

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

OCTOBER 14, 2008

PRESENT:

Robert Larkin, Chairman
Bonnie Weber, Vice Chairperson
Jim Galloway, Commissioner
David Humke, Commissioner

Amy Harvey, County Clerk
Katy Simon, County Manager
Melanie Foster, Legal Counsel

ABSENT:

Kitty Jung, Commissioner

The Board convened at 2:07 p.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, NV. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

Katy Simon, County Manager, stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

08-1061 AGENDA ITEM 3

Agenda Subject: “Resolution--Commending the Silver Lake Volunteer Fire Department for their response and incident support during the Fire Fighting Air Tanker Crash of September 1, 2008. (Requested by Commissioner Weber.)”

Commissioner Weber read and presented the Resolution to the Silver Lake Volunteer Fire Department. Members of the Silver Lake Volunteer Fire Department thanked the Board for their support and recognition.

Commissioner Galloway commented that in these troubled economic times the support of the volunteers was important and noted this area of safety was indispensable.

There was no response to the call for public comment.

On motion by Bonnie Weber, Vice Chairperson, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 3 be adopted, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

08-1062 AGENDA ITEM 4

Agenda Subject: “Proclamation--October 16, 2008 as National Feral Cat Day--Public Works. (All Commission Districts.)”

Katy Simon, County Manager, read and presented the Proclamation to Cindy Sabatoni, Regional Animal Services Director. Ms. Sabatoni thanked the Board for their continued support.

On motion by Robert Larkin, Chairman, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 4 be adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

08-1063 AGENDA ITEM 5

Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”

Gerry Lent spoke on the disrepair of the Regional Shooting Facility located on Pyramid Highway. He stated this Facility had become very busy and popular; however, several of the areas needed to be replaced and updated. Mr. Lent requested the Board review the condition of the Facility and discuss future repairs.

Dr. George Furman, District Board of Health Chairman, said during a strategic planning meeting the Board of Health addressed their mission and priorities. He said he would not like to see a decrease in the Health Fund this year, but believed spending should be decreased for non-mandated and non-essential programs since this was not the time to begin any new unmandated programs. Dr. Furman distributed his Operation Objectives and directions to staff, which were placed on file with the Clerk.

Joe Panicaro spoke about two pending lawsuits concerning Gary Schmidt, a candidate for County Commissioner.

Sam Dehne discussed the number of citizens registering to vote and County voting machines.

08-1064 AGENDA ITEM 6

Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda. (No discussion among Commissioners will take place on this item.)”

Katy Simon, County Manager, announced that today was the last day to register to vote for the upcoming General Election.

Chairman Larkin requested an update on the Regional Shooting Facility located on Pyramid Highway.

Commissioner Humke said he attended a training provided by Social Services that explored strategies for improving outcomes for infants and young children in foster care with an emphasis on making foster parents better. Commissioner Humke announced he would attend a briefing on the Forest Area Plan that was scheduled for October 16, 2008. He commended Dr. George Furman’s writing entitled "Operation Objectives" and felt this would be important for all department heads. Commissioner Humke agreed that in a budget cut environment starting new programs was difficult and many factors needed to be weighed.

Commissioner Weber appreciated the comments made by Commissioner Humke and agreed that those suggestions should be reviewed by County departments. She thanked Dr. Furman for attending and said the Board should review his concerns and requested those be brought back for discussion. Commissioner Weber stated she attended the Reno-Sparks Convention and Visitors Authority (RSCVA) marketing meeting where there was discussion on ways to bring visitors to the region. She remarked the discussion centered on the drive market and how that was being impacted by the current economic instability. Commissioner Weber indicated the next topic for discussion would be the fly-in market. She commented that the "World Choir" games committee would arrive next week to review hosting those games in Washoe County. Commissioner Weber shared that on October 15, 2008 citizens could ride the Virginia and Truckee (V&T) Railroad free of charge and encouraged residents to take advantage of that opportunity. She announced that she would attend a Girl Scout dinner on October 16, 2008, a Nevada Works meeting on October 17th and would host a "Coffee and Conversation with your Commissioner" on October 18th.

Commissioner Galloway said he attended the West Truckee Meadows Citizen Advisory Board (CAB) meeting, which discussed the recent vandalism in the Caughlin Ranch area. He commented four juveniles had been identified and arrested in

connection with the vandalism. Commissioner Galloway stated on October 16, 2008 the Incline Justice Court would dedicate the newly remodeled facility which would be named after Judge Mancuso. He said a meeting was scheduled for October 20, 2008 with the Conservation District regarding staff's proposal along with an informational package outlining fees and charges for sewer hookups in the Mayberry Ranch Estates.

Ms. Simon explained staff was compiling a list of mandated services and would provide an update for all County departments as well as present the information to the Board. She remarked that there would be budget updates presented in November.

08-1065 AGENDA ITEM 7A

Agenda Subject: “Approve minutes for the regular Board of County Commissioners’ meetings of July 8 and September 16, 2008, the Special County Commission meeting of September 16, 2008 and Joint County Commission meeting of August 18, 2008.”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7A be approved.

08-1066 AGENDA ITEM 7B

Agenda Subject: “Proclamation--October 16, 2008 as International Credit Union Day (requested by Commissioner Larkin). (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7B be adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

08-1067 AGENDA ITEM 7C – DISTRICT ATTORNEY

Agenda Subject: “Approve payments [\$11,205.08] to vendors for assistance of 74 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts.)”

Commissioner Humke inquired on the status of the Victim of Crimes Account after the recent allegations concerning the misuse of that State account and if the

State had a risk management division to recover those funds. Katy Simon, County Manager, clarified this item came from the General Fund Cost Center from the County's General Fund.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7C be approved.

08-1068 AGENDA ITEM 7D - PURCHASING

Agenda Subject: "Approve correction in wording to "Washoe County Equipment and Property Accounting and Reporting System" to state that "each department shall maintain inventory records on all tangible equipment and personal property that has an estimated useful life of more than one (1) year and an actual cost or replacement cost of \$5,000 or more." Currently, the policy wording erroneously states \$5,000 or less. (All Commission Districts.)"

Commissioner Galloway commended staff for noticing the erroneous wording and for making the necessary corrections.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7D be approved.

08-1069 AGENDA ITEM 7E – RISK MANAGEMENT

Agenda Subject: "Approve settlement of the lawsuit Ryan J. Westwood v. Washoe County [total sum \$37,500] for all claims against all defendants."

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7E be approved.

08-1070 AGENDA ITEM 7F - MANAGER

Agenda Subject: "Appoint Kurt Latipow, Washoe County Fire Services Coordinator, as alternate representative for Truckee Meadows Fire Protection District on the Washoe County Regional Communication System Joint Operating Committee. (All Commission Districts.)"

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7F be appointed.

08-1071 AGENDA ITEM 7G – SENIOR SERVICES

Agenda Subject: “Accept grant award from Division for Aging Services for Senior Services Visiting Nurse Program [\$27,000 with \$4,765 County match] for the period September 30, 2008 through June 30, 2009; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7G be accepted and directed.

08-1072 AGENDA ITEM 7H(1) – ANIMAL SERVICES

Agenda Subject: “Accept monetary donations to Washoe County Regional Animal Services [totaling 3,905 - including one extraordinary \$3,000 donation from Rachel Rosemann], for the care and treatment of animals and that the Board express their appreciation for these thoughtful contributions; and if accepted, approve budget amendment acknowledging these donations and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Galloway thanked Rachel Rosemann and other various donors for their generous donations to Regional Animal Services.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7H(1) be accepted, approved and directed.

08-1073 AGENDA ITEM 7H(2) – GENERAL SERVICES

Agenda Subject: “Approve request to proceed with obtaining bid proposals for the purchase of printing paper, card stock and specialty type paper products (i.e., pressure sensitive, cover stock, oversized, etc.) on behalf of the County’s Reprographics (in-plant printing) Unit; and if approved, direct Purchasing

Department to begin the bid proposal process. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7H(2) be approved and directed.

08-1074 AGENDA ITEM 7H(3) – PUBLIC WORKS

Agenda Subject: “Approve First Amendment to Sublease between the County of Washoe, ECOL Partnership and H.A.W.C. Inc., for continued use of a portion of the building located at 1055 S. Wells Avenue for a 36-month term commencing retroactively to September 1, 2008 for the WIC Program [annual expense \$4,200, funds available in District Health Department; and if approved, authorize Chairman to execute First Amendment. (Commission District 3.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7H(3) be approved, authorized and executed.

08-1075 AGENDA ITEM 7I(1) – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of Annual Report from the Internal Audit Division for Fiscal Year 2007-08. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7I(1) be acknowledged.

08-1076 AGENDA ITEM 7I(2) – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of the three-year schedule of audits for Internal Audit Division. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7I(2) be acknowledged.

08-1077

AGENDA ITEM 7J(1) – JUVENILE SERVICES

Agenda Subject: “Approve Service Agreement between the County of Washoe (Juvenile Services) and Horses for the Spirit whereby Juvenile Services’ clients from the McGee Center Girls Program participate in the Horses for the Spirit Youth Program [no fiscal impact]; and if approved, authorize Chairman to execute Service Agreement. (Commission District 5.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7J(1) be approved, authorized and executed.

08-1078

AGENDA ITEM 7J(2) – JUVENILE SERVICES

Agenda Subject: “Accept donations to the McGee Center which include services from the Aqua Salon, scholarships for youths from Big George Ventures and the Me For Incredible Youth, Inc. Foundation, stuffed animals from Captain Bonnie Terry of the Reno Fire Department, blankets and toys from Joni Kaiser of Committee to Aid Abused Women, ballet tickets from Barbara Land of UNR, field trip for youth from Horses for the Spirit, four laptop computers from Mary Ann Dyer of the Foster Grandparent Program, one color television from Elaine Coburn, one Sega Dream Cast Game and 18 games from Ailene Azzam, clothing from Anchor Blue, one Air Hockey Table from Tina Sargent and a cash donation in the amount of \$79.14 from the United Way. (All Commission Districts.)”

On behalf of the Board, Commissioner Galloway thanked the various donors for their generous donations to the McGee Center.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7J(2) be accepted.

08-1079

AGENDA ITEM 7K(1) – COMMUNITY DEVELOPMENT

Agenda Subject: “Accept Commissioner Humke’s nomination and appoint Robert F. Wideman to a seat on the Washoe County Board of Adjustment from District 2 for the remainder of Eric Scheetz’s term expiring June 30, 2011. (Commission District 2.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7K(1) be accepted.

08-1080 AGENDA ITEM 7K(2) – COMMUNITY DEVELOPMENT

Agenda Subject: Appoint Christoph Micklon as an At-Large member to fill an unexpired term to June 30, 2009 on the Central Citizen Advisory Board. (Commission District 3, Commissioner Jung.)

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7K(2) be appointed.

08-1081 AGENDA ITEM 7L(1) – SOCIAL SERVICES

Agenda Subject: “Appoint Eddie Martinez to the Washoe County Social Services Advisory Board based on the passage of amended Ordinance 1362, which was effective April 4, 2008. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7L(1) be appointed.

08-1082 AGENDA ITEM 7L(2) – SOCIAL SERVICES

Agenda Subject: “Authorize the Department of Social Services to accept Discretionary Grant Donation [\$5,000] from Trustees of the Walter S. Johnson Foundation to support the forum Exploring Strategies to Improve Outcomes for Infants and Young Children in Foster Care on October 13-14, 2008 and for facilitation of the ensuing policy development sessions. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7L(2) be authorized.

08-1083 AGENDA ITEM 7M(1) – DISTRICT HEALTH

Agenda Subject: “Approve increase [\$49,850 for Fiscal Year 2008/09 Purchase Order #5500009305 issued to Board of Regents - UNR School of Medicine (single source) bringing the total amount to \$98,850] for laboratory testing in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the Washoe County Health District. (All Commission Districts.)”

Commissioner Weber explained her position and stated she would be voting no on this item.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, and Bonnie Weber, Vice Chairperson voting “no,” it was ordered that Agenda Item 7M(1) be approved.

08-1084 AGENDA ITEM 7M(2) – DISTRICT HEALTH

Agenda Subject: “Approve increase [\$15,950 for Fiscal Year 2008/09 Purchase Order #5500009236 issued to McKesson General Medical Corp (Contract #M-487(6)) bringing the total amount to \$64,950] for medical supply products in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the Washoe County Health District. (All Commission Districts.)”

Commissioner Weber explained her position and stated she would be voting no on this item.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, and Bonnie Weber, Vice Chairperson voting “no,” it was ordered that Agenda Item 7M(2) be approved.

08-1085 AGENDA ITEM 7M(3) – DISTRICT HEALTH

Agenda Subject: “Approve amendments [increase of \$69,197 in both revenue and expenses] to the Nurse Family Partnership Grant Program Fiscal Year 2008/09 budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7M(3) be approved and directed.

08-1086 AGENDA ITEM 7M(4) – DISTRICT HEALTH

Agenda Subject: “Approve increase [\$37,640 for Fiscal Year 2008/09 Purchase Order #5500009301 issued to Cardinal Health (Contract #MMS24001) bringing the total amount to \$87,590] for pharmaceutical products in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the Washoe County Health District. (All Commission Districts.)”

Commissioner Weber explained her position and stated she would be voting no on this item. She requested Family Planning items be consolidated in the future so that she could only vote no on that one item.

Melanie Foster, Legal Counsel, explained staff would attempt to comply; however, legally it may be a difficult task to do and still comply with purchasing rules.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, and Bonnie Weber, Vice Chairperson voting “no,” it was ordered that Agenda Item 7M(4) be approved.

08-1087 AGENDA ITEM 7M(5) – DISTRICT HEALTH

Agenda Subject: “Approve amendments [decrease of \$18,254 in both revenue and expenses] to the adopted Fiscal Year 2008/09 Child Abuse Prevention Outreach and Marketing Grant Program, IO 10410, to bring the Fiscal Year 2008/09 adopted budget into alignment with the grant; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7M(5) be approved and directed.

08-1088 **AGENDA ITEM 7M(6) – DISTRICT HEALTH**

Agenda Subject: “Authorize increase in part-time hours for position control number 70004102 (.93 full time equivalent (FTE) to 1.0 FTE). (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7M(6) be authorized.

08-1089 **AGENDA ITEM 7N – MANAGEMENT SERVICES/COMMUNITY SUPPORT ADMINISTRATOR**

Agenda Subject: “Approve four Washoe County Human Services Consortium Grant Contracts in the following amounts: Food Bank of Northern Nevada \$45,938, Family Promise \$45,938, Crisis Call Center \$34,453, Children’s Cabinet \$87,813; approve a grant to Health Access Washoe County (HAWC) in the amount of \$2,858 for Fiscal Year 2008/09; and if all approved, authorize Chairman to execute Contracts and Resolutions necessary for same. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7N be approved, authorized and executed. The Resolutions for same are attached hereto and made a part of the minutes thereof.

08-1090 **AGENDA ITEM 7O - PARKS**

Agenda Subject: “Accept cash donations [\$33,139.60] from various businesses, organizations and individuals for the Department of Regional Parks and Open Space programs and facilities; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Galloway thanked the various businesses, organizations and individuals for their generous donations to the Regional Parks and Open Space programs and facilities.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7O be accepted and directed.

08-1091 AGENDA ITEM 7P(1) – SHERIFF’S OFFICE

Agenda Subject: “Accept donations and proceeds from fundraisers [\$275] and donation from June Fuller Estate [\$13,380.83] for purchase of K-9 vests and equipment for the Washoe County Sheriff’s Office K-9 Program; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Galloway thanked the June Fuller Estate and various donors for their generous donations to the Washoe County Sheriff’s Office K-9 Program.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7P(1) be accepted and directed.

08-1092 AGENDA ITEM 7P(2) – SHERIFF’S OFFICE

Agenda Subject: “Approve the Washoe County Sheriff’s Office and the Purchasing Department to develop and the Purchasing Department to administer a Request for Proposal to establish a 24-month Pilot Project for Vehicle Leasing Services. (All Commission Districts.)”

Commissioner Galloway said the Internal Audit Committee completed an audit on County-wide vehicle use and provided their recommendations. He asked when Pilot Programs were set up could the Washoe County Sheriff’s Office (WCSO) provide information to the Audit Committee and how that information would be collected so the Audit Committee could track the recommendations. Katy Simon, County Manager, clarified this was not an approval of the Request For Proposal (RFP), but an approval for the Purchasing Department to develop and administer an RFP. She said all of the issues and criteria on whether the Board wished to lease those vehicles would return to the Board and explained the criteria was within the staff report. Commissioner Galloway stated if approved he would request that when the RFP was returned to the Board input from the Audit Committee would be included for consultation and recommendations.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7P(2) be approved.

08-1093 AGENDA ITEM 7Q(1) - TREASURER

Agenda Subject: “Adopt and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment; ratifying all actions previously taken; and providing other matters properly relating thereto (following districts involved: Washoe County Assessment District (WCAD) 21 - Cold Springs Sewer, WCAD 23 - Arrowcreek Water, WCAD 30 - Antelope Valley Road, WCAD 31 - Spearhead Way-Running Bear Drive, WCAD 37 - Spanish Springs Sewer Phase 1A. (Commission Districts 2, 3, 4 and 5.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7Q(1) be adopted, authorized, executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

08-1094 AGENDA ITEM 7Q(2) - TREASURER

Agenda Subject: “Authorize Washoe County Treasurer to auction all newly delinquent lands held in trust with the exception of those parcels listed on Exhibit A and adopt and execute Resolution Authorizing the Washoe County Treasurer to Transfer to Other Governmental Entities, Real Property held in Trust Due to Property Tax Delinquencies and Other Matters Properly Related Thereto (Tax Delinquent Property List 2008 on file in County Manager’s Office).”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7Q(2) be adopted, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

08-1095 AGENDA ITEM 7R(1) – HUMAN RESOURCES

Agenda Subject: “Approve Collective Bargaining Agreements with the Washoe County Nurses Association for the Non-Supervisory and Supervisory bargaining units for the period July 1, 2008 through June 30, 2009; ratify same; a lump sum payment equal to .375% which is the amount that employee pay grades were reduced for the PERS changes implemented on July 23, 2007. The lump sum payment will be calculated for the period July 24, 2007 through June 30, 2008; reinstate the .375% July 2007 PERS reduction equivalent to the pay grades effective July 1, 2008; The cost of the lump sum payment for July 24, 2007 through June 30, 2008 is \$15,270 and the projected cost of the general increase to be effective July 1, 2008 is approximately the same, \$15,270. This could be reduced based upon

employee count since the County is currently holding vacancies for all but critical positions. Total cost of the lump sum and increase for Fiscal Year 2008/09 is approximately \$30,540; events which could potentially trigger wage increases retroactive to July 1, 2008 shall be evaluated following the closing and final audit of the County's adopted Fiscal Year 2008/09 books dependent on the ending fund balance; and if approved, authorize Chairman to execute Collective Bargaining Agreement upon completion. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7R(1) be approved, authorize and executed.

08-1096 AGENDA ITEM 7R(2) – HUMAN RESOURCES

Agenda Subject: “Approve a lump sum payment equal to .75% calculated for the period July 24, 2007 through June 30, 2008 and a .75% salary increase for non-represented Police/Fire PERS member employees including Confidential employees, Unclassified Management, Juvenile Services and Alternative Sentencing Department employees for the period July 1, 2008 through June 30, 2009, excluding such employees of the Sheriff's office. The cost of the lump sum payment for July 24, 2007 through June 30, 2008 is \$32,440. The projected cost of the general salary increase effective July 1, 2008 is approximately \$32,440. The total cost of the lump sum and increase for Fiscal Year 2008/09 is \$64,880; events which could potentially trigger wage increases retroactive to July 1, 2008 shall be evaluated following the closing and final audit of the County's adopted Fiscal Year 2008/09 books dependent on the ending fund balance. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7R(2) be approved.

08-1097 AGENDA ITEM 7S – COUNTY CLERK

Agenda Subject: Authorize County Clerk to publish notice in the Reno Gazette Journal, Tahoe Bonanza and the Sparks Tribune newspapers advising that due to a County Holiday on November 11, 2008 the Board meeting will be held Monday, November 10, 2008. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7S be authorized.

08-1098 AGENDA ITEM 7T – TRUCKEE RIVER FLOOD MANAGEMENT

Agenda Subject: “Authorize issuance of an Invitation to Bid on the Reno-Sparks Indian Colony Levee-Floodwall TRAction project located on the South Bank of the Truckee River from Highway 395 to Glendale Avenue - Second Avenue. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by David Humke, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 7T be authorized.

BLOCK VOTE

The following agenda items were consolidated and voted on in a block vote: Agenda Items 9, 11, 12, 13, 14, 17, 18, 19, 20 and 21.

08-1099 AGENDA ITEM 9 – SOCIAL SERVICES

Agenda Subject: “Recommendation to authorize the Department of Social Services to accept Targeted Case Management reimbursements for March 2008 services from Nevada Medicaid [approximately \$319,000]; and if accepted, authorize the Department to expend these reimbursements and direct Finance to make appropriate budget adjustments for Fiscal Year 2008/09. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 9 be authorized and directed.

08-1100 AGENDA ITEM 11 – DISTRICT ATTORNEY

Agenda Subject: “Discussion and possible approval of an Intrastate Interlocal Contract between the County of Washoe (District Attorney’s Office) and State of Nevada (by and through its Department of Public Safety Records and Technology Division, Records Bureau), permitting the District Attorney’s Office to carry out its law enforcement functions by accessing certain criminal record information contained in the Nevada Criminal Justice System and the State’s Law Enforcement

Message Switch (NCJIS) and all other automated computer systems or programs accessed through NCJIS or administered by the State's CJIS Systems Agency and referenced in the Contract, including the National Crime Information Center, the National Law Enforcement Telecommunications System, the Western Identification Network, the California Law Enforcement Telecommunications Systems, the National Instant Check System and the National Integrated Automated Fingerprint Identification System; and, if approved, authorize Cynthia Wyett, Chief DA Investigator, to sign the Contract and any related documents on the County's behalf. (All Commission Districts.)"

Commissioner Galloway asked if this contract between the District Attorney's (DA's) Office and the State of Nevada for records access was in line with previous practice. Melanie Foster, Legal Counsel, replied with regard to the DA's Office's access to criminal records, this was a reflection of past and current practice.

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 11 be approved, authorized and executed. The Agreement for same is attached hereto and made a part of the minutes thereof.

08-1101 AGENDA ITEM 12 – COMMUNITY DEVELOPMENT

Agenda Subject: "Recommendation to approve payment of the annual \$362,492 Interlocal Agreement Fees for Washoe County's participation in the Truckee Meadows Regional Planning Agency to cover Fiscal Year July 1, 2008 to June 30, 2009. (All Commission Districts.)"

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 12 be approved.

08-1102 AGENDA ITEM 13 – COMMUNITY DEVELOPMENT

Agenda Subject: "Recommendation that the Board of Commissioners establish the following priorities for Washoe County's pro rata share of the 2009 HOME Consortium allocation: Home re-habilitation programs; Supportive Housing; Projects or programs that support the regional initiative entitled "Housing for All: A Plan to End Homelessness". (All Commission Districts.)"

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 13 be approved.

08-1103 AGENDA ITEM 14 – WATER RESOURCES

Agenda Subject: “Recommendation to approve a Cooperative Agreement for Contractual Professional and Administrative Staff Services between Washoe County and the Western Regional Water Commission; and if approved, authorize Chairman to execute same. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 14 be approved, authorized and executed.

08-1104 AGENDA ITEM 17 – SHERIFF’S OFFICE

Agenda Subject: “Recommendation to accept National Institute of Justice Grant 2008-DN-BX-K046 [\$308,592 with no County match] to renovate laboratory space and purchase DNA equipment and approve issuing Request for Proposal for the Washoe County Sheriff’s Office Crime Laboratory to remodel areas within the division, to accommodate more DNA laboratory space. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 17 be accepted.

08-1105 AGENDA ITEM 18 – SHERIFF’S OFFICE

Agenda Subject: “Recommendation to accept Fiscal Year 2008 Congressional Mandated Award [\$849,631 with no County match] from Department of Justice, Office of Justice Programs (Award number 2008-DD-BX-0367) to be utilized to increase the safety of Washoe County’s court systems; and if accepted, authorize Chairman to execute Grant Award document; authorize Sole Source Purchase of X-Ray Machines [\$85,000] from Smart Security Solutions; approve Washoe County Sheriff’s Office and Purchasing Department to develop and the Purchasing Department to administer a Request for Proposal for window laminate on courthouse windows; approve Washoe County Sheriff’s Office and Purchasing Department to develop and the Purchasing Department to administer a Request for Proposal for a public address system. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 18 be accepted, authorized and executed.

08-1106 AGENDA ITEM 19 – SHERIFF’S OFFICE

Agenda Subject: “Recommendation to approve and authorize the Chairman to execute Professional Services Agreement between the County of Washoe and Grant Thornton, LLP for Forensic Accounting Services [estimated amount over \$100,000 based on anticipated scope of work]. (All Commission Districts.)”

Commissioner Galloway clarified this item was not under the auspice of the Internal Audit Committee and was a Sheriff’s Office and District Attorney matter.

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 19 be approved, authorized and executed.

08-1107 AGENDA ITEM 20 - PARKS

Agenda Subject: “Recommendation to approve Amendment #1 to Memorandum of Understanding-A Contract Between the State of Nevada Acting by and Through its Department of Conservation and Natural Resources and Washoe County, a Political Subdivision of the State of Nevada Acting by and Through its Parks and Recreation Department, to extend the funding contract on State Question 1 projects; accept draw number 2 in the amount of \$4,000,000; and if approved, authorize Chairman to execute Amendment #1 and authorize Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 20 be approved, authorized and executed.

08-1108 AGENDA ITEM 21 - PARKS

Agenda Subject: “Recommendation to accept four grants from the Nevada Division of State Parks Recreation Trails Grant Program [total \$258,448 - grants require \$132,140 total match consisting of \$64,000 cash match from previously awarded grants and \$68,140 in-kind volunteer labor and staff labor for project

oversight] for The Regional Trails Map and Guide [\$25,000] and projects at Sun Valley Regional Park [\$100,000], Silver Lake [\$50,000] and Galena Creek Regional Park [\$83,448]; and if all accepted, authorize Regional Parks and Open Space Director to sign all necessary agreements, documents and reports associated with the grants and authorize Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 21 be accepted, authorized and executed.

08-1109 AGENDA ITEM 8 – PUBLIC WORKS

Agenda Subject: “Recommendation to authorize Equipment Services to purchase replacement fleet vehicles/ equipment using Nevada State Joinder Bid Contract Pricing in conjunction with the previously approved 2008/09 Capital Purchases Budget for the Equipment Services Fund; (estimated cost for Fiscal Year 2008/09 is \$1,085,652). (All Commission Districts.)”

3:22 p.m. Commissioner Humke temporarily left the meeting.

Commissioner Galloway asked if this was in keeping with the recommendations for vehicle use completed by the Internal Auditor. Dan St. John, Public Works Director, clarified that it was; however, it had not been vetted through the Internal Auditor, but indicated staff was working within those recommendations made by the Internal Auditor. He indicated the requested vehicles would be fleet vehicles listed under the patrol vehicles for the Washoe County Sheriff’s Office (WCSO). Commissioner Galloway remarked fleet vehicles and WCSO patrol vehicles were items touched on by the Audit Committee report. He questioned if the Board wished to proceed or set a procedure to receive Audit Committee comments before acting on such items. Mr. St. John explained there were many older vehicles that needed to be replaced. He stated other heavy equipment would be brought back before the Board for additional action. He said, in complying with the Audit Committee recommendations, those vehicles that were being replaced were pushed past the normal eight-year turnaround.

Commissioner Galloway asked who oversees the consistency of these individual actions. Katy Simon, County Manager, commented those actions went through the Finance Department and added a finance analyst worked with equipment services, was part of the Internal Audit study and was part of the team to implement those recommendations with equipment services. She noted the control point was through the Finance Department.

Todd Vinger, Undersheriff, explained the leasing purpose was to review options to save money for unmarked vehicles and commented some of the vehicles were

long overdue to be replaced. Commissioner Galloway asked for assurance that the same vehicles being purchased would not later be proposed more economical if leased. Undersheriff Vinger clarified they were separate vehicles under a separate program. Commissioner Galloway asked how the vehicles were distinguished. Undersheriff Vinger explained the Pilot Program was to determine if this would be feasible and, if it was more economical, it could be expanded further. Commissioner Galloway requested that when Finance was consulted on these purchases the actual auditor who completed the report be included.

Ms. Simon stated the Finance Analyst specifically assigned to equipment services was always the same and worked with the Internal Auditor. Ms. Simon hesitated in adding another level of review, but added the coordination did take place and Finance staff was held accountable for that review. Mr. St. John said as a matter of course the lease proposal had been shared with the senior auditor who performed the study. Ms. Simon reiterated it was all coordinated and said that Finance shared the concerns that the County would not over utilize and that there were proper fees and charges.

There was no response to the call for public comment.

On motion by Bonnie Weber, Vice Chairperson, seconded by Jim Galloway, Commissioner, which motion duly carried with David Humke, Commissioner, temporarily absent and Kitty Jung, Commissioner, absent, Chairman Larkin ordered that Agenda Item 8 be authorized.

08-1110 AGENDA ITEM 10 - ASSESSOR

Agenda Subject: “Recommendation to award Washoe County Request For Proposal No. 2635-08 for computer application software on behalf of the Washoe County Assessor’s Office and the GIS Division of Washoe County Technology Services [\$514,502]; and if awarded, authorize the Acting Purchasing and Contracts Administrator to execute an Agreement for same with Software Techniques Incorporated. (All Commission Districts.)”

3:31 p.m. Commissioner Humke returned.

Commissioner Galloway said recently he heard Governor Jim Gibbons speak on the Spending and Government Efficiency (SAGE) Committee, an appointed cost-saving committee, and a recommendation was to pool software licenses for better negotiating potential. He asked if there was a potential for this.

Josh Wilson, Assessor, replied this contract was based on the licensing agreement between Software Techniques and Washoe County. He said as the County moved forward hopefully more counties in the State would use this same software to possibly achieve software savings. Mr. Wilson explained this was a complete revamping and added the current software was 18 years old and unsupported. Commissioner Galloway said the County would also pay for software development. Mr. Wilson stated

this was an off-the-shelf product that could be customized to Nevada's tax laws and would be the conversion to Software Technique.

There was no response to the call for public comment.

On motion by Jim Galloway, Commissioner, seconded by Bonnie Weber, Vice Chairperson, which motion duly carried with Kitty Jung, Commissioner, absent, Chairman Larkin ordered that Agenda Item 10 be awarded, authorized and executed.

08-1111 AGENDA ITEM 15 – WATER RESOURCES

Agenda Subject: “Introduction and first reading of an Ordinance amending the compensation schedule for members of the Local District Managing Board for the South Truckee Meadows General Improvement District, and deleting the named seat assignments listed in the Ordinance; and providing other matters properly relating thereto [no increase to annual Ordinance maximum of \$30,000]--Water Resources. (Commission District 2.)”

Bill No. 1564, entitled, **AN ORDINANCE AMENDING THE COMPENSATION SCHEDULE FOR MEMBERS OF THE LOCAL DISTRICT MANAGING BOARD FOR THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT, AND DELETING THE NAMED SEAT ASSIGNMENTS LISTED IN THE ORDINANCE, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

08-1112 AGENDA ITEM 16 – WATER RESOURCES

Agenda Subject: “Recommendation to approve three Agreements for Consulting Engineering Services between the County of Washoe and Eco:Logic Engineering to update water system facility plans for the South Truckee Meadows [\$153,482], Spanish Springs Valley [\$80,150] and North Valleys [\$70,738] service territories; and if approved, authorize Chairman to execute the Agreements. (Commission Districts 2, 4 and 5.)”

Chairman Larkin asked what position did these facility plans have to the relationship of the work being done within Community Development concerning land planning and concurrency.

Rick Warner, Acting Engineering Manager, replied staff utilized the on-going concurrency work for overall broadbased planning in waste-water reclamation facilities. He remarked the agreements were specific to the Department of Water Resources' service territory for utility service and were very specific to the timing of infrastructure and pipe line sizes. Chairman Larkin asked if these plans would dovetail into the actual infrastructure. Mr. Warner concurred and said these would determine the rates of existing infrastructure.

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, it was ordered that Agenda Item 16 be approved, authorized and executed.

08-1113 AGENDA ITEM 22 - PARKS

Agenda Subject: “Recommendation to accept a Grant [in amount of the federal agency appraised value not to exceed \$11,094,207] from Southern Nevada Public Lands Management Act Program, United States Department of the Interior Bureau of Land Management to acquire 121.26 acres of land in southwest Reno known as APN 222-080-07, owned by the Persigehl Family Trust; and if accepted, authorize Chairman to sign the Financial Assistance Agreement, authorize Director of Regional Parks and Open Space to sign all other subsequent necessary documents associated with the administration of the grant and authorize Finance to make appropriate budget adjustments. (Commission Districts 1 and 2.)”

Doug Doolittle, Regional Parks and Open Space Director, explained staff had applied for the White Pine bill regarding funding for acquisition of the Persigehl property. He explained this document firmed up the federal government's commitment to reimburse the County for the cost of the property at the appraised value at the time of close of escrow.

Chairman Larkin asked when was the expected date to close escrow. Katy Simon, County Manager, indicated escrow would close within the next few days. Chairman Larkin stated it had been a long process to bring this property into the public domain and attach to the Sierra front. Mr. Doolittle said when escrow closed and the document was signed, it would provide for the federal funding to reimburse the County, which would go into the 2006 series bond. He clarified the status of the land would stay within the County's ownership after the reimbursement. Chairman Larkin stated there would now be a complete egress and ingress to the Sierra front which would then tie into a new trailhead. He felt that was a great compliment to this Board.

Commissioner Galloway complimented Chairman Larkin for obtaining this access. Mr. Doolittle replied once the land was acquired the County could proceed with a trailhead, a small shelter, parking area and restrooms.

Commissioner Humke thanked Chairman Larkin for leading the negotiation team. He said the access to public land was becoming limited and this guaranteed an access point to federal land. He asked if work would need to be completed before the gates were opened. Mr. Doolittle clarified the work would need to be completed before the site was opened to the public, but staff would proceed with that quickly.

Chairman Larkin stated this was a good thing for the community and appreciated the Board having the flexibility to seek additional courses. Mr. Doolittle thanked the Board and staff for their diligence and support for this property.

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, it was ordered that Agenda Item 22 be accepted, authorized and executed.

08-1114 AGENDA ITEM 24 – MANAGEMENT SERVICES/GOVERNMENT AFFAIRS

Agenda Subject: “Discussion and direction to staff regarding legislation or legislative issues proposed by Legislators, by Washoe County 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, or issues arising out of the special legislative session-Management Services/Government Affairs. (All Commission Districts.)”

Katy Simon, County Manager, stated there was nothing to report to the Board.

08-1115 AGENDA ITEM 23 – REGISTRAR OF VOTERS

Agenda Subject: “Acknowledge report of election preparations with particular emphasis on security issues. (All Commission Districts.)”

Dan Burk, Registrar of Voters, conducted a PowerPoint presentation highlighting a list of early voting locations and Election Day security, which was placed on file with the Clerk. He indicated there would be 19 early voting locations that would be opened for 14 days. Mr. Burk explained the distribution of staff and the voting machines that would be at the voting locations. He said the appointed Election Task Force implemented earlier in the year reviewed security issues concerning the Sequoia Voting System. Mr. Burk said there were 16 recommendations made from the Task Force. He noted 10 of those recommendations that were related to Election Day and pre-Election Day had been implemented by the Registrar of Voters Office. He said a critical long-term goal was planning in the event of a disaster. Mr. Burk explained that Washoe County was the first jurisdiction in the Country to implement regionalization. Mr. Burk reviewed security applications that were in place for the ballot boxes, absentee ballots, and the stand alone computer server, which was not connected to any other server. He explained 11 different security applications were added to the outside of every unit which were all checked on election night when the boxes were returned.

Chairman Larkin asked if there was video auditing located within the counting room. Mr. Burk replied not at the present time, but an alarm system was

activated at the warehouse facility. He added video auditing could certainly be considered in the future.

Commissioner Galloway congratulated Mr. Burk on the Primary Election. He remarked the paper trail had always been implemented in Nevada to detect fraud and stated there had not been any disputable discrepancies.

Mr. Burk indicated a new system was devised so that each person who arrived on Election Day would receive a "Voter Passport" that could quickly identify the voters correct precinct and would also benefit the poll workers. He explained there would be a code activated by a handheld scanner enabling the poll worker to give the citizen the correct card to activate their ballot. Chairman Larkin clarified the passport would only be available at the polling locations and not in advance so there could be no duplication of the information. Mr. Burk stated the passport would be surrendered after the citizen voted to help in rectifying the record.

Commissioner Weber thanked staff for their hard work regarding the election process. She said it was apparent that all of the security concerns had been reviewed by the Election Task Force and precautions were taken to secure all votes. Commissioner Weber commented there was not an early voting location in Sun Valley. She clarified that was not due to budget issues, but in the past there were not many Sun Valley residents who participated in early voting. Mr. Burk explained during early voting a citizen could go to any voting location to cast their vote. He added absentee ballots were available until October 28, 2008 and noted that form was available in the Sample Ballot.

Commissioner Humke asked if the Voter Passport would be used in the early voting process. Mr. Burk said the passport would not be used in early voting and explained during early voting a label would be printed for the voter to sign then the signature would be matched on the screen. He said there was live connectivity to update the voting file. Commissioner Humke asked how many polling places would be available this year on Election Day. Mr. Burk replied there would be 99 voting locations on Election Day. Commissioner Humke asked if it were possible for citizens to register multiple times. Mr. Burk said that did not occur. He explained when a citizen registered to vote at another place other than the Registrar of Voters Office or The Department of Motor Vehicles (DMV), identification would be requested when that person voted for the first time in the County. Mr. Burk stated when a group requested 100 or more applications those serial numbers were recorded and then reviewed to see if anything was done inappropriately. He added he had not seen any voter registration fraud in the County. Commissioner Humke asked if some of the suspected groups who were accused of committing voter fraud in Clark County had been active in Washoe County. Mr. Burk commented there was a group that requested 800 applications, but since the Secretary of State's Office raided a facility in Clark County, Washoe County was reviewing applications to ensure fraud had not taken place. Commissioner Humke commented the County was fortunate to have Mr. Burk as the Registrar of Voters.

Commissioner Galloway asked if every new registered voter would be asked to show identification or would some be exempt if they registered at the Registrar of Voters or the DMV. Mr. Burk reiterated if a citizen registered in either of those offices, identification was required at the time of registration, but if they registered at another organization and had not voted previously in the County, then identification would be requested at the time of voting. Commissioner Galloway asked if there was a way to track a vote or the identity of the voter by the Voter Passport. Mr. Burk explained there was no way for staff or the public to know that information, the passport simply transmitted the correct ballot and precinct number.

Chairman Larkin stated he was completely satisfied with the security measures that were implemented.

There was no response to the call for public comment.

On motion by David Humke, Commissioner, seconded by Jim Galloway, Commissioner, which motion duly carried with Kitty Jung, Commissioner, absent, Chairman Larkin ordered that Agenda Item 23 be acknowledged.

4:25 p.m. The Board convened as the Board of Fire Commissioners for the Sierra Fire Protection District (SFPD).

4:31 p.m. The Board adjourned as the SFPD Board of Fire Commissioners and convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District.

4:45 p.m. The Board recessed.

5:35 p.m. The Board reconvened with Commissioner Humke absent.

08-1116 AGENDA ITEM 27 – COMMUNITY DEVELOPMENT

Agenda Subject: “Development Agreement Case No. DA08-006--Feather River Tentative Subdivision Map Case No. TM06-006--Community Development. (Commission District 4.) Consider adoption of Development Agreement Case No. DA08-006 for Feather River, Tentative Subdivision Map Case No. TM06-006, which was previously approved by the Washoe County Planning Commission (APN’s 084-291-38, 084-040-08 and 084-322-03). And If Approved, Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case No. DA08-006 for Tentative Subdivision Map Case No. TM06-006 for Feather River Subdivision as previously approved by the Washoe County Planning Commission.”

Chairman Larkin opened the public hearing by calling on anyone wishing to speak for or against Development Case No. DA08-006. There being no one wishing to speak the Chairman closed the public hearing.

Kim Robinson, Planning Manager, explained this was a Development Agreement for the Feather River Tentative Map, a 321 lot common open-space subdivision. She said staff was proposing this Development Agreement for the opportunity to review some outstanding issues including the financing and infrastructure necessary for this project to move forward.

Commissioner Galloway asked if this firmed up development rights. Ms. Robinson replied the tentative map was previously approved so the entitlement was already there. She said this allowed staff the flexibility in conversations surrounding financing and infrastructure. Commissioner Galloway asked if those entitlements expired once the subdivisions were approved. Ms. Robinson stated the tentative map did expire and the first final recorded map needed to be recorded within two years. She remarked that expiration was November 13, 2008.

Chairman Larkin asked if this was a facilities plan that would be in compliance with the Regional Plan concurrency requirements. Ms. Robinson said that was correct.

On motion by Jim Galloway, Commissioner, seconded by Chairman Larkin, which motion duly carried with Commissioners Humke and Jung absent, it was ordered that Agenda Item 27 be adopted.

08-1117 AGENDA ITEM 27A – COMMUNITY DEVELOPMENT

Agenda Subject: “Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case No. DA08-006 for Tentative Subdivision Map Case No. TM06-006 for Feather River Subdivision as previously approved by the Washoe County Planning Commission.”

Bill No. 1565, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA08-006 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM06-006 FOR FEATHER RIVER SUBDIVISION AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION," was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

08-1118 AGENDA ITEM 28

Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational

Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).”

Chairman Larkin said the Truckee Meadows Water Authority (TMWA) would hold their annual retreat on October 15, 2008.

5:38 p.m. On motion by Jim Galloway, Commissioner, seconded by Bonnie Weber, Vice Chairperson, which motion duly carried with Commissioners Humke and Jung absent, Chairman Larkin ordered that the meeting be adjourned.

Robert Larkin, Chairman,
Washoe County Board of Commissioners

Attest:

Amy Harvey, Washoe County Clerk
Washoe County Board of Commissioners

Clark

Resolution of Appreciation

Whereas, Our entire region relies upon a multi-tiered emergency response system for the protection of lives and property during times of emergency; and

Whereas, This emergency response system could not exist without dedicated staff and volunteers; and

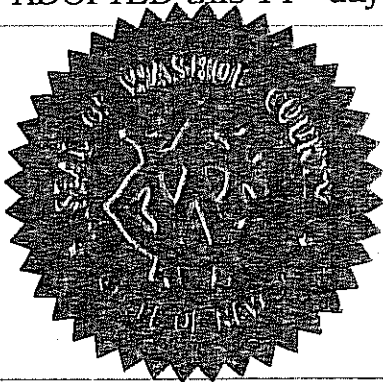
Whereas, On September 1, 2008 a tragic accident occurred involving the crash and subsequent loss of life when a firefighting air craft impacted an area of Silver Knolls; and

Whereas, Members of the Silver Lake Volunteer Fire Department left their homes and families to respond to the incident and alongside their paid counter parts aggressively took action to contain the fire, minimizing the threat to the surrounding community; and

Whereas, Numerous members of the Silver Lake Fire Department family and community members responded to the Truckee Meadows Silver Lake Fire Station and provided support to the personnel staffing the command post for the next 6 days; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners, on behalf of the residents of Washoe County, extend heartfelt gratitude to the Silver Lake volunteers and community members who responded; and further, commend their tremendous effort in response and support of others during the tragic incident of September 1, 2008 and the days that followed.

ADOPTED this 14th day of October, 2008.



Robert M Larkin

Robert M. Larkin, Chairman
Washoe County Commission

08-10-08

Clerk

PROCLAMATION
Designating October 16, 2008 as
“National Feral Cat Day”

WHEREAS, National Feral Cat Day is a day dedicated to educating communities about Trap-Neuter-Return (TNR), the only method proven to be both humane and effective in controlling feral cat populations; and

WHEREAS, TNR stops the cycle of breeding and is recognized throughout the United States and other countries as a morally acceptable alternative to euthanizing healthy animals; and

WHEREAS, The incidence of disease in feral cat colonies is no higher than among owned cats; and

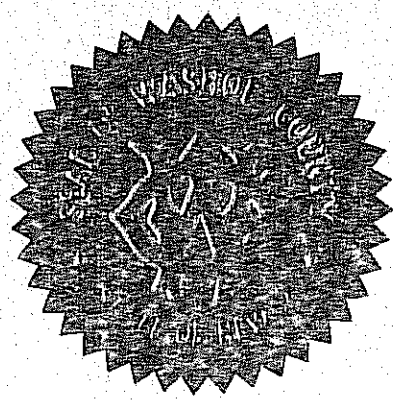
WHEREAS, TNR has been shown to reduce complaints and cut community shelter costs associated with feral cats; and

WHEREAS, Diana Lucree, DVM, and Community Cats has trapped-neutered-returned nearly 8,000 feral cats and fostered, socialized and adopted 300 feral cats and kittens into good homes and approximately 150 additional feral cats through the Barn Cat Program; and

WHEREAS, Both Washoe County Regional Animal Services and its partner agency, Nevada Humane Society, cooperatively support joint benefits of TNR programs and recognition of National Feral Cat Day; now, therefore, be it

PROCLAIMED, By the Board of Commissioners of Washoe County, Nevada, that October 16, 2008, is endorsed and designated as “National Feral Cat Day” in the County of Washoe, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved with promoting Trap-Neuter-Return (TNR) as an essential component of good feral cat health care in addition to being an effective and humane means of decreasing euthanasia of feral or free roaming felines in shelters and for the people of Washoe County to observe the day by sponsoring the spaying or neutering of a feral cat, or by having a feral cat in our community spayed or neutered by Community Cats.

ADOPTED this 14th day of October, 2008.



Robert M Larkin
Robert M. Larkin, Chairman
Board of County Commissioners

08-1062

PROCLAMATION

WHEREAS, There are 42,000 credit unions in 92 nations across the globe that provide high quality financial services to more than 157 million members; and

WHEREAS, On November 24, 1908, credit unions were established in the United States to empower people to collaboratively work towards economic advancement, which is at the core of the credit union philosophy, "People Helping People"; and

WHEREAS, There are more than 467,000 credit union members in the State of Nevada, with 22,814 members in the County of Washoe, who rely on the guidance and financial services provided by credit unions; and

WHEREAS, Credit unions are independent member-owned financial institutions that unite people and improve their economic futures by providing access, options and counseling that will better their member-owners' lives; and

WHEREAS, Credit unions are making financial democracy possible in China, Poland, Russia, Ghana, Argentina, Ukraine and other countries throughout the world; and

WHEREAS, Credit unions are continually at the forefront of responsible lending and provide our communities with financial literacy education in order to alleviate the current economic challenges; now, therefore, be it

PROCLAIMED, That the Board of Washoe County Commissioners declares October 16, 2008 as International Credit Union Day in Washoe County and celebrates the 100th Anniversary of Credit Unions in the United States; and the Board recognizes and honors the contributions that credit unions have made throughout the world and the great benefits provided to our communities.

ADOPTED this 14th day of October, 2008.

ATTEST:

Robert M. Larkin, Chairman
Washoe County Commission

Amy Harvey
Washoe County Clerk

A-10/14/08
TR

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

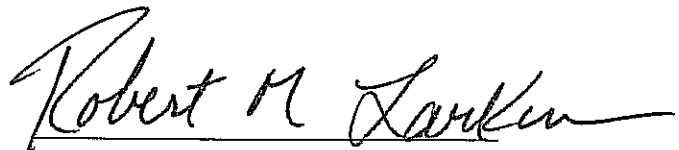
WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2008-2009 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Health Access Washoe County (HAWC), a private, nonprofit organization, a grant for fiscal year 2008-2009 in the amount of \$2,858 (Community Support).
2. The purpose of the grant is to provide support access to health care for the uninsured.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract

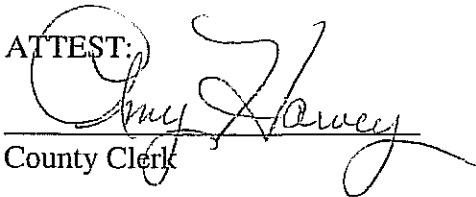
08-10-08
2,858-80

Adopted this 14th day of October 2008



Robert M. Larkin, Chairman
Washoe County Commission

ATTEST:



County Clerk

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization

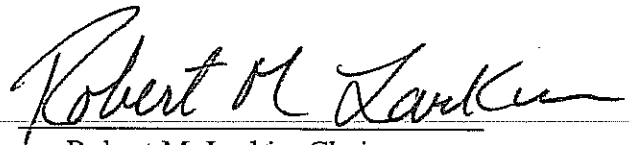
WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2008-2009 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

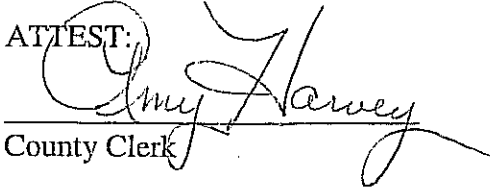
1. The Board hereby grants to Family Promise a private, nonprofit organization, a grant for fiscal year 2008-2009 in the amount of \$45,938 (Community Support).
2. The purpose of the grant is to provide transitional shelter and comprehensive assistance for homeless families in the Truckee Meadows.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

Adopted this 14th day of October, 2008



Robert M. Larkin, Chairman
Washoe County Commission

ATTEST:


County Clerk

08-1089
6801-80

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization

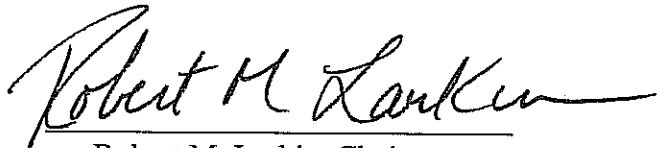
WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2008-2009 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

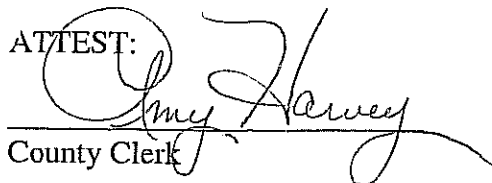
1. The Board hereby grants to Crisis Call Center a private, nonprofit organization, a grant for fiscal year 2008-2009 in the amount of \$34,453 (Community Support).
2. The purpose of the grant is to provide a crisis call line 24 hours a day, 7 days a week to Truckee Meadows residents.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

Adopted this 14th day of October 2008



Robert M. Larkin, Chairman
Washoe County Commission

ATTEST:


County Clerk

6801-80

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization

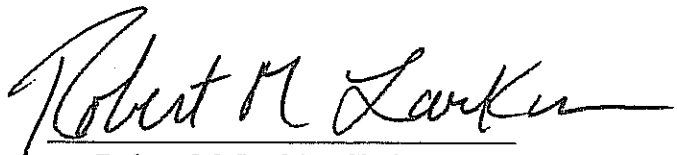
WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2008-2009 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

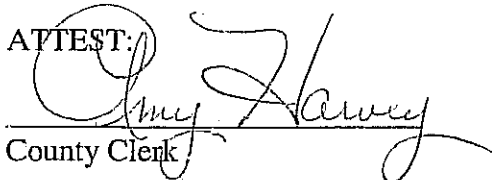
1. The Board hereby grants to The Children's Cabinet a private, nonprofit organization, a grant for fiscal year 2008-2009 in the amount of \$87,813 (Community Support).
2. The purpose of the grant is to provide respite childcare for Washoe County children at-risk of being neglected or abused.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

Adopted this 14th day of October 2008



Robert M. Larkin, Chairman
Washoe County Commission

ATTEST:



Amy Harvey
County Clerk

08-1089

RESOLUTION – Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2008-2009 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

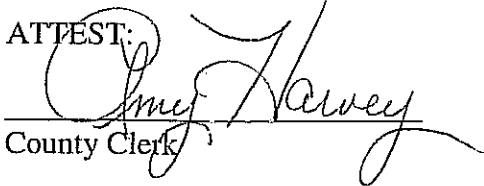
1. The Board hereby grants to the Food Bank of Northern Nevada, Inc., a private, nonprofit organization, a grant for fiscal year 2008-2009 in the amount of \$45,938 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

Adopted this 14th day of October, 2008



Robert M. Larkin, Chairman
Washoe County Commission

ATTEST:


County Clerk

08-1080
bsa-80

RESOLUTION NO. ____

A RESOLUTION DIRECTING THE COUNTY TREASURER TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; RATIFYING ALL ACTIONS PREVIOUSLY TAKEN; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board of Commissioners (the "Board") of the County of Washoe (the "County"), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A attached hereto and incorporated herein (the "Districts"), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land ("properties") in the respective Districts; and

WHEREAS, the Board has by their respective ordinances levied assessments against the properties; and

WHEREAS, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada's Consolidated Local Improvements Law, NRS Chapter 271; and

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A attached hereto ("delinquent properties"), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

WHEREAS, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

08-1023

1701

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WASHOE, STATE OF NEVADA AS FOLLOWS:

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 2:00 p.m. on October 29, 2008, in the Washoe County Commission Chambers, 1001 E 9th St, Reno Nevada,** which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the

08-1093

last known owner or owners of all properties subject to sale or other designated person at his or her last-known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

ADOPTED this 14th Day of October 2008, by the following vote:

AYES: Galloway, Humke, LARKIN, Weber

NAYS: none

ABSENT: Comm. Jung

ABSTAIN: none

Robert M Larkin
Chairman
Washoe County Commission

ATTEST:
Amy Harvey
County Clerk

08-10-08

08-10-08

EXHIBIT A

Delinquent Parcels -- by Assessment District - as of 09/24/2008

WCAD #21 Cold Springs Sewer -- **District 5**
9 parcels

087-582-01
556-051-07
556-053-04
556-053-05
556-071-02
556-071-17
556-101-01
556-312-12
566-091-03

WCAD #23 Arrowcreek Water -- **District 2**
5 parcels

152-160-19
152-532-05
152-875-01
152-875-03
152-913-02

WCAD #30 Antelope Valley Road -- **District 5**
1 parcel

079-470-64

WCAD #31 Spearhead Way - Running Bear Dr -- **District 3**
1 parcel

552-040-66

~~WCAD #37 Spanish Springs Sewer Phase 1A -- **District 4**~~
~~7 parcels~~

~~089-243-17
089-243-21
089-274-18
089-333-01
089-344-02
089-344-08
089-361-02~~

Total Parcels 23

08-1093

Commission District
District 5

Commission District
District 4

Commission District
District 3

Commission District
District 1

Commission District
District 2



Washoe County GIS Program
Technology Services/GIS Division
Sep 2008 GZ

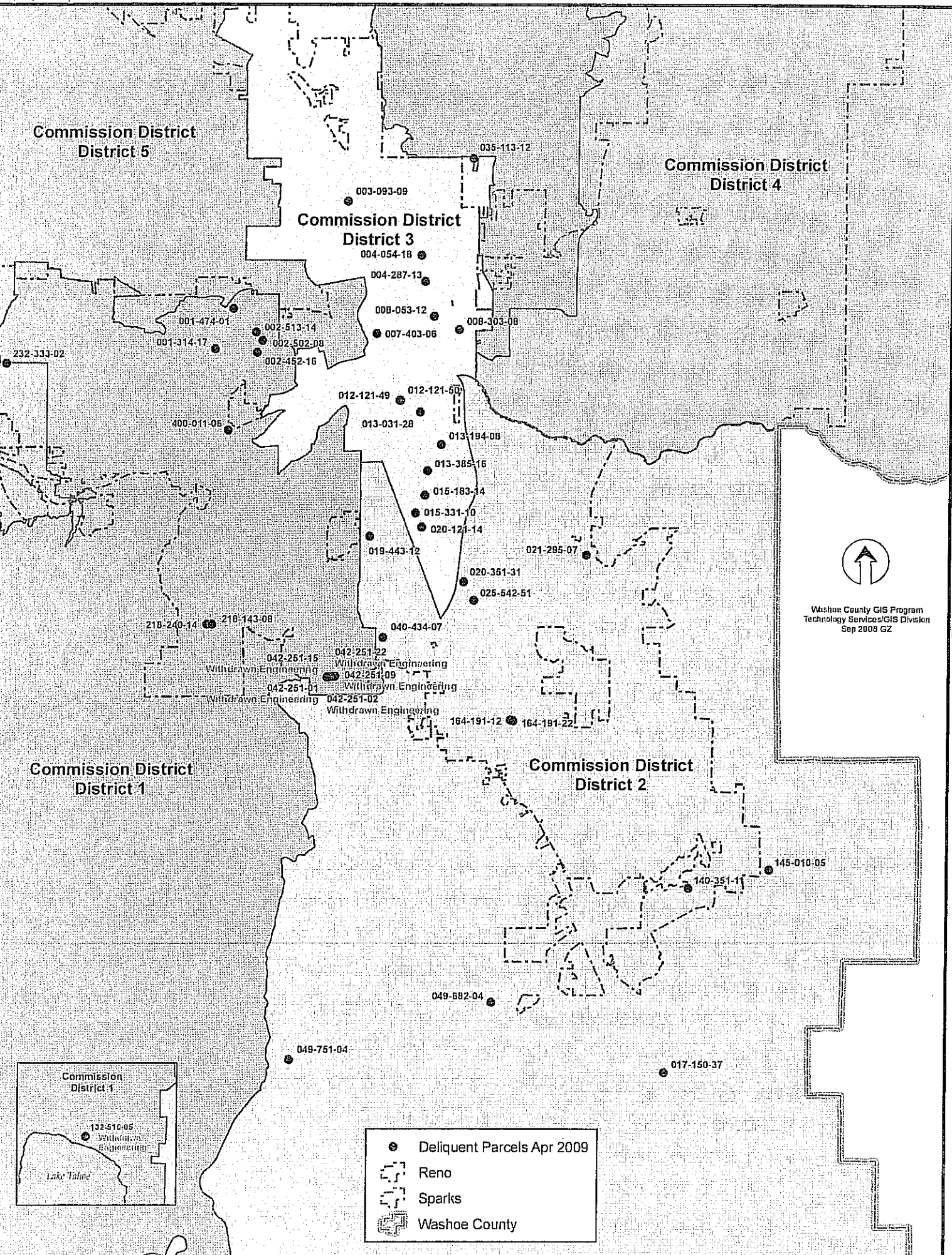
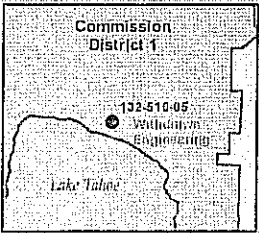
08-1093

● Delinquent Parcels Apr 2009

▭ Reno

▭ Sparks

▭ Washoe County



INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

A Contract Between the State of Nevada
Acting By and Through Its

DEPARTMENT OF PUBLIC SAFETY
RECORDS & TECHNOLOGY DIVISION, RECORDS BUREAU
333 WEST NYE LANE, SUITE 100, CARSON CITY, NEVADA 89706
PHONE (775) 684-6262 FAX (775) 684-6265
(hereinafter "State")

and

WASHOE COUNTY
ON BEHALF OF
WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE
1 SOUTH SIERRA
RENO NV 89501
PHONE (775) 321-4300 FAX (775) 321-4328
(hereinafter "User")

WHEREAS, NRS 277.180 authorizes any one or more public agencies to contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform; and

WHEREAS, THE AUTHORITY GRANTED TO THE **State** to enter into this contract with the **User** is pursuant to NRS chapter 179A; and

WHEREAS, it is deemed that the services hereinafter set forth are both necessary and in the best interests of [the State of Nevada;

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective upon approval and shall remain in full force and effect until terminated by either party as provided for in this contract, including, but not limited to, the incorporated Attachment A: Scope of NCJIS **User** Agreement. This Contract will be reviewed at each compliance audit by the NCJIS Audit Staff.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until **30** days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason State and/or federal funding ability to satisfy this Contract is withdrawn, limited, or impaired.
5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.

08-1110

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6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT A: **SCOPE OF NCJIS USER AGREEMENT**

7. CONSIDERATION. The **State** agrees to provide the services set forth in paragraph (6) pursuant to the provisions of NRS chapter 179A. The **User** agrees, in return, to comply with those items and requirements as set forth in paragraph (6).

8. ASSENT. The parties agree that the terms and conditions listed on incorporated attachments of this Contract are also specifically a part of this Contract and are limited only by their respective order of precedence and any limitations expressly provided.

9. INSPECTION & AUDIT.

a. Books and Records. Each party agrees to keep and maintain under general accepted accounting principles full, true and complete records, agreements, books, and documents as are necessary to fully disclose to the other party, the **State** or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with any applicable regulations and statutes.

b. Inspection & Audit. Each party agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the party, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location where such records may be found, with or without notice by the other party, the **State** Auditor, Employment Security, the Department of Administration, Budget Division, the Nevada **State** Attorney General's Office or its Fraud Control Units, the **State** Legislative Auditor, and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives.

10. BREACH; REMEDIES. Failure of either party to perform any obligation of this Contract shall be deemed a breach. Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but not limited to actual damages, and to a prevailing party reasonable attorneys' fees and costs.

11. LIMITED LIABILITY. The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. To the extent applicable, actual contract damages for any breach shall be limited by NRS 353.260 and NRS 354.626.

12. FORCE MAJEURE. Neither party shall be deemed to be in violation of this Contract if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Contract after the intervening cause ceases.

13. INDEMNIFICATION. Neither party waives any right or defense to indemnification that may exist in law or equity.

14. INDEPENDENT PUBLIC AGENCIES. The parties are associated with each other only for the purposes and to the extent set forth in this Contract, and in respect to performance of services pursuant to this Contract, each party is and shall be a public agency separate and distinct from the other party and, subject only to the terms of this Contract, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Contract. Nothing contained in this Contract shall be deemed or construed to create a partnership or joint venture, to create relationships of

an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

15. WAIVER OF BREACH. Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

16. SEVERABILITY. If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the nonenforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.

17. ASSIGNMENT. Neither party shall assign, transfer or delegate any rights, obligations or duties under this Contract without the prior written consent of the other party.

18. OWNERSHIP OF PROPRIETARY INFORMATION. Unless otherwise provided by law or this Contract, any reports, histories, studies, tests, manuals, instructions, photographs, negatives, blue prints, plans, maps, data, system designs, computer code (which is intended to be consideration under this Contract), or any other documents or drawings, prepared or in the course of preparation by either party in performance of its obligations under this Contract shall be the joint property of both parties.

19. PUBLIC RECORDS. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.

20. CONFIDENTIALITY. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Contract.

21. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract and that the parties are authorized by law to perform the services set forth in paragraph (6).

22. GOVERNING LAW; JURISDICTION. This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the **State** of Nevada. The parties consent to the jurisdiction of the Nevada district courts for enforcement of this Contract.

23. ENTIRE AGREEMENT AND MODIFICATION. This Contract and its integrated attachment(s) constitute the entire agreement of the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto, approved by the State of Nevada Office of the Attorney General.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

USER

By: _____

Title: _____

Date: _____

By: _____

Representative from Political Subdivision
Approving Agreement (if necessary)

Title: _____

Date: _____

DEPARTMENT OF PUBLIC SAFETY

By: _____

Title: **Chief, Records & Technology Division**

Date: _____

By: _____

Title: **Chief, DPS, Administrative Services**

By: _____

APPROVED AS TO FORM:
Deputy Attorney General

Date: _____

08-1110

ATTACHMENT A: SCOPE OF NCJIS USER AGREEMENT

WITNESSETH

- 1) The Nevada Criminal Justice Information System and the State's Law Enforcement Message Switch (hereinafter referred to as "NCJIS") is a computerized information and electronic message switching system established as a service to all local, state and federal criminal justice and public safety agencies, as well as, other NCJIS approved non-criminal justice governmental agencies. The objective is to maintain an efficient, effective and accurate system, that will provide for the automated exchange of law enforcement, criminal justice, public safety, motor vehicle and drivers license information to all authorized system USERS.
- 2) Through this program, any public or private entity who does not serve in a criminal justice capacity as defined by NRS 179A.020 - 179A.030 or an entity as defined in NRS 432B and 424, will not be given on-line terminal access to criminal history record information. On-line terminal access to wanted person and other law enforcement, public safety, motor vehicle and driver's license information is at the discretion of, and subject to the recommendation of the Criminal Justice Information System (CJIS) Systems Officer (CSO) and approval by the Director of the Department of Public Safety. However, any public or private entity may make application for criminal history record information through the Central Repository for Nevada records of criminal history and/or its Civil Name Check Program which is not regulated by the terms and conditions of this agreement, but available through the Records and Identification Bureau a Division of the Department of Public Safety, CJIS Systems Agency (hereinafter "CSA") under a separate agreement that was developed for that purpose.
- 3) The CSA, through its CJIS Systems Officer (CSO), will maintain and administer management control, with respect to the NCJIS Administrative Policies, the NCJIS Operating Procedures, system access, terminal and operator configurations, quality control, validations, service evaluations, training requirements, technical and operational security policies, new applications, compliance audits and system discipline. Said management control will include not only NCJIS, but all other automated computer systems or programs that are accessed through NCJIS or administered by the CSA and referenced in this agreement. These are: the National Crime Information Center ("NCIC"), the National Law Enforcement Telecommunications System ("NLETS"), the Western Identification Network ("WIN"), the California Law Enforcement Telecommunications System ("CLETS"), the National Instant Check System ("NICS"), and the National Integrated Automated Fingerprint Identification System ("IAFIS").
- 4) While the CSA, through the CSO, maintains and administers management control of NCJIS, as well as, all programs accessed through NCJIS, the Director of the Department of Public Safety has the final authority.
- 5) In addition, the NCJIS Steering Committee was established to provide assistance in the development of and enhancements to the NCJIS data base. The NCJIS Steering Committee provides recommendations for technical and operational design development. The NCJIS Steering Committee is further broken down into the Northern Technical Subcommittee and Southern Technical Subcommittee comprised of TACs and NCJIS users. Through topics presented at these regional meetings, the NCJIS Steering Committee members act as a conduit of information from all users/contributors to NCJIS for the purpose of bringing information to the CJIS Systems Officer.

NOW THEREFORE, being duly enlightened of the foregoing representations and promises, conditions and other valuable considerations obtained herein or incorporated by reference, the parties, by representation of authorized officials, do mutually covenant as follows:

- 1) Through this program, the CSA agrees to provide the USER with access to NCJIS, through the Nevada State Law Enforcement Message Switcher and through telecommunication lines, as well as, drops and ports of entry, provided that such access and any computer interfaces remain under the management control of a criminal justice agency, a public safety or NCJIS approved governmental agency and the agency abides by the technical security requirements as outlined in policy.
- 2) The CSA agrees to provide training pursuant to policies for all terminal agency and assistant terminal agency coordinators ("TAC" and "ATAC"), other agency personnel and administrators pursuant to policy. The NCJIS Training Policies include the mandatory NCIC training standards for terminal operators, criminal justice practitioners, and agency administrators.
- 3) The USER agrees to abide by all NCJIS administrative policies and operating procedures of NCJIS, including NCIC, NLETS, WIN, CLETS, NICS and IAFIS, as well as, laws and regulations of this state and the Federal government that are adopted by or imposed upon the CSA, to the extent that they are applicable to the information provided under this agreement.
- 4) Financing and budgeting for access to NCJIS shall be accomplished in accordance with the NCJIS Administrative Policies. Agencies that have been approved for terminal access will be responsible to budget funds for the initial connection, additional connections, compatible computer and terminal equipment, continuing line costs, or any costs associated with additional circuitry and technical security between the agency and NCJIS.
- 5) USER agrees to locate all devices, i.e., terminals, printers, etc., with access to NCJIS, or any other systems accessed through the NCJIS, in a secure area out of public view, or where unauthorized access cannot be gained. This includes the use of the sign-on/sign-off function and the security of individual user IDs and passwords.
- 6) Indirect non-terminal agency ("NTA") access to NCJIS or its ancillary systems through an NCJIS Terminal Agency ("TA") can only be made through a formalized user agreement or letter of understanding between the parties, which must include training of applicable non-terminal agency personnel by the TA. All transactions made by the NCJIS TA for the NTA through NCJIS must be done by using the NTA's assigned Originating Agency Identifier ("ORI") or by maintaining a log of the transaction. If records that require hit confirmation are entered by the NCJIS TA for the NTA, then the NCJIS TA must be available to confirm hits 24 hours a day, 7 days a week.
- 7) USER agrees to implement policies and procedures to protect all information obtained through NCJIS or any other systems accessed through the NCJIS from unauthorized access, alteration, or destruction.
- 8) Since the administrative policies of all of the systems accessed through NCJIS remain broad in their interpretation, it is the responsibility of the USER to adopt and implement internal written procedures that are relevant to their agency's use of NCJIS and its ancillary systems. These internal procedures may not be contrary, or in any way, supersede law or the established administrative policies or operating practices relating to these systems.

- 9) USER agrees to limit the use of all information obtained through NCJIS for the authorized purpose for which it was intended and to securely destroy the information when it is no longer needed. USER further acknowledges that the information obtained through NCJIS is susceptible to change, and therefore USER must assure that measures will be take to obtain the most current and accurate information through NCJIS.
- 10) Misuse of any information obtained via NCJIS may be grounds for the imposition of sanctions in the form of cancellation of records and/or discontinuance of service through NCJIS upon confirmation of misuse, continued non-compliance or technical violations occurring against any of the systems.

08-11-80

- 11) Authority to access NCJIS criminal history record information or NCIC Interstate Identification Index ("III") is limited to criminal justice agencies and entities as defined in NRS 432B and 424 may be used only for authorized purposes. USER agrees to abide by appropriate purpose code uses as defined in the NCJIS Administrative Policies and NCIC Operating Manual. USER agrees that III will never be inquired upon for non-criminal justice purposes, such as licensing, employment or regulatory purposes unless authorized by the FBI and State statute. Unauthorized disclosure or misuse of data by the USER or its employees can be cause for imposition of sanctions and possible cancellation of service provided by this agreement. The CSA will monitor system use, as necessary, concerning inquiries made of the system to detect possible misuse.
- 12) System integrity and the completeness and accuracy of information entered into the system is paramount and the USER will allow the NCJIS Audit Staff to conduct compliance audits, to review USER's records to assure reliability of stored data and make corrections of non-valid data discovered as a result of the audit. Measures for purging or canceling entries will be adhered to for enhancing reliability of all data. NCJIS compliance audits, as well as, directed audits are also conducted for the purpose of investigating any allegation(s) of misuse regarding NCJIS, or any other system accessed through NCJIS.
- 13) USER agrees to appoint a Terminal Agency Coordinator ("TAC") to represent and speak on behalf of their agency. All requests concerning NCJIS must be coordinated through the TAC. This individual may make recommendations to the USER regarding needed policy changes within the agency that are relevant to NCJIS. The USER may also elect to appoint an Assistant Terminal Agency Coordinator ("ATAC") to assist the TAC with system duties and responsibilities. Both the TAC and ATAC shall meet the minimum qualifications as stated in the NCJIS Administrative Policies. The TAC is responsible for ensuring compliance with all applicable laws, rules, regulations, policies and procedures governing NCJIS and its ancillary systems. The TAC serves as a central point in his/her agency for managing record validations, quality control matters, dissemination of manuals and other NCJIS publications, NCJIS system security matters, agency personnel training, training of all non-terminal agency personnel, agency self-audits, NCJIS compliance audits and any problems concerning NCJIS usage.
- 14) USER agrees to ensure that the TAC is available during hours that are conducive to the administration of NCJIS and to be the liaison between the USER and the NCJIS Staff with regard to NCJIS. If a new TAC is designated or as ATACs change, the USER agrees to immediately notify the CSA in writing.
- 15) USER agrees to provide training within their own agency, pursuant to the NCJIS Training Plan and the mandatory NCIC training standards.
- 16) USER shall ensure that a thorough background screening of personnel is conducted. State and national fingerprint-based record checks must be conducted within 30 days upon initial employment or assignment for all personnel, including appropriate IT personnel, having access to information from NCJIS or its ancillary systems. USER must also screen custodial, support, and/or contractor personnel accessing terminal areas and records storage areas containing said data.
- 17) USER agrees that access will not be granted until all necessary forms, documents and agreements have been satisfactorily completed and/or signed and returned to the CSA. USER agrees to not make any changes in the location of any terminal equipment/device or discontinue or alter service, unless advance notification is made in writing by the TAC or ATAC to the CSA. For additional access, USER agrees to request said access in writing by the TAC or ATAC to the CSA.
- 18) USER agrees that any requests to provide functions and/or make changes in terminal operators, user IDs, etc., requires written notification by the TAC or ATAC to the CSA.

- 19) USER agrees that all correspondence and requests relating to the CSA shall be done through the CSO, Programs Development and Compliance Unit at 333 West Nye Lane, Suite 100, Carson City, Nevada, 89706; or fax (775) 687-1843.
- 20) Any contract or changes to the USER's agency which would affect the operation or management control of NCJIS, such as privatization, must be brought to the attention of the CSA prior to such changes.
- 21) The conditions of this Agreement are not optional and may not be modified.

TERMINATION

The CSA may purge records, suspend or terminate access to NCJIS, when in its reasonable estimation, a violation of a specific term of this agreement or of any substantive requirement or limitation imposed by NCJIS, state or Federal statutes, regulation or rules incorporated into this agreement occurs, of which shall be deemed a breach of terms.

In the event of termination of this agreement, any real or personal property used to carry out the provisions of this agreement shall be disposed of by the party having the responsibility for financing the acquisition and maintenance of such.

08-11-10