

Douglas County Board of County Commissioners

AGENDA ACTION SHEET

Title: For possible action. Discussion regarding an update on the implementation of Host Compliance, Vacation Home Rentals (VHR) in Douglas County and the VHR Task-force appointed by the County Manager. Possible action may include providing direction to the County Manager further defining the purpose and scope of the task-force. (Jenifer Davidson)

Recommended Motion: Provide direction to the County Manager regarding the purpose and scope of the VHR Task-force.

Financial Impact: None,

Prepared by: Jenifer Davidson, Assistant County Manager

Meeting Date: January 24, 2019 **Time Required:** 30 Minutes

Agenda: Administrative

Background Information: - Early 2017: the Board identified a need to consider amendments to County Code regarding short-term rentals (See, Initiative 3.7 of the County's Strategic Plan).

- March 15, 2018: Community Development seeks direction from the Board during an open meeting on how the short-term rental ordinance should be revised; Board advises staff to consider expanding VHR program beyond the Tahoe Township.
- March through June 2018: Staff researches VHR ordinances in other jurisdictions and gathers data on enforcement best practices.
- June 18, 2018: Community Development hosts a VHR workshop at Harrah's in Stateline to solicit public feedback.
- July 10, 2018: Planning Commission recommends approval of Ordinance 2018-1515 with modifications to the draft presented by staff which would continue to preclude VHRs outside the Tahoe Township.
- August 2, 2018: Community Development attempts to introduce Ordinance 2018-1515 at the BOCC meeting, however the Board does not vote to introduce the Ordinance. Staff is directed to return with a simplified ordinance placing the VHR chapter into Title 20 (from Title 5) with substantive changes limited to fines/specific public nuisance provisions.
- August 16, 2018: Ordinance 2018-1520 is introduced; Data from businesses is received for business impact purposes; Contract with Host Compliance for VHR software and service/support is approved; Citation authority is granted to the Senior Code Enforcement Officer by resolution.
- September 6, 2018: Ordinance 2018-1520 is enacted and the business impact statement is approved; Staff is directed to conduct additional public

outreach, specifically with respect to whether VHRs should be allowed outside of the Tahoe Township.

- September 19, 2018: Community Development hosts a VHR workshop at the CVIC Hall to disseminate information on the new ordinance and solicit additional public feedback.

- October 2018: Online survey conducted through OpenGov regarding VHRs in Douglas County.

- November 1, 2018: Host Compliance launches Phase 1, which includes 24/7 telephone hotline, online reporting and identification of unpermitted VHRs.

- November 2018: Cease and desist letters are mailed to owners whose properties have been identified by Host Compliance as operating unpermitted VHRs. VHR permit applications are enclosed with the warning letters for those properties within the Tahoe Township and owners are directed to Douglas County Code chapter 20.622 for the new VHR ordinance/rules.

- November 6-7, 2018: Results of the VHR online survey were made available to the public and the Board; over 1,000 responses received. The summary of the survey results we provided to the Board along with the press release containing a survey outcome statement and analysis of the results by staff.

- November 15, 2018: the Board was provided an update regarding the implementation of Host Compliance and Vacation Home Rentals in Douglas County. After thoughtful deliberation and consideration of public comment the Board provided direction to the County Manager to create a citizen's advisory committee or task-force to provide the Board with additional input regarding Vacation Home Rentals in Douglas County. Attached for Board reference are the minutes from this meeting.

Pursuant to Board direction, the Acting County Manager, with the assistance of staff, has since recruited and appointed community members to a VHR task-force.

This item appears on the agenda to provide the Board with an update regarding the implementation of Host Compliance and to provide the County Manager with additional direction regarding the purpose and scope of the task-force.

Agenda Item # 8

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Commissioner Nelson speaks:
Second.

Chairman Penzel speaks:

We have a motion and a second, any discussion? Seeing none, I'll call for the vote. All those in favor signify by saying aye. Any nays? No nays, the motion passes 5-0.

MOTION to appoint Jenifer Davidson as our Acting County Manager and reinstate her working-above-classification pay to the minimum of the County Manager pay range in accordance with Douglas County Administrative Policy 200.11, retroactive to January 10, 2019; carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wesley A. Rice, Commissioner
SECONDER:	Dave Nelson, Commissioner
AYES:	Rice, Engels, Penzel, Walsh, Nelson

8. For possible action. Discussion regarding an update on the implementation of Host Compliance, Vacation Home Rentals (VHR) in Douglas County and the VHR Task-force appointed by the County Manager. Possible action may include providing direction to the County Manager further defining the purpose and scope of the task-force. (Jenifer Davidson)

Chairman Penzel speaks:

Moving on to item number eight. For possible action. Discussion regarding an update on the implementation of Host Compliance, Vacation Home Rentals (VHR) in Douglas County and the VHR Task-force appointed by the County Manager. Possible action may include providing direction to the County Manager further defining the purpose and scope of the task-force. Ms. Davidson, before you say anything, I wanted to acknowledge the fact that Mayor Laine, from South Lake was here and she was observing, I think she's probably left; anyway this is of interest to the entire area up here. Go ahead please.

Jenifer Davidson, Acting County Manager, speaks:

Thank you, Mr. Chairman. Jenifer Davidson, Acting County Manager, for the record. With me here today is Dave Lundergreen, Acting Community Development Director. We do have a brief presentation for you today; we're going to provide you with a status update on the Vacation Home Rentals permitting process and efforts to get into compliance and then we will move into seeking some direction from you on the Task Force that has been recently created. So just as some background information, VHRs, the section of County Code that pertains to VHR enforcement is Douglas County Code Chapter 20.622. In March through June staff began inspections at VHRs last year and in June the community workshop was held at the Lake. July it went before the Planning Commission and they proposed and

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

recommended to the Board of County Commissioners that VHRs be permitted only at Lake Tahoe. In August the BoCC provided direction to staff to move VHRs into Title 20 where it now appears today and can be enforced. At that time Board direction included increasing the fine to \$5,000 for unpermitted VHRs in Douglas County. Also in August, staff introduced a revised ordinance and the contract with Host Compliance was approved. By September, the revised ordinance was adopted and there was a public workshop; an additional public workshop which was held in the Valley at the Carson Valley, the CVIC Hall. October, an online survey was conducted; we had approximately a thousand respondents to that survey which showed a split in how our residents feel about VHRs in our community. In November, Host Compliance launched phase one and a first batch of letters were mailed to approximately 80, not approximately, exactly 80 went out and the survey results from the October survey of residents were presented to the Commission. In November, the Board directed the County Manager to create a Task Force and that brings us here today. Status update on our compliance efforts to date; Host Compliance again was brought on board, and is intended to assist staff with the identification of unpermitted vacation home rentals in Douglas County, to work with staff to provide statistics so that we get an idea of the size and scope of Vacation Home Rentals in our community, to process permits and to increase efficiency and reduce staff time in the administration and management of the VHRs.

I can tell you, administration and management of VHRs is quite the undertaking of our staff and I do want to pause at this moment in the presentation to thank the members of Community Development, who have spent hours of time on enforcement and compliance efforts in our community including inspections, talking to members of the public to answer questions, hours of time, lots of compliments of our staff. I do specifically want to recognize Kelli at this time; she's our Code Enforcement Officer. It's been quite a headache for our staff and trying to get our arms around this issue, but they have done an excellent job to date.

In November Host Compliance identified 1,200 approximately, total operating Vacation Home Rentals in Douglas County. I mentioned that Code Enforcement sent out that first batch of 80 letters to the noncompliant properties, in total 110 letters have been sent out and it is the goal of staff to keep up the pace of approximately 30 additional letters sent each month. In January, that 1,200 number, originally from Host Compliance, was reduced to 996 at this time and I would say this data is accurate within a week of today; that's when I pulled this information. We saw 546 permitted VHRs in Tahoe Township so that number has gone up from the last time we reported to this Board; 450 unpermitted VHRs in the Valley and the Lake have been identified and 460 inspections have been completed. The reduction of 294 noncompliant properties down from that 1,290 number that we saw on that previous slide is a direct result of the work put in by the staff that I mentioned. There were field verifications; so Host Compliance can tell us that they think that a property is not in compliance or unpermitted and there is still additional work that has to be done by our staff to go out in the field, go out to the property, actually inspect it and see if in fact it is operating as an unpermitted rental. Since November, 65 properties have applied for new VHR

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

permits; that has resulted in, that number was actually based on 61 properties so I have four more permits to add into this approximately \$2,700 worth of additional fees, permit fees, and have been collected. Correction, \$27,000 additional fees have been collected to date. From the first batch of 80 letters that went out 66 properties are now compliant, which is approximately 82.5 percent rate of compliance which is good. So when we send out a letter people are noticing. They are either getting into compliance by seeking a permit or ceasing operations. 14 properties remain and have been sent a second notice; they need to get into compliance by January 31 or they will be fined. I think that's important to note, that's a \$5,000 fine. 14 potential properties that you may be hearing or receiving an appeal from that may be before the Commission, so just keep that number in mind.

The compliance backlog based on the rate we're going to date is anticipated to be addressed by the spring of 2020. There's a lot of work getting these properties into compliance and actually verifying in fact they are operating without a permit. So there is some time that we're going to have to take to get this matter squared away, East Fork Township in particular. Valley issues, Host Compliance identified 19 VHRs to date in the Valley; all received compliance letters. As a result of this effort four removed their listings, three applied for special use permit, bed-and-breakfast applications, that amounted in \$7,800 in permit fees that have been collected. 12 will receive second notice letters with language regarding a \$5,000 fine. So I've had some questions as to why we've allowed so much time for properties to get into compliance. It was staffs understanding that it was the desire of the Board to get properties into compliance, to notify these property owners that are operating without a permit what code requires and to provide them the time to get into compliance. And I would say based on staff efforts to date we have about an 82 percent success rate in getting those homes into compliance. However, also in addition, what the Board should be aware of is we have a process identified within code, it's under section 20.691 with regard to code violations. A property has a minimum of 30 days when we notify them that they are out of compliance with any section of our code, to get into compliance. So we do provide that first 30-day notice and then we give them the second letter which triggers the second 30-day notice and then that triggers the fine. So I just wanted to make sure to outline that process for the Board. Compliance statistics to date, this is actually complaint statistics to date, excuse me. So we receive on average five complaints from residents in this community regarding vacation home rentals through Host Compliance. Code Enforcement also receives those calls. Since March, Code Enforcement, March 2018, our staff has logged 38 calls and I have tried to give you a breakdown of, by percentage, of the types of complaints we're receiving. Operating without a permit is a big one; noise and parking are probably the second two highest. Host Compliance, since November 1st, has received 35 total calls. Now keep in mind some of these calls, when I'm sorting them into the categories, we may have one call that someone is complaining about multiple categories, so that's the reason for the difference in numbers. But again, predominantly the calls are about parking, noise and operating without a permit.

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

That brings us to the Task Force. So as I mentioned on my flowchart, in November the Board did direct the Acting County Manager, at that time it was myself, to create a Citizens Advisory Committee or Task Force to provide additional public input regarding VHRs in Douglas County. As a result of an outreach that we did through the newspaper, we did receive 34 letters of interest of individuals wishing to participate on the Task Force. 23 of those letters are residents who own property or own a business at the Lake, 10 from the Valley and one who had properties or interest at both locations. Of those 34, 31 stated interest in finding balanced solutions, meaning they were pro responsible VHR management, three did not disclose their positions on VHRs. And Dave and myself have selected 11 individuals to date. That list was released and I do note that some of those individuals, those lucky volunteers, are in attendance this afternoon and are seated behind me in the audience. Of those 11 individuals, six are from the Lake, five are from the Valley. In an email that I sent to the Board in December I did note that I was surprised by the breakdown of the letters of interest that we received. Most surprised by the fact that I did not see any individuals who indicated in their letter of interest that they were 100 percent against Vacation Home Rentals in Douglas County. 31 openly admitted that they are looking for solutions and a balanced approach; three did not state their opinion. So I thought it was worth noting that if we're looking at the composition of the committee, I think there is definitely a voice in our community that is not on the Task Force currently and I would be happy to discuss that further; if the Board wishes to provide additional direction in that area. In addition to the Task Force, as a result of some outreach by Tahoe Douglas Fire Protection District and East Fork Fire Protection District, it is the desire of staff to also form a Technical Advisory Group. We are encouraging the entities that I have listed here in participating and attending the meetings of the Task Force. However, we think there are some definite logistical challenges, some public safety issues, some public health issues that should be addressed as part of this process and we think that a separate Technical Advisory Group should be formed by the County Manager and also their input should be provided to make sure that whatever solutions that the Task Force comes up with are also vetted by this Technical Advisory Group in terms of their implementation and their feasibility.

So, at this point I would turn it over to the Board. We need some direction from this Board on what you want to see this Task Force accomplish? To whom should the Task Force report? Initially we had discussed at the meeting in November that this Task Force would report directly to the County Manager, as a result of that process, I just want to make sure that I have open communication with this Board and let you know that if we do it that way this committee may or may not be subject to Open Meeting Law. That is also something I want to see direction from this Board on; would you like the public to be able to attend the meetings of the Task Force? Would you like minutes prepared on the meetings of the Task Force? Who is making the recommendation? Is it a direct recommendation from the Task Force to this Board or is it a recommendation that is a result of the County Manager's efforts in consolidating all the feedback from the Task Force and the Technical Advisory Group that is submitted for your consideration? I talked about Public at Large. Also, in addition, what questions do you want to see the Task

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Force answer? Do you want them to work on the ordinance? What kind of timeline do we want to establish for this work of this Task Force? At this point, Dave, did you have anything you wanted to add to the presentation?

Dave Lundergreen, Acting Community Development Director, speaks:

No, not at this time. Just thank you for this consideration today. We are really hoping to get some good direction.

Ms. Davidson speaks:

That being said, Mr. Chairman, I think we've talked plenty and we're ready to hear from the Board.

Chairman Penzel speaks:

Yes, thank you. Obviously, they are trying to form it and they need some direction so I'll open this to the Board for discussion. Commissioner Engels.

Commissioner Engels speaks:

There are multiple things going on here and it's a pretty dynamic situation. Number one, it seems like it might be beneficial for the Task Force to have a degree of autonomy; work through the County Manager's office and when something comes up that needs to be brought to the public, then it's done at that time. In crawling around on the County website and, it's a little bit, this is just an idea, that it's hard to find the information as it relates to the VHR section in our County regulations and I realize that all of these things were dumped into Title 20 and probably haven't been worked through completely yet. But just for example, and the IT guys can do this, I write HTML code and they can help you with this, but to maybe, even though it's in Title 20 to have a different section that relates back to Title 20 that is specific to VHRs. This will help homeowners, anybody that is curious about what is going on and this section that's, I don't know if you can read it very well, but anyway, it relates to the application to renew your VHR. And it's a little tough to understand everything and this is just an example, I'm not knocking anybody, this is just something to look at because it's a great tool to help give people a source to access and get answers to things and even the Code Enforcement folks can say well we can refer you to the specific location on the County website but it still relates back to Title 20. It doesn't stand alone and it's like this section talks about renewal fees but it doesn't have any renewal fees. The renewal fees are over in the Community Development section, I guess, I just found, I saw some over there, which is a completely different chart. So maybe we could just do a specific chart that relates to the fees in regard to VHR for the County and just simplify it so that the community and everybody has a specific spot to work through and utilize that webpage because it's a great tool. Thank you.

Chairman Penzel speaks:

Thank you, sir. For clarity when you talked about a degree of autonomy, were you recommending that the Task Force work for the County Manager or that they be an Open Meeting Law abiding Task Force reporting to us?

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Commissioner Engels speaks:
No, to the County Manager.

Chairman Penzel speaks:
Thank you, Commissioner Rice.

Commissioner Rice speaks:
Yes, sir. I've received several communications regarding the VHR program. Some of the criticism that I received was that it seemed that most of the people who have been appointed to the board are those that are pro VHR and that the homeowners who don't have a dog in the fight, other than they want their peace and quiet, were underrepresented. I have taken it upon myself, when somebody communicates with me and then expresses that frustration, I ask them if they would like for me to contact our Assistant County Manager and put their names in the hat and so far I haven't had any takers, but I keep trying. I think that they should be able to get a free exchange of information without having to worry about the Open Meeting Law. I would prefer that they work through the County Manager's office and I would like to see some outreach, to see if we can get a more balanced group of people. I'm glad to see that many of the people that applied said they want to work for a resolution to the problem. I do not want us to get into the same situation as South Lake Tahoe, were we bifurcate our entire population and come down to a 50-50 vote and then everybody sues everybody. So I would hope that we could come to some resolution that would satisfy both parties, I think that's called negotiation. I have received comments from people who are thankful that they now have a phone number that they can call at 3:00 in the morning, other than calling the Sheriff Department who is usually tied up doing other things like arresting people, instead of worrying about barking dogs and barking neighbors. I would like to see that expanded. I've received information that we are overworking our Compliance Officer and that she finds herself, I don't want to say chasing your tail because that could get into areas that don't want to get into; but very frustrating having to deal with all of this and I would like to see some relief there.

Chairman Penzel speaks:
Thank you, sir. Commissioner Nelson.

Commissioner Nelson speaks:
Yeah, I'm kind of torn between either having it an Open Meeting or not because it is so overloaded with people that are obviously pro VHR program. I kind of lean towards having an Open Meeting so that those people that don't want to volunteer can at least have a voice in the process. So I'm kind of torn between the two there. I've also had comments from people who think that it's overloaded, but they didn't volunteer and asked if they thought if we open it up for another two weeks, if more people would apply to be on the committee. And same as with Commissioner Rice, most people are not anxious to get on a committee. So I don't know exactly how to answer that question other than to say we will do our best to represent the County in totality regardless of what this commission comes back to us. And I think that's all we can say at this point.

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

Thank you, Vice Chairman Walsh.

Vice Chairman Walsh speaks:

Thank you, Mr. Chair. I too have received a number of emails and phone calls indicating that they thought the Task Force as it stands today, was not balanced for and against. I understand your concern, not your concern, but your comment about wanting to have people looking for solutions. I agree with that, but we always have to keep in mind, one of the solutions is no VHRs. So it would be good to have those types of people on the Task Force. I agree with Commissioner Engels about having the Task Force report to the County Manager, having been on the Task Force before where we were not subject to an open meeting law, actually led to better dialogue, open dialogue, so I agree with that. Is it your intent to kind of give, when we start the Task Force, to kind of give the members of the force various options or are you going to let them develop that by themselves?

Ms. Davidson speaks:

Mr. Chairman, with your permission, I'd be happy to answer that.

Chairman Penzel speaks:

Before you do that, are your remarks concluded?

Vice Chairman Walsh speaks:

Yeah.

Chairman Penzel speaks:

Before you go to do that, let me just make sure that we have addressed all the things that you asked us to address first, which we haven't. I think it's interesting that, this is input for the District Attorney, most of us here believe that open dialogue occurs when the County Manager has it versus when it has to go into an Open Meeting Law and I thought that Open Meeting Law was predicated on having everything discussed in the open, conundrum there, huh. Alright, I think it's a shame that that's the way it's looked at because I do think that we need that information. I think it also teaches people about, in the County, a reverence for the rules of the Open Meeting Law, so I look at it as kind of an instructive thing. I think it also burdens the County Manager with taking, in some cases, just opinion and I think it, that's one of things that is supposed to be our forte is to take opinion. I think the Open Meeting Law would actually encourage some public involvement; I think it gives a formality to the process. I think your questions about the feedback desired to questions and the ordinance needed and timeline; those things are important but I don't think that we have enough information to establish what the question should be. I think that comes from your technical experts, Code Enforcement, Sheriff, the Fire Department, and the public. I think they're better at coming up with the questions. The question about the ordinance, that may be something we need to really address because you have already reported some of the VHRs in the Valley and the Board was not, as I read the Board on the first discussion, they were not leaning towards approving the Airbnb VHRs in the Valley and we already have got some established. And there's more

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

applying and they have to get a special use permit, I understand but you know, we've got to have a policy on whether they're going to be in the Valley or not. I don't think that has been fully vetted here, at least that's my impression. It seems like everything we do requires an ordinance, so I think it answers the question. The timeline is important, the timeline seems to be moving and I think we really need a recommendation from you as to what the timeline should be. I don't sense that the Board, this is just my impression, that the Board is interested in having a firm timeline established because we don't know how the process is going for gathering the information. In fact, this is the first formal report we've had on that. Now other members of the Board of course can speak up too and address that issue but I think this initial information that you've passed on is important. And I think if there were one thing that I were going to point to that is really important, I think it is establishing more folks in and maybe we hire temporaries or temps, but somehow we have to address the demand on the Code Enforcement folks. I think that really is important. So, any comments from the Board today? And then I'll turn it over to you for questions too.

Commissioner Nelson speaks:

Just probably some more direction instead of just comment on this, I think that we need to make sure that our fees cover the cost of this program. I don't think the taxpayers in the County overall should have to pay taxes for this program to exist. So I think we need to look at what it is costing to have this program in the County and then make sure we recover all those costs through the fees and fines or whatever else we're going to get back from the program. If we're going to have VHRs I think that it has to be spelled out explicitly what the requirements are for VHRs and I don't like a lot of ordinances; but I can't see having a VHR program that doesn't have a lot of ordinances, to make sure that it's enforced and that we are doing the right thing by all the people that might live around where a VHR is located. I think they have to have their privacy and their rights maintained also. So I think that it has to be well managed and well taken care of. Is that some direction? Okay.

Chairman Penzel speaks:

Commissioner Engels had his hand up first, sorry.

Commissioner Engels speaks:

The County got caught flat-footed in regard to Vacation Home Rentals and I think that they have, the staff has done a remarkable job of getting a handle around it and getting everything moving in the right direction. It's not been easy, there's been a lot that has been done in the last 12 months so it's not that we're getting down on anybody; we just want to help you guys out and get direction for staff, for the community and everybody involved. It is an important issue but progress is being made. Thank you.

Chairman Penzel speaks:

Vice Chairman Walsh.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Vice Chairman Walsh speaks:

Thank you. Commissioner Nelson hit one of my points right on the head. I think we ought to go into this thing with some kind of a preliminary P & L. You know what is the County receiving right now? What are they expending? So that the Task Force can see up front if we are breaking even at least on this venture. The other thing I want to talk about is that I believe we need one ordinance for the entire County and I want to make that perfectly clear; one ordinance that covers the entire County. So my direction would be to have the Task Force lean in that particular direction and frankly I think it may lead to some type of cap.

Chairman Penzel speaks:

Commissioner Rice, did you have a comment?

Commissioner Rice speaks:

I was curious, I noticed in your presentation that you said that during this time the inspected and renewed VHR permits resulting in over \$27,000 in funds coming in. What does Host Compliance cost?

Mr. Lundergreen speaks:

Commissioner would you like me to answer that?

Commissioner Rice speaks:

Anybody.

Mr. Lundergreen speaks:

Dave Lundergreen for the record, as Acting Community Development Director, so those fees are just for the new permittees that have come in and they pay, it's a \$400 fee for a new Vacation Home Rental. So what has not been contemplated yet in these fees, is the TOT, that we are going to collect because we really don't know how many nights these guys are going to rent; if they are going to rent 20 nights, a month, or only two or three nights a month. So that's going to be something that we will have to let this play out for a while to see what kind of revenue the TOT comes up to but if we are looking at around 400 right now, possible unpermitted VHRs at \$400 each then we would do the math on that and I think that number is around 160 just alone for those new permits once we get them all on board and then the TOT is the one thing that we just have to wait and see.

Commissioner Rice speaks:

Pardon me, my question was how much are we paying Host Compliance?

Mr. Lundergreen speaks:

Sorry, yeah, that answer is \$94,000 year. That contract was approved by the Board and we have paid them for the first full year.

Chairman Penzel speaks:

Before we make up our minds on this to the County Manager, I would tell you that the experience that I've heard from Task Force members is that they make recommendations and we don't adopt them. If we have them report to us they can

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

make periodic recommendations or they can do whatever that they need to do. If they come to us and they just have a report on what they found, we can take action on that. But if it gets, if what they found gets lost in the bureaucracy of a Task Force we lose that perspective. So I would enjoin each one of you to think about what kind of information you would expect from either a Task Force or another commission that reports directly to us. Madam Acting County Manager.

Ms. Davidson speaks:

Thank you, Mr. Chairman. I do just want to clarify, so the properties that I referenced in the Valley that were operating without a permit have applied for a special use permit; until they are approved for that special use permit they cannot operate. On special use permits, they do come to this County Commission for approval, so bed-and-breakfast applications do come before this Board and the Board has a history on both sides. There are public notice implications for those applications as well, anytime there's a special use permit the neighborhood is noticed within a vicinity of that application and I think that was the only clarification I needed to add.

Chairman Penzel speaks:

We also have additional clarification from the District Attorney, sir.

Doug Ritchie, Chief Civil Deputy District Attorney, speaks:

Thank you Chairman. Doug Ritchie with the Douglas County District Attorney's Office, just to clarify we talk about profit and loss of Host Compliance, or any other mechanism is going to be necessary to enforce the County Code whether the Board allows these to exist or whatever regulations impose. In other words, we look at the cost of compliance that's going to be there no matter what action this Board takes and whatever recommendation the Task Force may bring forward. I just want to make clear that there is a cost to enforcing the code whether it's at the Lake or in the Valley. Host Compliance is a tool to help ensure that the laws and regulations are followed.

Chairman Penzel speaks:

Correct me if I'm wrong here, Mr. Deputy District Attorney; but in order for us to have penalties we have to have it in an ordinance. Is that correct?

Mr. Ritchie speaks:

Yes, Chairman, that is correct.

Chairman Penzel speaks:

We're kind of hemmed in on that part there. Any other questions? Vice Chairman Walsh.

Vice Chairman Walsh speaks:

Just a comment, I appreciate Ms. Davidson taking notes as we go along; it becomes clearer to you when you go back to the drawing board what we want. Appreciate it.

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:
Ms. Davidson.

Commissioner Rice speaks:
Mr. Chairman I have one question. Is anything being done to alleviate the work load on our Compliance Officer?

Mr. Lundergreen speaks:
Yes, we have. We are trying to help her as much as we can. We did hire a new Code Enforcement Officer who came to work in December and he is being trained right now and he is doing a lot of data work for Kelli; she could speak to that if you like. We've also offered her on-call help that we have; they are already employed by the County from HR that we can bring in and we offer that to her. And also our inspectors, I have four building inspectors, when I have my building official hat on, and this time of year they're a little bit slower and they'd be able to help with those inspections too, as needed.

Chairman Penzel speaks:
Thank you, that's a good idea, good help. And we also talked about safety and I've been talking this up, right? Okay, Ms. Davidson did you have another comment?

Ms. Davidson speaks:
I did. I do want to say that I have had very close conversations with Kelli and with Mr. Lundergreen, I'm sorry I need to be using last names, about the impact on staff and we are exploring a number of options. While the solutions that Dave mentioned are being tried currently I cannot tell you that they are sufficient. I do think we need to explore some additional options and we will be having additional discussions with staff and it may result in bringing some things to this Board for consideration at a future meeting. And then I just am very grateful; the work that's being done on the ground that is how we are going to get these entities into compliance.

Chairman Penzel speaks:
My impression is very similar to Commissioner Engels and that is that there's been a lot of work done on the part of County staff and a lot of public involvement. I think we need to continue in both realms. I think Vice Chairman Walsh's point about that there may be a cap should be rightfully something that's discussed in this forum, whether it's in a format that is a Task Force or group that reports to us directly as a Commission. I'm not sure that I have enough information about whether it should be a Commission or a Task Force. I think Host Compliance is playing a big part in this and I understand that. I'm not sure though that they are not generating more work for the staff and not really resolving issues. I see they can come up with complaints but ultimately that goes to the staff and staff is supposed to come up with additional things to inspect that they have and I see that they're loaded to the gills. I mean their time is totally accounted for and your idea about supplementing Code Enforcement at this point is a great idea and maybe now's the time to really see where that goes. Maybe in my view, what you should do is take advantage of the things that you're working on and come back to

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

us with a report. In the meantime, one of the almost universal things was recruiting additional people for whether this is a Task Force or a Commission. I think it's necessary to get other folks recruited. I don't think we can really start until we have a broad-based number of people on this Task Force or the Commission. And so, in my personal opinion, I get people that really are hot as the other Commissioners have gotten, who really don't want them but we can't just say no at this point in time or maybe we can but I don't know what the Task Force would have as an opinion on that. And I think that the question about whether it's economically feasible, we need to start really developing a balance sheet on it so we know what we are spending and what we expect to get in. Because if it's a zero-sum game the only things we are doing then is regulating, does that really make sense? That just creates, as the District Attorney was saying, enforcement issues that we are going to have to pay for. And I would like to know, my sense was exactly what you had said about the summary of the complaints, first thing is noise, next thing is parking and then after that is trash. Have the noise complaints gone down? You need to come up here.

Kelli Nevills, Code Enforcement, speaks:

Kelli Nevills, Code Enforcement. No, as you can see from November since Host Compliance has started their hotline the complaints have gone up, being that it is out there. They know I exist and that Host Compliance exists, they obviously just keep coming.

Chairman Penzel speaks:

Okay, as I read this it's two separate columns; Host Compliance's numbers are separate from your numbers.

Ms. Nevills speaks:

Yes, because I still get calls to my direct line for Code Enforcement as well and emails.

Chairman Penzel speaks:

So if you wanted to total, parking for instance, it would be basically 23 complaints. They're not the same complaint.

Ms. Nevills speaks:

Correct, they are all separate.

Chairman Penzel speaks:

Really?

Ms. Neville speaks:

Yes.

Chairman Penzel speaks:

Okay, well now this is good information and I think that the Task Force could look at that because actually there are more parking complaints than there are noise

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

complaints but the noise complaints are the ones that cause the biggest problem, is that correct?

Ms. Neville speaks:

Yes, and I do want to tell you that not all of those go through Host Compliance. Some will just directly call the Sheriff's Department and I don't have their numbers. So there are a lot of noise complaints that I don't have from their stats; that they get called, that I wouldn't get those.

Chairman Penzel speaks:

Maybe, it would be interesting to know if the Sheriff's calls in total have gone down. I don't know if they keep track of that.

Ms. Neville speaks:

I could get the number of calls for service for noise complaints from dispatch. I can get that.

Chairman Penzel speaks:

Okay, then that is something else that we should add to that. I mean, we're really not using the Sheriff anymore to do this; we're using you and our current ordinances. I think it would be really helpful if you all would look at and specially have Ms. Neville's input as to what you would like to see an ordinance to say. That everybody that has VHR complaint, I don't know, has a red letter, I don't know, something, but I would like to see what you would like to see in the ordinance as opposed to, particularly us, trying to design an ordinance. I don't think that we have the background in it that you all have. And this is really for you, if we design something that's unenforceable, what good is that? It's more of a problem. You know what's enforceable. So I would rather see it come from you all, then up to us to approve and if that's what you need to do your job then we were remiss if we don't get that to you. And I always believe that's the case, we've got to give you the opportunity to do your job and we have got to have all the tools there. One of those tools is the ordinance. I can recap some of the things we said but you've been taking notes and generally we get to this point where, when you asked for guidance each one of us gives a little piece of guidance and so I tried to keep it by Commissioner Engels, Rice, Nelson and Walsh, what things they had. Do I need to recap those for you or is that all of them? Are you sufficiently guidance filled?

Ms. Davidson speaks:

So Mr. Chairman, if I can just take a moment to summarize my understanding of the Board's direction I think it would be helpful, with your permission. So based on the direction that I have received I believe the majority of the Commission would prefer that there be no absolute OML requirement for the Task Force; that the Task Force would have the discretion to hold public meetings if desired but it would not be subject to OML. OML would flow through the County Manager's office, that was three versus two. So I just would look to the Commission if that's not accurate. A timeline is not necessary.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

Let's ascertain whether that is accurate or not.

Ms. Davidson speaks:

Okay, perfect.

Chairman Penzel speaks:

In which case, we can put that to a vote. Is there a meeting of the minds or do you want to put that to a vote, to have it or not have it as an Open Meeting Law?

Commissioner Nelson speaks:

Well I think Commissioner Engels and Commissioner Rice and myself all agree that it should not be subject to the Open Meeting Law. If you want us to shake our heads, we can shake our heads.

Commissioner Rice speaks:

Mr. Chairman, I think that having an open discussion would be better facilitated by not having to worry about Open Meeting Law. I would like to see them have participation, have people come in and watch the process that are interested; but I think you would get a better exchange without having to worry about the Open Meeting Law.

Chairman Penzel speaks:

Thank you, Commissioner Rice. Vice Chairman Walsh.

Vice Chairman Walsh speaks:

And I would agree with that having served on the Road Funding Task Force. We had great discussions; back and forth, you're crazy, or yeah it's a great idea, whatever. It was good discussions and it was not subject to the Open Meeting Law. Steve monitored that, Steve Mokrohisky.

Chairman Penzel speaks:

Mr. Deputy District Attorney.

Mr. Ritchie speaks:

Thank you Chairman. Doug Ritchie, with the District Attorney's office. Just to clarify, the Board can't really say if it's going to have to comply with Open Meeting Law or not. Either they have to or they don't. What you can do is if they don't have to comply, which currently they don't, the Board could still request that they comply with Open Meeting Law, post agendas and things like that. As it is currently structured the Task Force was selected by the Acting County Manager, is being directed by her, and they will report to her; therefore, it's not subject to the Open Meeting Law. But again, to Chairman Penzel's point, even though they aren't required to comply with the Open Meeting Law, the Board can certainly require them to do so. But I think based on the comment, that's not the direction the Board is taking.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

Because they are making the assumption that it's a more open conversation. I hate to point that out. Madam Acting County Manager, you are correct then. Commissioner Nelson.

Commissioner Nelson speaks:

If we are not complying with Open Meeting Law, can these meetings be advertised and have people come in and run it kind of like an open meeting; where people can come up from the audience and make comments and all that sort of thing?

Mr. Ritchie speaks:

Chairman, if I may.

Chairman Penzel speaks:

Please.

Mr. Ritchie speaks:

Thank you, Doug Ritchie, with the District Attorney's Office. Absolutely, you're absolutely correct Commissioner Nelson; even though you are not required to comply with Open Meeting Law you can incorporate elements of that like posting the notices or making certain meetings open to the public, things like that.

Chairman Penzel speaks:

I haven't called for Public Comment yet, will do. I realize there is Public Comment. Madam Acting County Manager, please proceed.

Ms. Davidson speaks:

Thank you, Mr. Chairman, so the next item that I had on my list is there was not, aside from Mr. Penzel, there was no mention of a timeline. So what I would interpret that to mean is that the timeline would be established by the Task Force itself and reporting back to this Board on our progress, so no formal timeline. We heard from three Commissioners a definite desire to see relief for the Code Enforcement Officer with some additional efforts of staff, so you may see future agenda items on that and also feedback from the Task Force on staffing needs to properly manage Code Enforcement issues related to VHRs in our community. Let me see where else some consensus has been built.

Chairman Penzel speaks:

I agreed with the fees and cost program.

Ms. Davidson speaks:

Okay, so the fees to cover the cost should cover the cost of the program, that is the direction of the Board; with also a preliminary P&L requested and that again would be made available to the Board. I just want to make sure that we are setting expectations here that we have to collect data and once we have a good indication of profit and loss we absolutely will bring that information back to the Board.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

You are going to have to forecast some of it. You are going to have to forecast the TOT.

Ms. Davidson speaks:

So that's part of the problem sir. So TOT to this moment has not been very well tracked in terms of what is VHR, specifically VHR related versus other types of TOT that has been collected. So we are putting some process things in place so that it can be specifically collected and tracked that way and then we will be able to do some projections for the Board.

Chairman Penzel speaks:

Is there a timeline on that?

Ms. Davidson speaks:

We are implementing those changes now and I'd defer, if Dave wants to add.

Mr. Lundergreen speaks:

Yes, for the record, Dave Lundergreen, Acting Community Development Director. We have had meetings with Finance; the TOT in the past has always kind of come in and it included hotel rooms and it was all lumped together. And so it was definitely not clear on what was for just vacation rentals. We are working diligently with Finance and Host Compliance so that we can start collecting it, tracking it exactly and then Host Compliance can back it up for us by saying how many. So in the past it was always based on the honor system for Vacation Home Rentals and now Host Compliance will be able, so they'll still report it based on the honor system; but then Host Compliance can verify for us how many nights they actually did rent. So we are working on the double check method for that too. So we are working on that, it is not in place now at this point. We just had a meeting last week with Finance on that.

Chairman Penzel speaks:

How are you going to know what they're paying per night?

Mr. Lundergreen speaks:

Well it's Host Compliance, it's on their rental per nights, what they charge for it and what they pick up of Airbnb, Home Away or any of those so they know what they pay.

Chairman Penzel speaks:

They know what they pay?

Mr. Lundergreen speaks:

Yeah, they know the rent because they are advertised. What Host Compliance is doing is they're picking up the advertisements off of Airbnb and Home Away and they are seeing what per night they're being asked.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:
Okay.

Mr. Lundergreen speaks:

To the best of my knowledge they do know, but I don't know that they know 100 percent of them. I can find that out.

Chairman Penzel speaks:

And you are going to have to extrapolate some of the numbers out especially if you're going to do annual things. What we need is a real feel for it and we don't need the exact number right now but I think we need a feel for it. So I understand you're waiting, I just get concerned when waiting turns into more waiting.

Ms. Davidson speaks:

Thank you, Mr. Chairman, so I hear the direction to be to provide the P & L as soon as humanly possible, define the requirements of VHRs, one ordinance and well-managed is some of the feedback that I think this Board is hoping to get from the Task Force. In addition, at least two Commissioners want to hear the Task Force perspective on a cap, whether or not one would make sense. And then also I believe we have consensus around seeking, doing some additional outreach to make sure that the Task Force has more of a balanced group representation for those who are in direct opposition to VHR. I heard it is the desire of the Board, I believe that is what I have. I think that is my understanding of your direction today and of course this could change based on Public Comment that you're about to receive.

Chairman Penzel speaks:

True enough, thank you. So at this point we'll open this for Public Comment. Anyone who would like to comment on this please do. I haven't seen you for a while. Good thank you. Is the speaker on?

PUBLIC COMMENT

Franklin Harry Ernest speaks:

Thank you. For the record, my name is Franklin Harry Ernest, Mr. Chairman, Board Members, I live in Gardnerville. I had no idea I'd be speaking on anything today but I'm very concerned about your activities in the County affecting the residents and guests of the County. My personal impression here is you guys are getting into something that is way beyond what the County should be doing. I would recommend, I recommend as an individual, that you privatize this activity and get out of the rental business and policing rentals and turn it over to a private entity. Put it out to bid with the proviso that they are audited and make monthly reports to you, the Board and the District Attorney's Office of their activities because you're always going to have noise, you are always going to have neighborhood problems and you're always going to have police problems. When people come up from the Bay Area or they come in from Europe or wherever they're coming to vacation in our County. They don't know the culture; they don't know what to expect so turn it over to the professionals who know what they're going to do and know how to do it. That is my comments. Thank you.

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

Thank you very much, welcome back. Any other comments?

Robert Drabant speaks:

Good evening, my name is Robert Drabant, I live approximately a half a mile from here in Lake Village. I've been an owner since 2002. I'm now a full-time resident living up here at Lake Tahoe. I live in Douglas County. I vote in Douglas County. Now we had a survey that was done; the results were released in October regarding who were residents and nonresidents and the breakdown was 400 residents and 600 non-residents in response to that pole. And then there were questions as to who was in favor of short-term rentals and who was against. But they didn't break it down. The votes that matter are the votes for the residents. It's not the nonresidents that live in Douglas County who are dictating what we can and should do. That's your responsibility, that's why we vote you into office. I didn't get notice of the fact that there was going to be a special committee to discuss or rather a Task Force to develop facts. I missed it. I didn't see it in the newspaper. I have issues with the providing of information to people. I would suggest something along the lines of giving notice to the homeowner's association. There are a limited number of them and telling them there's a vote going on. The same thing could be done with this special Task Force. There are six people listed as being from, quote, Lake Tahoe but there is nothing indicating that they are full-time residents of Lake Tahoe. Their business may be in Lake Tahoe, Douglas County, excuse me, Douglas County but do they live in Douglas County? That's the issue of importance because those are the people to control us. I would be willing to serve on the committee, on the Task Force myself if I'd been given notice, if I would have caught the notice. I am not going to point finger at anybody, a legal notice is where they put some obscure information in the back of the newspaper that nobody ever reads but that's legal notice. So in any event, I missed it but I would put in an application. I would gladly serve on this Task Force. I would be interested in serving on this Task Force. I have the time, I'm a retired attorney and I would have no problem at all joining because I think I could add something to the mix. I thank you for your time.

Chairman Penzel speaks:

Thank you for your participation.

Terry Faff speaks:

I knew I would find something I am interested in. Good afternoon, Terry Faff, Gardnerville. I remember sitting here last year, I think in this very room, when we talked about Vacation Home Rentals and we had all these rules and regulations of things that we were going to put into effect and here we are doing the same damn thing again. This is getting ludicrous and you want to consider moving this same problem to the Valley? That's the first question you should answer; are we going to allow Vacation Home Rentals in the Valley? Yes or no, get that one out of the way. Then start talking about an ordinance that is going to affect Tahoe. You see what's going on in South Lake Tahoe, how long they've been debating this? I mean they have been going crazy about the people that rent homes over there and the other side of this that I've never heard mentioned; what about the poor hotel, motel

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

owners, we are taking money away from? Tahoe is a destination resort. Carson Valley isn't a destination resort. Minden isn't a destination resort. Gardnerville Ranchos isn't a destination resort. In fact, I think our GID wouldn't even allow this stuff. So I think you're looking at the wrong thing here. First of all, make a decision about Carson Valley. Then if you want to set up a Task Force, I don't think it's necessary, then do it; but having people submit for special permit to do this in Carson Valley, I mean it just doesn't make any sense. The Planning Commission wanted to put in an ordinance saying don't do it in the Valley. Why don't we do that first? I mean, they've already said that. I don't want some group coming next to me or on my block or in my neighborhood because we don't have that kind of home sites in our area. There are places in Lake Tahoe that were built specifically to rent out, you all know that; not to even ever live in. That doesn't exist in Carson Valley. We don't need it in Carson Valley. So let's get that out of the way and then you can concentrate on where the problems exist. Frankly, this is never going to pay for itself, I don't care how you charge for it because you don't know how it's getting paid for, you don't know where it's getting paid for you. There are people that are doing things differently, maybe under the table a little bit. But anyhow when you consider more of this think about what you're doing to the people who do it for profession and the money you're taking out of their pocket. I'm sure you wouldn't vote to have a food truck on every side street in Carson Valley and take business away from the restaurants. Thank you.

Chairman Penzel speaks:

Any further Public Comment? Thank you.

Natalie Yanish speaks:

Hello my name is Natalie Yanish. I live up on top of Kingsbury Grade. I am a realtor; I work on both the California and Nevada side and also am involved with many local organizations. I was asked to participate on the Task Force and I appreciate that very much. I think that you are providing a framework that is giving a lot of power to the people. And that you're also giving some direction to us here this evening. I agree with Commissioner Engels that if the committee has some autonomy that would be helpful in setting up time frames, what are our goals, what are the things that we can do to resolve the issues. I also agree with Ms. Davidson that it would be nice to have at least one more committee member who is just a private citizen or perhaps someone who is not affiliated with a NGO or some sort of organization on the committee so that we can have some more robust conversation about this. I appreciate all of your feedback and I also want to say that the staff at the County is excellent and I would like to give a shout out to Mr. Lundergreen because all of my communications with him have been excellent over the years. So thank you for giving us this venue that we could probably do a lot of heavy lifting for you and you know if we do have some breath or width of what we are tasked with we could probably come up with time frames, a lot of the things that are on these lists, like what we should be talking about, nuisances and things of that nature. So I appreciate it. Thank you for all of your time.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

Thank you. Any further Public Comment? Okay, we will bring it back to the Board. We will close Public Comment. We were given a couple questions here and I will see if I can answer them. The first is what about looking at this as private, privatize it. Well we are kind of working it that way with Host Compliance, they're private. We now have a public-private partnership but I think certainly that could be a question that could be given to the Task Force and they could study it and come up with what's the optimum organization for it. And they talked about then the Task Force and the numbers of people. We first of all, we haven't finalized the Task Force, so we could have more people. I don't have any objection to it, have 17 people. I think it needs to be an odd number. You know, 17, 18, I mean 18 is not an odd number, 17, 19, whatever you come up with that gives a really good cross-section of the folks. I think in terms of advertising for it, it is in the paper; I mean that advertisement was in the paper.

Mr. Lundergreen speaks:

Correct, it was in the paper. We also did a press release and it was on a webpage so we felt we got the message out there. It was even on the news, channel 8, Reno news and everything.

Chairman Penzel speaks:

Well, let's see if we can't re-advertise it and add people to it. We are specifically looking for people who are not of that ilk, if you will. So I think you need to really organize it but I think what we are failing to do is tell you what the mission of this Task Force is. What is it that they're supposed to come out and do? I think we need to do that but I would also comment that the special use permit is an allowable option for use in the Valley which is not available up here. That's the reason there's a difference and maybe that needs to be a question that they would answer too.

Mr. Lundergreen speaks:

The only vehicle for a short-term rental in the Valley is definitely already currently in our code and it's a bed-and-breakfast and you're allowed to apply for special use permit and that's the only vehicle to do a short-term rental. So it's really not called a short-term rental, it's a bed-and-breakfast and that's the difference in the term from VHRs; but bed-and-breakfast would be allowed in just a very few limited zoning areas up here at the Lake, to the best of my knowledge.

Chairman Penzel speaks:

And do we need to expand that language to every place? Vice Chairman Walsh is in favor of one ordinance that covers all of it. So would that change the zoning? I don't have that expertise to answer that question, I'm just asking it.

Mr. Lundergreen speaks:

We can certainly look at it; I think it is countywide. The bed-and-breakfast ordinance or the special use permits requirements are countywide. It's just that there's very little opportunity for that at the Lake.

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

Okay, I think part of the confusion is we haven't clearly identified what the purpose of this Task Force is. We've now given it some things to do and are we looking for the Task Force to come up with a recommendation that we will adopt? Are they going to make a recommendation we will discuss? So should they make a couple recommendations so that we will have different courses of action? Is that what you'd like, what would you all like?

Commissioner Rice speaks:

Mr. Chairman, I think the crutch of the problem is we are bifurcated in, I'm owner-occupied and I have the VHR right next to me and one right around the corner from me that has been a source of irritation for at least almost 30 years. And I think that in my mind at least, what we're trying to do is bring some relief to the homeowner while at the same time being fair to the person that purchased the house with an expectation of getting a return on investment. In my mind we have to be able to find a balance between protecting homeowner's rights and the commercial rights of the people that have bought the house next door. Hopefully there's a balance where we can live peacefully together. The house on the one side, the people have been very, very careful. They tell their people they rent to, I forget how the one person said it; you've got a very good neighbor, we want to keep it that way. And please do not do anything to upset them. I almost said the other word, didn't I? I think that in my mind we're trying to find balance between those who want to live peacefully in their own homes and those folks that want to capitalize on their investment.

Chairman Penzel speaks:

So our mission that we're giving them is to come up with a balanced recommendation between homeowner rights and the rights of the person to use their house as they see fit.

Commissioner Rice speaks:

I think that would be the ideal if at all possible; that would be the ideal solution.

Chairman Penzel speaks:

And if not possible, to provide alternatives?

Commissioner Rice speaks:

This side of violence, yes.

Chairman Penzel speaks:

This side of violence. Okay, can you fashion that into a mission form so they have an idea? Do you want to attach a timeframe to it? Would you like it by July 1st, March 1st?

Commissioner Rice speaks:

I am not sure what kind of a timeline to put on it because I know that things are festering and I don't want to see happen in Douglas County what has happened across the state line; where the people were so entrenched, it's worse than

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

watching Congress at work. It's something that should be taken care of sooner than later but I'm not sure whether you could put a two month, three month, six month timeline on it because there's so many variations and glitches and wrinkles in this entire problem. I think that they should be mindful of the fact that it needs to be done sooner than later but I'm not sure that we can put a specific time on it.

Chairman Penzel speaks:

If we re-advertise for the position it's going to take at least 30 days to get people back, so maybe we could get a preliminary report from the Assistant County Manager on where they stand in 60 days? 60 days from now or you make it 90 days from now. What's the pleasure of the Board in this?

Vice Chairman Walsh speaks:

Again, based on my experience on the Road Funding Task Force the first two or three meetings we had were just kicking ideas around, throwing this and throwing that against the wall and see what sticks. I think it's asking a lot for the Task Force to come up with a recommendation in 60 days. Maybe 60 days from the time you formed a Task Force, which is still not formed totally. We can ask them for a report, but I don't want to do that either.

Chairman Penzel speaks:

Status.

Vice Chairman Walsh speaks:

The County Manager can give us a status report. The Task Force can report to the County Manager what the recommendations are, we can hear that.

Commissioner Engels speaks:

Just a couple thoughts. Mr. Faff had some points in regard to the codes. There was a code that related to VHRs but it was not enforceable; hence, it was moved into Title 20 which made it enforceable. The other thing is that this is where we get into trouble, when the County doesn't adhere to the Master Plan. We have a situation where we clearly have an area that is designated SFR and so somebody moves into an area that says that they have the expectation that it's going to be single-family residences, not Airbnb and things of that nature, which is clearly a commercial endeavor. Another thing is someone was talking to me about the Tahoe Beach Club; now the Tahoe Beach Club they say they won't even be able to sell those things unless they are available for short-term rentals. That's just some thoughts. Thank you.

Chairman Penzel speaks:

Again those are all topics I think that we can refer to the Task Force to gather data and let us know the good, the bad, and the ugly on it. Commissioner Nelson.

Commissioner Nelson speaks:

So I think right now one of the main things we need to do is get the word out again and I know the County has an account with Next-door on social media and I would make sure that's reposted, if we can get one out there. I'll make sure it's

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

reposted daily to everybody that I'm attached to, it's about 1,700 people but I think that would help get the word out. Have them also, people that read it, talk to their neighbors about it in case they're not on social media. If we had two or three weeks I think we could get some, at least 5 to 10 people that would be willing to be on the opposite side of this, to be on this committee.

Vice Chairman Walsh speaks:

I think we have one member in the ready, right here. So, Robert would be back.

Chairman Penzel speaks:

Ms. Davidson.

Ms. Davidson speaks:

Mr. Chairman, if I may, the mission statement that you have tentatively crafted for this is a desire to hear from the Task Force balanced recommendations between homeowner's rights versus neighbors and if not possible to find alternatives. I wholeheartedly support revising the composition of this group but I think the Board did make a reference to Congress earlier today and so what I would caution the Board in is, I would not recommend, unless the Board gave me specific direction to do this, that we have an even split of for and against VHRs, I think that's a recipe for stalemate. So if I were to reopen this I would look at no more than five in opposition to VHRs. I think it is again, a very important perspective for the Task Force to hear and keep in mind as they are bringing forward their recommendations but I don't want to cause a stalemate situation where no recommendation comes out of this committee.

Vice Chairman Walsh speaks:

I would recommend you make that an even number, so the total, instead of five maybe four or six.

Ms. Davidson speaks:

Four or six, yes. So thank you for that, sir.

Chairman Penzel speaks:

Okay, now this is for possible action. Do you have enough information now to design, to answer your questions and move forward on it?

Ms. Davidson speaks:

I think I do, sir. I did recap what I believe to be is the direction from this Board and I'll be happy to disseminate the notes that I kept from this evenings meeting to the Board.

Chairman Penzel speaks:

So you don't need a motion?

Ms. Davidson speaks:

No, I don't necessarily need one. Thank you, sir.

January 24, 2019

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF JANUARY 24, 2019**

Chairman Penzel speaks:

Then we will... Mr. Lundergreen.

Mr. Lundergreen speaks:

Thank you, Dave Lundergreen. I was kind of thinking about the timeline of 60 or 90 days and once we re-advertise this and then select new committee members, we probably realistically are looking at 30 days so I would maybe ask for 90 days for the first preliminary report to come back to you at that point, if that sounds okay?

Chairman Penzel speaks:

I think that's agreeable, any objections? Okay, so we will get it back. Alright, thank you very much for all the discussion and the way you have presented it.

RESULT: BOARD DIRECTION PROVIDED TO STAFF.

9. For possible action. Discussion to approve the appointment of County Commissioners, staff and alternates to various Douglas County boards and committees. These boards/commissions/meetings include but are not limited to: the Nevada Association of Counties; Northern Nevada Development Authority; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Carson Area Metropolitan Planning Organization; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Carson-Truckee Water Conservancy District; Stateline Stormwater Association; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, Carson Valley Arts Council; and the Debt Management Commission. (Jenifer Davidson)

Chairman Penzel speaks:

Now we will move on. This is item nine. For possible action. Discussion to approve the appointment of County Commissioners, staff and alternates to various Douglas County boards and committees. These boards/commissions/meetings include but are not limited to: the Nevada Association of Counties; Northern Nevada Development Authority; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Carson Area Metropolitan Planning Organization; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Carson-Truckee Water Conservancy District; that is misnamed, it's Carson Water Subconservancy, Stateline Stormwater Association; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe

January 24, 2019