

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

TUESDAY

10:00 A.M.

APRIL 27, 2021

PRESENT:

**Bob Lucey, Chair**  
**Vaughn Hartung, Vice Chair**  
**Alexis Hill, Commissioner**  
**Kitty Jung, Commissioner**  
**Jeanne Herman, Commissioner**

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

The Washoe County Board of Commissioners convened at 10:01 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**21-0292** **AGENDA ITEM 3** Presentation and overview of the Washoe County COVID-19 Regional Information Center (RIC) pandemic outreach including the allocation of CARES funding support, the Mask On Move On campaign, outreach efforts to vulnerable populations, and vaccination messaging efforts moving forward. Manager's Office. (All Commission Districts.)

Communications Director Nancy Leuenhagen conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: Washoe County Regional Information Center (RIC); 2.1M Page Views; 94 Media Briefings; 460 Press Releases; 4,576 Twitter Followers; 30,000 Newsletter Subscribers; Information Accessibility; Mask On Move On (2 slides); video; Mask On Move Forward; and What's Next.

Ms. Leuenhagen explained the Joint Information Center (JIC) was initiated roughly one year prior, and Washoe County experienced its first case of COVID-19 (C19) in March 2020. The JIC was later rebranded as the RIC because 22 regional stakeholders became involved. She said the regional website, [www.covid19washoe.com](http://www.covid19washoe.com), was built in a weekend by Media & Communications Specialist Joshua Andreason and it had since been expanded by RIC stakeholders. She noted the County was the first in the state to embrace virtual press conferences, led by the District Health Office's media contact Scott Oxarart. She indicated every press release was translated into Spanish and made available online in both languages.

Ms. Leuenhagen stated social media accounts were created in March of 2020 as well, and she expressed pride in the number of interactions the new accounts received. The newsletter was started as an accompanying piece to the social media accounts, and its reach had grown from 5,000 to 30,000 subscribers. She lauded Ivet Contreras with IC Media Strategy for her Spanish outreach coordination, including the creation of a Spanish version of the RIC website. IC Media also worked with messaging for the most vulnerable populations. She noted the Mask On Move On campaign was initiated during a surge in C19 cases and, while there were other campaigns in the state, the County's was the only one with a focus on the Spanish community. The campaign saw the distribution of 10,000 masks. She showed a video made by the County's media partner KPS3.

Ms. Leuenhagen commented the campaign shifted in December to focus on vaccines, and several town halls were held. The result was the largest and longest regional communicator's response in the history of the County. She noted the RIC continued to meet biweekly, sometimes daily.

Rebecca Venis, Director of Neighborhood Services with the City of Reno, expressed gratitude to the members of the RIC for their tireless efforts in keeping the community safe and informed. She felt the JIC had blossomed into a strategic partnership unlike anything seen in the state. She thought managing pandemic communications along with City communications would have been impossible for her four-person team, but the RIC provided access to talent they would not have otherwise had. Through this partnership, they were able to provide information to English and Spanish speakers as well as citizens with disabilities. She said the structure would allow the team to pivot to communications about vaccines or enforcement. She thanked not only the point people for each entity but the entire team who helped support the program.

Julie Duewel, Community Relations Manager for the City of Sparks, said she worked alone at Sparks and would not have been able to succeed without the RIC team. She said each member brought their own strengths and helped each other out, and the formation of the RIC was one blessing which resulted from C19. She expressed gratitude to the team and said she was excited to work with its members on future emergencies.

Scott Oxarart, Communications Manager for the Washoe County Health District, expressed pride in the regional accomplishments of the RIC, which had never been achieved before; he believed it would pay dividends in the future. He recognized Ms. Leuenhagen's leadership and strategies, also praising members of the Washoe County Manager's Office and the Technology Services department.

Ms. Leuenhagen lauded every person on the team. She cautioned the next emergency could be around the corner, but there was a regional team set up to address it.

Chair Lucey thanked Ms. Leuenhagen for the presentation. Commissioner Hill praised Ms. Leuenhagen, saying accurate information was vital at the beginning of the pandemic. She offered her support.

**21-0293**      **AGENDA ITEM 4** Public Comment.

Ms. Janet Butcher told a story about her friend who was not allowed to go to the gym or other establishments, had to wear a face mask, and whose comments for school board meetings were censored. She thought it was time to open Washoe County up.

Ms. D. Alexandra Profant provided handouts to the Clerk which were distributed to the Board and placed on file. The first letter she submitted addressed the need for criteria to protect cultural resources in the state, and it brought up correspondence with the State Board of Architecture about defining architecture conservation as a standalone profession. She spoke about the protection of cultural resources, an owner's right to protect controlled property, and unlawful takings.

Ms. Cynthia Miller stated a recent blood donation revealed she had antibodies in her body, and she wondered whether she could get an antibody passport saying she was free from the virus.

Mr. James Benthin referenced the video shown during Agenda Item 3 and sought scientific evidence that masks and social distancing were effective. He thought prevention was key and spoke about the positive effects of vitamins in bolstering the immune system. He felt ivermectin would be effective and he requested studies showing the safety of the vaccine. He cited a risk analysis of the harm caused by face masks.

Mr. Karl Sweder felt the County should ignore Governor Steve Sisolak's mandates. He expressed frustration about illegal aliens entering the country with the virus. He encouraged the Board to stand up for Washoe County citizens, discontinue face mask requirements, and open the county.

Ms. Cindy Martinez displayed documents, copies of which were placed on file with the Clerk. She claimed a Facebook group sharing stories about the adverse effects of the COVID-19 (C19) vaccine had been taken down. She expressed frustration that unelected officials overturned the plan approved by the elected Commissioners, and citizens did not give the Board permission to cede their authority. She listed some of the reported adverse effects of the vaccine and opined there was no longer an emergency.

Ms. Valerie White questioned why the Board ceded its authority to unelected boards, wondering if the Commissioners were unable to make tough decisions. She spoke out against propaganda and the Governor's declaration of a public health emergency, positing various motives the Commissioners might have for continuing their course of action. She expressed concern for the people suffering from the C19 response.

Chair Lucey asked for decorum in the Chambers, or he would have to place the meeting in a recess.

Ms. Tracey Thomas quoted several Bible verses and urged the Board to watch the documentary *Kill Chain* about election security. She said malware existed which

could remain dormant until activated, then wiped clean. She felt Washoe County's election systems remained unprotected when held to certain cybersecurity standards. She requested language be added to the Washoe County Code to provide the ability for paper ballots to be processed manually without electronic interference.

Ms. Rita Pepi stated support for lifting the public health emergency declaration, opening up the county, and removing the mask mandate. She believed masks were not based on science but meant to control people. She stated touching masks contaminated them and surgeons who did so needed to change out their masks. She requested that State Legislature and Washoe County School District meetings be opened to the public.

Ms. Kathy Kyte felt masks were destroying freedoms and creating fear in children. She spoke about social media companies banning people and the problems caused by mask usage. She requested the public health emergency be removed and legislative and school board meetings be opened.

Ms. Deena Lane asked that the Board remove the public health emergency and reopen the county, allowing businesses and children to thrive.

Ms. Kelsey Schroeder requested lifting the local health emergency. She appreciated the Commissioners' amendments, expressing her disappointment that they had been denied. She felt people who wanted to continue wearing masks should be able to do so as a way of reducing controversy. She opined ending the health emergency would allow people to do what they felt was best for themselves and their families.

Mr. Barry Holtzer was called but was not present to speak.

Ms. Susie Howell contested the C19 vaccines were not actually vaccines, referring to them as poison. She called the push to have people vaccinated nefarious because there was no science behind it. She cited a study which discussed the consequences of wearing face masks and spoke about her unwillingness to get the vaccine. She expressed frustration about wearing a mask in Chambers.

Ms. Katie Burke thought restrictions and masks gave the perception of doing something about a problem, but she wondered whether they were effective. She compared several studies about the small benefits of mask usage versus impairments caused by mask wearing in children. She expressed concern about increases in depression and poverty, as well as losses of family businesses and personal freedoms. She felt movement, healthy eating, and physical connection should be incentivized.

Ms. Kim Mack claimed masks did not prevent viral transmission and the virus had a very high survivability rate. She questioned why the mandates continued and wondered about the long-term effects of them on children. She thought masks alienated people and those that came from China could not be trusted. She wanted the Board to stand up for citizens' liberties and oppose authoritarianism.

Ms. Melanie Sutton provided a handout which was distributed to the Board and placed on file with the Clerk. She claimed masks were less than 2 percent effective and reviewed statistics from the Washoe County which showed 668 people had died in the County from C19. She told a story about a friend who was released from the ICU after not receiving any treatment.

Ms. Kaylynn Sutton spoke about a friend's mother who died from cancer and expressed concern about people continuing to die. She questioned whether people had freedom anymore.

Ms. Carole Fineberg alleged C19 particles were small enough to travel through any masks and she expressed concern about breathing in propylene from masks. She spoke about the length of the shutdown and suicide rates among youth. She asked the Board to think about what constituents wanted since they were the ones who elected the Commissioners.

Mr. Donald Fossum claimed election fraud had resulted in people being placed in elected positions. He wished the Commissioners could respond to comments made during the meeting, adding they did not know what was in election computers. He felt the Commissioners were not representing him.

Ms. Jeanne Quintana asked the Board to end the health emergency in Washoe County, asking whether they utilized sources other than the mainstream media. She said people were rejecting marketing campaigns across the world and she raised concerns about Dr. Anthony Fauci. She wanted the Board to do what was best for citizens and children.

Mr. Kenji Otto pointed out Health District Officer Kevin Dick was an appointed official, not elected, who rebuked the decision of the elected Commissioners. Mr. Otto asked the Board to remove Mr. Dick, adding he would research what he could do to aid in that. He requested children be exempted from groups of 10 in the plan. He felt it was time to declare a state of economic emergency and allow people to return to work. He noted he would look into recalling the Washoe County School District Board of Trustees.

Via the Zoom app, Ms. Annemarie Grant brought up a previous donation of a robot to the Sheriff's Office. She spoke about the death of Justin Thompson, whose death report indicated he only had marijuana in his system. She read from a transcript of the encounter, expressed concern about the Medical Examiner's report, and recounted the events in detail.

Mr. Aaron Katz, speaking via Zoom on Agenda Item 16, remarked he submitted a written statement, a copy of which was placed on the record. He stated he had sent a letter providing evidence that the item would violate the bond measure submitted to voters. He spoke about the history of the item, including the list of projects, which did not include a mobility hub. He said the bond measure allowed funds which would have been

spent on unfeasible projects to be reallocated to another project on the list. He felt the item was deceitful and would violate the trust of voters.

Via Zoom, Ms. Judith Miller commented the transfer of funds to Tahoe Transportation District (TTD) for purchasing the elementary school had been approved before any public comment was heard. She said Incline Village residents were opposed to the location of the mobility hub, which she thought should be closer to the biggest employers in the area. She thought it was deceptive to use money earmarked for regional parks for other purposes, and she asked the Board not to approve the item.

Via Zoom, Ms. Heidi Schunke applauded the Board's use of the app, saying it allowed Commissioners to receive feedback from all constituents. She thought voting platform integrity could be enhanced with a willingness to experiment, and she suggested methods to bolster people's immune systems. She thought PCR tests were not useful. She encouraged a live feedback system to reduce instances of election fraud and development of separate counties within Washoe County's jurisdiction.

Dr. Carole Black spoke via Zoom in opposition to the allocation of County funds to purchase the elementary school for a mobility hub. She acknowledged Commissioner Hill's article advocating for better access to Tahoe but felt the location was flawed. She remarked the temporary transit operation there had caused significant traffic, noise, and congestion, and a child had been hit by a vehicle. She admitted overflow parking for recreation sites was needed but they should be managed outside Incline Village's congestion areas.

Via Zoom, Ms. Ronda Tyner said Incline Village residents believed the Board was not protecting their health and safety. She voiced concern about wildfire risk and a lack of exit routes and said residents would oppose any plan that brought more congestion to the basin. She wondered how tourists and residents would be able to evacuate in a wildfire emergency. She beseeched the Board to reconsider the plan to support TTD's purchase of land for a bus hub that would increase congestion.

On the Zoom app, Mr. Doug Flaherty stated his belief that the school project and an increase in visitors would have adverse environmental impacts on Incline Village and Lake Tahoe. The governmental agencies helming the project, he alleged, failed to address these adverse impacts under the National Environmental Policy Act (NEPA). He reviewed some of NEPA's requirements and said approving the project would add to these effects. He urged the Board to vote no on the project.

**21-0294**      **AGENDA ITEM 5** Announcements/Reports.

Commissioner Hill stated she and Commissioner Jung recently worked with the Pyramid Paiute Tribe and members of the community to clean up the Truckee River. She looked forward to participating in upcoming Lake Tahoe cleanup efforts.

Commissioner Herman stated the Board heard solid arguments from the people about the response to COVID-19 (C19). She amplified citizens' concerns that the Board was not listening to them and she requested that a resolution be placed on an upcoming agenda to see what the Board could do. She wished to see the Registrar of Voters perform a forensic audit to show there were no election issues, adding this would address concerns of transparency.

Vice Chair Hartung announced former Planning Manager Bob Webb passed away, describing him as a strong force in community development. The Vice Chair mentioned Mr. Webb had been his trainer for a Citizen Advisory Board in the 1990s.

Vice Chair Hartung relayed a citizen complaint of significant trash along Interstate 80, which he believed came from trucks hauling garbage from California. He wondered whether the County could fine people who offended within County limits or if that was in the Nevada Highway Patrol's purview. He relayed frustration about the County's C19 plan, particularly because no other jurisdiction held a public hearing to vote on it.

Chair Lucey reminded the Board about the purpose of this agenda item, saying it was not a place to discuss policy. He pointed out Governor's Directive 044 extended the mask mandate until the State or the Governor chose to remand it. Further, no resolution or order could supersede his mandate, a position supported by Nevada Revised Statutes. He said people could opt to lawlessly refuse masks, but the mandate would remain in place. He affirmed the Washoe County Health District was its own entity with its own governing body, and the Board of County Commissioners (BCC) could not relieve the Health District Officer. Regarding a forensic audit, Chair Lucey stated the BCC had voted to support the certification of the vote, which had been submitted to the Secretary of State, who also certified it.

Chair Lucey remarked the BCC presented a plan asking for complete opening of the county, 100 occupancy, and no social distancing requirements. The plan was not supported by the Health District, the Washoe County School District, or the City of Reno. However, the County was working with those agencies to present an endorsed plan which might erase some mitigation requirements.

Commissioner Herman clarified her prior comments were requests for future agenda items.

### **CONSENT AGENDA ITEMS – 6A THROUGH 6F2**

**21-0295**      **6A** Approval of minutes for the Board of County Commissioners' regular meeting of March 23, 2021. Clerk. (All Commission Districts.)

**21-0296**      **6B** Recommendation to 1) approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2018/2019, 2019/2020 and 2020/2021 secured and unsecured tax rolls 2) authorize

Chair to execute the changes described in Exhibits A and B and 3) direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$20,891.69]. Assessor. (All Commission Districts.)

- 21-0297** **6C** Recommendation to approve a Professional Services Agreement between Washoe County and Nichols Consulting Engineers, Inc., [\$107,460.00] effective April 27, 2021 through September 30, 2021, for pavement condition data collection services as required under the provisions of NRS 365.550, NRS 625.530, and the 2040 Regional Transportation Plan Section 6.2. Pavement data collection, used for monitoring the conditions of roadway pavement within Unincorporated Washoe County, leads to improved management, quality and performance of County roadways while minimizing maintenance and replacement costs. Community Services. (Commission Districts 4 & 5.)
- 21-0298** **6D1** Recommendation to retroactively approve the Professional Services Agreement to support case management services for Family Treatment Court, between the Second Judicial District Court and Tru Vista, in an amount not to exceed [\$5,000] (no match required), to support the Specialty Courts program, effective April 1, 2021 through June 30, 2021. District Court. (All Commission Districts.)
- 21-0299** **6D2** Recommend that the Board of County Commissioners retroactively acknowledge the Addendum to Contract Terms for Professional Services Agreement for Substance Use and Mental Health Counseling Services for Adult Drug Court, between the Second Judicial District Court and The Empowerment Center for an additional amount not to exceed \$3,200, for a total not to exceed amount of \$25,700 to support the Specialty Courts programs, effective October 1, 2020 through June 30, 2021. District Court. (All Commission Districts.)
- 21-0300** **6E** Recommendation to approve the reclassifications of a Program Assistant, pay grade K, to Administrative Secretary Supervisor, pay grade K, Human Services Support Specialist II, pay grade H, to Eligibility Certification Specialist II, pay grade I (Human Services Agency), Deputy County Recorder, pay grade G, to Office Assistant II, pay grade E (Recorder's Office), Office Assistant II (.60 FTE), pay grade E, to Office Assistant III (1.0 FTE), pay grade G, and Facilities Coordinator, pay grade H, to Inmate Work Program Leader, pay grade I (Sheriff's Office), as evaluated by the Job Evaluation Committee; and authorize Human Resources to make the necessary changes. [Net fiscal impact \$36,647] Human Resources. (All Commission Districts.)
- 21-0301** **6F2** Recommendation to approve Commission District Special Fund disbursement in the amount of [\$10,000] for Fiscal Year 2020-2021;

District 4 Commissioner Vaughn Hartung recommends a [\$10,000] grant to Moms on the Run to support continuing efforts to financially assist women battling cancer; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager's Office. (Commission District 4.)

County Manager Eric Brown announced Agenda Item 6F1 would be pulled from the Consent Agenda. There was no response to the call for public comment on the Consent Agenda Items listed above.

On motion by Commissioner Herman, seconded by Vice Chair Hartung, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 6A through 6F2 except 6F1 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6F2 except 6F1 are attached hereto and made a part of the minutes thereof.

Commissioner Jung highlighted the Special Fund disbursement covered in Agenda Item 6F2. She mentioned the event provided not only awareness for women battling cancer but also financial assistance to women receiving treatment. She thanked the Vice Chair for the donation, which constituted 50 percent of his total allocation.

Vice Chair Hartung indicated a direct family member of his was a cancer survivor and he was honored to support a program like this.

**BLOCK VOTE – 7 through 14**

**21-0302** **AGENDA ITEM 7** Recommendation to (1) approve the purchase of two replacement Thomas Built 14 passenger buses from BusWest 21107 South Chico St., Carson, CA 90745 in the total amount of [\$159,026.50], utilizing Hemet Unified School District's Bid No. 061719 pursuant to the joinder provision of NRS 332.195; and (2) authorize the Purchasing and Contracts Manager to use Hemet Unified School District's Bid No. 061719 pursuant to the joinder provision of NRS 332.195 contract usage agreement. The purchase of the two buses will replace two buses which have been in service for more than 15 years and have reached the end of their useful lives. These buses will be assigned to the Department of Juvenile Services which contracts with several agencies to provide work crews that provide labor for several programs. These buses are critical to effectively managing these contracts. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be approved and authorized.

21-0303

**AGENDA ITEM 8** Recommendation to (1) approve the purchase of three replacement 66,000 GVWR Truck Cab/Chassis with dump body, sand spreader and snowplow, in the total amount of [\$802,791.00] from Velocity Truck Centers, 1550 E. Greg Street, Sparks, NV 89431 utilizing Washoe County Bid #3109-20 approved by the Board of County Commissioners on November 12, 2019; and (2) authorize the Purchasing and Contracts Manager to use Washoe County Bid #3109-20 contract usage agreement. The purchase of the three trucks will replace three trucks which have been in service for more than 15 years and have reached the end of their useful lives. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8 be approved and authorized.

21-0304

**AGENDA ITEM 9** Recommendation to approve future reimbursement to Truckee Meadows Water Authority (TMWA) [in an estimated amount of \$182,200] for planned capital improvements to certain tetrachloroethene (PCE) remediation facilities located in the central Truckee Meadows, pursuant to the Washoe County, Nevada, District Number 24 (Groundwater Remediation) Agreement for Ownership, Operation and Maintenance of Certain Remediation Facilities and for Reimbursement of Certain Expenses, between Washoe County and the TMWA, and upon receipt of invoice, direct the Comptroller to make the payment [in an amount not to exceed \$190,000]. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be approved and directed.

21-0305

**AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Washoe County Regional Shooting Facility Road and Drainage Improvements Project to construct a new parking lot and improve drainage along the entrance road. This project is being funded through an NDOW and cash/in-kind match from Washoe County, [staff recommends Aspen Developers Corporation, in the amount of \$138,000.00] and approve bid alternates 1 & 2 totaling \$29,260.00 and approved a separate \$25,000 contingency fund for a total project amount of \$192,260.00. Community Services. (Commission District 5.)

There was no response to the call for public comment.

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

**21-0306**      **AGENDA ITEM 11** Recommendation to retroactively accept a FY21 Nutrition Services Incentive Program (NSIP) subgrant award from the State of Nevada, Aging and Disability Services Division (ADSD) in the amount of [\$331,667; no county match] retroactive from October 1, 2020 to September 30, 2021 to supplement food costs for the Older Americans Act Title III congregate and home-delivered meal programs; authorize the Director of the Human Services Agency to retroactively execute the grant documents; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be accepted, authorized, and directed.

**21-0307**      **AGENDA ITEM 12** Recommendation to approve a FFY20 Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management (NDEM) awarding [\$170,877.00 (\$170,877.00 County match required)] to be used for partial funding for the Washoe County Emergency Management Administrator, consulting services for avalanche and weather advisory services, and other operating expenses for the Regional Emergency Operations Center; retroactive from October 1, 2019 through September 30, 2021; if approved, authorize the County Manager or his designee to sign the grant award documents when received. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be approved and authorized.

**21-0308**      **AGENDA ITEM 13** Recommendation to authorize Human Resources to create 1.0 FTE Homeless Services Coordinator position, 1.0 FTE Housing and Grants Specialist position, 2.0 FTE Management Analyst positions, and 1.0 FTE Program Assistant position as evaluated and approved by the Washoe County job evaluation process and to begin the recruitment process; positions are not to be hired prior to receiving final budget authority as will be presented and detailed to the Commission in the FY22 County Manager's final recommended budget on May 18, 2021; these positions are being proposed in support of addressing regional

homelessness and the transition of homeless services to Washoe County Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be authorized.

**21-0309** **AGENDA ITEM 14** Recommendation to approve the Forensic Support Services Agreements between Washoe County on behalf of Washoe County Sheriff's Office and various Local Law Enforcement Agencies: Elko Band Tribal PD \$1,500; Fallon PD \$69,049; Lovelock Colony PD (Lovelock Paiute Tribal PD) \$1,500; Reno Fire Department \$3,000; Sparks PD \$689,500; Pershing Co SO \$44,002 for Forensic Laboratory Analysis Service fees for the retroactive term of July 1, 2020 to June 30, 2021 with a total income of [\$808,551.00]. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be approved. The Interlocal Contracts for same are attached hereto and made a part of the minutes thereof.

**21-0310** **AGENDA ITEM 15** Presentation and Update on FY 20-21 Third Quarter Status Report for the Washoe County Regional Detention Facility to include security of the jail, conditions of confinement, staffing and medical care of inmates housed at the Washoe County Sheriff's Office; acknowledge receipt of Report. Sheriff. (All Commission Districts.)

Chief Deputy Jeff Clark conducted a PowerPoint presentation and reviewed slides with the following titles: Welfare of the Inmates; COVID-19 Update; COVID-19 Update 3rd Quarter; Washoe County Detention Facility COVID-19 Update; NaphCare Medical Data (2 slides); Welfare of the Inmates – Medical; Welfare of the Inmates; FY 20/21 3rd Quarter Average Daily Population; Bookings; Average Length of Stay; Jail Data; DSU Stats; and Washoe County Detention Facility NaphCare Medical (3 slides).

Chief Deputy Clark indicated the Sheriff's Office (SO) would hopefully return for an annual report in July. He thanked the Commissioners for their continued hard work and support, acknowledging these were difficult times. The SO felt they were successful in their COVID-19 (C19) mitigation efforts, having kept the disease out of the jail until autumn of 2020. He acknowledged C19, like all diseases, spread rapidly in confined spaces.

When someone was arrested by one of 30 local user agencies, Chief Deputy Clark explained, they were isolated for 10 days with any others who were arrested the same day, at which point they would be introduced to the general jail population. He announced

the COVID unit had closed since he originally prepared this presentation, and new inmates with C19 were placed into either a special housing unit or the medical unit. He assured the Board another quarantine unit would be opened if there was another surge of infections. He noted increases in the jail population occurred every spring and summer, but these increases were also due to C19 ending.

Chief Deputy Clark indicated Janssen vaccines had been halted after reports of blood clots, so they obtained Moderna vaccines; Janssen vaccines had subsequently been reintroduced. No current inmates had C19. He praised NaphCare for educating the jail population so they could make better decisions for themselves. Vaccines were not mandated but they were provided to anyone who wished to have one. He pointed out opiate and alcohol detox rates were higher, which he attributed to changes in the weather and increases in the overall population. The addition of a new infirmary at the jail was a priority for Sheriff Balaam. Chief Deputy Clark added the mental health team strove to do more assessments of inmates and there had been a huge increase in the mental health jail population, which presented a struggle.

Chief Deputy Clark stated the large number of discharge referrals kept with the SO's plan to reduce recidivism. He explained emergency room referrals were important for people booked at the jail who had medical needs above the scope of services that could be provided at the facility. He indicated work clearances were given to workers who performed tasks such as cooking meals or cleaning the facility. Medical refusals were instances where access to the jail was denied until the inmates were medically cleared through a hospital. He attributed the increases in suicide attempts to the increase in the overall jail population. He provided definitions for suicide attempts and averted attempts. He praised the County Manager and the Assistant County Managers for helping the SO with the bunk project to remove gaps in the bunks, which had historically been used to facilitate suicide attempts.

Chief Deputy Clark acknowledged increases in the daily population, though he could not attribute them solely to C19 restrictions loosening because jail numbers typically increased this time of year. He lauded Court Services for helping inmates with the processes for own recognizance release and bail. He said the increase in the average length of stay was due to both C19 and an increase in more severe criminal acts. Courts were opening and hearing more trials, and he anticipated a reduction in the case backlog as that continued. He spoke about reviewing data to ensure staff was being efficient, providing the example of a reduction made to the amount of time people stayed in the booking lobby. This was important to ensure people were let go on bail, provided food, or given medications as their individual circumstances warranted. He compared the 3rd quarter violence and suicide data with the prior quarter's data.

Chief Deputy Clark explained Inmate Assistant Program transports were provided in partnership with courts and judges. He expressed pride that only three inmates who were offered services returned, emphasizing the importance of the BCC's support so they could continue to provide those programs. He mentioned Peter Ludlow, Health Services Administrator for NaphCare, saying he helped the SO increase the scope of the

Medication Assisted Treatment (MAT) program while trying to obtain a national certification. He stated Dr. Eloy Ituarte was one of the reasons there was an increase in the overall health of inmates at the jail. He complimented NaphCare for their work during their contract time, describing the time that preceded it as a dark time with many in-custody deaths. He mentioned MAT programs were beneficial because they allowed the jail's medical staff to begin treatment prior to release into a treatment program, increasing the chances of success. Vivitrol was used to prevent inmates' appetites towards opiates.

Chief Deputy Clark commented the jail had 14 days by law to perform a medical assessment. This raised questions about why assessments would be performed on people who were expected to leave the facility very quickly. NaphCare changed the process to perform assessments at intake, thus allowing people who needed medication to obtain it quickly and giving the jail knowledge of each inmate's medical issues. He reviewed the benefits of having instant access to medical and prescription information for any person admitted to the jail and discussed the potential benefits of utilizing artificial intelligence to identify medical needs.

Commissioner Jung remarked that, earlier that day, the federal government opened up more opportunities for people in the medical field besides physicians to prescribe buprenorphine to reduce opioid relapses. She requested an update from the SO about that rollout since buprenorphine was the most critical MAT therapy for opioids. She thought this would be particularly useful in rural areas where there were fewer doctors. Mr. Ludlow responded they used buprenorphine suboxone and methodone, though they pushed the former more often because they found greater success with it. Naltrexone and vivitrol were also to curb opiate and alcohol cravings. He brought up a program at the University of Nevada, Reno (UNR), the first for NaphCare in the nation, where physician assistants had ex waiver licenses to provide those MAT medications.

Commissioner Hill said she was excited about the bunk refurbishments and asked what percentage of the bunks would be safer after the 700 listed in the slide were refitted. Chief Deputy Clark said there were just over 700 bunks in the facility, so fixing those would complete the first phase of the project. After that, they would consider whether other constructions such as plumbing fixtures needed addressing. When asked by Commissioner Hill about the decrease in the inmate population during the pandemic, he said not only were fewer people out, but discretion was encouraged in circumstances such as misdemeanor traffic warrants to reduce the jail population. Commissioner Hill wondered whether a reduction in crime resulted from this discretion, and she encouraged further discussion about that. She expressed appreciation for their work.

Vice Chair Hartung indicated he was glad the physician's assistant program was being used as an intern program. He wondered whether interns were used elsewhere in the jail, to which Chief Deputy Clark replied they were used in the crime lab and throughout the jail. The plan was for the program to address more than just mental health, but to expand to the medical school as well. Vice Chair Hartung commented similar considerations were being given with respect to the homeless. He sought to have a conversation with whoever helmed the internship program. Chief Deputy Clark responded

these types of programs typically involved payment, so the SO continued to work with UNR on that aspect. Vice Chair Hartung opined that would result in huge cost savings when compared with the quality of comparable treatment in the general market. Chief Deputy Clark said NaphCare had knowledgeable physicians overseeing the interns and he praised the staff involved with the program.

On the call for public comment, Ms. Annemarie Grant spoke about her brother's death in the booking area of the jail. She expressed dissatisfaction with NaphCare's death statistics and wondered about the training received by deputies. She encouraged the Commissioners to speak with inmates to verify what they heard from the SO. She wished to see long-term data showing an increase in inmate health and asked whether the tactical robot would be used on inmates in the jail.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be accepted.

**21-0311**      **AGENDA ITEM 16** Recommendation to approve Amendment #4 to Agreement Regarding November 2000 Parks, Trails and Open Space Bonds-Lake Tahoe Bike Path Project [Parks-WC-1] for Phase 4 of the Lake Tahoe Bike Path Project between Washoe County and Tahoe Transportation District (TTD) to authorize the use of remaining WC-1 Funds in the amount of [\$285,000] and prior disbursement of [\$41,136.67] for expenses associated with the purchase, planning, design and development of the old Incline Elementary School at 771 Southwood Blvd, Incline Village, Nevada; and to extend the end term from June 30, 2021 to December 31, 2021; and authorize Assistant County Manager [Dave Solaro] to execute the Amendment #4 and all appropriate Tahoe Transportation District related agreements and documents. Community Services. (Commission District 1.)

Chair Lucey mentioned both County staff and Executive Director of TTD Carl Hasty were available to answer questions. It was determined there was no need for a presentation.

Commissioner Hill stated the Commissioners heard some public concern about TTD purchasing the old elementary school to be used as a mobility hub. She thought this was a great opportunity to get public transportation at Incline Village (IV), but that did not necessarily mean it would have to happen at that location. She acknowledged TTD accepted a federal grant to purchase the school, but funding existed to consider alternative sites. She was committed to considering alternative sites with the community to find transportation opportunities for IV and Crystal Bay, reducing traffic and parking concerns in the basin. She hoped the Board would support this item because long-term planning at Lake Tahoe was important and full-time residents should not need to deal with such a difficult situation.

Chair Lucey asked how the funds for Washoe Question 1 (WC-1) could be spent. Eric Crump, Division Director of Operations with the Community Services Department, replied a bond measure was passed in 2001 and the County received \$28,000,000 for all the projects approved at that time. Every project was substantially completed at a total cost of over \$50,000,000, meaning all WC-1 funds were already expended even though the projects were tracked under the WC-1 pool. Chair Lucey expressed concern that the funds were listed as WC-1 funds even though they were not, a concern he imagined was shared by members of the public.

Chair Lucey inquired about the possibility of considering other locations for the transportation hub. Mr. Crump said he would let Mr. Hasty answer that, adding the amendment in question authorized the unused balance listed in an agreement with TTD from 2015. Mr. Hasty answered the Chair's question by explaining TTD was utilizing the funds to do a protective acquisition to reserve the property so it would not be lost while evaluating all potential locations. The school site had been used as a pilot for a seasonal transit service to Sand Harbor; 40,000 people utilized the service in 2019. This item would simply reserve the school site, he noted, but staff would take the steps to acquire a different site if a more suitable one were found.

Chair Lucey acknowledged the need for a mobility hub in IV to keep the community safe. He wondered whether the hub would be used by Tahoe Area Regional Transportation buses. Mr. Hasty responded this would be an investment in the future and it would establish regional transportation at the lake to serve the basin both internally and externally.

Vice Chair Hartung said he appreciated the desire to find an alternate location but expressed concern that the language in this item dealt specifically with purchasing the site. Deputy District Attorney Nate Edwards agreed the Board would need to contemplate the use of the funds listed in the agenda item; redirection of those funds for an alternate site would need future approval by the Board.

Chair Lucey asked what would happen with the funds if the amendment were to expire on December 31, 2021. Mr. Crump replied any unused money would return to the fund utilized by the Washoe County Parks Department and would not go to TTD. He confirmed staff could obtain further funding in the future if necessary, although not much currently remained in that fund. Replying to the Chair's query about whether the focus of the funds would be on the planning and design of the facility or on overflow parking, Mr. Hasty said the funds would be used to match federal dollars for the acquisition.

Vice Chair Hartung inquired whether a mobility hub was included on the original list of approved projects, to which Mr. Crump indicated it was not.

On the call for public comment, Mr. Pete Todoroff said Tahoe/Incline Apartments used Southwood Boulevard as an extended parking lot and he felt the County should address that first. In response to rising real estate prices, he opined the school property would be better utilized as workforce housing, an opinion shared by local business

owners. One business had to close because they could not retain workers. He suggested an alternate site on Route 28, which he thought would be safer than the Southwood Boulevard site in wintery conditions.

Ms. Denise Davis stated she was not opposed to a mobility hub, but she opposed having one at this location, which she said was the only one discussed by Mr. Hasty. She displayed a map and photographs, copies of which were placed on file with the Clerk. She explained much of the traffic on Southwood Boulevard and Mays Boulevard was caused by people trying to access the post office and the shopping center, showing the photos to illustrate her point.

Via the Zoom app, Mr. Doug Graham requested clarification about whether additional funding would be dependent on the use of the old school property. He asked whether traffic and fire safety studies had been performed and wondered how TTD riders would be notified of beaches they were not allowed to visit. He felt the latter would result in the need for increased Sheriff presence.

Mr. Aaron Katz spoke on Zoom about a copy of the bond he emailed to the Clerk. He felt there was an Open Meeting Law violation because unclear and incomplete language was used for this agenda item, and he thought they should consider these funds as WC-1 funds. He thought the item dealt with the use of restricted funds, not the specific project; the value of the hub could be determined later. The documents were attached to the minutes as Exhibit A.

Via Zoom, Ms. Judith Miller agreed this item constituted an Open Meeting Law violation.

County Clerk Jan Galassini noted 42 emails were received on this item and they would be placed on the record.

Commissioner Hill moved to approve Amendment #4 to the Agreement regarding November 2000 Parks, Trails and Open Space Bonds, a motion seconded by Commissioner Jung.

Mr. Edwards referenced a prior statement that these funds were arguably not WC-1 funds, a point echoed by two public commenters. Given that the agenda listed them as such, he thought it prudent to get clarification about the status of the funds. Mr. Crump stated said it would be difficult to categorize them as WC-1 funds specific to the bond, even though they were carried in the fund. He recognized the confusion.

Vice Chair Hartung thought the item had merit but felt there were possibly more suitable sites. Given the specifics of the agenda item wording, he could not support this item even though he recognized the need for a mobility hub. He thought a discussion about workforce housing merited further discussion, as would the possibility of placing a justice center there.

The motion failed on a 2 to 3 vote with Chair Lucey, Vice Chair Hartung, and Commissioner Herman voting no.

Vice Chair Hartung inquired about other options available to the Board. Mr. Edwards responded the Board was tied to the identification and use listed in the agenda item, though the item could return at a future meeting with different language identifying other options.

**21-0312** **AGENDA ITEM 17** Recommendation to acknowledge status report and possible direction to staff on the County Manager's recommended Fiscal Year 2022 Budget; and direct the County Manager to return to the Board of County Commission with a Tentative and Final Budget incorporating the approved County Manager's recommendations for adoption at a public hearing to be scheduled on May 18, 2021. Manager's Office. (All Commission Districts.)

Chair Lucey stated this item would be continued until a future meeting.

**21-0313** **AGENDA ITEM 19** 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. Manager's Office. (All Commission Districts.)

Chair Lucey stated this item would be continued until a future meeting.

**21-0314** **AGENDA ITEM 18** Presentation and possible action on the Fiscal Year 2021/22 Washoe County Strategic Plan, including a status update of Fiscal Year 2020/21 strategic initiatives as they relate to the County's four strategic initiatives: Fiscal Sustainability, Economic Impacts, Vulnerable Populations and Innovated Services. Manager's Office. (All Commission Districts.)

Senior Management Analyst Dana Searcy conducted a PowerPoint presentation and reviewed the slides entitled FY22 Planning Process & FY22 Proposed Goals. Ms. Searcy stated the direction received from the annual Board workshop provided guidance for both the strategic plan and the budget process.

There was no public comment or action taken on this item.

**21-0315**      **AGENDA ITEM 20** Public hearing pursuant to NRS 533.550 for possible action to adopt Resolution R21-003 approving a Water Rights Lease between Sky Tavern, a Nevada non-profit corporation, and Washoe County for approximately 4.5972 acre-feet of water rights associated with the Browns Creek Decree (Washoe County's one-half interest in Proof of Vested Right V-02748) for the purpose of snow making in support of the Sky Tavern Junior Ski Program [Lessee shall pay a rental fee of one dollar for the term of the Lease through October 31, 2049, including all taxes and assessments, filing and permit fees associated with use of the water rights]; having made all four written findings pursuant to NRS 533.550. Community Services. (Commission District 1.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against approval of said resolution. There being no response, the hearing was closed.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 20 be adopted. The Resolution pertinent to Agenda Items 20 is attached hereto and made a part of the minutes thereof.

**21-0316**      **AGENDA ITEM 21** Public hearing pursuant to NRS 277.050, to consider any objections to the Resolution of Intent to execute an amended easement agreement and amended easement deed between Washoe County and the Truckee Meadows Water Authority to change an existing access and water facilities easement from  $\pm 11,802$  square feet to  $\pm 20,425$  square feet and to amend the terms of a temporary easement totaling  $\pm 23,588$  square feet to allow for the construction, installation and maintenance of a temporary below-ground waterline on APN 534-521-01, part of Sugarloaf Peak Open Space [at the additional appraised value of \$1,485.00]; possible approval of said amended easement agreement and amended easement deed; and, if approved, authorize the Chair to execute the amended agreement and amended deed to that effect. Community Services. (Commission District 4.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against approval of said resolution. There being no response, the hearing was closed.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 21 be approved and authorized.

**21-0317**      **AGENDA ITEM 22** Public Comment.

Ms. Denise Davis displayed photographs, copies of which were placed on file with the Clerk, of a Jeep trying to gain access to an overcrowded parking lot. She expressed doubt that a fire truck could access the apartments pictured, providing a scenario

in which embers from a fire could be scattered across Incline Village. She asked the Board for help.

Via the Zoom app, Ms. Annemarie Grant contested the validity of the statistics provided by Sheriff Darin Balaam’s County dashboard, mentioning three inmates who died there. Responding to claims that the Commissioners could not do anything, she said the Board dictated the Sheriff’s budget and could divert it to other resources.

**21-0318**      **AGENDA ITEM 23** Announcements/Reports.

There were no announcements or reports.

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*

**1:20 p.m.**      There being no further business to discuss, the meeting was adjourned without objection.

\_\_\_\_\_  
**BOB LUCEY**, Chair  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
**JANIS GALASSINI**, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:  
Derek Sonderfan, Deputy County Clerk*

Pending Board Approval

## Smith, Catherine

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**From:** Galassini, Janis L  
**Sent:** Tuesday, April 27, 2021 12:59 PM  
**To:** Smith, Catherine  
**Subject:** FW: TTD's Request for Proceeds of Parks WC-1 Bonds For an Incline Village Mobility aka Transportation Hub as if it Were Another Approved Trail Project on the April 25, 2000 Approved Project List  
**Attachments:** opposition.mobility.hub.project.ltr.12.19.2020.pdf

Please print for me

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**From:** s4s@ix.netcom.com [mailto:s4s@ix.netcom.com]  
**Sent:** Saturday, December 19, 2020 11:08 AM  
**To:** Lucey, Robert (Bob) L <BLucey@washoecounty.us>  
**Cc:** Jung, Kitty <KJung@washoecounty.us>; Hartung, Vaughn <VHartung@washoecounty.us>; Herman, Jeanne <JHerman@washoecounty.us>; alexis@votealexishill.com; Brown, Eric P. <EPriceBrown@washoecounty.us>; Galassini, Janis L <JGalassini@washoecounty.us>; Washoe311 <Washoe311@washoecounty.us>; Marsha Berkbigler <mlberkbigler@charter.net>  
**Subject:** TTD's Request for Proceeds of Parks WC-1 Bonds For an Incline Village Mobility aka Transportation Hub as if it Were Another Approved Trail Project on the April 25, 2000 Approved Project List

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Chairperson Lucey and Other Honorable Members of the County Commission:

Please find attached my opposition to the above-subject issue.

This matter was agendized for the most recent December 8, 2020 Commission hearing. And on the eve of hearing it was removed.

Given I expect it will be returning to a future Commission hearing, I want the Commission and staff to be aware of my attached opposition.

It is important for the Commission to understand that when electors approved the Parks WC-1 Bond measure in November of 2000, it made a contract with electors that it wouldn't use the funds for disingenuous projects such as the one sought for by TTD. Thus it would be unconstitutional for the Commission to thereafter impair that contract.

For the reasons in my attached letter, I ask that when this matter returns to the Commission for approval, it be summarily denied.

Thank you for consideration of my opposition. Aaron Katz

Exhibit A

December 19, 2020

**Washoe County**  
Board of County Commissioners ("the Commission")  
1001 E. Ninth Street, Bldg. A  
Reno, NV. 89512  
(775) 784-7279  
e-mail • [Washoe311@washoecounty.us](mailto:Washoe311@washoecounty.us)

TRANSMITTED VIA E-MAIL

Re: Proposed Financial Contribution to the Tahoe Transportation District's ("TTD's") Incline Village "Mobility" aka "Transportation" Hub From Proceeds of the 1999 WC-1 Park, Open Space, and Library Bond Measure ("the Parks WC-1 Bond") – Formerly on the December 8, 2020 Agenda, Item 13

Dear Chairperson Lucey and Other Honorable Members of the Commission:

My name is Aaron Katz. I am a full time resident of Incline Village. The purpose of this letter/enclosures is to express my opposition concerning the above-referenced matter which appeared on the Commission's December 8, 2020 agenda and was removed for future consideration. Thankfully, the public now has the opportunity to share additional facts with the Commission concerning this matter.

According to the staff report presented in support of this agenda item, in the November 2000 general election, voters approved a Parks WC-1 Bond which authorized the sale of bonds ("WC-1 funds") for the purpose of acquiring, improving and equipping parks, trails and open space [the Park, Open Space and Library Bond (hereafter "the bond measure")]. In anticipation of that bond measure, on April 25, 2000, the Commission approved a specific project list which included the Incline-Sand Harbor Bike Path which as described, would consist of three (3) miles of paved path from eastern end of Incline Village to Sand Harbor along SR-28, and three new parking lots totaling 90-100 off-highway spaces<sup>1</sup>. This project is commonly known as the Lake Tahoe Bike Path, the North Demonstration Project or simply the Nevada Stateline to Stateline Bikeway Project ("the project").

Further according to the staff report, on March 24, 2015 the Commission approved entrance into an agreement with TTD with respect to the project which provided, in part, that the County would advance or reimburse to TTD up to a maximum amount of \$1 million WC-1 funds to be used by TTD as a local match for Federal Lands Access Program Funds to be awarded to complete final design and construction of the project to be completed no later than June 30, 2019 ("the agreement").

Since then there have been a series of what I would characterize as minor modifications to the agreement. The first was on August 8, 2017 when the Commission approved an amendment to the agreement ("amendment #1"), which in part, increased the maximum amount of WC-1 funds to be used by TTD for the project to \$1.4 million.

Then on June 25, 2019 the Commission approved a further amendment to the agreement ("amendment #2"), which in part, extended the project completion date to June 30, 2020.

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<sup>1</sup> This latter language relating to parking lots and spaces is a *misstatement* of the project. The project description for this project is described hereafter, and it is attached as Exhibit "D" to this letter. *Nowhere* will the Commission find any reference to parking lots or spaces.

And on June 23, 2020 the Commission approved a further amendment to the agreement ("amendment #3"), which in part, extended the project completion date to June 30, 2021.

Now staff propose a further amendment to the agreement ("amendment #4") which would authorize use of an additional \$326,136.67 of WC-1 funds (apparently retroactively approving \$41,136.67 from a prior disbursement, and \$285,000 of remaining WC-1 funds) for expenses associated with the purchase, planning, design, and development of the Old Incline Elementary School as a mobility hub<sup>2</sup>; providing for other potential unidentified compatible community amenities<sup>3</sup>, and further extending the project completion date to December 31, 2021.

County staff know full well that this proposed use of WC-1 funds has zero to do with the acquisition, improvement and equipping of parks, trails and open space. And that the use of these funds for the subject proposed project would violate the contract the County made with the public when it asked for these funds. Which makes staff's proposed use of funds an unconstitutional impairment of contract<sup>4</sup>. And that's the purpose of this letter/enclosures.

**When the Commission Presented the Bond Measure to the Public For its Approval, it Made a Contract With Electors That if Approved, the Moneys to be Raised Would Only be Used For the Express Purposes Represented, and None Other<sup>5</sup>.**

Moreover, "that obligation could not later be impaired by legislative enactment."<sup>5</sup> I have attached the bond measure as Exhibit "A" to this letter, and I have placed asterisks next to the following language:

"Shall Washoe County be authorized to use up to \$38.3 million of general obligation bonds for the purpose of acquiring, improving and equipping parks, trails, open space and library facilities located on park lands?...The bonds are expected to require a property tax levy for 30 years...A list of the proposed open space, trails, parks and library projects to be funded has been approved by the Board and is on file with the County Clerk. In the event any of the projects listed...are determined to not be feasible...Bond money will be spent on another approved project on the list...that falls into the same category."

I have secured the approved list of projects, and insofar as parks, trails and open space are concerned ("attachment B" to the list), it is attached as Exhibit "B" to this letter.

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<sup>2</sup> Described in the staff report as part of TTD's "long-range transit plan (Linking Tahoe: Lake Tahoe Basin Transit Master Plan)...serv(ing) the entire SR-28 corridor to Spooner Summit when the East Shore Trail is extended."

<sup>3</sup> According to the staff report, this proposed amendment will make "Parks WC-1 bonds the funding source for...(TTD's proposed) acquisition of the Old Incline Elementary School...overflow parking...as well as signage... (and,) potential (unidentified other) amenities at the site."

<sup>4</sup> Article I, Section 10, Clause 1 of the U.S. Constitution states that "no State shall...pass any...Law impairing the Obligation of Contracts." Additionally, Article I, Section 15 of the Nevada Constitution states that "no...law impairing the obligation of contracts shall ever be passed."

<sup>5</sup> See *City of Reno v. Goldwater*, 92 Nev. 698, 702, 558 P.2d 532 (1976).

I have secured the list's description of approved projects, and insofar as trails are concerned, I have placed an asterisk next to the approved Incline to Sand Harbor Trail project and it is attached as Exhibit "C" to this letter.

I have secured the list's description of the approved Incline to Sand Harbor Trail project and its location on a map, and they are attached as Exhibit "D" to this letter.

The Incline to Sand Harbor Trail project is described as follows:

"Three miles of...a pedestrian and bike path...along (the eastern shore of) Lake Tahoe. The trail will begin at Washoe County's Gateway Park on the east end of Incline and connect to Sand Harbor...The path will provide visitors an alternate means of accessing beaches along the east shore of the Lake."

**What Does a Mobility aka Transportation Hub Which "Links Tahoe" and "Serve(s) the Entire SR-28 Corridor (Not Just 3 Miles) to Spooner Summit (in Douglas County)" Have to Do With the Incline to Sand Harbor Trail Project as Represented to Electors?**

*Nothing!*

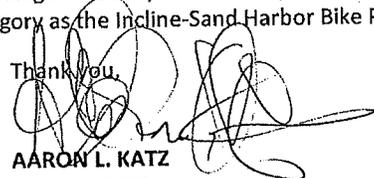
**Is a Mobility aka Transportation Hub Which "Links Tahoe" and "Serve(s) the Entire SR-28 Corridor (Not Just 3 Miles) to Spooner Summit (in Douglas County)... Another Approved Project on the List...That Falls Into the Same...Trails...Category?**

*Of course not!*

**So Why is Your Staff Cooperating With Carl Hasty to Deprive Electors Who Are Forced to Pay Increased Property Taxes For Thirty (30) Years For a TTD Mobility aka Transportation Hub Which Has Zero to Do With the 3 Mile Incline to Sand Harbor Trail Project?**

When this matter returns to the Commission for possible approval, I and others I know in Incline Village and elsewhere pray that it be summarily rejected. The County made a compact with electors that the proceeds of Park WC-1 bonds would *only* be used for the trail projects *expressly described* on the list it approved on April 25, 2000. It did *not* represent, as TTD and staff assert, that if any trail project on the list were not feasible, left over moneys could be spent on an Incline Village "Mobility" aka "Transportation" Hub (a project neither on the list, nor one that falls into the same category as the Incline-Sand Harbor Bike Path).

Thank you,

  
**AARON L. KATZ**  
P.O. Box 3022  
Incline Village, NV. 89450-3022  
(408) 741-1008  
e-mail • s4s@ix.netcom.com

ALK/a  
encl.

cc: bluecey@washoecounty.us, kjung@washoecounty.us,  
vhartung@washoecounty.us, jherman@washoecounty.us,  
alexis@votealexishill.com, epricebrown@washoecounty.us,  
jgalassini@washoecounty.us

**EXHIBIT "A"**

# WASHOE COUNTY QUESTION NO. 1

## PARK, OPEN SPACE AND LIBRARY BOND QUESTION

★ Shall Washoe County be authorized to issue up to \$38,300,000 of general obligation bonds for the purpose of acquiring, improving and equipping parks, trails, open space and library facilities located on park lands? \$11.8 million of the Bonds will be used for open space projects, \$2.13 million will be used for trail projects, \$14.37 million will be used for park projects and \$10 million will be used for library projects. The Bonds are expected to require a property tax levy for 30 years. The Bonds are estimated to result in an increase in the property taxes of an average of \$8.24 per year for the owner of a new home with a market value of \$100,000.

Yes .....   
No .....

### EXPLANATION

A "yes" vote on Washoe County Question No.1 will permit Washoe County to issue up to \$38,300,000 of general obligation Bonds (the "Park & Library Bonds") for parks, trails, open space and library purposes. This will enable the County to:

- secure open space valued at \$11.8 million, including areas along the Sierra and the Truckee River for the protection of wildlife habitat and to provide public access;
- acquire public trails and trail access valued at \$2.13 million, including construction of a trail head for Mount Rose;
- provide \$14.37 million for parks projects, including the addition of ballfields, picnic areas, and other recreation facilities; and
- provide additional library services to the community by spending \$10 million for the construction of two new libraries in regional parks.

★ A list of the proposed open space, trails, parks and library projects to be funded has been approved by the Board and is on file with the County Clerk. In the event any of the projects listed as first priorities for bond funding are determined to not be feasible for the expenditure of bond proceeds, the amount of Bonds allocated to the above categories (open space, trails, parks and libraries) would not be reduced. Rather, the Bond money will be spent on another approved project on the list with similar benefits that falls into the same category.

A "no" vote on Washoe County Question No. 1 would prevent the issuance of Park and Library Bonds for the above purposes at this time.

## ARGUMENT IN SUPPORT OF WC-1

Passage of Question 1 lets us save for future generations the places we love and the places we learn. It's about our quality of life, and making sure that the things we care about most, such as our favorite open spaces, recreational opportunities, and good public facilities like libraries and parks, remain available to us all. It's about the things we love to do here: hike, walk, bike, fish, ride horses, play ball, picnic, bird watch, read, surf the internet, skateboard, camp and ski. To protect our natural heritage and the lifestyle we treasure, the average homeowner would pay about one dollar, or the cost of one soft drink, per month. Residents will get an even greater return on their investment because with passage of Question 1, Washoe County will be eligible to receive matching funds for additional improvements from private foundations, state government, and federal government for these community projects.

Passage of Question 1 will enable the county to acquire priority open space lands along the Sierra, the Par Rah Range above Sparks, the Truckee River, and in Washoe Valley, to preserve scenic views of the mountains and valleys, recreational opportunities, and to protect stream corridors and wetlands for wildlife habitat and improved water quality. Passage of Question 1 would also allow for the creation of regional trailheads, including Mount Rose, Hunter Creek, Huffaker Hills, and Feavine, and connection of existing walking and biking paths along the Truckee River. Park improvements include additional playing fields, interpretive centers, and picnic facilities. Passage of Question 1 provides for two new full-service libraries for Washoe County residents on regional park lands in Spanish Springs and the South Valleys. Services such as story times for children, homework programs, summer reading clubs for youth, and free books on tape, video games, music CDs, and Internet access will become available in those areas. Building these new library facilities on park lands means consolidation of some services, less cost for construction, and the creation of community centers that combine learning and recreation.

The time to act is now, before any more treasured open spaces disappears. Before any more access to educational opportunities is missed. Before any more access to trails and public land is cut off. Once these things are gone, they're gone forever. We have a chance to leave a legacy that we can be proud of. For our future, for our future generations, vote "YES" on Question 1.

## REBUTTAL TO ARGUMENT IN SUPPORT OF WC-1

Saving open spaces for future generations to enjoy and recreate within is a wonderful and noble vision. Insuring that knowledge and wisdom is accessible to anyone is one of the grandest desires of humanity; no reasonable person would disagree. However, reasonable people may disagree on how these pursuits should be attained.

On one hand, the preconditioned, Pavlovian response is, more taxes. On the other hand, creative, accountable, pre-emptive responses would include using existing zoning tools more innovatively, designing new ways to address growth, and letting those who use the resources more frequently pay a share of the cost.

Open spaces are threatened, new recreation areas needed and more libraries required because of growth. Growth should be better planned for, and the extra expense paid for fairly, by those who create it.

When people who receive welfare must work for it, can we let developers who make hundreds of millions of dollars from growth not pay the costs of keeping the quality of life as it was? How can we let the cities of Reno and Sparks not contribute? Shouldn't the users of resources also help maintain them? Vote "NO" on WC-1.

## ARGUMENT AGAINST WC-1

The main reason you should vote no on WC-1 is that this measure is coercive and unfair. If you support libraries, but don't believe we should spend money on more parks, your vote is compromised. If you support more parks, but don't think we need more libraries, your vote is compromised.

In looking at the open space acquisitions, \$4,000,000 to buy the Ballardini Ranch, supposedly to allow access to the Sierras, should be questioned. A short 20-30 minute drive allows adequate access to the Sierras, alpine lakes and several national Forests for Washoe County residents.

WC-1 is written so that you really don't know what you're going to get for your money. Sure, there's an initial list of projects but if some of them are determined to be unfeasible, the bond money will be spent on something else. You may vote for this thinking you're going to get a hiking trail, but if it can't be built, tough luck, some other project that may be completely useless to you will be funded and you'll be stuck with the bill.

The way WC-1 is structured has no fiscal prudence. The \$38,000,000 is going to get spent no matter what has to be built, whether its needed or not.

And it doesn't stop there. Once these things get built, they have an estimated annual maintenance cost of \$2,450,000 and guess where that money is coming from. Sales taxes will stay at a high rate and maybe other taxes will rise.

WC-1 is grossly unfair to our smaller communities, such as Vya, up near the Oregon border, of Gerlach and Empire, who are being asked to pay for growth of Reno/Sparks. We find it morally and ethically repugnant that these smaller, less wealthy communities in our county are forced to help subsidize the growth in Reno and Sparks, while no consideration is given to implementing user fees, or charging higher impact fees to developers, or asking the cities of Reno and Sparks to float bonds for some of this expense.

Just because it's always been done this way is no excuse for starting out the millennium causing financial burdens for our smaller communities who will see absolutely no benefits whatsoever from this \$38,000,000 indebtedness.

Just say no to choices that are unbalanced and compromising. Just say "NO" to WC-1.

## REBUTTAL TO ARGUMENT IN OPPOSITION TO WC-1

A yes vote on WC-1 will save for our future places that have historically been available to all of us for hiking, biking and for wildlife habitat protection. A yes vote will place new libraries in parks through a unique joint land sharing making libraries accessible to more citizens since they will be in high use areas. A yes vote will protect land along the Truckee River which is in danger of being lost forever.

Growth is quickly blocking scenic views, altering our rivers and streams, closing access to trails and limiting the opportunity to provide youngsters with a place to play and learn. We need to take positive action to preserve the quality of life we expect now and expect to pass on to our children and grandchildren.

A yes vote will give us the opportunity to choose what we want our communities to be, not growth over which we have little or no control. No new land or new rivers are being created. What we have is all there is and when it's gone, it's gone.

Arguments For and Against WC-1 and Rebuttals submitted by Washoe County Arguments Committee for WC-1.

**EXHIBIT "B"**

ATTACHMENT B  
PARKS, TRAILS AND OPEN SPACE

PROJECT LIST		
Project	Original Request	Staff Recommendation
<b>Open Space</b>		
Ballardini Ranch	\$3,000,000	\$3,000,000
Bullcreek Trailhead Land	600,000	-
Casey/Bowers/Davis Land	2,000,000	2,000,000
Historic Galena School	400,000	300,000
Huffaker Hills Land Acquisition	2,000,000	1,500,000
North Valley Open Space	200,000	-
Peavine Access Acq.	150,000	-
Truckee Rvr. Land/Bike Path	4,000,000	4,000,000
Washoe Canyon Trail/Land	375,000	-
<b>SUBTOTAL</b>	<b>\$12,725,000</b>	<b>\$10,800,000</b>
<b>Trails</b>		
Alum Creek Trail	\$31,500	\$0
Browns Cr. Trail Constr.	20,000	-
Galena to Davis Trail	32,000	-
Huffaker Hills Trailhead	125,000	125,000
Hunter Creek Trailhead	600,000	600,000
Hunter Lake Access	271,500	-
Incline-Sand Harbor Bike Path	1,000,000	-
Jumbo Grade Trailhead	157,500	157,500
Keystone Canyon Trailhead	120,000	120,000
Mt. Rose Summit Trail	54,740	54,740
Peavine Trailhead	117,500	-
Tahoe Rim Trail	82,800	-
Th. Cr. Canyon Trailhead	181,000	181,000
Washoe Vly Bike Trail Ph. I	175,000	175,000
Whites Cr. Trailhead	266,000	266,000
Windy Hill Bike Trail	91,500	-
<b>Subtotal</b>	<b>\$3,326,040</b>	<b>\$1,679,240</b>
<b>Park Projects</b>		
Anderson/Bartley Phase II	\$1,260,000	\$1,080,000
Bowers Improvements	100,000	-
Crystal Peak Interpretive Cntr	816,250	400,000
Galena Children's Camp We-Che-Me	500,000	500,000
Galena Campground	1,000,000	-
Lazy 5 Reg. Park Phase II	1,805,500	1,625,500
Lem. Vly Marsh Interp. Cntr.	480,000	120,000
No. Valleys Sports Ph. II	1,654,625	1,554,625
Rancho Park Improvements	1,251,200	250,000
Rancho/Arboretum Center	500,000	-
So. Vlys. Sports Complex Ph II	2,068,300	1,518,300
Sp. Spgs. Canyon Reg. Park	1,830,850	1,750,850
Sun Vly Reg. Park	531,875	431,875

ATTACHMENT B  
PARKS, TRAILS AND OPEN SPACE

PROJECT LIST		
Project	Original Request	Staff Recommendation
<b>Subtotal</b>	<b>\$13,798,600</b>	<b>\$9,231,150</b>
<b>Washoe County Total</b>	<b>\$29,849,640</b>	<b>\$21,710,390</b>
<b>City of Reno</b>		
Mira Loma Park Redesign (ballfields)	\$800,000	\$0
Mira Loma Regional Skate Park	500,000	500,000
Northwest/Terrace Sports Complex	4,500,000	2,000,000
Urban Trails	1,200,000	600,000
<b>Reno Subtotal</b>	<b>\$7,000,000</b>	<b>\$3,100,000</b>
Rancho San Rafael Ballfields	See RSR Imp. Above	\$1,200,000
<b>Reno Total</b>		<b>\$4,300,000</b>
<b>City of Sparks</b>		
Westside Community Center	\$3,500,000	\$0
<b>Sparks Total</b>	<b>\$3,500,000</b>	<b>\$0</b>
<b>GRAND TOTAL</b>	<b>\$40,349,640</b>	<b>\$26,010,390</b>

**Chronology of Washoe County Park Bond**

Park and Recreation Directors from Washoe County, City of Reno and City of Sparks met on the following dates to discuss the possibility of a joint County/Cities Parks Bond:

- ✓ August 10, 1999
- ✓ August 31, 1999
- ✓ September 14, 1999
- ✓ September 28, 1999 – At this meeting Nancy McCartney, Director of Reno Parks, notified the group it was premature for the City of Reno to be a part of a joint bond as the City needed to do a needs assessment of park capital projects.

Stan Sherer, Parks Director of Sparks, felt that if regional sports issues were provided for in Spanish Springs in the bond, it would satisfy their needs at present.

Staff meets October through January with local interest groups and public agencies such as the USFS, BLM, Nature Conservancy, Nevada Land Conservancy and University of Nevada Reno, to reaffirm project interests, scope, partnerships and grant opportunities and commitments.

October 27, 1999, the Washoe County Park Commission appointed 3 Park Commissioners to participate on a Bond Subcommittee. The Subcommittee meetings are

**EXHIBIT "C"**

# TRAILS

Alum Creek Trail	\$ 31,500
Browns Creek Trail	\$ 20,000
Galena to Davis Trail	\$ 32,000
Huffaker Hills Trailhead	\$ 125,000
Hunter Creek Trailhead	\$ 600,000
Hunter Lake Access	\$ 271,500
Incline to Sand Harbor Bike Path	\$1,000,000 *
Jumbo Grade Trailhead	\$ 157,500
Keystone Canyon and Rancho San Rafael Trails	\$ 120,000
Mt. Rose Summit Trail	\$ 54,740
Peavine Trailhead	\$ 117,500
Tahoe Rim Trail	\$ 82,800
Thomas Creek Canyon Trailhead	\$ 181,000
Washoe Valley Bike Trail Phase I	\$ 175,000
Whites Creek Trailhead	\$ 266,000
Windy Hill Bike Trail (1.5 miles)	\$ 91,500
Total Trails	\$3,326,040

Updated on 04/14/00

**EXHIBIT "D"**

### **Incline to Sand Harbor Trail:**

The project would be a joint project with the State of Nevada Parks and Department of Transportation to provide a pedestrian and bike path system along Lake Tahoe. The trail will begin at Washoe County's Gateway Park on the east end of Incline and connect to Sand Harbor. Where possible the trail will be a separated path system. The project includes seeking a T-21 grant for matching funds of \$1,300,000. This is a regionally significant trail and is a part of the TRPA recreation plan. The path will provide visitors an alternate means of accessing beaches along the east shore of the lake.

Item	Estimated Cost
Construction of 3 miles of paved path system	\$2,000,000
Design, Testing, Surveying & Environmental reports	\$ 300,000
<b>TOTAL</b>	<b>\$2,300,000</b>
Washoe County's Match	\$1,000,000

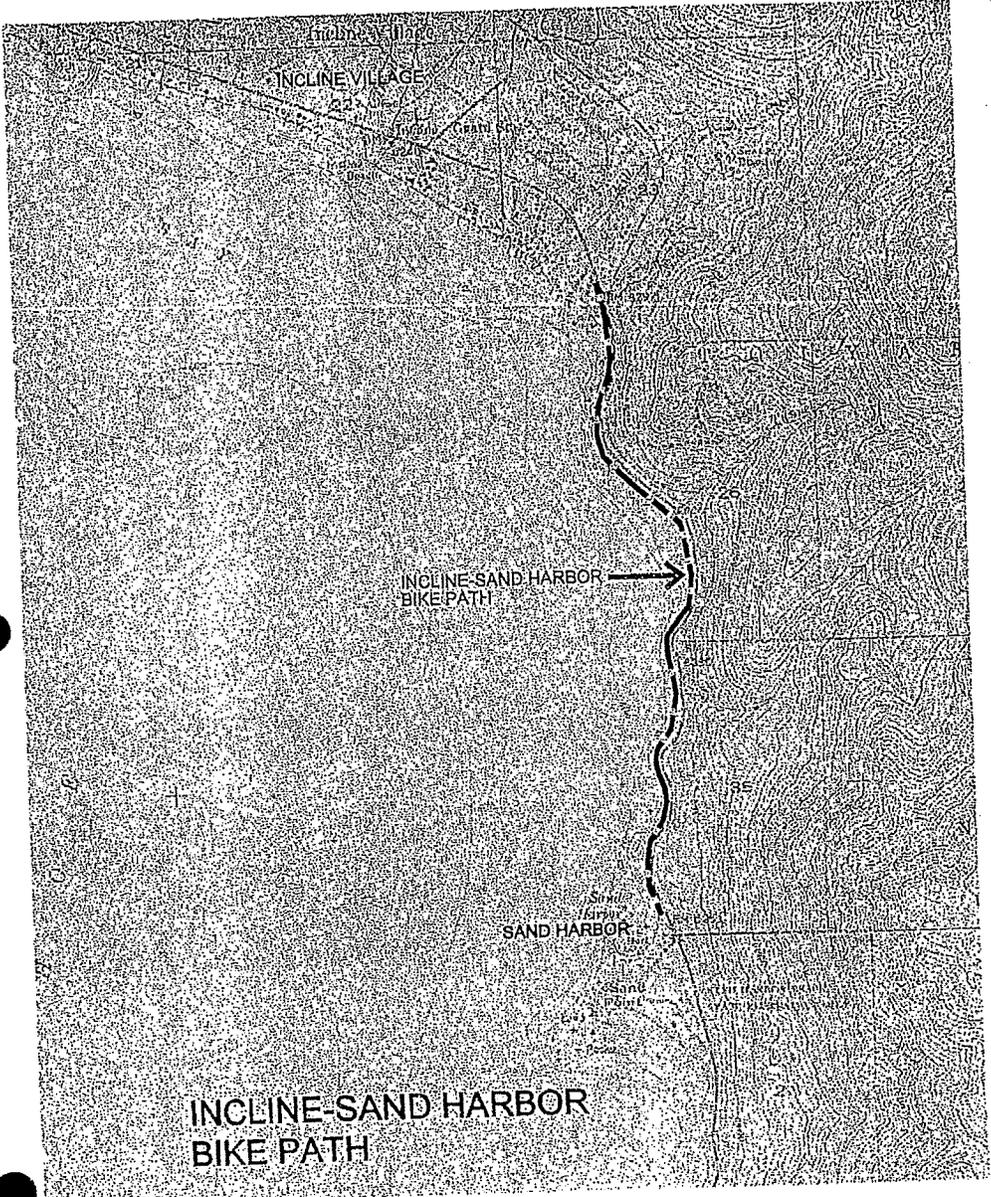
### **Operations & Maintenance:**

The trail will be operated and maintained by Nevada State Parks as the majority of the trail is within Sand Harbor State Park and adjoining beach areas.

### **Revenue:**

Not applicable

00-362



INCLINE-SAND HARBOR  
BIKE PATH

INCLINE-SAND HARBOR  
BIKE PATH

SAND HARBOR

INCLINE VILLAGE