

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

TUESDAY

10:00 A.M.

MAY 9, 2023

PRESENT:

Alexis Hill, Chair

Jeanne Herman, Vice Chair

Michael Clark, Commissioner

Mariluz Garcia, Commissioner

Clara Andriola, Commissioner

Janis Galassini, County Clerk

Eric Brown, County Manager

Nathan Edwards, Assistant District Attorney

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:

23-0275 AGENDA ITEM 3 Announcements/Reports.

Chair Hill asked Assistant District Attorney (ADA) Nate Edwards to explain the role of the Chair in conducting the Board of County Commissioners' (BCC) meeting. ADA Edwards said he prepared comments after reviewing the Open Meeting Law (OML) and the OML Manual published by the Nevada Attorney General's (AG) Office. He expounded that Nevada's OML was codified in Chapter 241 of the Nevada Revised Statutes (NRS). It also gave the AG's Office authority to enforce the OML. He said section 7.05 of the OML Manual was entitled, "Reasonable time, place, and manner restrictions apply to public meetings." He stated the First Amendment was applicable to public comment and that OML did not mandate that members of the public be allowed to speak during meetings except during the public comment period required by NRS Chapter 241. He said that speech was generally protected by the First Amendment when members of the public spoke during designated public comment periods. He indicated that reasonable rules and regulations during public meetings ensured the orderly conduct of a public meeting as well as orderly behavior on the part of persons attending the meeting. He said public bodies could adopt reasonable restrictions including time limits on individual comments as long as they were expressed clearly on the agenda. The public body could prohibit public comment if the content of the comments was not relevant, within the authority of the public body, or if the content was woefully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, amounting to personal attacks, or interfering with the rights of other speakers. He indicated the Chair enforced the restrictions, they were stated on the agenda, and they were the parameters around public

comment that the Chair was empowered to enforce. The Chair might require public comment to be relevant to the topic, provided the restriction was viewpoint neutral when public comment was allowed during the consideration of a specific topic. A person might be removed from the meeting if that person willfully disrupted the meeting to the extent that its orderly conduct was made impractical. He said the Chair could declare a recess, without a vote from the public body, to remove a person who was disrupting the meeting.

Chair Hill noted the prior BCC meeting had been intense and some people resorted to personal attacks which were very disruptive. She knew that community members could express viewpoints in a respectful manner, noting she did not want to remove anyone from the Chambers, but she would take recesses if people could not remain on topic.

Commissioner Clark expressed frustration because one individual took away public comment without agendizing the item or discussing it with the other Commissioners. He spoke about his experience attending a Sparks City Council meeting the prior day noting that Sparks did not have a metal detector or partition wall, and they had public comment at the start of the meeting. He wanted the issue of public comment to be agendized and voted on. He stated the Commissioners needed to understand that when people were irritated, they pushed back. He opined the County's policy was to stifle people's opinions, stating people needed to be heard. He asserted that 80 percent of the County's residents were disenfranchised because they were unable to offer public comment during BCC meetings. He said he could not do his job if he was not aware of the public's concerns. He believed there was a potential for a lawsuit and requested an attorney-client meeting with the District Attorney (DA).

ADA Edwards acknowledged Commissioner Clark's request for a future agenda item. He asked the Board to limit their comments during this period to reports, announcements, updates, and requests for information or items for future agendas.

Vice Chair Herman mentioned Sierra Nevada Job Corps (SNJC) Business Relations Specialist Leslie Mix did an outstanding job helping to train youth in the community. She thought having Ms. Mix present at a BCC meeting to inform the public and the Board about SNJC's services would be beneficial. She wanted public comment back on the agenda. She asked ADA Edwards whether property ownership in America was determined at the state level or if it would have to go to Congress. She inquired if something could be done to ensure foreign companies did not buy property, such as near a military base. ADA Edwards asked whether Vice Chair Herman could send him an email to which he would respond.

Vice Chair Herman said she received many inquiries about the Elections Group and thought she would be better able to answer questions if she had a copy of the signed contract. She spoke about a constituent who had flooding issues throughout the spring because of the Golden Mesa development project in Golden Valley. She thought the Engineering and Capital Projects Division might want to check on the project. She

mentioned Silver Knolls Park was severely impacted by winter flooding and requested that someone from Regional Parks and Open Space check on the park.

Vice Chair Herman mentioned she had recently learned about an Investment Committee meeting, during which a \$40 million investment deficit was discussed. She referred to NRS 355.175 and 355.170, saying the Board had the fiduciary duty to protect taxpayers' money. She said it was against the law for investment losses to exceed generated income and she wanted clarification.

Vice Chair Herman said the Palomino Valley General Improvement District (PVGID) had newly elected members who needed help with OML. She asked whether training on OML could be provided to ensure the PVGID remained active. She mentioned issues with Waste Management (WM), which she understood staff was working on. She was glad progress was being made on those issues. She believed the County needed to consider putting development projects back on Citizen Advisory Board (CAB) agendas. She said development projects had always been reviewed by the CABs and it was one of the most important functions of the CABs. She requested that Mr. Roger Edwards be added back to the Golden Valley water mailing list.

Commissioner Garcia noted Mother's Day would be celebrated in Mexico the following day and in the United States (U.S.) on Sunday. She acknowledged the Board made history this year by having four female County Commissioners on the Board, all of whom were mothers. She said each Commissioner had their own unique motherhood story. Combined, the four Commissioners had nine children ranging in age from 66 to one and a half, which she thought represented the different stages of motherhood beautifully. She believed that seeing things through the lens of a mother helped them as policy makers and leaders to advocate for the delivery of services provided by the County. She observed that over the past five months, she heard many concerns from mothers whose children struggled with addiction and incarceration, and even some who were lost to suicide. She postulated it might not be a coincidence that Mother's Day was celebrated during Mental Health Awareness Month. She shared that 988 was a hotline available to residents who were in need. She mentioned Washoe County School District (WCSD) offered assistance through the Solace online platform which was accessible and free to all WCSD students and family members. The online platform was one of a kind and would connect people with an available mental health provider who would be available, ready, and willing to accept health insurance.

Commissioner Clark read a letter from a constituent who was unable to attend the meeting and provide public comment because she was 97 years old. The letter detailed the constituent's issues dealing with WM; the WM trucks took down her cable line because the trucks were too high, and the lines were too low. Commissioner Clark asked staff to investigate the issue and find a solution.

Commissioner Clark said he wanted to address comments regarding his leadership style and questions he asked during meetings. He mentioned County Manager Eric Brown emailed him to inform him that County employees were feeling demoralized by comments he made during BCC meetings. He clarified he considered it his job as a Commissioner to be the voice of his district, County residents, and an advocate for County employees. He stressed that his questions were not a disparagement of County employees or a critique of their work. He was aware of the work performed by employees and his issues concerned County leadership. He expressed concern about transparency at the highest levels of management and the inability to keep the Commissioners apprised of issues that impacted the County. He indicated he received another email from Manager Brown asking him to refrain from visiting County rental spaces without notifying the Manager or Assistant County Managers (ACMs) because the visits upset staff. Commissioner Clark said his intentions were not to upset staff; he wanted to see what the County was tasked with managing. He aimed to be the voice of the people and the County employees and said his intent was to be visible, approachable, and accountable. He asked any County employees who felt demoralized or upset by his comments to contact him for a discussion.

Commissioner Clark read an email from a County employee who expressed frustration over the handling of salary increases as a result of the Korn Ferry studies. The Board approved a change of pay grade on December 13, 2022, for County Manager direct reports effective on January 2. The salary increases for the remaining 2,500 plus County employees were approved on February 14, 2023, which would be effective in August. He summarized that many County employees felt overlooked and dismissed by the handling of the salary increases. He suggested the Board have another meeting to clarify the salary increases for employees if this interpretation was incorrect.

Commissioner Andriola mentioned that May was also Senior Citizens Month and shared she attended the Washoe County Senior Celebration. The event included a record number of vendors and attendees. She thought everyone should celebrate seniors in the community during the month of May as well as the other 11 months of the year. She thanked the County for hosting the event which provided a great opportunity for seniors to learn about resources in the community.

23-0276 **4D1** Recommendation to approve, pursuant to NRS 244.1505, Commission District Special Fund disbursement in the amount of [\$15,000.00] for Fiscal Year 2022-2023; District 3 Commissioner Mariluz Garcia recommends a [\$5,000.00] grant to Soulful Seeds – a nonprofit organization created for religious, charitable or educational purposes – to support costs associated with the construction of a community garden at Our Place; and a [\$5,000.00] grant to Shades of Queening -- a nonprofit organization created for religious, charitable or educational purposes -- to support their upcoming community workshops that will promote mental health awareness and inter-generational dialogue; and a [\$5,000.00] grant to Upstate Nevada -- a nonprofit organization created for religious, charitable or educational purposes -- to support the adaptive fitness program designed

for adults and children with physical or cognitive disabilities and their family members; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursements of funds. Manager's Office. (Commission District 3.)

Chair Hill pulled Item 4D1 from the Consent Agenda, noting that Commissioner Garcia donated Commission District Special Fund disbursements to some great organizations. Chair Hill thought highlighting the non-profit organizations that Commissioners supported was important and requested donations from Commissioners be pulled from Consent in the future.

On the call for public comment, Mr. Earstin Whitten thanked the Board for its support of Soulful Seeds since they became a non-profit in 2018. He said their purpose was to help individuals learn how to grow, cultivate, harvest, and cook food that was grown at the Soulful Seeds site. He stated the contributions of Commissioner Garcia, Chair Hill, and former Commissioner Vaughn Hartung helped them fulfill their purpose. He spoke about the fruit trees and garden beds at the Soulful Seeds site, the healthy food they were able to contribute to the community, and the number of volunteer hours contributed by community members. He extended an invitation to the Board to visit the garden.

Mr. Tom Jameson, a board member for Upstate Nevada, thanked the Board for the donation. He spoke about the services provided by Upstate Nevada to everyday heroes, which included first responders, active and retired military personnel, nurses, teachers, and anyone with a cognitive or physical impairment as well as their families. He shared the success story of an individual with a physical impairment whose improvement surpassed his physical therapist's expectations as a result of months of hard work. He reiterated his appreciation for the support and wished everyone a happy Mother's Day.

Ms. Kapreace Young, Co-founder of Shades of Queening, thanked Commissioner Garcia for her consideration and support. She shared that the focus of Shades of Queening was uplifting, empowering, and supporting black women of all ages. She spoke about the efforts and services provided by the non-profit organization. She said the program had grown tremendously since it started in 2018 and said there were plans for continued expansion.

Ms. Penny Brock acknowledged the disbursement recipients were all worthy projects and questioned why the non-profit organizations did not go to the church community for help. She did not know why tax money was becoming like a non-profit. She mentioned County Manager Eric Brown said the County Commission should adopt an investment portfolio for mission-based investing during the Investment Committee meeting. She stated that mission-based investing did not mean taxpayer money should be used. She expressed concern about the budget presentation and believed the County could not afford to give money to these types of projects.

Ms. Valerie Fiannaca said the only project she agreed with was Soulful Seeds because teaching people how to feed themselves was a great thing. She believed the amount of money given to Soulful Seeds was significant and opined she could do a lot of gardening for \$5,000. She expressed disapproval of the other projects funded by these disbursements.

Mr. Nicholas St. Jon acknowledged these organizations might be worthwhile, but he was unsure whether using County funds for them was appropriate. He agreed with the previous two speakers who suggested funding should come from the public, not from the government. He asked if the Commissioners followed up to see how the funds were used. He inquired about the Board members' authority to give away tax money to any organization of their choosing.

Ms. Elise Weatherly was opposed to this item. She said \$5,000 was a significant amount of money and that many people could benefit from financial assistance including herself. She agreed with the comments of the previous speakers. She asked the Board to stop spending taxpayer money on things that appeared to be good and to follow up on things that were funded. She spoke about fiduciary responsibilities.

Ms. Renee Rezendes agreed with the public commenters who opposed this item. She believed many things in the County needed to be fixed such as roads, Swan Lake, schools, the Palomino Valley General Improvement District (PVGID) mentioned by Vice Chair Herman, and senior issues. She believed Mother's Day was about children and families and making things safe for them to excel.

Ms. Val White displayed a document that was placed on file with the Clerk. She conjectured that funds distributed by Commissioners were intended to purchase votes and favors. She believed that the non-profit organizations likely had politics that aligned with those of the Commissioners supporting them. She believed non-profit organizations were on political missions. She asked for people to look into the organizations that uncovered activities of non-profits, such as Education Crusade and Operation Sunlight.

Ms. Victoria Myer expressed concern about the County's budget and loss of tax dollars. She acknowledged these organizations sounded admirable but questioned whether the County was in a position to donate money given the budget deficit. She wanted to see transparency and suggested a monthly budget report for the County. She thought the County needed to address real issues that affected residents.

Commissioner Garcia acknowledged the representatives of the non-profits who attended the meeting to speak about their organizations that made a big impact on the community.

Commissioner Andriola asked whether the County received expenditure reports from the non-profit organizations that received funding. She inquired if the funding included parameters restricting their use. Manager Brown replied that the disbursement of Commission District Special Funds had no reporting requirements at this time. He said reporting could be considered in the future if the Board wanted to do so. He indicated funding provided to non-profit organizations through other programs such as the Community Reinvestment Program had very specific reporting requirements, much of which was in conjunction with Treasury requirements. Commissioner Andriola wanted the Board to discuss reporting requirements in the future and requested the issue be agendaized.

On motion by Commissioner Garcia, seconded by Chair Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 4D1 be approved and directed. The Resolutions for same are attached hereto and made a part of the minutes thereof.

CONSENT AGENDA ITEMS – 4A1 THROUGH 4F1

- 23-0277** **4A1** Approval of minutes for the Board of County Commissioners' regular meeting of March 28, 2023. Clerk. (All Commission Districts.)
- 23-0278** **4B1** Recommendation to: (1) adopt Resolution R23-42 declaring Washoe County's intent and decision to lease a portion of Assessor's Parcel Number (APN) 142-011-13 (formerly APN 142-011-07), for the continued use of a portion of land (approximately 250 square feet) within the South Valleys Regional Park to the Lamar Companies, as authorized within NRS 244.2833; and if approved, (2) schedule a Public Hearing for May 23, 2023, to allow for objections related to the proposed Sign Location Lease, retroactive to October 1, 2022 for a 36-month term with a rental fee to Washoe County of \$4,000.00 annually between Washoe County (Lessor) and the Lamar Companies (Lessee); and, (3) direct the Clerk's office to provide notice of the public hearing and other matters properly related thereto. Community Services. (Commission District 1.)
- 23-0279** **4C1** Recommendation to acknowledge receipt of the Interim Financial Report for Washoe County Governmental Funds for the Nine Months Ended March 31, 2023 recognizing a total funds balance increase of \$122 million year-to date and \$78 million year over year. This unaudited interim financial report is provided quarterly, in addition to the audited comprehensive annual financial report, to provide information on Washoe County's primary operating fund and accounts and identify significant variances between the years. - Unaudited. Comptroller. (All Commission Districts.)

23-0280 **4E1** Recommendation to approve acceptance of 2022 North HIDTA Northern Nevada Interdiction Task Force funding [amount not to exceed \$82,000.00, no County match required] to be used for overtime, investigative, and travel expenses from High Intensity Drug Trafficking Areas (HIDTA) as administered through Las Vegas Metro Police Department, for the retroactive grant period of January 1, 2022 to December 31, 2023, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

23-0281 **4F1** Recommendation to accept Treasurer's status report for the period ending April 30, 2023, of payment of refunds and interest since last update in the amount of \$725,830.14 on certain property tax overpayments for residential properties at Incline Village/Crystal Bay, in compliance with the October 21, 2019 Order issued by the District Court in Village League to Save Incline Assets, Inc., et.al. vs. State of Nevada, et.al., Case No. CV03-06922, as modified and clarified by the settlement agreement regarding the processing of refunds. Treasurer. (All Commission Districts.)

On the call for public comment, Ms. Penny Brock spoke about Item 4C1, which was a nine-month report on the County's budget. She asked why the Board did not receive monthly budget reports and expressed concern because the Investment Committee portfolio was hidden. She displayed a document that was placed on file with the Clerk. She noted Clark County posted its financial information on its website and she asked Washoe County to consider doing the same. She asserted the taxpayers had the right to ask for accountability. She said the Commissioners needed to put a stop to any misappropriation of funds and they needed to take that seriously.

Ms. Elise Weatherly referred to Item 4B1 indicating the Commissioners needed to make decisions based on intent. She believed people would be judged by God based on their intent. With regard to Item 4C1 concerning fiduciary responsibility and unaudited interim financial reports, she asked whether she could trust the person performing the audit. She spoke about working with internal audit managers in the past. She opposed Item 4E1, noting that her ex-husband transported drugs between states in the past. She mentioned Item 4F1 regarding the Treasurer's status report and questioned whether she could trust the Treasurer. She reiterated decisions needed to be based on motive and intent.

Ms. Valerie Fiannaca shared the names of the County's Chief Financial Officer (CFO) and the Comptroller. She referred to the loss on the County's investment account that Ms. Brock mentioned and observed the investment firm was paid \$3.4 million. She inquired why those individuals still had their jobs. She asked why the County was not investing in secure bonds or certificate of deposits (CD) which would have prevented loss. She mentioned a letter she alleged was written by County Manager Eric Brown to Congressman Mark Amodei regarding \$41 million of missing COVID-19 (C19) funds. She wanted to know where the money was.

Mr. Nicholas St. Jon referred to Item 4E1 noting the grant period for the item was retroactive. He asked the Commissioners to confirm the item was retroactive. He stated that Nevada Revised Statutes (NRS) allowed for the Board to answer yes or no questions. He said not answering the questions was a violation of the Commissioners' oaths.

On motion by Commissioner Garcia, seconded by Vice Chair Herman, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 4A1 through 4F1, with the exclusion of 4D1, be approved. Any and all Resolutions pertinent to Consent Agenda Items 4A1 through 4F1, with the exclusion of 4D1, are attached hereto and made a part of the minutes thereof.

23-0282 **AGENDA ITEM 5** Recommendation to terminate the Declaration of Covenants and Conditions ("Declaration") by and between the Lemmon Valley Land Company, Inc. and the County of Washoe, State of Nevada, which was entered into on December 8, 1998, and recorded on July 1, 1999, as Document No. 2357639, as this agreement is no longer valid. The Declaration concerns land-use and development standards for 47 parcels owned by the Lemmon Valley Land Company, Inc. as of December 8, 1998, which have been subsumed or mooted by regional plan and/or master plan amendments, regulatory zone amendments, annexations by the City of Reno, and changes to the Washoe County Development Code since the Declaration's adoption over 24 years ago. Community Services. (Commission District 5.)

Planning Manager Trevor Lloyd conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Termination of Declaration; Request; The Lemmon Valley Visioning Study; Declaration Details; Reasons for Termination; Possible Motion; Thank You.

On the call for public comment, Ms. Tammy Holt-Still displayed a document that was placed on file with the Clerk. She indicated the document was a deed that stated the purchasers of the properties in question agreed with any covenant. She said the document allowed the Board to amend but not terminate it. She noted the document stated the Board needed to protect existing homes by following Federal Emergency Management Agency (FEMA) procedures and the County's Development Codes. She opined the Commissioners needed to consider the truth before making a decision based on staff recommendations.

Mr. George Still stated Lemmon Valley was a floodplain that was flooded in 2017. He read an excerpt from a document that was placed on file with the Clerk. The excerpt concerned construction within the zone designated by FEMA as the hundred-year floodplain. He stated that existing homeowners would be affected by any construction. He mentioned the lake which he indicated was contaminated with effluent. He believed the County's mitigation measures were not done professionally and were not adequate permanent solutions.

Ms. Penny Brock was glad to hear Lemmon Valley residents speak on this issue. She indicated she lived in the southeast near a designated floodplain. She was unaware of the FEMA information mentioned by Mr. Still and questioned why the County approved a developer to build in that location. She reiterated her support for the residents who provided public comment on this issue.

Ms. Elise Weatherly expressed confusion and questioned how an agreement becomes invalid. She said she would want all the details to make a decision on an issue. She understood Mr. Lloyd indicated some entity no longer existed. She believed an agreement would transfer from one entity to another in the case of a transfer, so she inquired why it no longer existed.

Mr. Danny Cleous stressed the importance of protecting the homeowners in Lemmon Valley. He expressed consternation about the actions of the City of Reno and Washoe County with regard to Lemmon Valley. He mentioned a regional Master Plan which disallowed high-density development in the floodplain zone. He spoke about the lake which he asserted was the most polluted body of water in the area and expressed concern about possible deleterious effects of the pollution on his health. He noted the developer was aware of the agreement before they purchased the property, so it needed to stay in place to protect the residents.

Mr. Nicholas St. Jon indicated he was glad to hear residents providing public comment on this item. He conjectured about the number of residents that would be required to obtain a response from the Commissioners and have them do their jobs. He asked if any of the Commissioners had attended a town hall meeting with the residents of Lemmon Valley. He questioned whether the Commissioners' decisions were driven by developer contributions.

Ms. Victoria Myer commended the residents who offered public comment on this item. She noted the document displayed by a public commenter indicated the document could be amended not terminated. She asserted the Commissioners had a responsibility to protect County citizens.

Ms. Val White questioned whether the County was trying to push residents out of Lemmon Valley. She believed the County was intentionally making the area inhospitable and uninhabitable for the residents. She asked the Board to protect the residents of the valley.

Vice Chair Herman expressed concern about this item and believed the residents of Lemmon Valley had already been through enough. She asserted the residents were nervous about more flooding. She declared her conscience would not allow her to vote in favor of this item. She thought people did not care what happened in Lemmon Valley, other than the firefighters who offered assistance. She spoke about a time when former Governor Brian Sandoval toured the flooded area. She said it brought tears to his eyes when he saw the devastation. She believed the lack of planning played a large role in the flooding and asserted it was the County's job to protect and serve the people. She mentioned a trip she took to Washington, D.C., where she was successful in securing

barriers. She indicated she would not take away the Lemmon Valley residents' only insurance.

Commissioner Clark thought the Board needed to listen to Vice Chair Herman as it was her district, and she was the subject matter expert. He said she had been through this. He expressed support for Vice Chair Herman and the people in Lemmon Valley.

Commissioner Andriola spoke about information that Ms. Tammy Holt-Still and Mr. George Still shared during public comment. She wondered about the legal requirements relating to the deed language. Assistant District Attorney (ADA) Nate Edwards stated he would clarify as best as he could, but he was working off the same documents as the Board. The point about amend versus terminate was in reference to paragraph 6 in the substantive statements of the document which stated, "This declaration and the use and development of the property may not be amended without the consent after notice and hearing of the Washoe County Commissioners." He noted that was not the only provision he thought was relevant to the analysis. Also, in paragraph 1 of the same statements it said, "Unless and until the Board of County Commissioners of Washoe County may approve otherwise after notice and hearing Lemmon Valley agrees to develop the property in accordance with the development standards that are provided throughout these documents." He repeated sentence 1 which read "Unless and until the County Commission approves otherwise," and indicated this would be the framework. At the end there was an additional statement, "cannot be amended without consent." He read the two provisions together and understood the County had the authority to decide whether or not it was going to continue being a party to those provisions. He said he also reviewed another fact in the document several times and observed that the Lemmon Valley Land Company was no longer in existence. The agreement was between the County and Lemmon Valley Land Company which no longer existed. He asserted that meant the property had been transferred out to other entities or it was annexed by the City of Reno, which was also not a party to this agreement. There was nothing in the document that stated the agreement would pass to the successors of the Lemmon Valley Land Company. He said that was a significant fact that confirmed the document did not contemplate succession to anyone who came after the Lemmon Valley Land Company. He referred to the enforcement of this declaration, paragraph 5, and read, "As a party to this declaration, Washoe County to ensure compliance with the development standards may enforce the terms and conditions of this declaration." This was a statement of conditionality on the County's continued participation or level of participation in the document. He indicated those were the provisions that stood out and led him to conclude that the County could terminate the agreement if desired or stay in it. He indicated he was unsure about the exact legal effects. There had been multiple iterations of the County Master Plan amendments, multiple iterations of the Truckee Meadows Regional Plan, and a dozen legislative sessions. All of those brought about changes in the use and development of land in the community. Master Plan type documents were supposed to guide how property was developed but were not supposed to lock communities in so they were unable to adapt or address changing needs over time. He summarized the decision for the Board was whether or not to stay in the agreement.

Commissioner Andriola said she read all the documents and thought the information was compelling. She noted the original declaration covered various provisions. She asked about the evolution of the Master Plan and whether its provisions superseded the declaration. Mr. Lloyd replied that was correct. Commissioner Andriola wondered if the provisions in the declaration document were addressed in the Master Plan, and if so, to what extent. Mr. Lloyd indicated he would do his best to answer because it was a bit of a challenging question. He explained the handbook and the declaration were used as a guide to adopt the Master Plan in 1998. At that point, it stayed very true to the policies and provisions found in the handbook. He said the issue was what the current Master Plan looked like and how consistent it was with the original handbook and the original Master Plan from 1998. He commented it was still relatively consistent, although there were a number of changes over the years. Several Master Plan amendments had occurred, and as legal counsel mentioned, a number of regional plans had also taken place since that time. He indicated the most significant change to the overall document was that the City of Reno had annexed about half of the 2,000 acres in the study area. Whether it was more stringent or less stringent depended on what was being looked at. In many cases, such as flood control, grading, and signage, many of the standards now in the Development Code were significantly more stringent than the provisions found in the handbook. However, there were other issues, such as the total number of lots allowed within this study area, that would be more stringent if the guidelines of the declaration were followed as opposed to those of the Master Plan.

Commissioner Andriola understood that the company, the original agreement, and the deed that was being discussed, no longer existed. Mr. Lloyd replied that was correct. Commissioner Andriola asked about the acres the City of Reno annexed and who was responsible for that action. Mr. Lloyd stated it was the City of Reno. Commissioner Andriola wondered whether the Master Plan aligned with the City of Reno. She thought the use of the terminology to terminate an agreement was interesting since it was superseded by the Master Plan. She believed this was a bit procedural and it sounded like somehow, during the evolution of the original deed and covenant, this was missed. Mr. Lloyd replied he was not sure if something had been missed, but the problem was that the document was never memorialized as part of the Master Plan. He reminded it was used as a guide and lived in the Recorder's Office as a recorded document and was not at the forefront in terms of master planning this area. He stated it really took shape with the original Master Plan from back in 1998 and was intended to be a guiding document specifically for the Master Plan. He referred to the information provided by legal counsel earlier about the master plans being evolving dynamic documents that change over time.

Commissioner Andriola questioned whether there was exposure to the residents in terms of flooding.

In response to a lack of decorum in the Chambers, Commissioner Andriola requested the Board take a recess. Chair Hill granted the request.

12:02 p.m. **The Board recessed.**

***1:00 p.m.** **The Board reconvened with all members present. Chief Deputy District Attorney Mary Kandaras assumed the counsel seat from Assistant District Attorney Nate Edwards.**

Chair Hill said the Board would finish with Agenda Item 5, do the Block Vote, and then move to the public hearings.

Commissioner Andriola stated she was trying to understand the declaration and that the Master Plan superseded those covenants. She thought when the declaration and the contract were put into place in 1998, Washoe County could have enforced or added additional provisions that would have overridden the existing documents as written. Mr. Lloyd commented that was the correct interpretation. He observed the covenant did not lock Washoe County into those standards. He reiterated it established a guide for the Master Plan that was adopted in 1998.

Commissioner Andriola was unsure what had happened since 1998. She believed the reason this was before the Board was so Washoe County could address what was inadvertently missed. In response to a question from Commissioner Andriola, Mr. Lloyd referred to page 14 of the handbook and said there were some provisions for flood control. There were six bullet points that discussed different policies that would need to be followed to address the flooding issue. He said the standards in the Development Code, specifically Article 16, were far more stringent. He noted there were 18 pages of policies in the current Development Code. He indicated there was nothing in the policies that was not addressed with the existing Development Code.

Commissioner Andriola asserted that technically the original declaration was unenforceable. Mr. Lloyd stated that was correct.

Commissioner Andriola thought the exposure any residents would have in terms of flooding did not exist. Mr. Lloyd did not believe there would be any risk to the residents based on the termination of this agreement. Commissioner Andriola said it seemed that residents were questioning that interpretation and she wanted to ensure they were provided all the information that was fact and legal-based that could be enforceable to protect them.

Director of Engineering and Capital Projects Dwayne Smith said he had also reviewed the agreement in question and identified the concerns within the bullet points. He reiterated what Mr. Lloyd mentioned, that there were other guidance documents in place currently regarding how Washoe County or other municipalities approached flood, flood control, and protection of residents. He noted there were four areas of protection. First was the Development Code, Article 416, which was a lengthy comprehensive document. Second was the FEMA Flood Insurance Program and its associated requirements, which were captured within the Code and were requirements that must be applied during the review and conditioning of new development. Third was the Truckee

Meadows Drainage Manual (TMDM) which was also captured within the Code and required additional elements for closed basins. The fourth area included the policies the Board had implemented since 2017. He stated the City of Reno and Washoe County included new policies to increase volumetric mitigation above and beyond the National Flood Insurance Program (NFIP) and the current Code. He indicated those elements had not been captured in this agreement. The current approach was more rigorous and offered more protection for residents when staff reviewed and developed new projects within the area. He clarified that all those standards, requirements, and elements did not guarantee that Lemmon Valley would not be flooded. On average, 20 to 30 percent of the claims that FEMA received were for residents outside of FEMA-designated high-risk flood zones. The protections included within the Washoe County Development Code, FEMA, the TMDM, and the policies put into place, offered a much higher level of requirement and protection. He said those were what staff was obligated to apply when reviewing and developing new projects.

Commissioner Andriola wondered whether the Master Plan would be deferred to for any new project in the same area. She suggested staff speak with residents who had concerns. She wanted residents to be informed of the facts so they could be assured that for any development, Washoe County had their best interests, protection, and safety in mind.

Chair Hill expressed appreciation for Commissioner Andriola's comments. She wanted to support Vice Chair Herman on any changes to the Master Plan that she saw fit to ensure the protection of her district. Chair Hill thought the Board would be supportive of that, but she did not believe it was responsible to vote to keep unenforceable invalid contracts when there were regional plans that superseded the Master Plan and other laws that had come into effect.

County Clerk Jan Galassini stated a public comment card had been misplaced.

Mr. Ken Hendrix shared he was a property owner in Lemmon Valley and a fourth-generation native Nevadan. He said that when he purchased his property, this document was recorded against his title. He stated he came to the County for clarification because his lender noticed that the document recorded said one thing and the Washoe County Code (WCC) said another. Mr. Hendrix said his lender requested a letter stating the document did not apply to the property or that the County complied with the document. Mr. Lloyd tried several times to send a letter out that stated the document was no longer used in planning. Mr. Hendrix asserted the document was still on file clouding his title and he did not know what direction to go. He posed a question about whether the document allowed him to develop according to the 24-page Visioning Statement. He declared it did not, stating he had to follow the current Master Plan and current Codes. He informed he finally went to the District Attorney's (DA) Office to ask how to fix the issue and was told it was a global issue that should have been addressed years ago. He reiterated his problem and requested clarification.

Vice Chair Herman said she spent close to 50 years in the real estate business and believed a signed deed was a solid contract. She expressed concern about the Commission being able to terminate this contract. She informed she looked at the figures in the Development Code and she thought there would be more of a chance for flooding with the current plan than under the deed. She asked Chief Deputy District Attorney (DDA) Mary Kandaras if that deed was legal and valid. Chief DDA Kandaras asked whether Vice Chair Herman was referring to Attachment B, the Declaration of Covenants and Conditions. Vice Chair Herman asked whether the documents were all combined and part of the deed. Chief DDA Kandaras said it was basically not a legal document anymore because one party no longer existed, and the terms had been superseded by FEMA and the Development Code. She declared it had no legal effect except on the gentleman who had just spoken. She asserted this was really an administrative task to nullify or terminate the contract. She referred to Attachment A and said that was what would be recorded on those landowners' titles so they could develop their land in the manner they saw fit. She reiterated the document had no legal effect. Vice Chair Herman thanked Chief DDA Kandaras for her opinion.

On motion by Commissioner Garcia, seconded by Commissioner Andriola, which motion duly carried on a 3-2 vote with Vice Chair Herman and Commissioner Clark voting no, it was ordered that the Declaration of Covenants and Conditions ("Declaration") by and between the Lemmon Valley Land Company, Inc. and the County of Washoe, State of Nevada be terminated as outlined in the Staff Report.

BLOCK VOTE – 6 AND 7

23-0283 **AGENDA ITEM 6** Recommendation to approve, pursuant to NRS 278.040 and on the recommendation of the Chair, the reappointment of Kathryn S. Nelson to the Washoe County Planning Commission representing Commission District 2 (generally includes the Southeast Truckee Meadows area (Virginia Foothills, Rhodes Road, Pleasant Valley, etc.), the Southwest Truckee Meadows area (Mt. Rose and Callahan Ranch), and Washoe Valley (both east and west)), to fill a full term beginning on July 1, 2023, and ending on June 30, 2027, or until such time as Ms. Nelson no longer serves on the Planning Commission or a successor is appointed, whichever occurs first. Community Services. (Commission District 2.)

Public comment for Agenda Items 6 and 7 was held concurrently.

On the call for public comment, Ms. Penny Brock spoke in support of Ms. Kathryn Nelson. She inquired about the number of bids received for Item 7. She expressed concern about the Garden Shop's bid for almost \$500,000. She mentioned being in the Double Diamond homeowners association (HOA) and said the development had three city parks. She informed the residents paid for the maintenance of the parks because the city parks department had not done a good job. She asserted the landscape of those parks would not be equivalent to that of the Ellen's Park playground. She wondered about getting money

for the parks in her neighborhood and mentioned a fourth park which the city had done nothing with. She stated that for almost \$500,000 the landscaping must be phenomenal.

Ms. Valerie Fiannaca stated Commissioner Clark frequently brought up the reappointments to boards and commissions and she wanted to see the appointments opened up to allow more people to apply. She believed rolling over appointments led to institutionalism. She declared she was not saying Ms. Nelson was unqualified. She stated she had personal experience with the Garden Shop and thought it was a very reputable business. She was unsure whether the bid was out of line or how many bids were received, but she thought the Garden Shop did good work.

Ms. Elise Weatherly spoke about Item 6 and related it to her HOA. Chair Hill reminded Ms. Weatherly to stay on the topic of the Block items. Ms. Weatherly wondered if she could trust Ms. Nelson. She mentioned Item 7 and thought the Board had an idealistic approach to things. She opined parks were for fun and families but said the park by Highland Ranch was a place of drug running. She thought the Board was headed in a good direction where it would question things and obtain itemization and details. She spoke about a personal experience at a park where she was almost attacked. She wanted the Board to consider realistic approaches to things.

Mr. Nicholas St. Jon said he did not know about the person up for reappointment and he agreed it would be interesting to see how many other people had applied or if applications had been accepted for that job. He spoke about government bureaucracy and said that eventually things were run by bureaucrats and not necessarily by elected officials. He indicated he would wait and see how that turned out. He mentioned Item 7 and questioned the lack of details regarding purchasing. He wanted the Board to look into putting pickleball courts in parks as there was a lack of courts in the community. He asserted hundreds of people played pickleball, but he had not heard any discussion about it. He said there were four courts at Hidden Valley Regional Park that needed to be reworked. He thought playground equipment was not a good use of this money and stated pickleball was the fastest-growing sport in America.

Commissioner Clark stated he personally interviewed Ms. Nelson and people who worked with her. He declared this was not a rubber stamp situation. He thought she had a great reputation and had done an excellent job in the past. Although he normally wanted to see as many people as possible apply for positions, he received good recommendations and had a good interview with her. Therefore, he and Chair Hill were recommending Ms. Nelson for reappointment.

On motion by Vice Chair Herman, seconded by Commissioner Andriola, which motion duly carried on a 5-0 vote, it was ordered that Kathryn S. Nelson be reappointed to the Washoe County Planning Commission representing District 2 to fill a full term beginning on July 1, 2023, and ending on June 30, 2027, or until such time as Ms. Nelson no longer serves on the Planning Commission or a successor is appointed, whichever occurs first.

23-0284 **AGENDA ITEM 7** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for Ellen’s Park Playground Improvement Project Re-bid, located at 12450 Creek Crest Drive, Reno. The scope of the project is to both replace existing playground equipment and to furnish and install additional playground equipment, an ADA sidewalk, and a shade structure [staff recommends Garden Shop Nursery Landscaping Division, Inc., in the amount of \$473,150.52]. Community Services. (Commission District 2.)

Public comment for Agenda Items 6 and 7 was held concurrently; see Agenda Item 6 for the public comment relevant to this item.

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 7 be awarded and approved.

23-0285 **AGENDA ITEM 11** Public Hearing: Appeal of the Washoe County Director of Planning and Building’s partial approval of Short-Term Rental Administrative Review Case Number WSTRAR22-0013 (Gupta), which sought a Tier 2 short-term rental (STR) administrative review permit for a maximum occupancy of 14 persons at 1447 Tirol Drive, Incline Village, Nevada 89451. The Tier 2 STR permit was approved for a maximum occupancy of 12 persons in accordance with Article 319, Short-Term Rentals (STRs), and Article 809, Administrative Review Permits, of the Washoe County Development Code. The applicant and property owner are Sanjay and Geetika Gupta. The property is located at 1447 Tirol Drive, Incline Village, Nevada 89451. The Assessor’s parcel number is 126-560-33. The parcel of land is 0.001 acres in size with a master plan designation and regulatory zone of Tyrolian Village, within the Tahoe Area Plan. The appellants are Linda L. Smith and Paul E. Smith. The Board should consider the record and any additional evidence presented during the public hearing and may confirm, reverse or modify the appealed action based on its interpretation of the required standards in accordance with WCC 110.809.20(e) and WCC 110.912.20. Virtual Public Comment Eligible. Community Services. (Commission District 1.)

Chair Hill opened the public hearing.

Chair Hill stated this item was a public hearing concerning a land use application. It would consist of a staff presentation, an opportunity for the applicant’s representatives as well as any opponents who filed an appeal, to speak, and would be followed by a public comment section. After the public hearing portion of this item was concluded, the Board of County Commissioners (BCC) would have the opportunity to ask questions, at which point a Commissioner could make a motion. The Chair would then call for a vote and this item would pass if a majority of Commissioners voted in favor of the

motion. Should the initial motion fail, new motions would be voted on until the matter was concluded.

Chair Hill stressed the vote should focus on the particular issue brought before the Board. In situations where the BCC was ruling on an appeal of a lower board, the Development Code placed the burden of persuasion on the appellant. They must convince the Board that a significant error occurred when considered by the lower board. The motion must be made based on a standard of review that applied to land use proceedings. This was defined by the Nevada Supreme Court as substantial evidence that would support a reasonable person making a particular conclusion. She pointed out the Staff Report contained findings that would need to be made one way or another, and it was preferred for motions to indicate which findings could not be made.

If a case ended up in court, Chair Hill noted, and the court could not find substantial evidence, it would rule that the decision was arbitrary and capricious. She asked for examples of such evidence. Chief Deputy District Attorney (DDA) Mary Kandaras said evidence consisted of witness statements, documents, expert testimony, photographs, or anything which would support the trier of fact's decision. Since this appeal asked the BCC to overturn a lower board's decision, the appellant needed to provide quantifiable evidence that demonstrated harm to the property.

Planning Manager Trevor Lloyd conducted a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Background; Reasons for Appeal (2 slides); Possible Motion for Appeal – Approval; Possible Motion for Appeal – Denial.

Mr. Lloyd explained a Tier 2 short-term rental (STR) allowed occupancy between 11 and 20 people, and the approval at this location was for 12 occupants. While the initial request was for 14 occupants, Washoe County granted 12 due to the parking limitations of four occupants per parking space. He clarified the appellants referred to a December 29, 2022, letter from the Tyrolian Village homeowners association (HOA) attorney, and all correspondence was included in the Commissioners' packets.

The applicant, Mr. Sanjay Gupta, conducted a PowerPoint presentation and reviewed slides with the following titles: Agenda; Cameras and Minut Sensors; Monitored Fire Alarm (Primary); Lakeview Chalet; Parking; February 3, 2022; STR's use excess water; Complied with all requirements for a Tier 2 STR.

Mr. Gupta expressed gratitude for the feedback he received. In response to community concerns about noise and bad behavior, he indicated cameras had been installed on all decks throughout the property. The cameras and sensors on the exterior of the property would alert him to any disturbances, allowing him to call the renters to correct any issue. Fire alarms were also installed which would notify the fire department directly. In addition, gates and motion-sensing track lights were installed as safety precautions given the height of the decks.

Mr. Gupta displayed a picture showing the amount of parking space, which would allow room for two parked vehicles. The HOA granted him two parking spaces inside the garage and a spot for a sideways vehicle, but he observed that all neighbors parked their cars facing toward the home. He never witnessed any disruption to traffic this way. His measurement of the driveway length was 22.5 feet. Given that the prior owner of the property regularly parked four vehicles on the property, he expressed concern that he was only approved for three and was never given a reason why. The dimensions of his parking area exceeded the 18-foot by 8-foot requirement in the HOA's covenants, conditions, and restrictions (CC&Rs).

Mr. Gupta acknowledged the common complaints of STRs, but there was no data other than anecdotal evidence to support the claimed excess uses of water, trash, and sewage. He stated the Building Department had been very diligent, addressing each concern systematically. In response, additional items were implemented in an effort to disrupt neighbors' lives as little as possible while doing what he was permitted by law to do. He encouraged his neighbors to come to him with concerns about renters, adding he was changing the way he screened neighbors. Imposing stringent rules on STR owners was not justified. He thanked the Building Department, especially Planner Katherine Stark, for her thoroughness and commitment.

Appellant Ms. Linda Smith conducted a PowerPoint presentation and reviewed slides with the following titles: Appeal STR Case No. WSTRA22-0013; Character of the Community (3 slides); Impact of STRs; Tier 2 (14 occupants authorized); Impact of STRs; 1447 Tirol – Reasons to Revoke Permits (4 slides); What Washoe Commissioners Can Do; Language for Possible Motions. She said she appeared on behalf of concerned neighbors of Tyrolian Village.

Ms. Smith contested that many of the homes in Tyrolian Village were not the mansions that came to mind when many thought about Incline Village (IV). She indicated the STR regulations enacted in 2021 resulted in a rush of people converting homes into STRs, particularly in case the County decided to cap the number of them. She remarked the State government began buying lots in 1989 to reduce density, but she felt STRs were reversing the benefits of that action. All other counties which bordered Lake Tahoe had imposed caps on the number of STR permits, which put pressure on Washoe County. She believed sound monitors only detected issues after the fact. She spoke about a confrontation that occurred when a renter was informed he was driving the wrong way on a one-way street.

Mr. Rick Hsu, attorney for the appellants, pointed out there was a discrepancy in the record and the Board had the ability to make the decision between one and three parking spaces. The motions recommended in the appellant's presentation were framed in a way that would allow the Board to make a decision based on substantial evidence. He said the first motion was a compromise in that it allowed the applicant to obtain a Tier 1 permit based on one parking space while allowing the County to address the chronic parking problems in Tyrolian Village. He said the language in the regulations used the phrase “number of spaces allotted,” but the language in the letter from the HOA's

attorney used the term “allocated.” He contested the CC&Rs and the Rules and Regulations (R&Rs) allowed one parking space per residence, and the garage was considered the guaranteed parking space. Three vehicles were simply how many could fit into the space. He asked that the Board move to reverse the decision based on the express findings.

On the call for public comment, Ms. Mary Lou Kennedy requested the Board approve the appeal challenging the licensing, noting she attached a copy of a letter she had sent to Ms. Stark. She and her husband were homeowners in Tyrolian Village since 1997, and she was drawn to IV because it was designed for single-family residences (SFRs). There had been an explosion of STRs in IV since 2019, destroying the quality of life for residents. She pointed out real estate prices had risen, and many out-of-State investors bought properties to take advantage of the income benefits of owning an STR. As a result, there were no longer affordable options for local working families. She asked the Board to revoke the Tier 2 permit and either deny or place a condition on a Tier 1 permit allowing for no more than four occupants. She believed the applicant was entitled to one parking space pursuant to the CC&Rs since the garage and driveway were on common property. She noted all Tyrolian Village residents equally shared the dues, and allowing 10 or 14 occupants placed an unfair burden on other homeowners.

Mr. Nicholas St. Jon was called but declined to speak.

Mr. Paul Smith summarized the written testimony he had submitted by saying none of the appellants could shoulder the cost of the appeal, but STR owners could. He said he lived peaceably with the 1968 CC&R allotment of one parking space per unit, adding that in 1992 neighbors had removed parking spaces to allow neighbors to build garages on common land. Tyrolian Village was the only neighborhood in the Tahoe basin that could do so. STR owners, he contested, demanded up to six spaces and sued the HOA when spaces were denied. The applicant's property only had a garage because all HOA owners gave up open parking spaces. He felt the applicant's behavior was not typical of Tyrolian Village owners, and the claim would create unequal treatment of HOA owners. He expressed frustration that a Tier 2 permit was approved, noting that parking allocations in the CC&Rs had not changed since 1968. He asked the Board to support the appeal and further inform development staff that the parking allotments stated in the HOA's governing documents determined STR occupancy.

Ms. Svata Trossen said she lived on a cul-de-sac in Tyrolian Village with five properties, but only three of them were occupied full-time; the others were second homes. One residence, however, was operating as an STR without a permit, and it was often rented to two or three families. This added several cars on the court and increased the amount of noise in the neighborhood, particularly early in the morning, disturbing her circadian rhythm. She lamented the loss of peace with the increase in STRs, and she said this owner rarely visited the house. She indicated she bought her home because of the quiet, friendly atmosphere, but she never imagined strangers would disturb that peace. She asked the Board to stop approving STRs in Tyrolian Village so the peaceful neighborhood could be restored.

Ms. Beverly Hughes stated she had lived in Tyrolian Village since 1970, and she decided to build a garage within her parcel because she wanted an attached garage. She spoke about the high cost of her home and the HOA fees, but she valued the peace of Tyrolian Village. She said STRs did not respect that quiet, and higher occupancy increased the noise. Not only that, STR owners were in the neighborhood to make a profit at the expense of HOA-supplied roads, water, sewer, and other amenities. STR owners had no long-term interest in their properties. The CC&Rs said common areas were for owner use only, and a provision existed whereby HOAs could subject owners to double taxation should their common areas become utilized for public use. Since STR guests used those common areas, she wondered whether the Assessor would determine that the amenities were now used by the public, resulting in an increase in her HOA fees. She asked the Board to support the appeal.

Ms. Kristina Hill indicated she was a long-time land planner who served on the Washoe County Board of Adjustment (BOA). She requested the Board appeal staff's decision to allow an STR. She noted that the property's parking was in a common area that was not plowed by Tyrolian Village's private snow removal company, so people who arrived at night had to shovel the driveway. She contended some people did not know how to shovel, resulting in them parking on the street. She wondered who would monitor the sensors and cameras and who would enforce parking infractions. She said the HOA already took steps to ban Tier 2 STRs and require a contact person located within ten minutes of the STR, but this owner did not identify who that would be.

Mr. Daniel Zahm said he and his wife were eight-year residents of Tyrolian Village, and they, along with other property owners, were the beneficial owners of Assessor's parcel number 126-540-34, which was for common use only. He said the applicant's photos showed the garage and driveway were on common land, which he felt should not be used privately or for profit-making enterprise. The Washoe County Code (WCC) prohibited the use of easements for parking, so the Board was being asked to enforce its own laws. He spoke about buying the land because it was meant for SFR use, not commercial use. He did not understand why the County allowed a profit-making use that was inconsistent with residential zoning. He asked that STR staff be given the resources to address the problems brought about by STRs. He referenced a *Tahoe Daily Tribune* article about Douglas County overlooking fire and first responder safety in its STR program.

Ms. Dianne Schmenk opined the citizens who created desirable, residential neighborhoods had become the exploited backbone of the STR industry. The promotion of the STR market by the real estate community had made it worse by monetizing residential neighborhoods. She said homeowners supported their communities and brought benefits to Nevada while STRs were for profit. She brought up the reactions to STR noncompliance requests, which could become violent, and residents had to deal with the intrusion of entitled strangers. She described the applicant's request as immoral and disrespectful to residents' quality of life. She requested that the Tier 2 permit be denied to preserve the sanctity of their homes.

Mr. Doug Flaherty pointed out Mr. Gupta's representative was not asked to identify himself. He spoke about the cumulative impacts of small decisions over a period of time, regardless of which agency undertook those actions. Allowing a Tier 2 STR, he said, would add fire evacuation peril, public safety issues regarding parking, and noise. He asked where the cumulative impacts would stop. He believed the public should no longer be endangered, and R&Rs should be adhered to, rather than continuing to grant approvals that ignored those cumulative impacts.

Ms. Mary Meeker, a licensed property manager who managed STRs, noted she was the treasurer for the Silver State Fair Housing Council (SSFHC). She recognized the concerns of the Tyrolian Village residents, but she sought to ensure them that she took compliance very seriously; for instance, she was disturbed to hear about an STR operating without a permit. She screened guests who planned to stay at 1447 Tirol Drive appropriately, and she expressed her commitment to ensuring compliance in a cohesive manner with the neighbors. She noted she owned a property in the Tahoe area and shared some of the same concerns as the previous speakers. She reassured the neighbors she would try to keep things at the property under control.

Ms. Elise Weatherly observed this was a matter of one side wanting to make money and another side wanting peace, but she felt the law was important. She thought HOAs should be dissolved, which prompted Chair Hill to remind Ms. Weatherly to keep her comments related to this item. Ms. Weatherly expressed support for the residents because peace was important, and follow-up was challenging. She stated the love of money was the root of all evil.

County Clerk Jan Galassini advised the Board she received 19 emails, which were placed on file.

Commissioner Andriola asked whether HOAs had the legal ability to supersede the provisions in an STR permit. DDA Jennifer Gustafson said they could. CC&Rs were contracts between the HOA and the people who lived in the area, so residents who tried to operate STRs in communities where they were not allowed could get in trouble with the HOA. That was separate from the WCC, which had a permitting system for STRs. There was even a provision in the Code that informed permit owners they were not excused from complying with their HOAs.

Commissioner Andriola inquired about the legal interpretation between the terms “allotted” and “allocated.” DDA Gustafson responded she had not looked into it, but she was not aware of any differentiation between the terms.

Commissioner Andriola asked for a definition of “common area,” as it had been presented that the garage was owned by the owner, but the owner did not own the land. DDA Gustafson said it was her understanding that all Tyrolian Village garages were in common areas. Mr. Lloyd responded Tyrolian Village was unique in that the property was the residence, though there was an allowance for garages to be constructed within common areas. Commissioner Andriola sought clarification about whether the garage was

designated as an additional parking area during the STR permit process. Mr. Lloyd said the Tyrolian Village HOA letter identified the two garage spaces as counting toward the overall parking for the STR. He addressed a question from Chair Hill about the driveway by saying it was a common area, though it was not an access easement.

Commissioner Andriola asked the appellant's attorney about his differentiation between the terms "allotted" and "allocated." Mr. Hsu replied "allotted" came from the County's regulation, so there was broad discretion about how it was interpreted. He asked that it be interpreted in the same way as in the CC&Rs which, like the December letter, allotted one parking space per unit. Further, garages were allocated one space. He believed the Board could make that interpretation. It was his opinion that the emails presented by staff spoke to the number of vehicles that could fit into the one allocated parking spot. He felt there was no risk to the Board to rule that one parking space was allowed, as that ruling would be supported by substantial evidence.

Commissioner Clark declared he was a lifelong real estate broker and property manager, and Nevada and many counties encouraged HOAs to prevent what was happening that day. Most associations required all buyers of subdivision units to agree to the CC&Rs before the purchase was finalized. He had heard of people who lost their homes for not complying with R&Rs. In many associations, homeowners owned only the interior air space while the HOAs maintained driveways, exterior paint, landscaping, and roofs. Common areas included swimming pools, tennis courts, and anything outside the footprint of the living spaces. That was how common areas were assessed.

Commissioner Clark indicated the best remedy for the homeowners who lived there was to have a good management company review the CC&Rs and hire an attorney to enforce them. The difference here was the STR designation given by the County, which the Board could rule on. While he believed in property rights and the desire to earn money legally, he recognized people who lived there did not want to be disturbed. He thought they could get along by implementing fines and deposits against bad actors. It fell on the Board to settle a neighborhood dispute by ruling for one party and against another, but he said the Board would take the full-time residents who lived there into consideration.

Chair Hill spoke about the desire for commonsense regulations on STRs as a factor when she ran for office. She planned to bring an item to the Board which would consider caps on STRs. Having a consistent, understandable program was the key to success. As someone who worked closely with staff on creating the STR rules, parking was one of her major concerns. She said she wanted to grant the appeal limiting the occupancy to eight people because there were only two on-property parking spots; the common area could be one spot or two. She thought the County needed to examine the common areas in Tyrolian Village more closely, and perhaps the HOA could help with that. She spoke out against the narrative that Mr. Gupta just wanted money since many people bought property in Tahoe but could not afford to live there full time, and renting helped achieve that. She appreciated the extra steps he took to be a good neighbor. She asked whether there had

been any citations or complaints against this property, to which Mr. Lloyd said there were none.

Commissioner Clark asked for clarity on the number of parking spots allowed on the property. Mr. Hsu replied the CC&Rs, as modified by the R&Rs, stated one parking spot was allowed per unit, even if two or three vehicles could be squeezed into that space. He noted the two-car garage was in a common area through a program allowed by the Tahoe Regional Planning Agency (TRPA). He believed the BCC had the power to uphold the fact that the modified CC&Rs allocated only one parking space, no matter how many cars could fit there. This would allow four occupants, which he thought was a much better compromise than 12.

Commissioner Clark sought further clarification about who owned the garages since they were in common areas. Chair Hill responded homeowners were assessed on their garages. Mr. Hsu said it was complicated; the land was owned by the HOA, but some owners had a lease on the garages that were built. He was not sure of this parcel's arrangement. Commissioner Clark said he would verify with the Assessor whether the land was a common area and if the improvements were of value to the owner.

Planning and Building Division Director Kelly Mullin commented HOAs had been a huge piece of the conversation when the County developed the standards for STRs, and there was a large desire in the community for the County to interpret and enforce what was in the CC&Rs. It was ultimately decided that the County would not do so, but in response, they added language to the Code stating that the issuance of an STR permit did not relieve the owner of the requirement to comply with all regulations. She stated the County would not interpret the CC&R language regarding multi-unit complexes such as this one. The determination for issuance of the Tier 2 permit was based on a letter they received from the HOA identifying that there were three spots designated to the property.

Commissioner Garcia pointed out that much of the work on STRs happened before Chair Hill was elected. The County's website outlined how to get a permit and the processes for payments and inspections. She believed the owner followed the process and, in many cases, exceeded expectations. Given Ms. Mullin's explanation of how the permit was approved, Commissioner Garcia expressed support for the Planning and Building Division Director's decision.

Chair Hill agreed staff made the correct decision based on the information they had, but she expressed concern about the practice of allowing people to park in common areas. Because she wanted all the rules to be consistent, she was in favor of reversing the decision.

Commissioner Andriola asked how many occupants were allowed with a Tier 1 permit. Mr. Lloyd answered ten or fewer occupants. Parking was one of a number of factors that determined occupancy; the ratio was four occupants for every available parking space. Habitable space in the STR was another factor.

Chair Hill moved to reverse the decision of the Washoe County Director of Planning and Building and deny the Tier 2 Short-Term Rental Administrative Review Case Number WSTRAR22-0013, limiting the property to a maximum occupancy of ten persons. There being no second, the motion failed.

Commissioner Garcia moved to deny the appeal and affirm the decision of the Washoe County Director of Planning and Building to partially approve Short-Term Rental Administrative Review Case Number WSTRAR22-0013, for a maximum occupancy of 12 persons. There being no second, the motion failed.

Chief DDA Kandaras opined that, with both motions failing, there would be no action on this item. Chair Hill asked for a review of the recommended motions in the Staff Report, which DDA Gustafson then provided.

Chair Hill clarified for Commissioner Andriola that her motion would have reversed the decision to a maximum occupancy of ten. Commissioner Andriola asked whether the Board could add any conditions to the two motions provided to them. Chief DDA Kandaras expressed hesitance because of the process for approving a change to the occupancy without being substantially supported in the record. If no action were taken that day, she believed the action of the lower board to approve the Tier 2 permit would stand. Commissioner Andriola indicated she had not heard the occupancy of ten referenced in Chair Hill's motion, and she wondered whether that motion could be reconsidered.

Commissioner Clark requested giving both sides another chance to speak. Chair Hill asked if Commissioner Clark had a specific question, but he replied he wanted to hear if they had any additional comments.

Mr. Gupta commented Tyrolian Village was a multi-unit townhome complex. In those complexes, parking was usually outside the units on common land, and owners would ask the HOA which spots were allocated for them. That information was then used by the Building Department to assess occupancy when applying for a permit. He recognized driveways and garages were built on common land, but the HOA informed the Building Department that the garage held two parking spots, and a third vehicle could be parked in the driveway. Though he originally requested an occupancy of 14, he accepted the reduction to 12. He also pointed out the original CC&Rs said one or more parking spots were allocated for each unit. The parking spot language alluded to by the appellant, he believed, came from an amendment that was not challenged by anyone. He offered to provide a copy of those CC&Rs. He opined the one-spot allocation was confusing.

Ms. Smith contested that the CC&Rs did not say one or more spots. She cited WCC 110.319.51(b)(2) which said the allotment to the unit should be used to determine STR permits, which she interpreted to be one space. Mr. Hsu said the Board served in a quasi-judicial capacity, allowing it to interpret the regulations within the framework of the HOA's R&Rs, which stated only one space was allocated. He said the Board could choose the number for which occupancy was determined: one, which would be the number of spots allocated per the R&Rs, or two, the number of cars that could

possibly fit into one space. He submitted the Board should choose only one space, especially if it were concerned with the unique Tyrolian Village neighborhood. He asked that the decision be reversed, calling it the fairest compromise because the applicant could still get a Tier 1 permit.

Chair Hill inquired about the management of complaints about owners or STR users parking four cars on a property. Planning Manager of the Code Enforcement program Chad Giesinger replied that the program only addressed complaints for STRs, not regular owners. It would be up to the HOA to enforce its rules if an owner exceeded the parking allowed in the CC&Rs. However, once an STR permit was obtained, that property was bound by all permit regulations, even if it was used by the owner.

Commissioner Garcia reiterated her belief that the process was followed by Washoe County staff, and she did not feel the Board should get involved with the CC&Rs or HOA matters.

Commissioner Andriola appreciated Commissioner Garcia's points, adding more work needed to be done on STRs. She inquired about the ability to change the occupancy listed in the motion to approve the appeal and reverse the decision. Chair Hill mentioned her motion included ten people because that was the maximum for a Tier 1 permit. Chief DDA Kandaras stated the Board, as the adjudicating body, could decide the amount of parking. Staff had used the HOA's letter to determine three spaces while the appellants believed the definition of one space in the HOA documents was correct, but she thought it was reasonable for the Board to make a finding that two parking spaces were allowed, meaning an occupancy of eight. Commissioner Andriola sought confirmation that it was within the Board's purview to approve the Tier 1 permit with a maximum occupancy of eight. Chief DDA Kandaras replied yes, in which case the motion would be to deny the STR permit, and a finding of substantial evidence be made that there were two parking spaces, one allocated from the HOA and the other being the garage.

On motion by Commissioner Andriola, seconded by Chair Hill, which motion duly carried on a 4-1 vote with Commissioner Garcia voting no, it was ordered that the Washoe County Director of Planning and Building's partial approval of Short-Term Rental Administrative Review Case Number WSTRAR22-0013 be reversed, and the maximum occupancy be limited to eight persons based on the findings presented to the Board of two parking spaces designated for the property.

3:20 p.m. **The Board recessed.**

3:31 p.m. **The Board reconvened with all members present.**

23-0286

AGENDA ITEM 12 Public Hearing: Appeal of the Washoe County Planning Commission's approval of Special Use Permit Case Number WSUP23-0003 (Praana Transmission Line) for construction of a 5-mile long 345 kV Gen-tie line connecting the Praana Substation to the Fort Sage Substation, which is a Utility Services use type. The transmission line will run along Rainbow Way from the intersection with Calveda Way to the existing Fort Sage Substation. The special use permit approval also included approval of a request to waive all landscaping requirements in Article 412 of the Washoe County Development Code (Chapter 110 of the Washoe County Code) and approval of a request to vary the maximum height of 35' to allow for structures up to 150' in height. This project meets the standard for a Project of Regional Significance because it entails construction of a transmission line that carries 60 kV or more. It will require approval by the regional planning authorities before any approval at the County level would take effect. This project also requires amendments to the Regional Utility Corridor Map to identify the location of the new transmission line. The appellant is Alla Peacock and the applicant for the special use permit is Praana Renewables Energy, LLC. The proposed project is in the High Desert Area Plan, has a master plan designation of Rural and is within the General Rural regulatory zone. The Board of County Commissioners (Board) shall consider the appeal based on the record on appeal and testimony and materials submitted at the Board's public hearing. The Board may affirm, modify or reverse the Planning Commission's decision. Community Services. (Commission District 5.)

Chair Hill opened the public hearing.

Chair Hill stated this item would begin with a staff presentation, an opportunity for the applicant's representatives to speak as well as for any opponents who filed an appeal, followed by a public comment section. After the public hearing portion of this item was concluded, the Board would have the opportunity to ask questions, at which point a Commissioner could make a motion. If the motion were seconded, there would be another opportunity for Board discussion, and then the Chair would call for a vote. Since this was an appeal of a lower board's decision, the burden of persuasion was on the appellant, and motions needed to be based on the standard of review in land use proceedings. If this case ended up in court and the court was unable to find substantial evidence, it would rule that the Board's decision was arbitrary and capricious, and they could overturn it.

Planner Katherine Oakley conducted a PowerPoint presentation and reviewed slides with the following titles: Approximately 5 miles west; Vicinity Map; Requests; Generation-tie line; Reasons for Appeal; Possible Motion (1); Possible Motion (2).

Ms. Oakley stated the project was located within existing public and private utility easements, and there were a few residences within a mile on either side of the transmission line corridor. Because the transmission line was over 60 kilovolts (kV), the project was of regional significance. If the Board upheld the decision, it would then go to the Regional Planning Commission for a review of conformance with the Regional Plan. The elements near the Fort Sage Substation would facilitate a connection to the open bus there while navigating existing infrastructure. She noted representatives from the Truckee Meadows Fire Protection District (TMFPD), NV Energy, and the Nevada Department of Wildlife (NDOW) were available to answer questions. She pointed out that a memo was distributed that included an extra condition should the Board decide to uphold the decision of the Planning Commission (PC). The condition would require the applicant to improve Rainbow Road between Fish Springs Road and Assessor's Parcel Number (APN) 074-470-02 at the time of project construction to provide all-weather driving capabilities as described in one of the applicant responses.

Chair Hill asked for confirmation that the Board had the ability to decide on the appellant's standing, which Deputy District Attorney (DDA) Jennifer Gustafson gave. Chair Hill recognized the Board had been lenient regarding standing in the past, though she did not know if there was standing in this case. She deferred to Vice Chair Herman, who indicated she wanted to hear from the appellant.

Mr. Shaun Vemuri, representing Praana Renewables Energy, LLC, conducted a PowerPoint presentation and reviewed slides with the following descriptions or titles: maps (3 slides); photos (3 slides); Rainbow Way – Current Condition; photo; charts (2 slides); Nevada Solar Plants.

Mr. Vemuri indicated he was the founder of Praana and a licensed civil engineer specializing in constructing safe and sustainable structures for the community. The project was situated in District 5. He pointed out the appellant's residence was approximately one mile from the project, which did not meet the notification requirement of 750 feet for projects of regional significance, and as such he believed the appellant did not have standing to appeal. He remarked the PC already found that the project was consistent with the High Desert Area Plan (HDAP), and he urged the Board to consider the appellant's proximity to the existing infrastructure. He pointed out the Reno/Alturas transmission line ran through the valley and had operated safely for decades. The new transmission line would be located a few hundred feet away and would be operated just as safely.

One of the PC's crucial findings, Mr. Vemuri continued, was that sufficient roadway enhancements were suggested. Like the mile of all-weather surfacing that was implemented on Rainbow Road as part of the Fish Springs solar project, he aimed to enhance the road to the north in a comparable manner. He showed three videos of Rainbow Road depicting the condition of a dirt portion, a pile of discarded vehicles, and a section that had been improved. During the videos, Chair Hill asked for decorum in the Chambers.

Mr. Vemuri noted he had provided the appellant with numerous documents regardless of the issue of standing, copies of which the Board had as well. He emphasized the project would not negatively impact public health, safety, or welfare, and it would not alter the character of the area. District 5 was already involved in contributing to Nevada's renewable energy, and this project would only add to that capacity. He highlighted that Nevada was the leader in generating solar energy on a per-capita basis, and with this project, he hoped to contribute to the renewable energy goals of the State. He added that the project garnered support from the Electrical Workers Union.

Mr. Vemuri acknowledged the importance of appeals, and he took the appellant's concerns seriously even though he felt the appellant lacked standing. He noted detailed responses backed by technical studies and documents had been provided since Praana was committed to delivering community-centric, environmentally conscious projects. His company supported the PC's decision, and he entreated the Board to uphold that decision.

Appellant Ms. Alla Peacock conducted a PowerPoint presentation and reviewed slides with the following descriptions or titles: Petition; Letter from Praana Energy; Attachment F; Letter from Doyle Fire Protection District; Letter from Doug Magill; Photo; WSUP22-0037_app; Lines.

Ms. Peacock brought up that Praana could spend billions of dollars while all she had was signatures from residents. She hoped to convince the Board to vote no on the project, citing fire safety as her major concern since they lived off the grid. According to the National Interagency Fire Center, she went on, federal, State, and local fire services dealt with 32,652 power line-ignited wildfires from 1992 to 2020, roughly 1,166 per year. This project involved a 345 kV transmission line, an extremely high voltage.

Ms. Peacock pointed out that both Praana Energy and Mr. Brent Moore made separate statements that the Doyle Fire Department was contacted regarding a fire management plan. However, she read letters from the Doyle Fire Department and the Sierra Army Depot disputing that claim. She said she was told by Praana and Mr. Moore that their quotes were typos, resulting in her not trusting their promises. The TMFPD was too far away to be impactful since brushfires spread at 14 miles per hour (mph), and her community was scared of fire because of how prevalent it was there. She showed a picture of dust from the McCarthy solar project as a way of refuting the applicant's assurance that they would be able to control dust. Sagebrush helped contain dust, she noted, but Praana was clearing it for their project.

Ms. Peacock indicated it took 14 miles of roads to get to her house, so even if Rainbow Road were fixed, the other roads would not be. She contended this was just the beginning of the project as the company wanted to build an identical project in California. She said residents in her area did not want to be disturbed by industrial fields populated by approved projects. She asked the Board to protect nature from the transmission lines which would cause permanent damage. She noted her property was .7 miles from the line, adding Praana used the furthest portion of her property as a way of saying she lived a mile away.

Referencing a 15-foot-tall building she could see from her house, she expressed concern about the impact of 150-foot-tall structures on her views. She asked the Board to be fair to the residents who would suffer from the construction and say no to the project.

On the call for public comment, Mr. Jim Linscott expressed support for Agenda Items 12 and 13. He stated he bought his property specifically to be close to Rainbow Road since it was an easement for electrical utilities, which helped him develop his property. He thought the project was a great use of the property, and it would bring in much-needed tax revenue for the County.

Ms. Penny Brock expressed concerns about where the materials would be made, saying solar panels were largely made in China; she preferred American-made products. She brought up the problem of disposing of solar panels, which she felt should be considered as a way of protecting the deserts for the future.

Ms. Valerie Fiannaca stated slave labor was used to make solar panels. She expressed concern that the solar power might be exported to California and about how the solar panels would be disposed of. She felt the potential security risk of a foreign country building power lines close to the Herlong military base should be considered before approving the project.

Mr. Nicholas St. Jon spoke about two studies: one he performed on the effect of electromagnetic radiation on wheat and one by the Massachusetts Institute of Technology (MIT) on the impacts of power lines on people who lived close to them. He thought people who lived nearby should be aware of an increased risk of leukemia. He brought up the potential ties between Praana and any foreign companies, which raised concern for him because he believed many foreign countries were purchasing land in the United States (U.S.).

Mr. Brent Moore, the lead consultant on the project, said many of the comments submitted for the public record by both the applicant and the appellant were libelous and disrespectful. He and his staff had worked alongside State and local agencies to perform a comprehensive environmental review and in-depth land use and public safety analyses, all of which were found to be adequate by the Public Utilities Commission (PUC), NDOW, and Washoe County. He said Ms. Peacock and Mr. Vemuri called into question the rigor of the experts who worked on the permit by making false accusations, and some even named him personally. While he appreciated the County allowing the public to speak, he felt it should not be allowed to sully the reputation of the PC and the legality of its ruling. He asked the Board to defend his reputation and that of Washoe County staff by dismissing the appeal and upholding the right of residents to connect to the grid.

Mr. Charles Hooper, the owner of CalNeva, stressed the importance of the Board making a decision with consideration of the younger generation. He provided the history of his family, his upbringing, and his education in Nevada. He said his family all had an interest in the future of this project. His father had given him the charge of managing this land, with consideration for family, neighbors, and the public. This project would

benefit Washoe and Lassen Counties, potentially bringing clean, renewable energy to thousands in Nevada. Granting the special use permit (SUP), he continued, was consistent with the County's approval of four other projects, which he named. He added the project would enhance Rainbow Road into an all-weather road, improving transportation for emergency services. It would also result in extra income for local businesses.

Ms. Betty Thiessen commented she paid \$46,000 to install 42 solar panels on her property, but they could not keep up with the power they used. She thought solar power was not a benefit. She expressed concern about unsafe transmission lines being erected in neighborhoods where people chose to live for the peace and quiet. She asked the Board to vote no on the project.

Mr. Mike Maurer stated he did not want a solar project in his neighborhood because it was dangerous, adding that Mr. Hooper said disparaging things about Ms. Peacock. Mr. Maurer alleged Ms. Peacock received letters threatening a lawsuit if she did not rescind her appeal, but he said he and his neighbors elected her to represent all of them. He indicated they wanted to be left alone to live in peace without solar grids. He said the area was agricultural and not zoned for industrial use, so he did not know why these projects were being allowed. He repeated he did not want transmission lines in his neighborhood.

Ms. Tatiana Kiseleva remarked Praana was destroying the peaceful lives of her and her neighbors. She felt the appellant's evidence was twisted around, leaving them powerless. She said her family received accusations, insults, harassment, and mental abuse. She believed the transmission lines were dangerous, fearing the project would grow beyond the scope of Rainbow Road to private roads. She cautioned this would not be the end of the company's construction plans, and it wanted to take the residents' water. She expressed concern about safety, saying construction would disturb rattlesnakes, which would come to their properties. She said she would lose everything, and people could possibly die if a fire broke out because it would take the fire department too long to arrive. She said she had a right to ask questions and express dissatisfaction without being intimidated by lawyers.

Ms. Wendy Wickware stated she lived at 655 Doyle Lane, an address she said Praana claimed was fake. She noted the dust often got worse than what was pictured, and there were times when wells dried up. The amount of water needed to control the dust was non-existent. She spoke about the impacts on wildlife in the area, as well as the ability of the roads to handle commercial vehicles, which could not navigate certain roads and kicked up a lot of dust. She expressed concern about safety.

Mr. Richard Wickware noted he lived 1,500 feet from the projected location of the transmission line. He brought up the impacts from a prior project: increased traffic, potholes that were not repaired, vehicular safety concerns, and garbage. He said the people who lived out there would have to deal with the repercussions.

Ms. Tammy Gardner was not present when called to speak.

Ms. Aurora Dansie spoke on behalf of Amy and Nevada Dansie, homeowners in the area who could not attend. She said they were both reliant on oxygen, and the silica dust that was kicked up was terrible for their lungs. She noted there was a waiver for landscaping so the company would not contour the land to best capture the water, nor would they plant seeds to feed wildlife or combat noxious weeds. Road grading, she said, churned up sharp rocks, putting vehicle tires at risk. She expressed concern about the poor driving of construction drivers, adding there were only two ways into the valley: through Doyle, California; and through Pyramid Lake. The latter road was so damaged nobody could get through. She felt rural residents were just as important as any others, and she wanted to enjoy the land without the buzzing of electricity.

Mr. Matthew Vine pointed out he lived within 750 feet of a transmission line, and the project would ruin his future. He said he worked in the industrial solar field. He felt the project would infringe on the safe future of himself and his family, adding he spent more than \$15,000 to repair his truck after a prior project was completed. He said residents, not the people who made the promises, ended up paying the price. He stated the power generated from the McCarthy project would be sold to Southern California if it was able to be sold at all; he did not think it was practical for Nevadans. He anticipated experiencing cell and internet reception issues, which could impact his business, and he thought distribution boxes would not be able to convert power to the residents. He preferred his roads to be unpaved to discourage thieves.

Mr. Rhett McBride talked about the noise made by the power lines that would be used in this project. He said every phone number listed to call for fire services either did not work or led to non-fire agencies. The closest Nevada fire department was a volunteer department at the end of Red Rock Road, 40 minutes away, and the closest non-volunteer station was an hour and 40 minutes away. He had bought his parcel assuming it was a residential area, but he felt the area was being developed as an industrial complex. While it was explained the only structure that would be 150 feet tall would be near the station, the approved plan allowed buildings up to that height anywhere.

Mr. Curtis Brown stated he had no financial interest in the project. He suggested residents consider the Silver Saver plan offered by the Regional Emergency Medical Services Authority (REMSA), which provided helicopter service for less than \$100. He supported the project, emphasizing the importance of getting away from fossil fuels. These projects needed to go somewhere. He acknowledged some of the concerns about cancer, but he noted that studies on electric and magnetic field (EMF) power lines by the National Institute of Health (NIH), the Environmental Protection Agency (EPA), and the American Cancer Society (ACS) did not show a specific cancer risk from power line transmissions.

Mr. Douglas McDonald, a project engineer, expressed support for the project. He said Praana would obtain a dust control permit from Washoe County and, as a designer of the project, he saw community members as partners. He relayed that any community member could report a dust control violation to the Air Quality Management (AQM) Division 24 hours per day. Additionally, the operator of dust-generating activities

could not allow dust emissions for more than five minutes each hour. A dust control log also needed to be kept. He indicated signage must be posted prior to the commencement of work near the main entrance to the project. He confirmed Praana would adhere to all dust control permit requirements, and control officers could report any fugitive dust that exceeded standards, even if all requirements had been met. The operator would then have to revise the dust permit and, with the control officer, submit it within three days of receiving written notice of an infraction. He provided the AQM number again: 775-784-7200. He asked the Board to affirm the PC's decision.

Ms. Rekha Nanduri, a civil engineer, said she supported the project. She noted Praana needed to adhere to TMFPD requirements, which ultimately followed the 2018 International Fire Code (IFC). She understood the concern about the project damaging Rainbow Road, but she saw firsthand how the road had been improved by the Fish Springs project. This project would make the road trafficable. Primary engineering plans were included in the technical documents, as were responses to the appellant's concerns. She remarked fire safety was Praana's responsibility, though the TMFPD would determine the required depth of the base material. She described the process by which the road would be compacted, adding it would be provided in the specifications as well. She requested that the Board affirm the decision and approve the project.

Ms. Inna Radova, a civil engineer, expressed her support. She stated the National Electrical Safety Code (NESC) contained provisions for the safe installation and maintenance of overhead transmission lines. Praana lines would be constructed in accordance with NESC unless Nevada regulations were more stringent. The code also specified the loading conditions required in certain geographic areas, and weather conditions would also be taken into account. While all states and municipalities had special electrical construction rules, most recognized NESC as the standard. She said qualified licensed engineers would design the lines. She pointed out the Alturas transmission line had run safely since the 1990s, and advancements in technology had been made since then. She asked the Board to approve the project.

Mr. Mike Kosakowski, a certified inspector of construction materials, expressed support for the project. He said he oversaw large construction projects where he personally verified the quality of foundations, concrete, rebar, and soil compaction. He listed his certifications. He emphasized the rigorousness of materials testing on projects such as this and reviewed the testing and inspection process. He assured the appellant that any qualified field inspector could perform the same type of checks he regularly did. He said engineers designed transmission poles with safety in mind and the construction of foundations was heavily scrutinized. He requested the project be approved.

Ms. Chelsea Shears, a project administrator, expressed her support. She pointed out EMF was part of everyday life, produced by both natural and man-made means. Both Earth and the human brain produced magnetic fields. She said the EMF from the transmission lines would not be detectable from one mile away, and she invited the appellant to visit nvenergy.com/safety to help her better understand EMF. She read from an *Environmental Research* article that concluded there was no correlation between

childhood leukemia and proximity to power lines. She did understand the concern about a new power line when the Reno/Alturas line existed only a few hundred feet from the proposed location. She asked the Board to affirm the decision of the PC.

Ms. Maya Vemuri read a poem in support of the project, in which she spoke about children's reactions to adult inaction. She expressed frustration about digging natural resources for gains. She portrayed Earth as a living being and the sun as a potential savior. She spoke about harnessing the sun's power, the limits of Earth's resources, and the potential dangers of fossil fuels. She desired to make the world better for her children and requested that the Commissioners approve the project.

Mr. James Benthin expressed concern about the proximity of the project to a military installation. He asked whether American-made products and equipment would be used in the project, and about the lifespan and method of destruction of the solar panels. Referencing the four existing power lines, he thought Praana could have selected locations near those lines. He said property owners faced restrictions near the power line to Virginia City, and property values had decreased. He wondered how much it would cost to pave the road, and questioned why existing lines in more rural areas could not be used. He referred to a Florida bill that sought to counter the ability of other nations to buy land in Florida. Until all issues were resolved, he asked the Board to vote no.

Ms. Darla Lee thought the Board should give more credence to the people who lived in the area than to experts for a project that would make people a lot of money. She indicated fossil fuels could supply low-cost energy for hundreds of years, but many experts were pushing renewable energy sources, which she contested had downsides. She thought the potential negatives of solar farms needed to be investigated, particularly if the benefits were reaped by California residents and not Nevadans. She expressed a loss of trust in expert opinions, and she again asked the Board to listen to the residents when making its decision.

Mr. Roger Edwards stated he served on the PC when many of the existing solar farms were approved. Despite not being a proponent of renewable energy, which he considered potentially dangerous, he felt it would be a good use of the unpopulated areas of Nevada. He expressed frustration that the Board of County Commissioners (BCC) often overturned PC decisions since the lower board received more information. He suggested the BCC approve the PC's actions.

Mr. Stewart Handte noted he drove through that area a lot, and people lived there for tranquility and serenity. He did not think that should be sacrificed for greed, and that people's health and safety were paramount. He thought the Board should ask how the residents of Paradise, California, felt about power lines in their community.

Mr. Danny Cleous said people moved to Northern Nevada for a reason. He expressed concern that the infrastructure was buried after it stopped working. He said most solar panels came from China or Japan, countries with much air pollution, which he compared to the low pollution rates in the U.S. He spoke about Lemmon Valley changing

from a rural area, to which Chair Hill reminded him to keep his comments on topic. Mr. Cleous spoke about prior Commissioners. He felt solar and wind farms destroyed rural areas, and he suggested building them in unpopulated areas or the Commissioners' neighborhoods.

Ms. Val White inquired whether the electricity that would be generated would benefit Nevada residents or be sold to other states. She opined Praana would make millions or billions of dollars from this project and, while developers of subdivisions needed to provide quality-of-life improvements, Praana was not required to. She suggested the community could be asked what it needed – such as new roads, water collection, or dust mitigation – and the company should supply it. She asked about research into Praana's affiliation with foreign entities and countries, wondering if they shared the money with them. She wondered whether the people who spoke in favor of the project were paid to do so. She expressed dismay that children were being indoctrinated. She wanted the Board to support Nevadans.

County Clerk Jan Galassini advised the Board she received 13 emails, which were placed on file.

Vice Chair Herman stated the project had stirred up people in Nevada and California, resulting in distrust of the company. She requested the TMFPD's response to comments about Praana saying they had resolved the fire protection issues. She asked whether the TMFPD approved the project as it related to fire protection. TMFPD Deputy Chief of Fire Prevention Dale Way said the supplemental use application was forwarded to them from Washoe County for comment and approval. When asked by Vice Chair Herman if that meant the TMFPD would supply fire protection, Deputy Chief Way said the TMFPD provided service to that area through a contract with Washoe County. He further explained residents of the area were not charged taxes specifically for fire protection, unlike other County residents. Vice Chair Herman brought up the shock of the Doyle Fire Protection District and the Sierra Army Depot that they would be expected to provide fire protection, adding she had concerns about that.

Commissioner Andriola asked who would respond to fires that broke out in that area. Deputy Chief Way said TMFPD would, and it would take about 45 minutes for them to arrive, depending on where the fire was. Chair Hill asked the audience for decorum.

5:10 p.m. **The Board recessed.**

5:29 p.m. **The Board reconvened with all members present.**

Commissioner Andriola asked whether the 45-minute response time would be for all fires, not just fires caused by this project. Deputy Chief Way clarified the response time he quoted would be for the area, not for a specific residence, and the quickest he anticipated the TMFPD could get there would be between 45 minutes and one hour and 15 minutes. Having lived in rural areas, Commissioner Andriola recognized fire danger was a concern, and she said many fires started in homes. She asked whether he knew of any fires

that occurred because of the Alturas transmission line, to which Deputy Chief Way replied he was not aware of any.

Commissioner Clark, picking up on a prior comment about developers adding common area amenities, asked whether Praana offered to do anything for people in the area, such as adding a community center or park, or offering scholarships. He recognized that people wanted a rural lifestyle, but he thought the company could help with their needs as a goodwill gesture. Mr. Vemuri said he had not received any requests from the community, but he was open to that discussion. Commissioner Clark suggested holding a town hall meeting. Mr. Vemuri noted the appellant raised good concerns about roads, water, and fire safety, all of which Praana answered. Had they received comments about some of the suggestions made by the Commissioner, he said, they would have responded as well. He noted they would pave 4.3 miles of Rainbow Road, and he was open to the idea of a town hall.

Commissioner Andriola indicated any construction project presented challenges, and she listed some that she had heard about: dust, disruption of roads, unsafe truck driving, and sharp rocks. She felt residents could be assured by having a response plan because that would be backed by action. This would give residents a way to address things like increased vehicle maintenance costs. She asked for Mr. Vemuri's commitment to addressing those issues, such as the disturbance of plants and the mitigation of safety issues. She appreciated Commissioner Clark's comment about scholarships. She wondered if Praana had done something like that with prior projects, but she hoped Mr. Vemuri would offer a viable solution to remedy any potential impacts of the project.

Mr. Vemuri acknowledged the pain of the experiences residents had with the Fish Springs project, though he described the final infrastructure as top-notch. As an engineer, his responsibility did not stop after the design phase; it continued through construction by holding the contractor responsible. Other companies provided a contact number for a business relations office that sometimes did not respond to calls. In his projects, there were people on the ground that could be approached with concerns, who would refer the residents to an in-person expert. He committed to on-site issue resolution in the community. He noted fast driving would violate the safety plan, and the site supervisor would immediately shut down that behavior. The International Brotherhood of Electrical Workers (IBEW) was part of the community, so their safety was also paramount. He encouraged residents to approach anyone with a safety vest.

Mr. Vemuri referred to a picture in his presentation, pointing out that the vegetation under the solar panels was thriving. He said they requested a waiver of the landscaping provision not to save money, but because they did not want to tinker with the resilience of nature with landscaping that did not belong there. He believed the natural landscaping under power lines looked very good.

Commissioner Andriola appreciated having on-site help, but she inquired about a remedy for damaged vehicles. Mr. Vemuri said a roadway management plan would be shared with the appellant. He recommended people report any vehicles that were damaged by rocks, as that indicated either the driver was driving too fast, or the road was not being maintained properly. They could also speak with the foreman.

Commissioner Andriola asked where the energy would go. Mr. Vemuri said he did not know. They were connecting at the Fort Sage Substation, which was owned by NV Energy. NV Energy had a renewable energy goal, but any energy that would go to California would come with a wheeling fee per megawatt hour. When the project was close to the notice to proceed phase, NV Energy would have the choice to either purchase or wheel the power. He pointed out Southern Nevada had more solar projects than Northern Nevada, and there was a plan to not only connect the two but to connect all western states onto one renewable energy grid. There were multiple mechanisms to share power, but there were no current commitments for that power. Commissioner Andriola, a former PC member, agreed with Mr. Edwards' comments about how that board thoroughly investigated safety and compliance issues.

Commissioner Clark thought the project was about shipping power to those who needed it for profit; it was a business opportunity. He wondered about the financial impact on Washoe County and the State of Nevada, and whether some type of royalty could be shared with the local residents. He offered a suggestion that the County earmark some of the money it received from the project for ensuring that the local residents received better services.

Vice Chair Herman asked Mr. Vemuri to place himself in the residents' position, posing a hypothetical scenario about a company that he did not trust offering to put a fire station in to earn some trust back. Mr. Vemuri responded his duty was to design and build the safest project possible and ensure there were no inconveniences to the residents. Vice Chair Herman noted she was once an electrical contractor and she offered things to people who were not happy with what they were doing. She stressed the importance of having good relationships with the people who would be impacted, and those people needed a fire station. Mr. Vemuri echoed Commissioner Clark's suggestion of holding a town hall, in which he would be happy to participate. He repeated he received no requests from the community, only concerns. Vice Chair Herman did not think it was the residents' job to ask. Mr. Vemuri wanted to know the citizens' perspective. Vice Chair Herman hoped he would present the possibility of a fire station.

Chief Deputy District Attorney (DDA) Mary Kandaras cautioned against going too deeply into discussions about significant capital projects like fire stations, which should be given their own agenda item in accordance with the Open Meeting Law (OML). She recognized development agreements in the past included things like this, but she felt those were different than this item.

Chair Hill moved to deny the appeal, which was seconded by Commissioner Andriola. Chief DDA Kandaras reminded Chair Hill of the additional condition described by Ms. Oakley earlier in this item. Chair Hill included the condition in her motion, to which the seconder agreed.

On motion by Chair Hill, seconded by Commissioner Andriola, which motion duly carried on a 4-1 vote with Vice Chair Herman voting no, it was ordered that the appeal of the Washoe County Planning Commission's approval of Special Use Permit Case Number WSUP23-0003 be denied, which was based on the ability to make the findings required by Washoe County Code. Further, the applicant would be required to improve Rainbow Road between Fish Springs Road and Assessor's Parcel Number 074-470-02 at the time of project construction to provide all-weather driving capabilities.

23-0287 **AGENDA ITEM 13** Public Hearing: Subject to a finding of conformance with the Truckee Meadows Regional Plan by the Regional Planning authorities, to approve a resolution initiating an amendment to the 2019 Truckee Meadows Regional Plan Map 3 - Regional Utility Corridors & Sites to include a 345 kV substation on ±8 acres approximately 5 miles west of Flannigan near the intersection of Rainbow Way and Calveda Way (WSUP22-0037- Praana Solar), and a 5-mile long 345 kV transmission line between the new substation and the Fort Sage substation, along Rainbow Way (WSUP23-0003- Praana Transmission Line). Community Services. (Commission District 5.)

Chair Hill opened the public hearing.

Chair Hill asked the other members of the Board if a presentation from staff was necessary since there was a robust discussion during the previous item. She noted this item was essentially to initiate an amendment to the Regional Plan per the Board's prior decision. It was determined a presentation was not necessary.

On the call for public comment, Mr. Nicholas St. Jon was not present when called to speak.

Ms. Betty Thiessen admitted she was not sure what this item involved and thought staff would be explaining it. Chair Hill informed Ms. Thiessen she needed to address the topic of Agenda Item 13. Ms. Thiessen stated she was against this item.

Ms. Alla Peacock, Ms. Tatiana Kiseleva, Mr. Mike Maurer, Ms. Wendy Wickware, and Mr. Richard Wickware were not present when called to speak.

Ms. Penny Brock assumed this was a follow-up to Item 12. Because this was a transmission line, the electricity would be sold, and she expressed concern about where the electricity would be sold. She believed if the power was being sold to California, then Nevada should receive some type of royalty. She did not know how the people in Washoe County would benefit from this. She asserted that the County now had a

sustainability department which was part of the green agenda. Chair Hill asked Ms. Brock to address the topic of Agenda Item 13. Ms. Brock thought the reason for the substation was to bring additional electricity into the County so electric vehicles (EVs) could be mandated. She expressed opposition to this item.

On motion by Commissioner Andriola seconded by Commissioner Garcia, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

23-0288 **AGENDA ITEM 14** Public Hearing and possible action to hold the first reading of an ordinance: (1) amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing for the second reading and possible adoption on June 13, 2023; AND, hold the first reading of an ordinance: (1) imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing for the second reading and possible adoption on June 13, 2023. The Central Truckee Meadows Remediation District was formed in 1997 to address the tetrachloroethene (PCE) contamination of groundwater in the central Truckee Meadows area. The District is tasked with remediating PCE contamination and annually updates both the Service Area boundary and Contaminant Area boundary based on continuous analysis and modeling efforts. There is no impact to the General Fund. Community Services. (All Commission Districts.)

Chair Hill opened the public hearing.

Chair Hill inquired if a staff presentation was needed for this item. It was determined a presentation was not necessary.

On the call for public comment, Ms. Penny Brock stated she looked at the map for this item and believed it was out in the County. She mentioned she lived up Mt. Rose Highway for a number of years and had the purest well water in the entire County. She asserted the County put toxic chemicals in the well water in order to get federal funds. She thought the map regarded rural areas. She wondered whether there was really a concern about tetrachloroethene (PCE) in the well water or if this was another way for the County to get federal dollars.

Mr. Nicholas St. Jon was not present when called to speak.

Bill No. 1892 was introduced by Commissioner Garcia, and legal notice for final action of adoption was directed.

Bill No. 1893 was introduced by Commissioner Garcia, and legal notice for final action of adoption was directed.

23-0289 **AGENDA ITEM 8** Introduction and first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 302 Allowed Uses, Article 304 Use Classification System, Article 406 Building Placement Standards, and Article 902 Definitions to:

- Provide clarity on single-family accessory uses;
- Allow Child Care, Family Daycare use type within the General Rural and Neighborhood Commercial regulatory zones;
- Allow Large-Family Daycare use type with an Administrative Permit instead of a Special Use Permit in the Neighborhood Commercial Regulatory Zone;
- Allow Personal Services use type within the Industrial and Public and Semi-Public Facilities regulatory zones;
- Include information technology services within the definition of the Administrative Offices use type;
- Include contractors' office with or without an equipment yard as an example of the Construction Sales and Services use type;
- Create a definition for "security fence" and provide standards for allowing security fencing on parcels of land that do not have an established main use;
- Allow for tall specialty fencing for uses such as ballparks and sports fields;
- and
- Place Communication Facilities in the "Civic" rather than the "Commercial" use table; and all matters necessarily connected therewith and pertaining thereto.

AND

If introduced, set the public hearing and second reading of the ordinance for June 13, 2023. Community Services. (All Commission Districts.)

Chair Hill thanked staff for doing a great job of listening to the Board's direction and for making childcare easier.

On the call for public comment, Ms. Penny Brock stated America was founded on free enterprise and capitalism. She said her concern had been that government at every level wanted to impose more regulations. She said if this item was to make daycare easier that would be great, but she could not tell from reading this item whether it would impose more regulations on those who wanted to care for children. She opposed additional regulations and thought staff needed to review them and possibly remove some of the regulations for small businesses and the people.

Bill No. 1894 was introduced by Commissioner Andriola, and legal notice for final action of adoption was directed.

23-0290 **AGENDA ITEM 9** Initiation of a proposed ordinance to amend Washoe County Code Chapter 70 governing vehicles and traffic by adding new sections prohibiting participation in illegal sideshows, street racing and other exhibitions of speed; declaring illegal sideshows, street racing and other exhibitions of speed to be public nuisances; providing for summary abatement of such nuisances that constitute an imminent danger by appropriate measures including confiscating the vehicle(s) involved; and providing other matters necessarily connected therewith and pertaining thereto. If initiated, conduct a first reading of the ordinance and set the public hearing, second reading, and possible adoption of the proposed ordinance on May 23, 2023. District Attorney. (All Commission Districts.)

Chair Hill asked if the Board needed a presentation and Chief Deputy District Attorney (DDA) Mary Kandaras said she was available to answer any questions.

Commissioner Clark asked how the County dealt with confiscated vehicles. Chief DDA Kandaras explained that under this Ordinance, up to three law enforcement officers, emergency responders, or code officials would have to declare a vehicle to be a public nuisance. She provided an example of a vehicle doing donuts in a blocked-off intersection and spoke about the process. Whoever handled the situation would take the statements and treat it as a nuisance. They would take the vehicle and store it and the owner would receive a notice. The owner would then have to prove they owned the vehicle and pay the storage and towing fees. She shared that she witnessed a sideshow incident such as the one in the example she provided. The idea was to be able to stop this immediately and that was where confiscation would come in. She opined this would be rare because as soon as a sideshow was over people scattered, posted on social media, and went somewhere else. She asserted this was a way to enforce the sideshow Ordinance and keep the public safe. Commissioner Clark wanted to clarify that three law enforcement officers or emergency responders had to see the action occur. He wondered whether “impounding” was a better word than “confiscating.” Chief DDA Kandaras said she liked the word “impounding” and was unsure why “confiscating” was used. Commissioner Clark thought “confiscating” sounded like the vehicle would be kept but “impounding” meant the vehicle would be towed to a storage yard where the owner could pay the fine and the storage fees and reclaim their vehicle. He believed the word “impounding” should replace the word “confiscating.” Chief DDA Kandaras said that was up to the Board, but she thought it was fine to make that change.

Vice Chair Herman stated that if she had known about this before it was written she would have asked for four-wheel drive sideshows to be included.

On the call for public comment, Ms. Penny Brock stated she lived in District 2 and said there was a huge street racing problem on the Wilbur May and Veterans Parkways. She asserted the homeowners did not know what to do about it because law enforcement was not around when they were needed. She asked that law enforcement be involved if this item was passed. She noted it was one thing to get this on the books, but the people wanted it to be enforced.

Bill No. 1895 was introduced by Commissioner Garcia, and legal notice for final action of adoption was directed. The introduction included the language change from confiscating to impounding.

23-0291 **AGENDA ITEM 10** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Possible actions under this item may include the Board taking official positions on AB 175. Pending legislative bills can be located here: <<https://www.leg.state.nv.us/Session/82nd2023>>. Current bills the County is tracking that may be reported on or discussed are listed under Government Affairs at www.washoecounty.gov <<http://www.washoecounty.gov>>. Due to time constraints inherent in the legislative process, a list of specific bills that staff will seek direction from the Commission on during this item will be posted on the web site under Government Affairs at www.washoecounty.gov <<http://www.washoecounty.gov>> by 6:00 p.m. the Friday before the meeting. Due to the rapid pace of the legislative session, additional bills upon which comment may be sought from the Board of County Commissioners will be posted as soon as known. Manager's Office. (All Commission Districts.)

County Manager Eric Brown stated Government Affairs Liaison Cadence Matijevich had provided him with information to share with the Board. He mentioned staff wanted to bring forward one item based on a review of the most recent week's activity, Assembly Bill (AB) 175, which pertained to the members of a board of trustees for a school district. He said this item had been amended and had completely eliminated Washoe County as eligible; it only pertained to Clark County. Staff recommended the Board retract its previous support since this was no longer relevant to Washoe County.

Commissioner Clark wondered whether this item even needed to be retracted. Chair Hill thought Ms. Matijevich respected the direction of this Board. Chair Hill asserted that even if this item did not pertain to Washoe County, Ms. Matijevich wanted to ensure she was following the direction and was adamant that she received new direction instead of speaking out in opposition to this item. Chair Hill said she understood Commissioner Clark's point. Commissioner Clark thought Ms. Matijevich was doing an

excellent job in Carson City on behalf of the County and he was happy to provide new direction.

On the call for public comment, Ms. Penny Brock said she was disappointed that some of the bills in the Legislature had not been brought forward to the Board of County Commissioners (BCC) and asserted the bills impacted the County. She remarked that many people were concerned about election integrity and said one bill that was not mentioned was Governor Joe Lombardo's bill on election reform, Senate Bill (SB) 405. She stated the bill was the governor's flagship bill supporting clean elections and it was not brought to the Board. She noted there was a bill regarding voter identification (ID) and the Democrat chairman had refused to give it a hearing. She said she attempted to view the bills through the County's website but said the document would not open.

Ms. Valerie Fiannaca indicated AB175 did not pertain to Washoe County yet, but if passed, there was a population threshold that might change that. She noted three unelected appointments would be made to the Washoe County School District (WCSD) board by the Commission if that threshold of enrollment was met, further removing government from the people. She said this could allow a quorum of five, comprised of three appointed board members and only two elected members, to meet and vote on items that affect the families in the community. She expressed concern about that scenario. She thought it promoted further distrust in the government and that fewer people would participate in elections. She pointed out most of the current school board members were appointed by other members and then were reelected. She expressed opposition to this bill. She thought the bill would pass, but she hoped the governor would veto it.

Ms. Val White opposed AB175. She believed many of the bills during this legislative session were against the people's voice and said AB175 was a prime example. She thought making additional appointments to the school board was reducing the people's voice and allowing present members and the BCC to stack that board. She compared this to what was happening in Washington, D.C., where there was an interest in adding more supreme court judges. She expressed strong opposition to the bill if it would affect the County. She said that as an educator she had taught students about the Constitution and their rights, and she was sad to see what was currently happening.

Commissioner Andriola moved to withdraw support for AB175, to which Vice Chair Herman seconded.

Chair Hill believed the Board was originally against AB175 and would be changing to a position of neutral.

Commissioner Andriola rescinded her original motion.

On motion by Commissioner Andriola, seconded by Vice Chair Herman, which motion duly carried on a 5-0 vote, it was ordered that the Board take a position of neutral on AB175.

23-0292 **AGENDA ITEM 15** Public Comment.

Mr. Carlos Archuleta stated he lived across the street from the Golden Mesa Development Project in Golden Valley. He said he previously expressed concern about the plan to change the wetlands drainage for the development. He worried about the effect of the change of water level which affected his septic system and well. The developer raised the elevation level, built two holding ponds, and the water seeped across the road to his property. He indicated his septic system servicer reported that water came in faster than it could be pumped out. He contacted the City of Reno and was told the ditch was causing the issue and the ditches were not under the City's purview. He then contacted the County, left three messages, and had not received a call back. He said he looked forward to receiving a call with a solution for this issue.

Mr. Terry Brooks said he heard there were 1,690 homeless people in the County this year, which was 84 more than the prior year. He noted fewer homeless individuals were on the streets and more of them were in shelters because the County provided more shelters. He learned there were various factors involved in homelessness that needed to be examined. He listed several factors including real estate and rent prices, lack of access to transportation, lack of access to education, lack of health care, and physical or mental disability. He said he would continue to learn about the factors involved in homelessness.

Ms. Penny Brock displayed and read a document by Terri Russell titled, "Nevada Secretary of State champions mail-in ballots despite criticism." A copy of the document was placed on file with the Clerk. The document reviewed the issue of mail-in ballots in Nevada.

Ms. Valerie Fiannaca mentioned that May was Mental Health Awareness Month. She asked the Board to appoint a token conservative voice to the Library Board. She said Commissioner Andriola would be attending a soiree with Governor Joe Lombardo and select Republican women's group invitees at the Governor's Mansion. She opined the perception of the event was distasteful and she hoped Commissioner Andriola would hold a town hall with District 4 constituents to learn about their concerns. She believed the school board and the Board of County Commissioners (BCC) were the two most important boards because they had more control over the daily lives of constituents than national boards. She reminded the board of the Ethics Commission meeting on May 17.

Mr. Doug Flaherty submitted a document that was placed on file with the Clerk. He understood the Office of the County Manager (OCM) was creating an emergency management plan under the Federal Emergency Management Agency (FEMA). He believed the County was aware that the capacity of the Lake Tahoe Basin's evacuation route was deficient. He said the County needed to provide a workable wildfire and winter weather mass evacuation evaluation as part of any emergency plan. He alleged the County would place a moratorium on short-term rentals (STRs) to allow one of the Commissioners to flood Incline Village (IV) with accessory dwelling units (ADUs). He stated ADUs would present an adverse cumulative environmental effect on the Tahoe Basin and IV. He

believed the BCC violated Open Meeting Law (OML) when it removed public comment at the beginning of the meeting.

Mr. Keith Hanly opined the County's law enforcement agency had become corrupt. He asserted people were being persecuted instead of prosecuted. He played an audio recording of a conversation. He stated he could provide other such examples.

Mr. Steward Handte said the previous public commenter's audio recording involved a man who was illegally detained in the Washoe County Jail because he spoke out against police officers. He alleged that police officers were involved in a sex trafficking ring in the County. He named several hotels that he purported were involved. He spoke about the conditions at the County Jail, which he believed to be inhumane. He asked why the Board had not hired an unbiased agency to investigate. He spoke about a monitor he was required to wear and suggested the federal government needed to become involved to perform a Racketeer Influenced and Corrupt Organizations Act (RICO) investigation.

Ms. Susan Vanness mentioned she spoke with Mr. Brent Moore from Praana Renewables Energy, LLC, whose permit was just approved. She indicated Mr. Moore stated the permit would be turned over to a company in Singapore in the next two days because Praana was short on funds. She asked who the permit was issued to and whether the Board was aware the permit would be relinquished to another company. She expressed shock about the issue and asserted the Commissioners represented the citizens.

Mr. Danny Cleous mentioned the pump was missing from Arkansas Street and Lemmon Drive, and water was backing up into the streets. He asked what the County would do to resolve the situation. He noted mosquitoes would soon be a concern and asked about abatement efforts. He expressed distaste about the Board's treatment of the North Valleys. He thought the Commissioners needed to perform research because relying on staff was undesirable. He stated that Director of Engineering and Capital Projects Dwayne Smith had approved a project without planning for stormwater runoff, sewers, streets, or retention ponds. He asserted some staff members needed to be fired.

Mr. James Benthin suggested treating the water from the lake in Lemmon Valley to make it drinkable as a possible solution to the flooding issue. He noted the drinkable water could then be piped to areas in Washoe County that needed it. He requested the Board discuss the issue of returning public comments to the beginning of the BCC meetings. He asked for the issue of the metal detector at the Chambers' entrance to be discussed to ascertain if it was needed.

Ms. Val White reminded citizens to follow operationsunlight.org to learn about corruption and incompetence in County government and educationcrusade.org to learn about the school district. She expressed disapproval of County Manager Eric Brown's actions alleging he was involved in unilateral political power grabs, unfair distribution of raises, and ethics violations concerning his wife. She asked Manager Brown to resign. She observed homeless encampments were located all over town noting that citizens were told the homeless tent would solve the issue. She said the number of homeless individuals was

increasing, which she believed was the result of homeless workers who created a demand for resources by increasing the number of homeless. She asked for Library Director Jeff Scott's resignation noting he had increased the number of drag queen story hours (DQSHs) across the County.

County Clerk Jan Galassini advised the Board she received an emailed public comment from Mr. Aaron Vanderpool, which she placed on the record.

23-0293 **AGENDA ITEM 16** Announcements/Reports.

Commissioner Clark noted that public comments began at 6:30 p.m. and commiserated with Mr. Carlos Archuleta for having to wait all day to speak about his septic system. Commissioner Clark said a house without a septic system had no value; people could not live in a house without proper sewage, water, and electricity. He stated that Mr. Archuleta's story made his house sound completely devalued because of holding ponds put in place by a developer. Commissioner Clark asserted the County needed to help Mr. Archuleta and he hoped County Clerk Jan Galassini had Mr. Archuleta's contact information.

Commissioner Andriola reiterated her prior request to receive reports regarding the funds that were distributed by Commissioners to non-profit organizations. She wanted to know how the funds were used. She thought County Manager Eric Brown might be able to help with a policy for this issue and she would encourage discussion if the policy needed to come before the Board for approval. She acknowledged many organizations did wonderful things, but she thought there was an obligation for those organizations to report on the use of those funds.

Vice Chair Herman thought not having those donations was a better way to address the issue. She suggested the money could be used for emergencies like Mr. Archuleta's. She observed she had never received complaints about any of her donations in the past and she believed the disbursements went to worthy causes, but she expressed displeasure about having the disbursements questioned. She noted the County was responsible for taxpayer funds and opined that using funds for paying bills and staying out of debt would be simpler.

Chair Hill acknowledged Vice Chair Herman's comments and thought the issue would be discussed during the County's budget discussions.

In response to Vice Chair Herman's comments, Commissioner Andriola clarified she had been unaware that a process was in place. She said her intent was not to discredit or critique, she just believed there was an obligation to be accountable for any taxpayer dollars that were given away. She looked forward to discussing the issue further.

Commissioner Clark expressed support for Commissioner Garcia's Commission District Special Fund disbursements and hoped the funds would be used to do good work. With regard to Commissioner Andriola and Vice Chair Herman's comments, he stated the County had no money, it only had taxpayer funds. He agreed with Commissioner Andriola's comment about funds being accounted for in the future. He said he wanted to see results and accountability from anyone he donated funds to.

Chief Deputy District Attorney (DDA) Mary Kandaras discouraged three Commissioners from discussing the same issue because it could be considered deliberation of an item that was not agendaized.

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7:09 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:
Carolina Stickle, Deputy County Clerk
Doni Blackburn, Deputy County Clerk
Derek Sonderfan, Independent Contractor