



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 26, 2018

DATE: Wednesday, June 13, 2018

TO: Board of County Commissioners

FROM: Dave Solaro, Arch., P.E., Assistant County Manager
Community Services Department, 328-3600, dsolaro@washoecounty.us

THROUGH: John Slaughter, County Manager

SUBJECT: Public Hearing: Appeal by Red, White and Tahoe Blue of the administrative denial of licensure for the 2018 Red, White and Tahoe Blue Outdoor Festival Business License – fireworks display and directly related events on July 4, 2018 (pursuant to Washoe County Code Chapter 25 and related provisions). The Board may affirm, reverse or modify the administrative decision. (Commission District 1.)

Applicant Information

Name and Address of Applicants: Red, White and Tahoe Blue, P.O. Box 3789, Incline Village, Nevada

Description of Event Location: Incline Village and Incline Beach (APN:127-280-01).

Dates of the event: on July 4, 2018

SUMMARY

On June 11, 2018, Assistant County Manager, Dave Solaro denied the outdoor festival business license as conditioned by the Board of County Commissioners (Board) at the May 8, 2018 Board meeting. The license was denied due to the applicant, Red, White and Tahoe Blue, not being able to provide proper documentation for required conditions associated with all events as directed by the Board's conditional approval at the May 8, 2018 meeting. Red, White and Tahoe Blue appealed the decision of staff, and requested re-consideration by the Board for a portion of the event, the July 4th Fireworks show and directly related events.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

2007 First Red, White and Tahoe Blue community event was held over the Fourth of July weekend in Incline Village. This was a community initiated activity. No permits were issued.

AGENDA ITEM # _____

- May 30, 2012 Planning and Development Division Director, CSD, issued an Outdoor Community Event business license for Red, White and Tahoe Blue.
- May 24, 2013 Planning and Development Division Director, CSD, issued an Outdoor Community Event business license for Red, White and Tahoe Blue.
- June 17, 2014 The Board unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2014 Outdoor Festival.
- August 12, 2014 The Board approved Washoe County Sheriff's Security Agreement between Red, White, and Tahoe Blue, Inc. and the Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security during the festival. The agreement is for the years 2014 through 2018.
- April 28, 2015 The Board unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2015 Outdoor Festival.
- March 22, 2016 The Board unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2016 Outdoor Festival.
- April 11, 2017 The Board unanimously approved an Outdoor Festival business license application for the Red, White and Tahoe Blue 2017 Outdoor Festival.
- May 8, 2018 The Board approved a conditional Outdoor Festival business license application for the Red, White and Tahoe Blue 2018 Outdoor Festival, authorizing Assistant County Manager Dave Solaro to approve or deny the license if all conditions were not met by the applicant by June 1, 2018.

BACKGROUND

In accordance with NRS 244.3542, and Washoe County Code (WCC) Sections 25.265 and 110.310, any outdoor event that will have 1,000 or more persons on any one day of the event shall obtain an outdoor festival license following the provisions of WCC Sections 25.263 to 25.307, inclusive. Event organizers interested in hosting an outdoor festival in unincorporated Washoe County must meet the requirements as stipulated in these code sections for law enforcement, traffic and parking, fire, engineering, and health to ensure public health and safety during the event. The review process includes acceptance and distribution of the application; internal review by agencies and establishment of conditions (pre-event conditions, during-event conditions, and post-event conditions); approval of the event and imposed conditions by the Board; and, issuance of license by staff prior to the event once all pre-event conditions are completed.

The 2018 Red, White and Tahoe Blue (RWTB) event application considered by the Board on May 8, 2018 spanned four days and included multiple venues culminating with a July 4, 2018 fireworks show in front of an Incline Village General Improvement District (IVGID) beach (Incline Beach). Based on that application¹, key agency personnel expressed their public safety concerns regarding the submitted application and provided a few examples that include:

¹ The application was considered complete for distribution to reviewing agencies on April 11, 2018; however, the application was lacking a multitude of critical information requirements and components.

- Incompleteness of the application: specifically the event schedule, participant number, safety plan, traffic and parking plan, and site details for the event as whole, and individual venues, prevented a full review by public safety entities and did not establish requirements for additional resources from local government.
 - For example, the 2018 Red White and Tahoe Blue application did not include a security plan; instead it stated that they will work with the Sheriff's Office and North Lake Tahoe Fire Protection District to develop a security plan.
 - The event schedule did not match the site plan and contained limited security details.
 - Accurate participant numbers were not received during the application process and did not reflect participation at all event venues, including the fireworks.
 - Information on the safety plan, site plan, traffic and parking plan were not provided on the event as whole and for individual venues.
 - In addition, the RWTB application identified the Sheriff's Office as providing security and personnel for events and venues which were not provided security in the past. Furthermore, the applicant had not worked with, nor requested, such service from the Sheriff's Office for the 2018 event.
- The lack of responsiveness by the applicant during the application review period for the 2018 event (note: the 2017 event, required extra resources by local government staff beyond those outlined in the 2017 application to ensure public health and safety).
 - Application was submitted three months after requested submission date.
 - RWTB did not consult with the Sheriff's Office about which venues require security prior to applying for this year's license.
 - Applicant did not complete a fireworks security plan or traffic controls plan during the event as agreed upon in previous conditions during the 2017 event that caused North Lake Tahoe Fire Protection District to utilize additional crews and caused risk management concerns on County property.

Throughout the application process, all agencies have committed to supporting the effort of Red, White and Tahoe Blue to provide a community event. Prior to the April submission, staff supplemented the application process for the 2018 Red, White and Tahoe Blue event to include:

- Two agency review meetings with the applicant with an average of 15 staff participants representing seven divisions;
- Two meetings in Lake Tahoe with senior leadership and elected officials; and,
- Twice requested the applicant to provide detailed information requested by the reviewing agencies, and to submit a new application for the 2018 event. The first application for the 2018 event was submitted March 15, 2018 with updated information received on April 11, 2018.

After direction from the Board on May 8, 2018, a final package to meet the conditions imposed for the event was received on June 4, 2018. Prior to submission, staff supplemented RWTB's preparation of the final package to complete conditions with multiple public safety meetings with the applicant attended by staff from Washoe Sheriff's Office, Washoe County Manager's Office, and Washoe County Community Services Department (Engineering and Capital Projects Division, Planning and Building Divisions, and Roads Program).

The more than 100 conditions approved by the Board on May 8th were for all events under the umbrella event *Red, White and Tahoe Blue*. The June 4th submission did not meet the requirements for all the required conditions; accordingly, Assistant County Manager Solaro denied the Outdoor Festival business license on June 11, 2018 [Attachment A].

On June 12, 2018 Red, White and Tahoe Blue committee co-chair Mrs. Kirstin Corman sent an e-mail requesting an appeal of the license denial citing "On behalf of RWTB 2018, we ask for your consideration of RWTB to appeal ONLY the 2018 Fireworks display on July 4, 2018"

Based on this request for Fireworks only, staff provided a list of items required to assure that the public health, safety and welfare is protected should the Board approve the appeal for the Fireworks portion, and directly related events, of the application. Those items include:

- Approval of all safety, site, and parking/traffic plans from Washoe County Sheriff's Office, Washoe County Engineering, Health District, and North Lake Tahoe Fire Protection District to include the implementation contracts signed and paid for;
- Approval of the communications plans by the Washoe County Sheriff's Office, Health District, and North Lake Tahoe Fire Protection District to include the rental equipment contracts signed and paid for;
- Pre-payments of services for North Lake Tahoe Fire Protection District, and for services provided by the Sheriff's Office; and,
- Pre-payment of a combined performance security (\$10,000).

It was required that the above items be provided no later than June 20, 2018, at a meeting scheduled for 9:00 a.m. at the Washoe County Administration Offices, 1001 E. Ninth Street. Information received was provided to each commissioner.

While RWTB is a popular event over the 4th of July weekend, it is not the only event being held in the County. Fourth of July weekend is a very busy time for all County agencies. The Sheriff's Office, the Fire Protection Districts, the Health District and various County agencies all have to dedicate additional staff hours to provide necessary services for multiple events that take place around the County on this holiday. All agencies must plan well in advance to determine how much staff and other resources they need to schedule during the holiday. This late appeal made scheduling difficult for all entities. If the appeal is approved by the Board, staff will assure a safe event; however, we will require RWTB board to begin application for a 2019 event in August of 2018.

FISCAL IMPACT

The applicant provided the required non-refundable \$1,000 application fee [WCC section 25.273(1)(a)] upon submission of the application. The application fee was deposited to the County's General Fund Business Licenses revenue account (Account Number 105402-421101).

Based on past years performance and estimates for providing only the necessary staffing and equipment to cover the Fireworks event, the Washoe County Sheriff's Office estimates their cost at \$11,099.00. Therefore, one of the conditions is that RWTB will prepay for Sheriff's services in the amount of \$4,000 by June 20, 2018, to be deposited into internal order IO60010, account-460162 (Sheriff OT Skyfire – Services to other agencies). Another condition heard by the Board on May 22, 2018 stipulated that RWTB provide a Washoe County Sheriff's Performance Security in the amount of \$5,000. This security performance was deposited in Account Number F1001-240130 (General Fund – Pending Dev Fee) on June 4, 2018.

Based on past years performance and estimates of NLTFPD staffing needs for the events listed in the RWTB 2018 application, NLTFPD required that the applicant prepay fees in the amount of \$5,000 directly to North Lake Tahoe Fire Protection District (this was a condition on the application heard by the Board on May 22, 2018). One additional condition from that application was a performance security in the amount of \$5,000.00. This performance security was deposited on June 4, 2018 and is being held in a separate deposit account in Fiduciary Fund F7019, account 231000 (NLTFPD – Due to Others).

RECOMMENDATION

It is recommended that the Board of County Commissioners modify the administrative denial of Red, White and Tahoe licensure for the *2018 Red, White and Tahoe Blue* Outdoor Festival Business License to license the fireworks display and directly related events on July 4, 2018 (pursuant to Washoe County Code Chapter 25 and related provisions).

POSSIBLE MOTIONS

Should the Board of County Commissioners agree with the recommendation a possible motion would be: "Move to modify the administrative denial of Red, White and Tahoe licensure for the *2018 Red, White and Tahoe Blue* Outdoor Festival Business License to license the fireworks display and directly related events on July 4, 2018 (pursuant to Washoe County Code Chapter 25 and related provisions)."



WASHOE COUNTY

OFFICE OF THE COUNTY MANAGER

June 11, 2018

Dear Mrs. Kirsten Corman and Mr. Jeffery Corman,

Pursuant to Nevada State Law (NRS 244.3544) and Washoe County Code Chapter 25, Washoe County is required to review and license outdoor festivals with the intent to protect public health and safety during the festival. Over multiple years, Washoe County has worked with the *Red, White and Tahoe Blue* organization to support efforts to provide a multi-day event culminating in a fireworks show for the Fourth of July holiday.

While Washoe County understands the importance of this event to the community, the County's first priority is to protect the health and safety of residents. After a thorough review of materials submitted to the Washoe County Business License Division on June 4, 2018 at 10:25 a.m., Washoe County will not issue an outdoor festival business license for the event for the 2018 year. Key items missing from submitted materials included:

- Demonstration of adequate resources to implement plans submitted with the application in the absence of confirmed contracts for traffic support and cranes to on-load fireworks, and signed contracts with the Sheriff's Office to include payment and the Nevada Highway Patrol.
- Demonstration of adequate resources by way of contracts to implement the communications plan which is a vital safety component of the event for communication between event organizers and public safety personnel.
- Absence of applications for building permits on tents larger than 400 square feet at events to include proper exiting and temporary electrical requirements.

On March 8, 2018 the Board of County Commissioners approved holistically the 2018 application to move forward on the 2018 event. The approval included over 100 conditions required for licensure of which 50% was not met by the required June 1, 2018 date. The total amount of conditions is reflective of the content of the original application, and, we recognize was a significant challenge for the event planning starting in March.

Applicants have the ability to appeal the decision to not issue the outdoor festival business license to the Washoe County Board of County Commissioners within 15 days of the verbal notice provided June 8, 2018. To appeal the decision, please submit in writing your request to appeal to Bob Webb at bwebb@washoecounty.us. You may also submit to the Washoe County Clerk's Office. In the request to appeal, please include your reason. Washoe County is required to hear your appeal within 30 days of receiving your request.

We understand that this decision has effects upon the community and we are equally disappointed in the outcome of this enormous effort of your volunteer committee and our working team of 15 staff members. Washoe County fully supports efforts to provide a community led successful event in 2019.

Sincerely,



Dave Solaro, Arch., P.E.
Assistant County Manager

Cc:

John Slaughter, County Manager
Morja Hauenstein, Director Planning and Building
Red, White and Tahoe Blue 2018 Board of Directors
Chief Deputy Russ Pedersen
Red, White and Tahoe Blue Agency Review Team