelling. He opined that smaller houses were needed for many community members. He stated the community's older houses were generally less than 1,000 square feet because people used to leave their houses for recreation and had multiple people sleeping in the same room, which could still be found in rural areas.

Commissioner Garcia said the proposed ordinance was an area of relief for property owners in Washoe County and allowed them the opportunity to bring in extra income. She thought this was critical since household incomes had not kept up with median home value. She noted that some public commenters had mentioned the importance of increasing inventory, which the area lacked. She declared she was interested in seeing more sustainable products with smaller footprints come to the market because they would be useful for the aging population and for extended family members who needed social interaction but could not maintain larger properties. She believed diversifying incomes in neighborhoods was an asset, not a deficit.

Bill No. 1905 was introduced by Chair Hill, and legal notice for final action of adoption was directed.

24-0133 **AGENDA ITEM 12** Public Comment.

Ms. Penny Brock read from a document, copies of which were placed on file with the Clerk. She asked if Sheriff Darin Balaam attended a meeting with Federal Bureau of Investigations (FBI) Director Christopher Wray and suggested that a report be provided. She mentioned the possibility of a coordinated terrorist attack and posited that Washoe County's management team should establish a plan in case something similar occurred in the community. She thought undocumented immigration was a major concern and mentioned that a student nurse was recently killed in Georgia by an illegal immigrant. She stated young women said they were afraid to walk or jog through college campuses and she asked that action be taken.

Mr. Jim Dykstra displayed photos, copies of which were placed on file with the Clerk. He found it interesting that Chief Judge Lynne Jones highlighted the need for efficiency in the courts. He discussed a group he joined in early 2017 that sought to establish a community senior center in Incline Village. He noted that former County Commissioner Marsha Berkbigler became a supporter of the project after about one year. He said a grant was secured to establish the community center in the empty half of the old County library. He informed that a soft opening occurred in March 2018, which included Mahjong, cards, a digital photography class, and light exercises. A formal ribbon cutting occurred in June 2018. After that, the center was open during minimal hours with volunteer hosts and had a limited budget. He commented that everything closed in February 2020. In August 2022, it was announced that the Incline Village - Crystal Bay Township Justice Court (IVCB Justice Court) would move into the same building after losing its lease in another building. He stated there was an intention for the onsite court personnel to enable longer hours at the community center. He said the community center did not reopen during the remodel. In late February to May 2023, the Washoe County Sheriff's Office (WCSO) Incline Village Substation flooded. It was moved on an emergency basis into the same building as the community center. He visited the community center on January 16 to check out the court remodel and was shocked to find the community center signage had been removed from the building's exterior. He mentioned there was a sign on the public boardroom's door that indicated the public could not enter. He stated the community center lost the building's largest room to the IVCB Justice Court. He explained Room 1 and Room

2 belonged to the senior center and were filled with discarded furniture and construction debris from the remodel.

Mr. Gary Schmidt informed he would continue his earlier public comment. He reminded that he previously spoke about the Nevada Revised Statutes (NRS) 278.310 regarding rights provided by the State Legislature to appeal zoning regulation matters to the Board of Adjustment (BOA). He claimed that right was being denied in Washoe County. He said Washoe County created the Administrative Hearing Office (AHO) and it pushed people to that process when they appealed a zoning regulation issue. He stated the County could not override the rights established by State law. He noted he gave his document to the new Director of Community Services Department (CSD), Eric Crump, and said he would try to set up a meeting with him. He read from a document, a copy of which was placed on file with the Clerk. He mentioned he submitted two new public records requests in addition to the approximately 15 requests he submitted within the past few days.

Mr. Mark Neumann hoped the Board ensured the District Attorney's (DA) Office examined the possibility of taxing properties in new developments to improve regional parks and open space. He said it would benefit youth and seniors. He also hoped the Board analyzed how to improve the quality of meals for seniors. He pondered how many Commissioners besides Commissioner Clark had experienced the food themselves and he offered to share his photos of the meals. He posited that the Arrowcreek Parkway wall should have been taken care of by its developer and that it should have been placed on the residents' properties, not the County's. He empathized with the Commissioners and thanked them for their time.

24-0134 AGENDA ITEM 13 Announcements/Reports.

Vice Chair Herman believed the Citizen Advisory Boards (CABs) deserved to receive information regarding developments, which she had previously inquired about. She asserted that CABs were originally designed for that purpose and that people's voices had been denied in that regard. She wanted to see the issue on an agenda and requested that her election integrity bill be put on an agenda.

Chair Hill confirmed that forthcoming updates about CABs would be provided to the Board. County Manager Eric Brown shared that the Commission Support Team had been gathering community input regarding CABs. He was also circulating through the CABs for that purpose. They anticipated that recommendations would be presented to the Board within 30 days and would include improvement suggestions and development issues.

Chair Hill spoke about Vice Chair Herman's election integrity resolution and advised that no changes had occurred since she sent an email about the request on February 20. Although the District Attorney's (DA) Office concluded that parts of the proposed resolution were legal or under the Board's jurisdiction, she explained it would conflict with the County's ability to execute its required administrative operations and

duties to conduct elections. She noted that the Rules of Procedure - Washoe County Board of Commissioners was found online and she referenced Article 5.5. She stated her decision still stood.

* * * * *

2:04 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:
Kendra DeSoto-Silva, Deputy County Clerk

CHAPTER 278 - PLANNING AND ZONING

NRS 278.310

NRS 278.310 Appeals: Persons entitled to appeal to board of adjustment; procedure; appeals from decisions of board of adjustment; alternative procedure if board of adjustment has not been created.

1. Except as otherwise provided in subsection 4, appeals to the board of adjustment may be taken by:

(a) Any person aggrieved by his or her inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation or any regulation relating to the location or soundness of structures.

(b) Any officer, department, board or bureau of the city or county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of any zoning regulations.

2. Except as otherwise provided in subsection 4, the time within which an appeal must be made, and the form of other procedure relating thereto, must be as specified in the general rules provided by the governing body to govern the procedure of the board of adjustment and in the supplemental rules of procedure adopted by the board of adjustment.

3. Each governing body which has created a board of adjustment pursuant to NRS 278.270 shall adopt an ordinance providing that any person who is aggrieved by a decision of the board of adjustment regarding an appeal of an administrative decision may appeal the decision of the board of adjustment. An ordinance that a governing body is required to adopt pursuant to this subsection must either:

(a) Comply with subsection 2 of NRS 278.3195, thereby requiring the aggrieved person first to appeal the decision of the board of adjustment to the governing body; or

(b) Set forth a separate procedure which allows the aggrieved person to appeal the decision of the board of adjustment directly to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the board of adjustment, as provided in NRS 278.0235.

4. If the governing body has not created a board of adjustment pursuant to NRS 278.270, any person aggrieved by the decision of an administrative officer or agency, as described in subsection 1, may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

[16:110:1941; 1931 NCL § 5063.15]—(NRS A ~~278.1307~~)

2-27-24

BCC

#3

Gary Schmidt

With Emphasis added

NRS 278.310 Appeals: Persons entitled to appeal to board of adjustment; procedure; appeals from decisions of board of adjustment; alternative procedure if board of adjustment has not been created.

1. Except as otherwise provided in subsection 4, **appeals to the board of adjustment may be taken by:**

(a) **Any person aggrieved** by his or her inability to obtain a building permit, or **by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation** or any regulation relating to the location or any regulation relating to the location or soundness of structures.

Isolated relevant language

Persons entitled to appeal to board of adjustment;

appeals to the board of adjustment may be taken by:

Any person aggrieved by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation.....

Eric Brown Washoe County Manager

February 24, 2024 Public Records Request

Under the authority of the Nevada Public Records law NRS 239 please provide a copy of each and every document including but not limited to emails, text messages, recorded messages, and any and all paper communications, describing, proclaiming, and/or discussing any and all procedures, policies, directives, guidelines, instructions, authorizations, and/or edicts concerning any and all authorizations for the Administrative Hearing Office/Process and the process of selection of persons to serve as Hearing Officers. Please include a document or documents that reflect(s) the current list of Hearing Officers as well as copies of the applications for all persons currently serving as Hearing Officers as well as the applications from the last 36 months of any applicants who were not approved or selected for service as Hearing Officers . Please also include copies of any pending applications !

Please do not wait until all these documents are assembled to provide those documents requested that are immediately available.

For any records withheld on a claim that the records are confidential, please provide the basis for the claim of confidentiality, a log containing a factual description of each withheld record, the date of each record, and who the record is to or from, and redacted copies of the record as required by NRS 239.0107(d) and Reno Newspapers, Inc. v. Gibbons, 127 Nev. at 880 (2011).

Please include in your response a certification by a custodian of records showing that the responsive documents are authentic, as required by NRS.

Please email to Nobullschmidt@hotmail.com

Gary Schmidt 775-622-4670

Eric Brown Washoe County Manager

February 24, 2024 Public Records Request

Under the authority of the Nevada Public Records law NRS 239 please provide a copy of each and every document including but not limited to emails, text messages, recorded messages, and any and all paper communications describing, proclaiming, and/or discussing any and all procedures, policies, directives, guidelines, instructions, authorizations, and/or edicts concerning the County "requirement" that appeals "of any person aggrieved by any decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation" must be made to the Administrative Hearing Office and can not be made directly to the Board of Adjustment as is authorized by NRS 278.310. Include copies of any legal authority and/or analysis whereby Washoe County believes it can supersede, ignore, or override any rights or privileges granted individuals by Nevada State law in these regards.

Please do not wait until all these documents are assembled to provide those documents requested that are immediately available.

For any records withheld on a claim that the records are confidential, please provide the basis for the claim of confidentiality, a log containing a factual description of each withheld record, the date of each record, and who the record is to or from, and redacted copies of the record as required by NRS 239.0107(d) and Reno Newspapers, Inc. v. Gibbons, 127 Nev. at 880 (2011).

Please include in your response a certification by a custodian of records showing that the responsive documents are authentic, as required by NRS.

Please email to Nobullschmidt@hotmail.com

Gary Schmidt 775-622-4670

Eric Brown Washoe County Manager

Public Records Request February 26, 2024

Under the authority of the Nevada Public Records law NRS 239 please provide a copy of each and every document including but not limited to emails, text messages, recorded messages, and any and all paper communications describing, proclaiming, and/or discussing any and all procedures, policies, directives, guidelines, instructions, authorizations, and/or edicts concerning any determination or identification of which decisions by "any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation " may or must be appealed directly to the Administrative Hearing Office and which decisions by "any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation " may or must be appealed directly to the Board of Adjustment !

Please do not wait until all these documents are assembled to provide those documents requested that are immediately available.

For any records withheld on a claim that the records are confidential, please provide the basis for the claim of confidentiality, a log containing a factual description of each withheld record, the date of each record, and who the record is to or from, and redacted copies of the record as required by NRS 239.0107(d) and Reno Newspapers, Inc. v. Gibbons, 127 Nev. at 880 (2011).

Please include in your response a certification by a custodian of records showing that the responsive documents are authentic, as required by NRS.

Please email to Nobullschmidt@hotmail.com

Gary Schmidt 775 622-4670

Issues / Department of Community Services

Who picks the Administrative Hearing Officers and by what authority ?

Is it not an inherent conflict of interest for the Community Services Department to pick the hearing officers that oversee the validity of the decisions and actions of Community Services ? It would be sort of like the Assessor's Office selecting the members of the Board of Equalization ! Fox guarding the chicken coop scenario!

Why and by what authority does the Administrative Hearing Office require a process of Appellant Respondents that they do not require of themselves ?

By what authority is Washoe County denying citizens or persons the rights of appeal to the Board of Adjustment proclaimed in state law NRS 278.310 ?

By what authority does anybody in Community Development or Community Services arbitrarily make a decision as to what may be appealed to the Board of Adjustment and/or Administrative Hearing Office or to neither ?

Why isn't "enforcement by complaint only" a violation of section 1 of the 14th Amendment of the U. S. Constitution in regards to equal treatment under the law ?

Why is there not readily available online an Organizational Chart with all employees identified on it for the Department of Community Services ?

Why do Washoe County employees continue to work from home? COVID is over !! It is difficult to get a live person in the Department of Community Services and return calls are slow in coming !

Under the authority of NRS 239 please provide documents that identify all specific employees within the Department of Community Services, their job descriptions, and their positions of authority within the chain of command !

Under the authority of NRS 239 please provide a hard copy of the New Master Plan approved by the County Commission in November !

Gary Schmidt
Nobullschmidt@hotmail.com
775-622-4670

2-27-24 BCC #12
Gary Schmidt