

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

DECEMBER 8, 2009

PRESENT:

David Humke, Chairman
Bonnie Weber, Vice Chairperson
John Breternitz, Commissioner
Bob Larkin, Commissioner
Kitty Jung, Commissioner

Amy Harvey, County Clerk
John Berkich, Assistant County Manager*
Melanie Foster, Legal Counsel

The Board convened at 10:04 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

John Berkich, Assistant 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.

09-1227 AGENDA ITEM 3 – HUMAN RESOURCES

Agenda Subject: “Presentation of Excellence in Public Service Certificates honoring Washoe County employees who have completed essential employee development courses.”

John Berkich, Assistant County Manager, recognized the following employees for successful completion of the Excellence in Public Service Certificate Programs administered by the Human Resources Department:

Essentials of High Performing Teams
Shelly Luke, Family Support Specialist
Brian Stuart, Account Clerk
Patricia Garrick, Office Assistant II
Stacey Jackson, Office Support Specialist

Essentials of Support Staff

Linda Bucher, Office Support Specialist
Donna Borrero, Office Assistant II
Diana Knight, Office Support Specialist
Darlene Payne, Office Assistant II
Stacey Jackson, Office Support Specialist

Essentials of Personal Effectiveness

Vicki Hamm, Legal Secretary
Stacey Jackson, Office Support Specialist
Patricia Garrick, Office Assistant II
Darlene Payne, Office Assistant II
Diana Knight, Office Support Specialist
Donna Borrero, Office Assistant II

09-1228 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.”

Jeffrey McCutcheon spoke on the proposed Special Assessment District (SAD) concerning the Northgate Golf Course. He requested the Board grant the affected homeowners additional time to reach the two-thirds majority needed to establish the SAD.

09-1229 AGENDA ITEM 40

Agenda Subject: “Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.”

10:14 a.m. The Board recessed to a Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

11:12 a.m. The Board reconvened in open session with all members present.

09-1230 AGENDA ITEM 4

Agenda Subject: “Resolution of Accomplishment for Commissioner Kitty Jung as receipt of the Twenty Under 40 Awards.”

Commissioner Weber read and presented the Resolution to Commissioner Jung. Commissioner Jung thanked her parents, her husband and the Board for their support and encouragement.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 4 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-1231 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.)”

John Berkich, Assistant County Manager, stated, per District Attorney Richard Gammick, Agenda Item 12 would be heard at a later date. He also stated Agenda Items 28 and 35 would be pulled for a later meeting. Mr. Berkich explained the public hearing would be opened for Agenda Item 38 and then continued.

Commissioner Larkin requested a review of the population plus Consumer Price Index (CPI) policy for budget growth. He stated the Board should have received a letter he sent to the Bureau of Land Management (BLM) Area Manager for the Broken Hills Collaborative Management Agreement. He requested an action item for that agreement during a January meeting. Commissioner Larkin requested a presentation from the Spending and Government Efficiency (SAGE) Commission on items the SAGE Commission recommended to the State. He also requested that the Board return to work with the Financial Management System put in place by the International City/County Management Association (ICMA) and a presentation and recommendation from the Finance Director in terms of what ratio analysis would benefit Commissioners when quarterly financials were reviewed.

Commissioner Weber asked that due to the current weather conditions, Agenda Item 36, first reading of the nuisance ordinance, be postponed until January 12, 2010. She stated during a recent Nevada Association of Counties (NACO) meeting there was an update on earthquakes and requested that update be presented to the Board.

In response to Commissioner Weber’s request, Commissioner Jung asked if the Board had the capability for citizens to call in with questions. Melanie Foster, Legal Counsel, explained Agenda Item 36 was not a public hearing. She said all that legally would occur was the reading of the ordinance and the identification of further changes if necessary. Ms. Foster indicated the Board did not have the capability for the public to call in.

Chairman Humke suggested the postponement of Agenda Item 36 be posed for a vote. Ms. Foster explained since that item was a time certain no action could be taken at this time.

After further discussion, on motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Items 12, 28 and 35 be postponed until a later meeting.

CONSENT AGENDA – ITEMS 7A THROUGH 7S(2)

It was determined that Agenda Items 7E and 7I(1) would be pulled from consent for further discussion and a separate vote.

09-1232 AGENDA ITEM 7A

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meetings of October 13 and 27, 2009.”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7A be approved.

09-1233 AGENDA ITEM 7B - ASSESSOR

Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2008/2009, 2007/2008 secured and unsecured tax rolls as outlined; and if approved, authorize Chairman to execute Order and direct Washoe County Treasurer to correct the errors [cumulative amount of increase \$11,106.37]. (Parcels in various Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7B be approved, authorized, directed and executed.

09-1234 AGENDA ITEM 7C – BUILDING AND SAFETY

Agenda Subject: “Approve appointments of Dave Pearce, Tony Abreu and Fred Taeubel to the Building Enterprise Fund Oversight Committee for four-year term starting January 1, 2010. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Dave Pearce, Tony Abreu and Fred Taeubel be appointed to the Building Enterprise Fund Oversight Committee for a four-year term starting January 1, 2010.

09-1235 AGENDA ITEM 7D - CLERK

Agenda Subject: “Authorize transfer as needed, but not to exceed \$20,000, of budget authority from the Contingency Account to the Washoe County Clerk’s Office for extraordinary clerical services which may be required in the upcoming 2010 County Board of Equalization proceedings; and if authorized, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7D be authorized and directed.

09-1236 AGENDA ITEM 7F - LIBRARY

Agenda Subject: “Accept State Grant-in-Aid Funds [\$20,574 - no County match required] for Fiscal Year 2010, for the Augmentation of Library Collections, and if accepted, authorize Library Director to sign grant award documents and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7F be accepted, authorized and directed.

09-1237 AGENDA ITEM 7G – REGISTRAR OF VOTERS

Agenda Subject: “Release bid for 100 Rolling Lockable Supply Vaults [estimated cost \$70,000]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7G be approved.

09-1238 AGENDA ITEM 7H - TREASURER

Agenda Subject: “Approve Resolution authorizing the County Treasurer to transfer to other governmental entities, real property held in trust due to property tax

delinquencies and other matters properly related thereto; and if approved, authorize Chairman to execute Resolution. (Commission District 3.)”

In response to a question from Commissioner Weber, Linda Jacobs, Account Clerk, explained because the City of Reno was requesting this for redevelopment, the City was responsible to pay the delinquent taxes.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7H be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-1239 AGENDA ITEM 7I(2) – COMMUNITY DEVELOPMENT

Agenda Subject: “Appoint Bruce England as an At-Large (District 5) member to fill an unexpired term to June 30, 2010 on the Sun Valley Citizen Advisory Board and appoint Bruce England to a new 2-year term expiring June 30, 2012. (Commission District 5.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Bruce England be appointed as an At-Large member on the Sun Valley Citizen Advisory Board to fill an unexpired term to June 20, 2010 and be appointed to a new two-year term ending June 30, 2012.

09-1240 AGENDA ITEM 7J(1) - FINANCE

Agenda Subject: “Notification of budget adjustment [\$4,500] made in order to accommodate travel expenditures in excess of the original budget, but within the Washoe County Manager’s Office Management Services Division funding approved in the Fiscal Year 2009/10 budget. (Commission District not applicable.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7J(1) be approved.

09-1241 AGENDA ITEM 7J(2) - COMPTROLLER

Agenda Subject: “Authorize Tax Collector to strike names and amounts identified on Delinquency/Uncollectable Personal Property Tax List for Fiscal Years 2000/01 through 2008/09 [totaling \$40,644.30]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7J(2) be authorized.

09-1242 AGENDA ITEM 7J(3) – FINANCE/RENO JUSTICE COURT

Agenda Subject: “Award Washoe County Request for Proposal No. 2687-09 to Alliance One Receivables Management Inc. and approve Collections Services Agreement between Washoe County (Reno Justice Court) and Alliance One Receivables Management, Inc. to provide Collections Services on behalf of the Reno Justice Court [no fiscal impact]; and, if all approved, authorize Chairman to execute Agreement. (All Commission Districts.)”

Commissioner Breternitz stated this agreement was for the collection of Justice Court warrants; however, questioned why the Cities of Sparks, Wadsworth and Incline Village had deferred using an outside collection agency.

John Sherman, Finance Director, explained the contract was for collection of traffic warrants. He said the Cities of Sparks, Wadsworth and Incline Village were concerned that control would be lost over the warrant process and their ability to manage that process. He said, in terms of interaction with Alliance One, if the viability could be proven the other Courts may be persuaded to be part of the agreement. Commissioner Breternitz asked how the rate of success for collection for the Reno Justice Court compared between Incline Village, Wadsworth and the City of Sparks. Mr. Sherman stated those had been completed in-house and felt they were comparable.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7J(3) be awarded, authorized and executed.

09-1243 AGENDA ITEM 7K(1) – DISTRICT HEALTH

Agenda Subject: “Approve donation of equipment purchased with grant funds (IO 10039) to Truckee Meadows Community College to satisfy grant required diesel emissions reduction activities [not to exceed \$30,000]; and if approved, authorize Chairman to execute Resolution necessary for same. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7K(1) be approved,

authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-1244 AGENDA ITEM 7K(2) – DISTRICT HEALTH

Agenda Subject: “Approve budget amendments [increase of \$5,195 in both revenue and expenses] to the adopted Fiscal Year 2010 Women, Infants and Children Clinic Grant Program (IO 10031) Budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7K(2) be approved and directed.

09-1245 AGENDA ITEM 7K(3) – DISTRICT HEALTH

Agenda Subject: “Approve budget amendments [increase of \$6,949 in both revenue and expenses] to the adopted Fiscal Year 2010 HIV Surveillance Grant Program (IO 10012) Budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7K(3) be approved and directed.

09-1246 AGENDA ITEM 7K(4) – DISTRICT HEALTH

Agenda Subject: “Approve budget amendments [increase of \$67,135.90 in both revenue and expenses] to the adopted Fiscal Year 2010 Public Health Preparedness Grant Program (IO 10713) Budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7K(4) be approved and directed.

09-1247 AGENDA ITEM 7K(5) – DISTRICT HEALTH

Agenda Subject: “Approve budget amendments [increase of \$17,102 in both revenue and expenses] to the adopted Fiscal Year 2010 Epidemiology and

Laboratory Capacity Grant Program (IO 10730) Budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7K(5) be approved and directed.

09-1248 AGENDA ITEM 7K(6) – DISTRICT HEALTH

Agenda Subject: “Approve budget amendments [decrease of \$7,270.69 in both revenue and expenses] to the adopted Fiscal Year 2010 Public Health Preparedness – Assistant Secretary for Preparedness & Response Grant Program (IO 10708) Budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7K(6) be approved and directed.

09-1249 AGENDA ITEM 7L(1) – MANAGEMENT SERVICES

Agenda Subject: “Accept 2010 State Emergency Response Commission, Hazardous Materials Emergency Preparedness Training Grant [\$1,300] and 2010 State Emergency Response Commission, Hazardous Materials Emergency Preparedness Planning Grant [\$17,100] [both grants total \$18,400 - no County match]; and if both accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7L(1) be accepted and directed.

09-1250 AGENDA ITEM 7L(2) – MANAGEMENT SERVICES

Agenda Subject: “Approve Amendment of Washoe County, Nevada Grant Program Contract between the County of Washoe and ReStart, Inc. for Washoe County Shelter Plus Care II Program’s housing coordination and supportive services, to extend the term of the Agreement through September 30, 2010 and increase the amount of the grant by \$82,642 [HUD Grant Funds \$48,339 and Washoe County

matching funds \$34,303]; and if approved, authorize Chairman to execute Amendment All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7L(2) be approved, authorized and executed.

09-1251 AGENDA ITEM 7L(3) – COMMUNITY SUPPORT ADMINISTRATOR

Agenda Subject: “Approve submission of Gerlach Ambulance to State of Nevada for Community Development Block Grant Funding consideration; and if approved, authorize Chairman to execute documents concerning same. (Commission District 5.) *To be heard before Agenda Item 7L(4).*”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7L(3) be approved, authorized and executed.

09-1252 AGENDA ITEM 7L(4) – FIRE SERVICES

Agenda Subject: “Approve submission of Gerlach Ambulance application to the United States Department of Agriculture Rural Development, Community Facilities Loans and Grants Program for funding consideration; and if approved, authorize Chairman to execute documents concerning same. (Commission District 5.) *To be heard after Agenda Item 7L(3).*”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7L(4) be approved, authorized and executed.

09-1253 AGENDA ITEM 7M(1) – PUBLIC WORKS

Agenda Subject: “Approve Amendment No. 1 to Highway Agreement No. PR232-08-063 between the County of Washoe and State of Nevada, Department of Transportation, to extend the deadline from December 31, 2009 to September 30, 2011 for the Sun Valley Sidewalk and Bike Lanes Project; and if approved, appoint Director of Public Works as agent for Washoe County and authorize Chairman to execute Amendment. (Commission District 5.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7M(1) be approved, authorized and executed.

09-1254 AGENDA ITEM 7M(2) – PUBLIC WORKS

Agenda Subject: “Acknowledge emergency corrective action taken to repair the diesel underground storage tank and remediate the contaminated soils at 1 South Sierra [\$29,654]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7M(2) be acknowledged.

09-1255 AGENDA ITEM 7M(3) – ANIMAL SERVICES

Agenda Subject: “Approve reappointment of Dr. Richard Simmonds, D.V.M., M.S., to Animal Control Board (December 13, 2009 to December 13, 2013). (Commission District 5.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Dr. Richard Simmonds be reappointed to the Animal Control Board with a term beginning December 13, 2009 and ending December 13, 2013.

09-1256 AGENDA ITEM 7N(1) - PARKS

Agenda Subject: “Approve Traveling Science Exhibition Agreement [\$68,000] between Washoe County (Regional Parks and Open Space Department) and Advanced Exhibits, Division of Advanced Animations, LLC, for the 2010 spring exhibit at the Wilbur D. May Museum entitled “Animal Grossology”; and if approved, authorize Chairman to execute Agreement and direct Finance to make budget adjustments as outlined in fiscal impact. (All Commission Districts; facility located in Districts 3 and 5.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7N(1) be approved, authorized, executed and directed.

09-1257 AGENDA ITEM 7N(2) - PARKS

Agenda Subject: “Approve preferred design option for the Ballardini Ranch Trailhead by Design Workshop; and if approved, authorize Washoe County Regional Parks & Open Space Department to solicit written bid proposals for trailhead construction. (Commission Districts 1 and 2.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7N(2) be approved and authorized.

09-1258 AGENDA ITEM 7N(3) - PARKS

Agenda Subject: “Approve Grant of Easement for Underground Utility Facilities between Washoe County and Sierra Pacific Power Company dba NV Energy for an approximate 250 foot with a 10-foot width permanent underground power line easement to construct a 25 KV transmission line on parcel APN 019-140-12 (Washoe Golf Course); and if approved, authorize Chairman to execute the Grant of Easement and accept land value proceeds of \$7,500 for the permanent easement and direct Finance to make all appropriate cash transfers of permanent easement proceeds from the General Fund to the Golf Enterprise Fund 520. (Commission District 1.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7N(3) be approved, authorized, directed and executed.

09-1259 AGENDA ITEM 7N(4) - PARKS

Agenda Subject: “Approve a revised Grant of Easement for Utility Facilities between Washoe County and Sierra Pacific Power Company dba NV Energy for an overhead utility line for APN:554-010-01 (Sierra Sage Golf Course); and if approved, abandon Right of Way Document #618979 and Right of Way Document #590236 and authorize Chairman to execute the Grant of Easement. (Commission District 5.)”

Commissioner Weber inquired what was the revision to the easement the Board was being requested to approve. Dave Childs, Assistant County Manager, explained a minor correction was made to the description of the easement, which did not change any of the practicalities. Commissioner Weber asked if the overhead utility line would remain in the same location. Mr. Childs stated that was correct.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7N(4) be approved, authorized and executed.

09-1260 AGENDA ITEM 7O(1) – SENIOR SERVICES

Agenda Subject: “Accept a bingo system for the Sun Valley Senior Center from the Washoe County Honorary Deputy Sheriff’s Association. (Commission District 5.)”

Commissioner Weber asked if a bingo system was appropriate for the County. Grady Tarbutton, Senior Services Director, explained there was nothing in Senior Services that prohibited bingo. He said in the rules and regulations of the Public Works Department, bingo was allowed to be played in County buildings. Melanie Foster, Legal Counsel, indicated staff had worked with Gaming Control and it was determined it would not cause a problem provided it was a recreational activity for senior citizens and none of the money gathered would be gifted to other non-profit organizations.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7O(1) be accepted.

09-1261 AGENDA ITEM 7O(2) – SENIOR SERVICES

Agenda Subject: “Accept grant awards from U.S. Department of Housing and Urban Development [\$69,960 with \$23,423 in-kind County match] retroactively for the period October 1, 2009 through September 30, 2010; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7O(2) be accepted and directed.

09-1262 AGENDA ITEM 7P(1) - SHERIFF

Agenda Subject: “Approve Interlocal Contract Between Public Agencies, State of Nevada (Department of Public Safety Records and Technology Division, Records Bureau) and Washoe County (Sheriff’s Office) for access to computerized information systems that provide for exchange of criminal history information; and if approved, authorize Chairman to execute Contract. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7P(1) be approved, authorized and executed. The Contract for same is attached hereto and made a part of the minutes thereof.

09-1263 AGENDA ITEM 7P(2) - SHERIFF

Agenda Subject: “Accept Grant #97067CL6 [\$2,935.85 - no County match] from Nevada Division of Emergency Management to be utilized in supporting the Citizen Corps Program; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7P(2) be accepted and directed.

09-1264 AGENDA ITEM 7P(3) - SHERIFF

Agenda Subject: “Accept donated item, one iris biometric identification system (including all required hardware, software and training) [estimated value \$9,995 - no matching funds or recurring costs] from the National Sheriff’s Association as part of its grant from the U.S. Department of Justice, Office of Community Oriented Policing Services to the Washoe County Sheriff’s Office. (All Commission Districts.)”

On behalf of the Board, Commissioner Weber thanked the National Sheriff’s Association for their generous donation.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7P(3) be accepted.

09-1265 AGENDA ITEM 7Q(1) – SOCIAL SERVICES

Agenda Subject: “Authorize Director of Social Services to accept additional Federal Adoption Incentive Funds [\$3,016 - no matching funds] from State Division of Child and Family Services to assist the Department of Social Services in the Adoption Program; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7Q(1) be authorized, accepted and directed.

09-1266 AGENDA ITEM 7Q(2) – SOCIAL SERVICES

Agenda Subject: “Accept cash donations [\$8,102.88] and Juror Fee Donations [\$2,320]; and if accepted, authorize Department of Social Services to expend these funds to benefit children in care and families who are clients and direct Finance to make appropriate budget adjustments for Fiscal Year 2009/10. (All Commission Districts.)”

On behalf of the Board, Commissioner Weber thanked the various donors for their generous donations.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7Q(2) be accepted and directed.

09-1267 AGENDA ITEM 7R(1) – TRUCKEE RIVER FLOOD MANAGEMENT

Agenda Subject: “Acknowledge receipt of Truckee River Flood Management Project Status Report for October 2009. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 7R(1) be acknowledged.

09-1268 AGENDA ITEM 7R(2)-TRUCKEE RIVER FLOOD MANAGEMENT

Agenda Subject: “Approve Resolution authorizing the Director of the Truckee River Flood Management Project to grant certain easements, licenses, rights of entry and temporary facility use permits for properties acquired for the benefit of the Truckee River Flood Management Project; and if approved, authorize Chairman to execute same. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7R(2) be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-1269 AGENDA ITEM 7S(1) – WATER RESOURCES

Agenda Subject: “Approve Correction Water Rights Deed between Washoe County and Truckee Meadows Water Authority (corrects number of acre-feet of water from 132.695 to 118.685); and if approved, authorize Chairman to execute same and direct Water Rights Manager to record the document. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 7S(1) be approved, authorized, executed and directed.

09-1270 AGENDA ITEM 7S(2) – WATER RESOURCES

Agenda Subject: “Approve nomination of David Roundtree and Greg Dennis to the Governor of the State of Nevada from which the Governor shall appoint a member to serve on the Board of Directors of Carson-Truckee Water Conservancy District to represent Washoe County for a four-year term effective January 1, 2010. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that the nominations of David Roundtree and Greg Dennis from which the Governor shall appoint a member to serve on the Board of Directors of Carson-Truckee Water Conservancy District to represent Washoe County for a four-year term effective January 1, 2010 be approved.

09-1271 AGENDA ITEM 7E – DISTRICT COURT

Agenda Subject: “Authorize creation of one grant-funded Pretrial Services Officer II position effective January 1, 2010 for the Felony DUI Court Program [estimated Fiscal Year 2009/10 cost \$34,200 and Fiscal Year 2010/11 cost \$68,400]; and if authorized, direct Finance to make appropriate budget adjustments and Human Resources to make the necessary personnel changes. (All Commission Districts.)”

Commissioner Larkin asked what the relationship was between the Board and this item and if it was ministerial. Melanie Foster, Legal Counsel, replied in accordance with past practice, items of this nature had appeared on agendas. In regard to

District Court, the Board's position was to provide monies to the court to conduct their functions. She said the law stated the Board was obligated to provide the Court, as an entity, resources that were reasonable and necessary for the Courts to conduct business. Ms. Foster remarked the actual decisions on how business was conducted were that of the Court. She commented this was ministerial.

Commissioner Larkin said, with respect to the budget, the grant enabled the authorization of a second Pre-Trial Services Officer II; however, the funding was only from January 1, 2010 through the end of the fiscal year. Howard Conyers, Court Administrator, explained at the time this item was submitted that was correct. However, the Funding Committee that made recommendations regarding the allocation of these funds authorized funding for this position to continue for the following fiscal year at the same level. Commissioner Larkin asked what was the Court's intention beyond those two fiscal years. Mr. Conyers replied to find the funds and continue to fund the position as long as the number of clients served was warranted. He said the first recourse would be AB 29 funds, which would be available in the Felony DUI Court Internal Order, but should that fail, the Board would be approached for General Funds.

Commissioner Larkin requested the Court consider bringing some graduates from the DUI Court Program to the Board or make it available for the Board to attend the graduation.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Agenda Item 7E be authorized and directed.

09-1272 AGENDA ITEM 7I(1) – COMMUNITY DEVELOPMENT

Agenda Subject: “Approve Independent Contractor Agreement template for Administrative Enforcement Code Hearing Officers and further, adopt Resolution delegating the hiring authority for hiring Administrative Enforcement Code Hearing Officers to the Washoe County Purchasing and Contracts Manager and establishing the compensation rate for hearing officers at \$100 per hour with a maximum limit of \$300 per hearing case unless prior approval is obtained from the Washoe County Manager’s Office; and if all approved, authorize Chairman to execute Resolution. (All Commission Districts.)”

Commissioner Larkin indicated he challenged the delegation of the hiring authority to the Purchasing and Contracts Administrator and felt the Board needed to maintain control of the hiring process. He requested the County Manager be tasked with more scrutiny on how the proposals brought before the Board be reviewed and the analysis for this item. Commissioner Larkin said complaints from constituents centered on the Hearing Officer applying the law fairly and consistently. He suggested moving forward with all components except the delegation of authority.

Bob Webb, Planning Manager, explained according to the adopted Administrative Enforcement Ordinance the Board would approve the list and contracts for all Hearing Officers and each contract would come before the Board for approval. Commissioner Larkin stated delegation would void that action. Mr. Webb urged the Board to move forward, but modify the resolution by striking that language and state the Board would review and approve all contracts. Commissioner Larkin clarified he did not want who was placed on the contractors list to be delegated to the Purchasing and Contracts Administrator and reiterated that needed to come before the Board. Commissioner Larkin suggested the Manager review and make recommendations as to how the applications come to the Board for review through templates.

Chairman Humke asked if that would also include termination of such contracts. Commissioner Larkin believed that was already before the Board. He said the issuance of the contract and the cancellation of contracts would not be delegated. He said the selection and review of the applicants was to be delegated and he did not want that aspect delegated.

John Berkich, Assistant County Manager, stated it was possible to not consider or adopt the resolution. He said staff could arrive at a process to bring before the Board. Commissioner Larkin stated that would be his recommendation, to move forward except for the resolution. Melanie Foster, Legal Counsel, explained the Board was able to choose; however, staff would like to have the template approved then return to work on the process in order to bring that back before the Board. Mr. Webb stated the compensation rate would also return for the Board to set by resolution.

Commissioner Weber agreed with Commissioner Larkin and felt the Board needed more responsibility on this process. She said in the past the Board established a subcommittee of two Commissioners and believed this issue may need such a committee to work with staff for the recommendations.

Commissioner Larkin suggested striking the delegation of the hiring authority, and the fourth whereas from the resolution. Ms. Foster also stated the first “resolved” paragraph on the bottom of page No. 1 needed to be omitted and the second “resolved” paragraph needed to be modified.

Commissioner Breternitz asked if there was a benefit to approve a portion of the resolution now and a portion later. Ms Foster explained the compensation rate needed to be completed by resolution so a contract could be sent with a preset amount. Mr. Webb said it would be more efficient for staff to have the resolution adopted with the preset text, so when the process was decided, staff could move forward.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the independent contractor

agreement template be approved for the Administrative Enforcement Code Hearing Officers and the compensation rate be established for Hearing Officers at \$100 per hour with a maximum limit of \$300 per hearing case unless prior approval was obtained from the Manager's Office. It was further ordered that the Manager be directed to return to the Board with the application process and that the Chairman be authorized to execute the resolution with the following changes:

- strike the words "delegation of hiring authority;"
- strike the fourth whereas paragraph;
- strike the first resolved paragraph; and
- add "Resolved, By the Board of County Commissioners" in the second resolved paragraph.

The amended Resolution for same is attached hereto and made a part of the minutes thereof.

12:07 p.m. The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District (STMGID).

12:23 p.m. The Board adjourned as the Board of Trustees for STMGID.

The following item only (Agenda Item 9) will be heard by the Washoe County Board of Commissioners who will convene as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, the Board of Fire Commissioners for the Sierra Protection District and the Washoe County Board of Commissioners.

12:23 p.m. The Board convened as the Board of Fire Commissioners for the Sierra Fire Protection District (SFPD) and the Truckee Meadows Fire Protection District (TMFPD).

09-1273 **AGENDA ITEM 9 – MANAGEMENT SERVICES/FIRE SERVICES COORDINATOR**

Agenda Subject: "Recommendation to approve Change Order to Diamante LLC Partners for the Comprehensive Fire and Fire Based Emergency Services Master Plan Project [aggregate amount \$16,600 - broken down as follows: Washoe County Fire Suppression \$1,384.44, Sierra Fire Protection District \$5,532.78, Truckee Meadows Fire \$9,682.78]; and if approved, authorize Washoe County Purchasing and Contracts Manager to sign the necessary documents. (All Commission Districts.)"

The following discussion pertained to items also found on the Sierra Fire Protection District (SFPD) and the Truckee Meadows Fire Protection District (TMFPD) minutes from December 8, 2009.

Kurt Latipow, Fire Services Coordinator, stated some of the original scope of work had been exceeded in the areas of analysis and gathering of information. He said he authorized additional attendance of the consultants for Joint Fire Advisory Board (JFAB) meetings and noted numerous unions in the County also asked to meet with them since that would be in the best interest of a transparent process for the additional work. Mr. Latipow remarked he also authorized the change or manner of how one of the reports would be compiled. He stated the Master Plan draft was in the final process of being completed and requested the Board consider authorizing the change order.

Commissioner Larkin said the Sierra Fire Protection District (SFPD) and the Truckee Meadows Fire Protection District (TMFPD) agendas contained action items related to this item. He asked if action at this time created an Open Meeting Law violation related to those agendas. Melanie Foster, Legal Counsel, reviewed the agendas of the SFPD and the TMFPD and indicated by the Board convening as the Board of Fire Commissioners for the SFPD and the TMFPD for this item, the Chairman could declare those agendas open.

Chairman Humke declared the agendas for the SFPD and the TMFPD open and simultaneous action would be taken on those agendas for this item.

Commissioner Breternitz asked if there were receipts and/or documentation concerning the changes. Mr. Latipow replied there was not a requirement in the contract for the provision of receipts; however, he could request the contractor to justify those changes. Mr. Latipow explained under the new criteria this change order would not have come forward because it was below the new threshold. However, staff felt it was appropriate to bring to the Board's attention. He said if directed he would get additional documentation from the contractors. Commissioner Breternitz hoped staff had verified the change order before it was brought forward to the Board.

Chairman Humke asked if staff felt the volunteer firefighters were satisfied and had been heard by the consultants. Mr. Latipow replied one of the change orders was for the lead consultant to attend a Volunteer Association meeting, which did occur and added a survey was created specifically for volunteers. Mr. Latipow indicated he followed up on the complaints and found some were not accurate. He said Diamante Partners, LLC noted one comment fell through, but that every other comment received had been responded to.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Agenda Item 9 be approved and authorized.

12:34 p.m. The Board continued as the Board of Fire Commissioners for the Sierra Fire Protection District (SFPD).

12:42 p.m. The Board adjourned as the SFPD Board of Fire Commissioners and reconvened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District (TMFPD).

1:33 p.m. The Board adjourned as the TMFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

09-1274 AGENDA ITEM 29 - PARKS

Agenda Subject: “Recommendation to accept a land donation (subject to continuing an unrecorded lease with Clear Channel Outdoor, Inc. for a billboard located in the southeastern portion of the parcel) of 22.8 acres (APN: 142-011-07) adjacent to South Valley’s Regional Park [valued at \$5,680,000] from Massoud Dorostkar and Hadi S. Kar & Ursula S. Kar; and if accepted, authorize Chairman to act on behalf of Washoe County to execute and deliver any and all documents as may be necessary or appropriate to accomplish acceptance of this land donation and authorize the Regional Parks and Open Space Director to sign all necessary documents associated with the Clear Channel Outdoor, Inc. lease (lease to expire October 31, 2011). (Commission District 2.)”

On behalf of the Board, Doug Doolittle, Regional Parks and Open Space Director, thanked Massoud Dorostkar and Hadi S. Kar & Ursula S. Kar for their generous donation.

Dr. Dorostkar said he enjoyed being a resident of Washoe County. He commented he benefitted from the community and wished to repay that to the County and to the children of the County.

Chairman Humke and the Board thanked Dr. Dorostkar for his generous donation.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 29 be accepted, authorized and executed.

09-1275 AGENDA ITEM 13 -APPEARANCE

Agenda Subject: “Deputy Doug Russell, RAVEN Lead Pilot, Sheriff’s Office. Presentation on RAVEN Patrol Operations.”

Assistant Sheriff Marshall Emerson stated there had been a request concerning the Regional Aviation Enforcement Program (RAVEN) operations and, as a result, those questions were deferred to lead pilot Deputy Russell. He commented Deputy

Russell had a tremendous amount of experience flying rotary aircrafts and had been a Commander in the United States Navy.

Deputy Doug Russell, RAVEN Lead Pilot, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the patrol craft history, aircraft missions, patrol crew duties, tools, mobile data terminal, video camera, Forward Looking Infrared (FLIR) effectiveness at altitude, video down-link system, video recorder, night vision goggles, response times and RAVEN response times.

Commissioner Jung asked if RAVEN was required to be in the air a certain amount of hours per month. Deputy Russell replied there was no specific requirement; however, there was a proficiency and currency requirement for pilots to maintain and an internal proficiency requirement established for the Tactical Flight Observers (TFO's). He explained there could be liability issues on scene and it was preferred to have the TFO's fully proficient and capable of performing any task required. He stated it was preferred to have the TFO's airborne a minimum of once a week for approximately two hours. Deputy Russell explained the Federal Aviation Administration (FAA) had new requirements that involved a certain number of evolutions every two calendar months, which took three to four flights to accomplish. Commissioner Jung inquired on the number of pilots and TFO's. Deputy Russell indicated there was one full-time pilot, five part-time pilots that were deputies or Army National Guard, one mechanic and three Tactical Flight Observers.

Commissioner Jung indicated she had received complaints from constituents about RAVEN over their neighborhoods because it was associated that a serious crime was in progress. She asked, based on the FAA requirements, did the Sheriff's Office release a press release when RAVEN went airborne. Deputy Russell replied that was not occurring. He felt criminals should not have pre-notification when RAVEN was in the air since much of the Program was prevention and a deterrent. He said if criminals knew RAVEN would not be airborne at a certain time, it could be perceived as an opportunity to take advantage of the Program. Commissioner Jung asked if there could be a news release indicating it was an operation, since many of the complaints centered on not knowing why RAVEN was airborne. She felt more public education was needed to ease the disdain and misperception of the Program. Deputy Russell indicated some operations had been modified because of public concerns about noise and explained the patrolling altitude had been elevated, without interfering with air traffic control. He added if there was not a requirement for RAVEN to be at a low altitude, the pilots tended to stay at a higher altitude.

Assistant Sheriff Emerson explained in a protractive mission where the aircraft was over an area of the County or a municipality for a period of time, the respective Public Information Officers (PIO's) would let residents in the affected area know of an event occurring. However, he would not allow the tactics of the Sheriff's Office to be divulged to the criminal element and, in some cases, the aircraft itself was being utilized as a tactic. He said during the actual event it would be irresponsible for any police commander to divulge those tactics simply because the safety would be

jeopardized of the officers on the ground protecting the citizens. He said through responsible reporting and release of public information the Sheriffs Office would engage members of the media and the public to answer questions concerning the aircraft and why it was over a neighborhood. Assistant Sheriff Emerson said during major events such as Hot August Nights, Street Vibrations, etc., the public could be informed that RAVEN would be utilized. However, to release specific times and locations of where the aircraft could be, would be divulging a tactic that would jeopardize the ground units, the pilots and TFO's.

Commissioner Larkin stated there needed to be more public awareness that the County had these tremendous resources. He felt that a post announcement of what had occurred or why RAVEN was in the area would be beneficial. Commissioner Larkin remarked the task now shifted from justifying the Program to what the RAVEN Program did and said presentations were valuable to inform the public of that Program. Deputy Russell agreed and indicated RAVEN did participate in static displays and looked forward to presenting more of that to the public.

Deputy Russell indicated homeland security was a large part of the RAVEN Program. He said RAVEN did not patrol as a typical patrol unit, but would launch and conduct homeland security checks that were mission specific or conduct training, which would be away from the city center. Deputy Russell indicated there were a large number of homeland security sites ranging from Tier 1 to Tier 3 throughout the County, which were checked randomly and periodically. He noted if there were no calls and all the checks had been completed, RAVEN was landed and the fuel saved. He commented this was an important asset and he did not want any perception that the Program was anything but valuable and important for the community.

Commissioner Weber agreed that this resource needed to be shared with the community and felt this was a valuable program.

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

BLOCK VOTE

The following agenda items were consolidated and voted on in a block vote: Agenda Items: 14, 15, 18, 19, 20, 21, 22, 23, 24, 25 and 26.

09-1276 AGENDA ITEM 14 – MANAGEMENT SERVICE/GRANT COORDINATOR

Agenda Subject: “Recommendation to accept 2009 State of Nevada, State Homeland Security Program Grant for a Statewide Mass Fatality project [\$1,106,500 - no County match required]; and if accepted, authorize Purchasing and Contracts Manager to execute a Professional Services Contract [\$200,000 - sole source purchase] with Disaster Management International for project management and

plans writing services and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 14 be accepted, authorized, executed and directed.

**09-1277 AGENDA ITEM 15- MANAGEMENT SERVICE/GRANT
COORDINATOR**

Agenda Subject: “Recommendation to accept 2009 State of Nevada, State Homeland Security Program Grant for a Statewide Schools Prepared and Ready Together Across Nevada project [\$505,024 - no County match required]; and if accepted, authorize Purchasing and Contracts Manager to release requests for proposals for project management and plans writing services and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 15 be accepted, authorized and directed.

09-1278 AGENDA ITEM 18 - PURCHASING

Agenda Subject: “Request for authorization to join on the State of Nevada’s Award of Bid #7631 for Crack Filler (Road Crack Sealing Material) with Crafcoc Inc., on behalf of the Roads Division of the Washoe County Public Works Department, for the duration of the contract period through July 31, 2010 [estimated that Washoe County Roads will spend approximately \$185,835 for Crack Fill Material in Fiscal Year 2009/10. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 18 be authorized.

09-1279 AGENDA ITEM 19 - PURCHASING

Agenda Subject: “Recommendation to award Bid #2706-10 for Remediation Water Testing, Review and Reporting, to Alpha Analytical, Inc. [estimated annual amount \$150,000]; and if awarded, authorize Purchasing and Contracts Manager to issue a multi-year purchase order to cover the specified services for a one-year period with

two, one-year renewal options, at the discretion of Washoe County. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 19 be awarded and authorized.

09-1280 AGENDA ITEM 20 - TREASURER

Agenda Subject: “Recommendation to approve and authorize the Chairman to execute Agreements between the County of Washoe and Bank of America (Umbrella Agreement, Authorization Agreement for Treasury Services, Delegation of Authority) for general banking services (main, payroll and accounts payable); (Merchant Agreement, Addendum to Merchant Agreement, Merchant Fee Schedule) for Merchant Card Services; (Agreement for Treasury Services, Nevada Consortium / Public Sector Group Schedule of Fees) for Purchasing Card Services; and between the County of Washoe and Wells Fargo Bank for portfolio security custody (Custody Agreement; Custody Fee Schedule; Account Set Up) [banking service fees estimated to be \$163,000 to \$185,000 annually]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 20 be approved, authorized and executed.

09-1281 AGENDA ITEM 21 – TRUCKEE RIVER FLOOD MANAGEMENT

Agenda Subject: “Recommendation to approve increase in estimated relocation budget for claimant #012-272-05 T-1 [\$355,000 by \$125,406.07 for total relocation budget of \$480,406.07]; and if approved, authorize Truckee River Flood Management Project Director to distribute tenant relocation claim payments as she determines to be actual, reasonable and necessary, and in compliance with Uniform Relocation Assistance regulations (Commission District 4.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 21 be approved and authorized.

09-1282 AGENDA ITEM 22 – DISTRICT HEALTH

Agenda Subject: “Recommendation to approve budget amendments [increase of \$157,144 in both revenue and expenses] to the adopted Fiscal Year 2010 Family Planning Grant Program (IO 10025) budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

Commissioner Larkin said the District Board of Health and the Board of County Commissioners had entered into an agreement that limited the funding for this program to 10 percent of the General Fund, which was based upon an adopted budget of \$729,078. He asked if the augmentation changed the 10 percent agreed upon. Mary Ann Brown, Community and Clinical Health Services Division Director, replied it did not change that agreement and indicated just the 10 percent was budgeted, and staff worked within that budget.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber voting “no,” Chairman Humke ordered that Agenda Item 22 be approved and directed.

09-1283 AGENDA ITEM 23 – DISTRICT HEALTH

Agenda Subject: “Recommendation to approve budget amendments [increase of \$122,215.06 in both revenue and expenses] to the adopted Fiscal Year 2010 Statewide Child Abuse Public Awareness Campaign Grant Program (IO 10410) budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 23 be approved and directed.

09-1284 AGENDA ITEM 24 – DISTRICT HEALTH

Agenda Subject: “Recommendation to approve grant funded Fiscal Year 2010 Purchase Requisition #3000013778 to Nevada Hispanic Services, Inc. [total amount \$181,665 (Fiscal Year 2010 - \$45,621; Fiscal Year 2011 - \$90,833; Fiscal Year 2012 - \$45,211)] pertaining to the Video Opportunities for Innovative Condom Education and Safer Sex (VOCES/VOICES-in English) Program; and if approved, authorize Chairman to execute Resolution necessary for same. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber voting “no,” it was ordered that Agenda Item 24 be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-1285 AGENDA ITEM 25 – DISTRICT HEALTH

Agenda Subject: “Recommendation to approve grant funded Fiscal Year 2010 Purchase Requisition #3000013779 to Planned Parenthood Mar Monte [total amount \$190,000 (Fiscal Year 2010 - \$47,500; Fiscal Year 2011 - \$95,000; Fiscal Year 2012 - \$47,500)] pertaining to the Street Smart Program; and if approved, authorize Chairman to execute Resolution necessary for same. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber voting “no,” it was ordered that Agenda Item 25 be authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-1286 AGENDA ITEM 26 – WATER RESOURCES

Agenda Subject: “Recommendation to award bid to Layfield Environmental Systems Corporation, the lowest responsible, responsive bidder [\$315,587] for installation of the Fieldcreek Reclaimed Reservoir Floating Cover Replacement Project; and if awarded, authorize Chairman to execute Agreement documents and authorize the Acting Resource Planning and Management Division Manager to issue the Notice to Proceed. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 26 be awarded, authorized and executed.

2:24 p.m. The Board recessed.

3:10 p.m. The Board reconvened with all Commissioners present.

*Dave Childs, Assistant County Manager, continued for the remainder of the meeting.

09-1287

**AGENDA ITEM 16 - MANAGEMENT SERVICE/FIRE SERVICES
COORDINATOR**

Agenda Subject: “Recommendation to accept grant award from Nevada Division of Forestry, ARRA Grant Program [\$1,000,000 - no County match required]) for the period December 31, 2009 through December 31, 2012 to support development and administration of a county wide Fuels Management Program; and if accepted, authorize Chairman to execute Sub-grant Award and direct Finance to make appropriate budget adjustments. (All Commission Districts). *To be heard before Agenda Item #17.*”

******Agenda Items 16 and 17 (09-1287 and 09-1288) were heard simultaneously.******

Kurt Latipow, Fire Services Coordinator, stated when the stimulus money was announced he found that some would be available for hazardous fuels reduction. However, the first request submitted was not awarded, which would have totaled \$3 million, and he explained why that occurred. He said the Nevada Division of Forestry (NDF) contacted staff and stated they were attempting to secure monies to sub-grant to the County. He said because it was found that the County would be offered \$1 million, the budget needed to be re-tooled and a different approach taken. Mr. Latipow noted the scope of work was included in the sub-grant details that the County would hire a program coordinator for the Hazardous Fuels Program. He remarked that coordinator would be responsible for overseeing the awarding of contractors and be charged with coordinating with other County jurisdictions that had fuels programs. He explained this was a request to accept the grant and, in the following agenda item, approval of the coordinator position. In addition, he explained the other duties and tasks for the coordinator and added no match was required.

Commissioner Larkin commented this was a worthwhile project and the Board should consider funding Agenda Item 16; however, in these difficult times he took issue with the hiring of a Hazardous Fuels Reduction Program Coordinator since it would send a wrong message to the organization. Commissioner Larkin stated he had approached Mr. Latipow with alternatives and felt staff needed more time. He offered to accept the grant and then have staff continue to work on options concerning the position. Commissioner Larkin felt Mr. Latipow could arrive at creative alternatives by sub-contracting the entire package.

Commissioner Larkin stated at the beginning of the budget process, he said if the County added one new position to County government through the American Recovery & Reinvestment Act of 2009 (ARRA), shame on us. Dave Childs, Assistant County Manager, replied he could not respond to that comment, but understood the concerns.

Mr. Latipow explained accepting the grant was accepting the scope of work and the budget that was contained within the grant paperwork. He understood the concern over creating a County position; however, in reality there still needed to be

County oversight, which were the requirements of the grant. He said when the budget was beginning to be built, it was attempted to determine whether there was capacity within the County system to oversee the requirements of the grant, and it was determined the County could not. Mr. Latipow said the budget allowed for an office support person. In order to contract the entire project, some authority had to be delegated and also the coordination with other government entities with their projects and public outreach. He felt if there was a way around some of the administrative duties, contracting this would not create a new position and the company would absorb the existing workload. Mr. Latipow said County-wide there was not a central focus for hazardous fuels coordination; however, if directed to return and renegotiate the scope of work, he would comply. He remarked there were time constraints and added NDF had informed him that the federal government was requesting information on how the monies were being spent and stated what was not being spent would be reallocated.

Commissioner Larkin stated on page 4 of the staff report, the project manager position did not specifically say "County Project Manager or federal government project manager," it just stated "project manager," and believed that gave wide discretion. In order to effectuate, he requested Mr. Latipow think outside the box.

Commissioner Jung stated she respectively disagreed with Commissioner Larkin and was concerned about creating a delay and perhaps losing \$1 million. She disagreed with a hard-line stance on this issue since this funding was intended to create jobs and stimulate the economy.

Commissioner Breternitz stated he agreed with Commissioner Larkin. He said the Board had outlined their expectations when the stimulus monies were announced.

Commissioner Weber said there would be \$1 million for the fuels program through the stimulus funds and the other item was for staffing. She asked if that was a separate amount of money or did that come from the \$1 million. Mr. Latipow replied Agenda Item 16 was the grant, and contained within the grant, was a breakdown of how the \$1 million was budgeted. He said the money for the position was part of the \$1 million budget.

Commissioner Breternitz commented the goal was fuel reduction and creating jobs. He remarked this was not a full-time job, but administrating approximately \$300,000 of work a year for three years. He said he preferred to do the private sector process as opposed to the public sector process. Mr. Latipow explained when the job analysis break down was completed the administration of the grant was 10 to 15 percent. He said if direction was to renegotiate and, if there was a private contractor that could do those requirements, staff would pursue that contractor. However, at the present time, there was still the 10 to 15 percent that needed to be completed by someone other than the private contractor.

Commissioner Larkin suggested accepting the grant and direct Mr. Latipow to implement the grant. He said if Mr. Latipow felt compelled to go to the State to request authority on how the grant was implemented, which was within the scope of work, then that should be done.

There was no public comment on this item.

On motion by Commissioner Larkin seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 16 be accepted, authorized, executed and directed.

09-1288 AGENDA ITEM 17- MANAGEMENT SERVICE/FIRE SERVICES COORDINATOR

Agenda Subject: “Recommendation to approve and authorize creation of one 36-month grant funded full time equivalent benefits eligible Hazardous Fuels Reduction Program Coordinator (to support development and administration of a county wide Fuels Management Program) to be evaluated by the Job Evaluation Committee; and if approved, direct Human Resources to make appropriate personnel adjustments (All Commission Districts). *To be heard after Agenda Item #16.*”

*******For discussion on this item, see item 09-1287 above.*******

Commissioner Jung moved to approve and authorize the creation of one 36-month grant funded full-time equivalent benefits eligible Hazardous Fuels Reduction Program Coordinator. For discussion, Commissioner Breternitz seconded the motion.

Commissioner Weber asked if the Board voted in favor of this item, would the 36-month position be created. Chairman Humke confirmed that to be correct. Commissioner Weber stated she would not vote in favor of the position.

There was no public comment on this item.

Commissioner Larkin remarked in the event that Mr. Latipow was unable to have success at the State, he would request for an agenda item for reconsideration of this item at a later date. Commissioner Jung requested the Manager inform the Board when that item would be agendaized and the status.

On call for the question, the motion failed on a 1 to 4 vote with Commissioners Humke, Larkin, Breternitz and Weber voting “no.”

AGENDA ITEM 27 – PUBLIC WORKS/COMMUNITY DEVELOPMENT

Agenda Subject: “Introduction and first reading of an Ordinance to amend Washoe County Code, Chapter 110, Development Code, Article , to establish options for the use of Low Impact Development (LID) storm drainage techniques for new development; adding guidelines for enforcement; providing a list of projects that require or may require a drainage report; referencing newly completed regional standards manuals and other development codes within the County which relate to drainage; adding sections on erosion and sediment control; omitting Section 110.420.25, drainage report contents and 110.420.30, site drainage and grading plans; removing design requirements; clarifying lot line drainage design standards; clarifying drainage easements for maintaining access; not allowing public storm water drainage to discharge into water supply ditches. In addition, a number of standards manuals have been updated, including the Truckee Meadows Regional Drainage Manual, which was completed in April of 2009, and these standards must be reflected in the current code requirements. Also, the proposed amendments have reorganized Article 420 by omitting many of the drainage standards, and keeping or adding County procedures, policies and processes; and other matters relating thereto. Set public hearing for second reading of the Ordinance for January 12, 2010 at 6 p.m.. (All Commission Districts.)”

There was no public comment on this item.

Bill No. 1605, entitled, "AN ORDINANCE TO AMEND WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 420, TO ESTABLISH OPTIONS FOR THE USE OF LOW IMPACT DEVELOPMENT (LID) STORM DRAINAGE TECHNIQUES FOR NEW DEVELOPMENT; ADDING GUIDELINES FOR ENFORCEMENT; PROVIDING A LIST OF PROJECTS THAT REQUIRE OR MAY REQUIRE A DRAINAGE REPORT; REFERENCING NEWLY COMPLETED REGIONAL STANDARDS MANUALS AND OTHER DEVELOPMENT CODES WITHIN THE COUNTY WHICH RELATE TO DRAINAGE; ADDING SECTIONS ON EROSION AND SEDIMENT CONTROL; OMITTING SECTIONS 110.420.25, DRAINAGE REPORT CONTENTS AND 110.420.30, SITE DRAINAGE AND GRADING PLANS; REMOVING DESIGN REQUIREMENTS; CLARIFYING LOT LINE DRAINAGE DESIGN STANDARDS; CLARIFYING DRAINAGE EASEMENTS FOR MAINTAINING ACCESS; NOT ALLOWING PUBLIC STORM WATER DRAINAGE TO DISCHARGE INTO WATER SUPPLY DITCHES. IN ADDITION, A NUMBER OF STANDARDS MANUALS HAVE BEEN UPDATED, INCLUDING THE TRUCKEE MEADOWS REGIONAL DRAINAGE MANUAL, WHICH WAS COMPLETED IN APRIL OF 2009, AND THESE STANDARDS MUST BE REFLECTED IN THE CURRENT CODE REQUIREMENTS. ALSO, THE PROPOSED AMENDMENTS HAVE REORGANIZED ARTICLE 420 BY OMITTING MANY OF THE DRAINAGE STANDARDS, AND KEEPING OR ADDING COUNTY PROCEDURES, POLICIES AND PROCESSES; AND

OTHER MATTERS RELATING THERETO, "was introduced by Commissioner Weber, the title read to the Board and legal notice for final action of adoption directed.

09-1290 AGENDA ITEM 30 - PARKS

Agenda Subject: “Consideration and possible approval of up to three refundable option extension payments of \$33,000 per month for January-March 2010 (totaling \$99,000); and if approved, authorize Chairman to execute the extension of the Option Agreement and direct Finance to make appropriate account adjustments; or consider termination of Option Agreement between RJB Development, Inc. and Washoe County for potential acquisition of approximately 228 acres of property commonly known as Northgate Golf Course pursuant to Paragraph 6 of said agreement; and if termination of Agreement is approved, authorize the Chairman to provide written notice of termination to RJB Development, Inc. and Escrow Holder and acknowledge the Reversion Right of RJB and authorize Chairman to convey to RJB by quitclaim deed all of the County's right, title and interest in the property which is subject to the reverter. (Commission Districts 1 and 5.) *To be heard before Agenda Item #31*”.

Doug Doolittle, Regional Parks and Open Space Director, said the initial approval date for the option agreement went through December 31, 2009. He indicated the County needed to either extend the agreement with RJB Development, Inc. for up to three refundable option extension payments of \$33,000 per month or terminate the agreement.

In conjunction with finding funding for this particular property, Mr. Doolittle explained the Special Assessment District (SAD) boundaries, containing 279 properties, had been formed. He said of those 279 properties, 93 owners had signed the petition in favor of the SAD, which equated to 33.95 percent of the 67 percent needed. He said the initial deadline was December 4, 2009; however, that had been extended to allow citizens to attempt to receive more signatures and reach the needed percentage.

Commissioner Breternitz said it was owed to the affected citizens to allow some additional time. He suggested extending the option for one month and at the first Board meeting in January 2010 receive the full results of the poll and, if the poll was successful, have a discussion on the available financing options for the balance. However, if the vote was unsuccessful, move forward to execute the quitclaim.

Commissioner Weber asked for at least a one month extension, preferably a two month extension. She commended the residents and staff who had worked hard. Commissioner Weber asked for clarification if a “non-vote” counted as a “yes” or a “no” vote.

Mr. Doolittle clarified the petition needed to be signed and needed to be a “yes” vote. He clarified a “non-vote” did not count. He explained this needed to go to the Reno City Council for formation of the SAD by their second meeting in January 2010.

Commissioner Larkin said the execution of the option had a phased payback and he asked for an explanation on that payback. Mr. Doolittle indicated if the property sold to another developer then that money would be refunded to the County.

Dave Childs, Assistant County Manager, stated it was unclear how quickly that would occur if the property closed for another developer. Commissioner Larkin stated if the SAD was not established it could be several years before the funds were paid back. Mr. Childs commented the County would be repaid at the time of closing.

Commissioner Weber asked if the County were to terminate the agreement today would the \$200,000 be refunded. Mr. Doolittle clarified upon the sale.

There was no public comment on this item.

Commissioner Weber moved to approve a one month refundable option extension payment in the amount of \$33,000 per month to January 31, 2010, the Chairman be authorized to execute the extension of the option agreement and Finance be directed to make the appropriate account adjustments.

Chairman Humke moved to amend the motion to seek a contribution from the City of Reno, up to \$100,000, to defray the County costs of this option. Commissioner Larkin clarified to "request" not to "secure." Chairman Humke concurred. Commissioner Larkin seconded the motion to amend.

On motion by Chairman Humke, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber voting "no," it was ordered that the amendment to the original motion be accepted.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that a one month refundable option extension payment in the amount of \$33,000 per month to January 31, 2010 be approved; and to request a contribution from the City of Reno, up to \$100,000, to defray the County costs of this option. It was further ordered that the Chairman be authorized to execute the extension of the option agreement and Finance be directed to make the appropriate account adjustments.

09-1291 AGENDA ITEM 31 - PARKS

Agenda Subject: "Presentation and discussion of options for the possible funding of a portion of the cost of the acquisition of the Northgate Golf Course; to include a request by the Reno City Council that the Board of County Commissioners discuss the sale of a portion of Washoe County's water rights which were formerly used at the Northgate Golf Course; and possible direction to staff. (Requested by Commissioners Weber (District 5) and Breternitz (District 1). *To be heard after Agenda Item #30.*"

Dave Childs, Assistant County Manager, explained there was a request from the City of Reno suggesting the County sell the water rights appurtenant to the Northgate Golf Course. He said at a previous Board meeting Commissioner Breternitz requested staff provide a list of options on how the County might arrive at the \$850,000 match should the Special Assessment District (SAD) be successful. Mr. Childs stated it was the Board's discretion whether to consider that request today or after the determination of the SAD.

Mr. Childs explained the County owned approximately 211 acre-feet of water rights, which were purchased for use at the golf course and that the Reno-Sparks Convention and Visitors Authority (RSCVA) also provided 255 acre-feet of water to operate the golf course. He said in June of 2008 the County and the RSCVA transferred the water rights to the Nevada Land Conservancy (NLC) to be used in the Truckee Meadows. Subsequent to that, the RSCVA requested their water rights back; however, the County's were still transferred to the NLC. Mr. Childs explained if the County wanted those water rights returned by November 2010 it needed to be requested in writing early in 2010.

Mr. Childs said based on a \$10,000 to \$15,000 per acre-foot value, the estimated market value of those water rights were in the \$2 to \$3 million range. He indicated in order to raise \$850,000, approximately 60 to 85 acre-feet would need to be sold. However, the County had identified one critical use for the water, which was the settlement agreement for the Truckee River Operating Agreement (TROA). He explained the entities of Reno, Sparks and the County were responsible for providing 6,700 acre-feet of water to the Truckee River, with the County contributing 1,340 acre-feet of that water.

Commissioner Breternitz said the County had approximately 350 acre-feet of water and wondered if that included the 211 acre-feet transferred to the NLC. Mr. Childs replied it did not. He explained the Board had not made a specific decision relative to applying that water to TROA. Commissioner Breternitz said if the County reserved that water, there would be about 40 percent of what was needed. Mr. Childs said that was correct. Commissioner Breternitz commented the water the County purchased in the 1980's and dedicated to the golf course was bought on a lower basis. He was concerned if the County sold something that appreciated would the County need other ways to acquire water rights to replace those at a higher basis. He said that would come from the taxpayers of the entire County and felt the Board was being asked to make an ill-advised transaction. Commissioner Larkin agreed.

Commissioner Weber disclosed she voted during RSCVA discussions and noted the Chairperson of RSCVA did not support the sale of the water rights. Commissioner Weber asked if Northgate were deemed open space, would that come under the City of Reno as a park. Mr. Childs replied the creation of a SAD by the City of Reno required the City to hold title to the property; therefore, it would exist as a City park. Commissioner Weber asked if the City had the same options with their water rights.

Mr. Childs said the City needed to have 4,020 acre-feet of water. Commissioner Weber said water rights were important to the County and felt all ratepayers needed to be considered.

Commissioner Jung asked if the approximate 200 acre-feet of water at Northgate and water rights located underground was all that the County owned. Mr. Childs replied the Department of Water Resources owned water, which was dedicated to developers and appurtenant to certain properties, but not available for the settlement of this agreement. He said when it became time to settle TROA the County assets and available water rights would be reviewed and, if appropriate, transferred from one use to another.

Commissioner Larkin said he saw no need to offer a motion until it was determined if a SAD was created.

Commissioner Jung agreed. She said she would like the staff report to be more robust when it came back. Specifically, she requested it spell out if the County would request the NLC to transfer the water rights back and the exact dates for that transfer. She also requested more information on the Sierra Sage water rights proceeds and how that would affect the fund should the City of Reno and the Board approve any use of that fund. She also requested if the residential construction tax would be applicable from the City and a possible sale of excess property, which perhaps could fund all or a portion of the proposal.

Commissioner Jung stated she did not care whose jurisdiction this was in, but cared that the open space was preserved, not given to developers and felt it was unconscionable that the County would not uphold that as open space since the taxpayers paid a higher premium for that property. She also requested options should the County arrive at funding to match the owners funds and an option to request the City of Reno to reimburse the County.

Mr. Childs indicated staff would inquire on the status of the residential construction tax and add the additional information to the next staff report.

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

09-1292 AGENDA ITEM 32 - FINANCE

Agenda Subject: “Fiscal Year 2010/11 budget discussion, including preliminary revenue outlook and direction to staff.”

4:21 p.m. Chairman Humke temporarily left and Vice Chairperson Weber assumed the gavel.

John Sherman, Finance Director and Darin Conforti, Budget Manager, conducted a PowerPoint presentation, which was placed on file with the Clerk. The

presentation included the current fiscal condition, scan of economic indicators, preliminary revenue outlook for fiscal year 2010/11, stabilization and sustainability plan and the budget prioritization practices; past and future. Mr. Sherman also discussed and reviewed employment and housing market indicators, taxable sales, preliminary outlook for revenues and expenditures, consolidated and AB 104 taxes, general fund property tax revenue, budget policies, guiding goals and objectives, past budget prioritization practice, budget practices for 2010/11 and the next steps.

Commissioner Jung said in the Washoe County Monthly Taxable Sales for 2001 to the present, there was a strong correlation between January of each calendar year and a tremendous drop in taxable sales. She asked for an explanation why swings of that nature occurred at that time. Mr. Sherman said the high point of that chart was December, which was the holiday season and the highest taxable season in a calendar year, then to January which was the lowest taxable season. He said sales tax was 80 percent of the consolidated taxes for the revenue of the County and the State. Commissioner Jung asked if it mattered to the County when a large purchase was made in another county besides Washoe. Mr. Sherman replied yes. He indicated where the purchase was made was where most of the sales tax was distributed.

Commissioner Breternitz remarked it was an excellent presentation and requested a copy of the entire presentation. Mr. Sherman stated the Board would be e-mailed a copy and indicated it would also be available on the County's webpage. Commissioner Breternitz asked if non-mandated services could be included for review, but would like all the choices before him, not only a partial list of those choices. Mr. Sherman commented the Board could choose to not fund non-mandated services and also there were elements of mandated services the Board could consider. Commissioner Breternitz said he believed that he could make that decision, but requested all of the information so intelligent choices could be made. Mr. Conforti said staff could model whatever the Board requested. He said in looking at the policy options, staff did other scenarios, and could bring forth a variety of options.

Commissioner Larkin said staff was presenting the Board with an overview of their suggested strategy for 2010/11. He said the presentation outlined stability and sustainability and felt that was a good starting focus. Commissioner Larkin said with the current revenues and spending plan the County had in place, he wondered if the County was in an unsustainable, destabilized condition. Mr. Sherman agreed that it was not long-term sustainable. He added there were different views on dealing with the budget and discussed some of those views. He remarked the economy in the Country and the community had changed radically, which could not be overemphasized. Mr. Sherman said this was the most profound economic event this Country had gone through since the 1930's and was not a normal business cycle.

Commissioner Jung asked what the highest overhead was in other industries that did not involve public servants. Mr. Sherman replied personnel was a huge cost. Commissioner Jung did not believe Washoe County was that wildly out of proportion with private industry. However, the point should not belabor that County

employees were overpaid and over-expended when the real message was that reductions had been made everywhere, and the County was now attempting to be sustainable and less erratic in how it moved forward as a County and as policymakers for the County. She said to imply that was because of overpaid County employees was misleading and missed the point. Commissioner Jung said as an organization the County had been one of the more conservative employers in the community and suggested different language to bring that forth that message.

Commissioner Larkin said under the stabilization and sustainability plan the central focus was the per employee cost to provide services, which was the central structure to maintain sustainability and stabilization. He discussed zero-based budgeting, which had been considered in the 1980's. Commissioner Larkin said lately the County had been practicing incremental budgeting. He remarked the County may be in for an exercise in zero-based budgeting, explaining departments would have to re-justify their organizations. He inquired how long it would take to implement zero-based budgeting for the County. Mr. Sherman commented departments would start with assuming zero in their budgets and justify every dollar spent. Commissioner Larkin said zero-based budgeting would explicitly display mandates versus non-mandates and require all departments to evaluate whether they were implementing mandated or non-mandated services and, if they so chose, give the Board an opportunity to weigh in on that political landscape. Mr. Sherman said an alternative to zero-based budgeting was a requirement to afford departments to weed out their mandates versus non-mandates and provide a cost estimate to the Board during budget presentations. Commissioner Larkin suggested the benefits of the cost of going through a zero-based budget be weighed to see if the County was at that point. Mr. Sherman agreed and also suggested the balance between programmatic reduction and global cost structure reduction.

Dave Childs, Assistant County Manager, said staff would return in January with better numbers and responses to the Board's concerns. He said staff would review zero-based budgeting relative to the County's ability to implement with shortages.

Commissioner Jung asked if the Finance Director ever requested department heads hold back a percentage toward the end of the fiscal year before getting the go ahead to spend that percentage. Mr. Sherman stated that have never occurred. Commissioner Jung asked if that could be discussed in the budget strategies when giving direction to staff. Mr. Sherman remarked that particular strategy had not been deployed, but a surrogate to that was when vacancies occurred and were held open; the departments were not authorized to spend that budget, so in the past there had been salary sweeps.

Richard Gammick, District Attorney, remarked in the report under disadvantages a sentence said, "... however, if no modifications are made to the current prioritization system, certain services will be cut to the point where they are no longer viable..." He said he attended a high order budget meeting when a valid point made was if incremental cuts continue to be made within a government agency there would come a point when so many incremental cuts had been made the entire County was not viable. He commented the Board needed to review any County program as to whether it was a

current viable program or an out-dated program. He said no matter what the Board decided someone would be upset. Mr. Gammick clarified mandates had to be reviewed and departments could not be told to ignore mandates. He said if those were ignored there would be consequences. Mr. Gammick said as a government body “wants versus needs” had to be reviewed, and what the County needed to do to meet the needs of the constituency. He said once the “needs” were paid for, then review the “wants.”

In response to the call for public comment, Gary Schmidt spoke on the budget and subsidized sprawl growth.

Josh Wilson, Assessor, explained some reductions were centered around ad valorem taxes, which comprised 55 percent of the total revenue stream into the County. He complimented the Finance staff for engaging much of the entities who played a role in the financial projections. Mr. Wilson remarked on some of the options listed in the PowerPoint presentation and noted the revenue reductions may not be as significant as last year. He stated personnel were the most valuable resource for any organization and could either make or break an organization. Mr. Wilson felt it would be a good idea to review non-mandated services, rejustification of services and growth in the public sector.

No action was taken on this item.

09-1293 AGENDA ITEM 33 – DISTRICT ATTORNEY

Agenda Subject: “Discussion and possible approval of a stipulation for settlement and dismissal of case number CV08-03523, Sally S. Weston et. al. vs. Washoe County. The case concerns the County’s approval of the South Valleys Area Plan Update---Washoe Valley portion (Washoe County planning case number CP08-005), on December 8, 2008, for property located within the territory of the South Valleys Area Plan outside the boundaries of the Truckee Meadows Service Area (TMSA). The substance of the proposed stipulation was approved at the County Commission Meeting of October 27, 2009. The actual stipulation was approved by the Regional Planning Governing Board, respondent in a related case (CV09-01642), at its November 12, 2009, meeting. Among other things, the stipulation provides for the following:

- 1) consolidating the case with a related case against the Regional Planning Agency (CV09-01642),
- 2) agreeing to up-zone that portion of Weston’s property north of the proposed hydrographic basin line to Low Density Suburban provided the TMSA boundary is appropriately extended,
- 3) limiting Weston’s development potential north of the proposed TMSA boundary to a maximum of 109 units which could be clustered,
- 4) limiting development south of the hydrographic basin line to a maximum of 4 units including the existing Weston residence,
- 5) keeping the Medium Density Rural zoning designation for the parcel that includes the existing Weston residence,

- 6) requiring Weston to dedicate the remainder of the approximately 600 acres of the entire property as open space, and
7) providing that no damages, costs or attorneys fees are awarded to any party.”

Commissioner Breternitz stated this had been previously discussed and noted this was the formalization of those past discussions and direction.

There was no public comment on this item.

5:50 p.m. Chairman Humke returned to the meeting.

Chairman Humke commented that he spoke to Attorney Tom Hall who was aware of the action and was in agreement.

On motion by Commissioner Breternitz, seconded by Chairman Humke, which motion duly carried, it was ordered that Agenda Item 33 be approved.

09-1294 AGENDA ITEM 34 – RENO JUSTICE COURT

Agenda Subject: “Discussion and adoption of a Resolution authorizing the election of a person to a Sixth Judicial Seat for the Reno-Verdi Township Justice Court and a Third Judicial Seat for the Sparks Township Justice Court on the 2010 Ballot pursuant to NRS 4.020. (All Commission Districts.)”

Chairman Humke resumed the gavel.

Commissioner Larkin requested Agenda Item 35 be reinstated and heard simultaneously with Agenda Item 34.

Paul Lipparelli, Assistant District Attorney, stated he received a letter from Judge Susan Deriso and Judge Kevin Higgins, Sparks Justice Court, which was placed on file with the Clerk, requesting that the third seat for the Sparks Township not be created at this time.

Mr. Lipparelli explained the resolution before the Board was written prior to the latest developments. He gave the Board a brief background on the complexity of the process. He said when counties the size of Washoe reached a certain threshold, another department of the Justice Court came into existence. He remarked the population referred to would be a population certified by the Governor in March of even numbered years. Mr. Lipparelli explained the law provided for a majority of sitting judges in that township to decide if the case load warranted the addition of an additional seat and would notify the county commission if that seat was not needed. However, the oddity in the law was that the Legislature changed the filing period for judicial offices from March to January. Mr. Lipparelli explained that created an impossible position since it was difficult for the Court to know if the population threshold was going to be met in order to notify

the Board for an election process to take place. He stated the resolution would recognize that since 2006 the population in the Reno Township justified the addition of a sixth department. Mr. Lipparelli said the resolution would also declare the vacancy existed as of January 2010 and would direct the election process for the 2012 General Election. He said by arranging the election process in the suggested fashion, the sixth seat would run during the election cycle of Department One; however, the resolution required two modifications. He said in paragraph 4, subparagraph A, "2010" would be stricken and "2012" would be inserted as the election cycle to be used. He said in subparagraph B, after the words "...be paid..." the remainder of the sentence would be stricken and the words "...according to law" would be inserted. Mr. Lipparelli recommended the 2012 election process be used and the filing period be that required by law.

Chief Judge Harold Albright, Reno Justice Court Department 4, explained the Judges had attempted to be responsible and waive this seat in the past and, attempted to waive the case law, but the cases were increasing. He said with this the Judges would be able to work better with the Public Defender's Office and the District Attorney's Office. He believed it was meritorious and the delay until 2012 would give time to plan and meet the needs. Judge Albright commented the Courts had Administrative Assessment Fees, which accrue if not committed, and the County was entitled to utilize the uncommitted funds. He explained the Court would be willing to not commit \$600,000 of those fees and allow the Board to utilize them. Judge Albright said the staff report for Agenda Item 35 provided the information. He noted five employees were lost in the budget reductions and the three being requested would not add additional employees.

Chairman Humke asked for a job description of the three employees. Steve Tuttle, Reno Justice Court Administrator, explained the Court was requesting an arraignment clerk, a warrant clerk and a business system analyst. Judge Albright commented the Courts were paying for the Case Management System for the City of Sparks as well as the Reno Justice Court. He explained the system analyst would work with the Reno Justice Court and the Sparks Court providing a Comprehensive Case Management System to serve the entire needs of the County. He said the Reno Justice Court was also approached by Reno Municipal Court in an effort to merge part of the systems.

Commissioner Larkin asked if the three positions were full-costed. Mr. Tuttle explained the positions were full-costed. Darin Conforti, Budget Manager, said staff had worked closely with the Court and remarked the issue contemplated by the Court indicated what happened when an organization was under fiscal stress. He said the overture of the Court to bring forward \$600,000 could not be understated and was a tremendous sacrifice of funds, and his responsibility was to advise the Board how those funds would fit into the County budget. Mr. Conforti indicated the three positions would cost approximately \$220,000 per year and a one-time contribution of \$600,000 would cover the cost through fiscal year 2011/12. He indicated during fiscal year 2013 when the one-time contribution would be exhausted, the costs would be folded into the cost structure of the County General Fund. Commissioner Larkin remarked this coincided with the discussion concerning zero-based budgeting that those positions would have to

stand on their own. Mr. Conforti replied that was correct. He stated he was not sure how zero-based budgeting would apply to the judiciary since the issue would question how the funds were used and if that would withstand the current separation of power between the branches of government. Commissioner Larkin said since these were on-going court fees that continued to accrue, he asked if this was a one-time contribution. Mr. Conforti stated that was correct. He explained those court fees were under the sole discretion of the Justices of the Peace and the limits those fees could be used for were prescribed in law. Mr. Conforti commented not all of those funds would be permissible to use for this expense.

Judge Jack Schroeder, Reno Justice Court Department 3, commented the Courts were seeking deferral of the sixth seat and recommended contributing \$600,000 for three employees. He emphasized the Courts needed those additional employees.

Judge Kevin Higgins, Sparks Justice Court, said the Sparks Justice Court had been working with County staff to arrive at the best solution. He indicated the Sparks Justice Court had been entitled to a third judge for eight years.

Commissioner Larkin asked if the letter from the Sparks Justice Court constituted a waiver. Judge Higgins replied that was correct, along with a letter being sent to the Legislative Counsel.

Commissioner Larkin said the notation about the cumulative effect of adding three new employees had merit. He stated it appeared to be a good deal for the next two years and were more or less funded on an enterprise basis with administrative fees. Mr. Conforti indicated there had been vigorous negotiations concerning this issue and the perspective was maintaining cost neutrality in the present and moving forward. He said the \$600,000 was an overture that was not to be looked at lightly. He acknowledged that staff was engaged in negotiations with the Court, but indicated this Board item was not perfected and, as written, staff could not act on this item. He explained if adopted the business system analyst was a new classification and would need to come back before the Board. Mr. Conforti said the Justice Court was requesting immunity from budget reductions for the next two fiscal years, which recognizing the priority-based approach the County used to weigh priorities, was an issue in negotiations.

Commissioner Larkin asked if that was still the position of the Court. Judge Albright replied that was set out in the item. He explained the Court was contributing \$600,000 to the County and requesting three employees. However, they did not want to arrive July 1st and have those three employees cut, equating to a \$600,000 gift to the County with nothing gained by the Court.

Commissioner Breternitz said it was difficult for him to support this item if that provision remained and allow the Board the flexibility to work through the budget situation.

Commissioner Weber stated she was unsure of the impacts or if there were impacts and how this would help the Sparks Justice Court. Mr. Tuttle explained initially staff tried to maintain the current budget level because all resources were being given to the County in a lump sum. He said it was anticipated the Court would have a large budget reduction this fiscal year. He said the Court wanted to give the County \$600,000 and be immune from further reductions. Mr. Tuttle stated he would be willing to meet with Mr. Conforti in an attempt to arrive at a solution for the County and the Court; however, it needed to be emphasized that this Court was deeply cut in the budget process. Mr. Tuttle explained the requested positions were to cover daily operations. Chairman Humke stated this sounded like the striking of a "fixed two-year based budget." He said it was difficult to look at a fixed-budget when working with Employee Associations and other groups since some departments gave up 30 percent.

In response to Commissioner Weber's question concerning the impact on the Sparks Justice Court, Mr. Conforti replied a cost-neutral solution had been reached with the Sparks Justice Court based on the needs agreeable to them for the waiver of the third judge.

Mr. Conforti suggested not transferring the \$600,000 of Administrative Assessment Fees to the General Fund, and charge the three positions directly to the Administrative Assessment Fund. Then those costs could be paid for with the Administrative Assessment Fees until the sixth judge came onboard. He said staff could then engage in a discussion of the General Fund picking up the cost for those positions. Mr. Tuttle said the Court would be in cooperation with that suggestion. He said it was the intent to have the Reno Justice Court healthy.

Commissioner Larkin said Agenda Item 34 consisted of an agreement and a resolution. He inquired if the comments were perfected for the resolution or the agreement since he was unsure if what was proposed in the resolution was possible. He commented NRS was specific that the assessment for any new judge had to occur with the Governor's certification of the population, which only occurred in an even year, prior to March 1st. Commissioner Larkin felt, if challenged, the resolution would be ineffective because of the judicial filing in January. He indicated that left the Board one avenue which was to set by appointment. He said the earliest the appointment could occur was after the certification of March 1st by which time there would only be one appointment and would require Legislative review during a Legislative session. Mr. Lipparelli explained for this resolution the Board would rely upon the 2006 certification of the population and also recognize that by a series of decisions by the Justice Court, the Board would not fill the seat. He said if the Board did not act it cast the whole decision into another realm.

Mr. Lipparelli explained the Registrar of Voters would decide whether or not to accept Declarations of Candidacy in January. Mr. Lipparelli asked if the Board wanted the Registrar of Voters and an Assistant District Attorney deciding or the County Commission to decide. He stated when the Board adopted a resolution that spoke for the County as a whole, not just the Court. He said if the Declaration of Candidacy was

refused, a group could petition another court for a writ to compel the Registrar to accept those and the County would find themselves in litigation. He conceded it was ugly, but if the logic was followed and tracked with statutes it could fit and be recognized that the threshold was exceeded in 2006. Mr. Lipparelli said since that time there had been a series of decisions not to fill the seat; however, and the Court could no longer go without that judge past the 2012 election.

Mr. Lipparelli stated resigning to litigation would be the worse case scenario. He said here was a resolution, the word of the governing board of the County, as to what it thought should happen based on the advice of legal counsel and based on the decision-making power within the Justice Court to waive the seat and follow statutes. He indicated in NRS 4.150 the Board could have authority of what was being recommended. Commissioner Larkin stated or, as done in the past, the Court could issue a waiver. He said if he were a candidate for that judicial seat he would be irritated that a condition was established that could challenge the incumbency. Commissioner Larkin said he could not support that.

Melanie Foster, Legal Counsel, indicated the Board had faced this issue in the past. She said the advice from the Secretary of State was less than useful and in the end the Court was willing to waive early in January before the filing was open, so there was never an issue. Ms. Foster said if the Court was willing to follow this process with the communication to the Legislative Counsel Bureau (LCB) that it would not be seeking to fill this seat for that election cycle, the resolution was appropriate and defensible. Commissioner Larkin stated the Court could issue the waiver directly without a resolution. Ms. Foster suggested adding language reflecting that concurrency requirement on the certification of population. Commissioner Larkin asked why deal with the resolution when it was a requirement of law that the justices notify the LCB and the County Commissioners. He said if the Justices were acceptable he was supportive of Agenda Item 35, but not Agenda Item 34.

Mr. Lipparelli said thus far the advice to the Registrar of Voters had been that the seat did not exist and filings should not be accepted. He indicated doing nothing would result in the District Attorney's Office advising the Registrar that the seat did not exist and nothing should be done. He said if that occurred the Justice Court would file a petition for a writ, resulting in a court deciding the case; however, that would not happen in time to file for the Office in January. Mr. Lipparelli explained another option was to wait for the Governor's certification then have the Board act to declare the seat vacant and set a filing period for that vacancy, which would cause an election for the sixth seat and pay the costs of salary and benefits when that person took office in January of 2011. Mr. Lipparelli said now there was a possibility to defer the filing of that seat for a whole budget cycle and rely upon the authority of the Board to set forth the process to fill a vacancy and recognize that by the Legislature moving the filing date, it precluded certain sequences of events from being possible.

Commissioner Breternitz said one option being discussed was the use of NRS 4.150 to declare a vacancy and certify that the vacancy occurred; therefore, there

would be an opening to be filled. He said a number of possibilities had been discussed, and asked if it were determined to open up the filing period January 2010 or January 2012. Mr. Lipparelli clarified if the suggested modifications were accepted the date would be January 2012. Commissioner Breternitz clarified that the employees would be funded by the Administrative Assessment Fees. Commissioner Larkin agreed and noted that was the enterprise-type funding.

Mr. Conforti said the proposed suggestion was technically the most eloquent solution where the Administrative Assessment Account would be treated as an Enterprise Fund. He said there was also a subsequent statutory clause that allowed funds to be reverted if they were uncommitted. He indicated that clause would not be exercised. He said the Court would retain the \$600,000 and the Reno Justice Court General Fund budget would be held constant, relative to all other department budgets.

Ms. Foster reiterated the changes to the resolution would be Paragraph 4, subsections A and B as noted in the above discussion.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried with Commissioner Larkin voting “no,” Chairman Humke ordered that Agenda Item 34 be approved, authorized and executed as amended. The amended resolution for same is attached hereto and made a part of the minutes thereof.

09-1295 AGENDA ITEM 35 – RENO JUSTICE COURT

Agenda Subject: “Recommendation to increase Reno-Verdi Justice Court staffing level by three full time employees which will be offset by the immediate deposit of \$600,000 from the Court’s two-year uncommitted Administrative Assessment Account to the Washoe County General Fund and to maintain current base budget for two years (Fiscal Year 2010/11 and Fiscal Year 2011/12) which includes \$100,000 Senior Judge/Pro Tempore funding per year. (All Commission Districts.)”

******For discussion concerning Agenda Item 34,
refer to the above item 09-1294******

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that the Reno-Verdi Justice Court staffing level be increased by three full-time employees, not specifying those positions, which would be off-set by the immediate deposit of \$600,000 from the Court’s two-year uncommitted Administrative Assessment Account and that the negotiations between the Finance Department and the Court commence in terms of future budgeting consistent with the principles outlined in the discussion.

7:11 p.m. The Board recessed.

7:30 p.m. The Board reconvened with Commissioner’s Larkin and Jung absent.

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 50 by revising provisions relating to unlawful riding of a vehicle off road, and by adding a public nuisance code that prohibits certain activities and conditions and requires certain property maintenance, all pertaining to structures, property and residential foreclosures in disrepair, existence of garbage, weeds, junk vehicles, attractive nuisances, pollutants, hazardous waste or criminal gangs, storage, grading of land, obstruction of public roads, off-road vehicle restrictions, animals, parking, and graffiti; and providing other matters properly relating thereto. Set public hearing and second reading of the Ordinance for January 12, 2010 at 6:00 p.m. (All Commission Districts.)”

Dave Childs, Assistant County Manager, stated there had been a second reading of this ordinance in October 2009 where the Board made several changes resulting in a re-write of the ordinance. He said direction to staff was to return to the Board on December 8, 2009 for another first reading.

Bob Webb, Planning Manager, explained the definition of “vehicle” was expanded to describe a street legal vehicle and a non-highway vehicle. He stated the intent of the recommendation was to differentiate vehicles that could be registered for use on a highway and those vehicles which could not be registered for use on a road. Mr. Webb said the second key point was using the differentiation between the two types of vehicles. He said staff refined the definition of “junk vehicles” to specify that only street legal vehicles, which do not possess a current valid vehicle registration, would be considered as junk vehicles if within public view. Mr. Webb said another recommendation was to remove the word “complete” from the definition of screen and explained the definition. He said staff believed that was the intent of the Citizen Committee and the Board to screen the area in which the vehicle or material was stored, not complete visual obscuration. He said the final recommendation was an added provision to item 9 of the nuisance to allow the County to issue a display permit for junk vehicles. He explained display permits should only be granted within certain specific circumstances and those needed to be clearly defined when staff brought those proposed parameters forward to the Board.

7:35 p.m. Commissioner Larkin returned.

7:36 p.m. Commissioner Jung returned.

In response to the call for public comment, Garth Elliott spoke on behalf of several Sun Valley residents and Citizen Committee members. He said the citizens felt that Sun Valley fueled the nuisance ordinance revision and that the solution that came about was based on emotion and, unfortunately, did not solve the problems that occurred in Sun Valley. Mr. Elliott said the citizens would like a standard based on a percentage of the property and that 25 percent of a properties square footage be used for storage; and 40

percent of that could be used for storage of inoperable vehicles or 10 percent net of the total square footage without placing a limit on the number of vehicles.

Nancy Leeder stated she had e-mailed the Board, which was placed on file with the Clerk. She said her contention was that there was a difference between a third of an acre lot in Sun Valley and the rest of the County. She requested four changes to the proposed ordinance and stated those changes.

R. Gary Brown stated 1 percent of people made it difficult for others. He said most of the affected vehicles would be registered in the Incline Village, Reno and Sparks areas and suggested flexibility for other parts of the County.

Gary Schmidt spoke on “junk vehicles” and recommended suggestions to the proposed ordinance.

Commissioner Weber read two e-mails into the record from Kathryn Snedigar, which were placed on file with the Clerk.

Commissioner Jung requested staff review the concerns made from the public. She asked Commissioner Larkin to speak on the amendments he made earlier concerning the Hearing Officer so that citizens interested in the ordinance may consider the logic behind those ideas.

Adrian Freund, Community Development Director, asked if the Board wished staff to integrate some of the comments that had been mentioned. Chairman Humke stated that was the direction.

Commissioner Larkin stated during agenda Item 7I(1) the Board approved an independent contractor agreement template for the Administrative Enforcement Code Officer, set the rates and directed the Manager to return to the Board with policies and procedures for applicants to be reviewed by the Board through some process. He indicated the Board did not implement the suggestion to delegate that authority to the Purchasing and Contracts Manager.

Bill No. 1606, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 50 BY REVISING PROVISIONS RELATING TO UNLAWFUL RIDING OF A VEHICLE OFF ROAD, AND BY ADDING A PUBLIC NUISANCE CODE THAT PROHIBITS CERTAIN ACTIVITIES AND CONDITIONS AND REQUIRES CERTAIN PROPERTY MAINTENANCE, ALL PERTAINING TO STRUCTURES, PROPERTY AND RESIDENTIAL FORECLOSURES IN DISREPAIR, EXISTENCE OF GARBAGE, WEEDS, JUNK VEHICLES, ATTRACTIVE NUISANCES, POLLUTANTS, HAZARDOUS WASTE OR CRIMINAL GANGS, STORAGE, GRADING OF LAND, OBSTRUCTION OF PUBLIC ROADS, OFF-ROAD VEHICLE RESTRICTIONS, ANIMALS, PARKING, AND GRAFFITI; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO, "was introduced by

Commissioner Breternitz, the title read to the Board and legal notice for final action of adoption directed.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the public hearing and second reading of the Ordinance be set for January 12, 2010 at 6:00 p.m.

PUBLIC HEARINGS

09-1297 AGENDA ITEM 37 – TRUCKEE RIVER FLOOD MANAGEMENT

Agenda Subject: “Recommendation to approve Second Amendment to the Infrastructure Tax Plan regarding the 1/8% Infrastructure Sales Tax enacted in December 1998 (Amendment expands the description of the projects and updates the costs and sources of financing of the U.S. Army Corps of Engineers Truckee River Flood Control Project) [estimated local share of total project cost \$525 million to be paid for in part by the Infrastructure Fund - as defined in NRS 377B.150]. Continued from October 13, 2009 Commission Meeting. (All Commission Districts.)”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the recommendation to approve the Second Amendment to the Infrastructure Tax Plan regarding the 1/8 percent Infrastructure Sales Tax enacted in December 1998. There being no one wishing to speak, the Chairman closed the public hearing.

Naomi Duerr, Truckee River Flood Management Director, conducted a PowerPoint presentation, which was placed on file with the Clerk, explaining the description of the projects, updates and the costs and sources of financing of the U.S. Army Corps of Engineers for the Truckee River Flood Control Project.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 37 be approved.

09-1298 AGENDA ITEM 38 – BUILDING AND SAFETY

Agenda Subject: “Appeal of the Board of Adjustment’s Action denying Appeal Case No. AX09-005--Will Sauer Road. (Commission District 2.)”

“Appeal of the decision of the County Building Official to place a stop work order (“Red-Tag”) on building permit number 07-4383. The permit is to construct a new gate across Will Sauer Road on Assessors Parcel Numbers 005-092-23 and 055-041-17. Based upon the staff analysis, comments received, and site inspections, the Building Official recommends that the Board of County Commissioners deny the appeal and affirm the Board of Adjustment’s denial of Appeal Case No. AX09-005.”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the appeal of the Board of Adjustment's action denying Appeal Case No. AX09-005--Will Sauer Road.

Dave Childs, Assistant County Manager, stated since a possible solution was being offered, the appellant requested this be continued.

Stuart Harrington, Will Sauer Road Association Chair, stated he was monitoring the meeting to see what would be offered. He said negotiations were taking place with the District Attorney's Office and some new ideas were being discussed to solve the problem.

The public hearing remained open and no action was taken.

09-1299 AGENDA ITEM 39

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)."

Commissioner Larkin announced he would attend the Truckee Meadows Water Authority (TMWA) Joint meeting on December 9, 2009, the Regional Planning Governing Board (RPGb) meeting on December 10, 2009 and the Flood Project Coordinating Committee (FPCC) and the Western Regional Water Commission meetings (WRWC) on December 11, 2009. He reminded the Board of their retreat scheduled for December 14, 2009 and requested an alternate for the TMWA meeting on December 16, 2009.

Commissioner Weber said Nevadaworks would meet December 11, 2009. She said she attended the Nevada Association of Counties (NACO) meeting which was her last official Board meeting as president. She attended the National Board of Directors for the National Association of Counties (NACo) and noted the National Board voted to give \$150,000, a one-time fund for bonuses for employees; however, she commented she always voted against those bonuses due to the economic times and felt it was not an appropriate justification. She said this year there were 23 opposed votes for those bonuses. Commissioner Weber suggested the Board review the presentation of an agenda she brought from Elko County.

Commissioner Jung said she began a District 3 outreach program called "Neighbor to Neighbor" inspired by the National Day of Service on September 11, 2009. She commented 35 students and residents in the Rancho San Rafael area arrived on a Saturday in September and cleaned the Arboretum with a Park Ranger. She said in

October the group volunteered at Animal Services and in November was approached by the Pan-Hellenic Association of the University of Nevada, Reno who volunteered to clean-up four different parks. Commissioner Jung stated she had been invited to the “Home Performance with Energy Star” that looked at the American Recovery and Reinvestment Act and how counties and local jurisdictions could become involved when it came to retro-fitting homes and different contractors.

Commissioner Breternitz requested an agenda item concerning the County’s change order policy.

COMMUNICATIONS:

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

09-1300 State of Nevada, Department of Transportation, executed contract documents, plans and specifications for Contract No. 3285, Readvertised, Project No. IM-080-1(164), on I-80 from West of the East McCarran Interchange to 0.38 Miles East of the Vista Interchange, Washoe County, Sierra Nevada Construction, Inc., Contractor. (Documents forwarded to Engineering on October 28, 2009.)

09-1301 Agreement between the County of Washoe and the Washoe County Public Attorneys Association, 2008-2010 (BCC Meeting April 14, 2009, Item 09-325).

REPORTS – MONTHLY

09-1302 Clerk of the Court, Report of Fee Collections for the month ending October 31, 2009.

REPORTS – QUARTERLY

09-1303 AT&T Nevada Declaration of Availability of IP Video Service for the period ending September 30, 2009.

09-1304 Gerlach General Improvement District, 1st Quarter Economic Report for fiscal year 2009/10.

09-1305 Gerlach General Improvement District, Corrected 1st Quarter Economic Report for fiscal year 2009/10.

09-1306 Washoe County School District, Quarterly Report for the 4th Quarter of fiscal year 2008/09, ending June 30, 2009.

09-1307 Washoe County School District, Quarterly Report for the 1st Quarter of fiscal year 2009/10, ending September 30, 2009.

REPORTS – ANNUAL

- 09-1308** Carson-Truckee Water Conservancy District, Financial Statements and Supplemental Information for the fiscal year ended June 30, 2009.
- 09-1309** Incline Village General Improvement District, Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009.
- 09-1310** North Lake Tahoe Fire Protection District, Audited Financial Statements for the fiscal year ended June 30, 2009.
- 09-1311** Regional Transportation Commission, Fiscal Year 2010 Budget.
- 09-1312** Reno-Sparks Convention & Visitors Authority, Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009.

* * * * *

ADJOURNMENT

8:15 p.m. There being no further business to come before the Board, on motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that the meeting be adjourned.

DAVID HUMKE, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by:
Stacy Gonzales, Deputy County Clerk*

RESOLUTION

A RESOLUTION PROVIDING FOR AN ELECTION OF NEW OFFICES OF JUSTICES OF THE PEACE AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, the Reno Justice Court Township has 5 justices of the peace;

WHEREAS, pursuant to NRS 4.020 within a Washoe County township there shall be one justice of the peace for every 50,000 population;

WHEREAS, "on or before March 1" (NRS 360.285) "in even-numbered years" (NRS 4.020(1)) the governor certifies the population within the county and township for the purpose of determining the number of justices of the peace within a township;

WHEREAS, the governor's 2006 certification of the population established a population of over 250,000 for the Reno Justice Court township resulting in a sixth justice of the peace;

WHEREAS, in a Memorandum of Understanding with Washoe County Management executed in January, 2008 the Justices of the Peace of the Reno Justice Court waived the addition of a sixth Justice of the Peace position for two years, even though the certified population would have required the creation of the sixth Reno position in 2008;

WHEREAS, by letter dated October 22, 2009 a majority of the justices of the peace in Reno township have notified the board of county commissioners they will not waive the need for an additional justice of the peace in the 2010 election in the Reno township based upon caseload;

WHEREAS, by letter dated November 30, 2009 a majority of the justices of the peace in the Reno township have notified the board of county commissioners that the court's waiver from 2008 does not last beyond the end of 2009 and that a vacancy exists in the 6th seat on the Justice Court as of January 1, 2010;

WHEREAS, vacancies in the office of justice of the peace may be filled when the board of county commissioners appoints someone or provides by resolution “for an election procedure to fill the vacancy for the remainder of the unexpired term” (NRS 4.150); and

WHEREAS, filling a vacant office through an election process is preferred to the appointment process;

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

1. The population of the Reno Justice Court township exceeded 250,000 as of March, 2006, the office of the 6th justice of the peace in the Reno Justice Court exists, the term of the office began in January, 2007, and a vacancy exists as of January 1, 2010.

2. The Washoe County Clerk is ordered to certify any vacancy established by this resolution to the Secretary of State pursuant to NRS 4.150(2) and shall include a copy of this resolution.

3. An election is hereby called for any new office of justice of the peace resulting from the operation of the state laws, the court’s notices and this resolution.

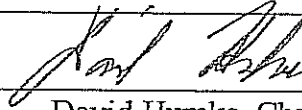
4. It is provided that the election procedure to fill the vacancies in the unexpired term of the 6th seat of the Reno Justice Court:

a. The declared election shall coincide with and be a part of the general election of 2012.

b. Declarations of candidacy for the primary election shall be filed by candidates for the new office of justice of the peace and the fees required by NRS 293.193 shall be paid as required by law.

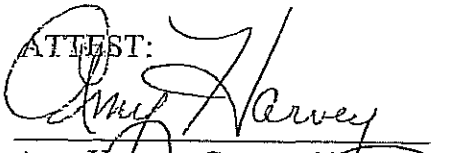
ADOPTED this 8th day of Dec., 2009 by the following vote:

AYES: WEBER, BRETERNITZ, HUMKE, JUNG
NAYS: LARKIN
ABSENT: 0
ABSTAIN: 0



David Humke, Chairman

ATTEST:


Amy Harvey, County Clerk

RESOLUTION

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2. The Washoe County Clerk is ordered to certify any vacancy established by this resolution to the Secretary of State pursuant to NRS 4.150(2) and shall include a copy of this resolution.
3. An election is hereby called for any new office of justice of the peace resulting from the operation of the state laws, the court’s notices and this resolution.
4. It is provided that the election procedure to fill the vacancies in the unexpired term of the 6th seat of the Reno Justice Court:
 - a. The declared election shall coincide with and be a part of the general election of 2012.
 - b. Declarations of candidacy for the primary election shall be filed by candidates for the new office of justice of the peace and the fees required by NRS 293.193 shall be paid as required by law.

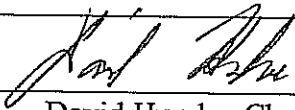
ADOPTED this 8th day of Dec., 2009 by the following vote:

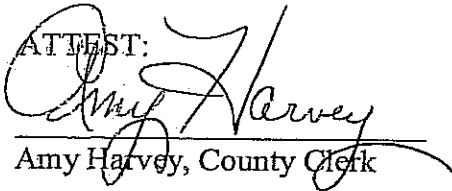
AYES: WEBER, BRETERNITZ, HUMKE, JUNG

NAYS: KARLIN

ABSENT: 0

ABSTAIN: 0


David Humke, Chairman

ATTEST:

Amy Harvey, County Clerk

Resolution of Accomplishment

WHEREAS, The mission of the Reno-Tahoe Young Professionals Network is to cultivate an informed and involved young professional community in order to retain and attract young and diverse talent; and

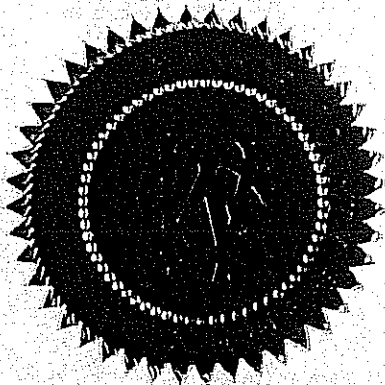
WHEREAS, The annual Twenty Under 40 awards, sponsored by the Reno-Tahoe Young Professionals Network and RGJ Media, recognizes our accomplished community leaders under the age of 40; and

WHEREAS, On November 5, 2009, 20 awardees were selected from over 188 nominations before an audience of 200 local leaders; and

WHEREAS, For her extensive history in community service and public relations, her dedication to creating positive changes in her community, and her capacity to ensure that all stakeholders are represented on issues of importance to our community Kitty Jung, Washoe County Commissioner for District 3 was duly honored; and, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners recognizes Commissioner Kitty Jung as one of the 20 under 40 important leaders in Northern Nevada and celebrates all of the 2009 Twenty Under 40 award recipients.

ADOPTED this 8 day of December, 2009



A handwritten signature in black ink, appearing to read "David E. Humke".

David E. Humke, Chairman
Washoe County

09-1230

A RESOLUTION AUTHORIZING THE COUNTY TREASURER TO TRANSFER TO OTHER GOVERNMENTAL ENTITIES, REAL PROPERTY HELD IN TRUST DUE TO PROPERTY TAX DELINQUENCIES AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, after the expiration of the period of redemption for tax delinquent parcels of real property, the county tax receiver is required to execute and deliver deeds conveying title to such property to the county treasurer in trust for the use and benefit of the state and county, (NRS 361.585); and

WHEREAS, upon the order of the board of county commissioners entered upon the record of its proceedings, such tax delinquent parcels held in trust by the Treasurer may be conveyed in the manner required by state law after proper notice is given, (NRS 361.595); and

WHEREAS, attached to this resolution and incorporated herein is Exhibit A, a list of tax delinquent parcels held by the county treasurer in trust that the board of county commissioners desires to have conveyed to other governments as more specifically set forth in Exhibit A; and

WHEREAS, pursuant to NRS 361.603 local governments or the University System are authorized to acquire property held in trust by the county to serve a public purpose in return for the payment of the delinquent taxes; and

WHEREAS, pursuant to NRS 361.603 no delinquent taxes need be paid for property transferred to a local government for street, sewer or drainage uses, for use in a program for the rehabilitation of abandoned residential properties established by the local government pursuant to chapter 279B of NRS, or for use as open-space real property as designated in a city, county or regional comprehensive plan.

NOW THEREFORE BE IT HEREBY RESOLVED by the Washoe County Board of County Commissioners as follows:

1. The Washoe County Board of County Commissioners finds that transferring the parcels listed in Exhibit A to The City of Reno would serve the public purposes stated in the exhibit.
2. The Washoe County Treasurer is hereby ordered pursuant to NRS 361.603 to transfer the parcels listed in Exhibit "A", item #1 to the governmental unit(s) for the purposes stated in Exhibit "A" in the manner required by state law after proper legal notice has been given.
3. If some irregularity or circumstance arises before the transfer of any certain parcel listed in the exhibits to this resolution such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a parcel from a sale or transfer, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal on behalf of the county. The Treasurer shall report

to the board in writing his or her decision to make such a withdrawal and shall state the reasons for the decision. The board may thereafter permit the parcel to remain in trust for the benefit of the state and county or may again order it be sold or transferred.

ADOPTED this 8th day of Dec., 2009 by the following vote:

AYES: Humke, Weber, Larkin, Pretornitz, Fung

NAYS: 0

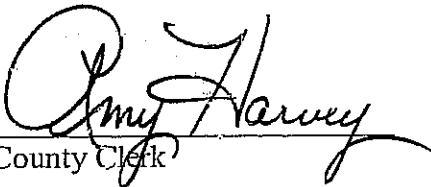
ABSENT: 0

ABSTAIN: 0



Chairman
Washoe County Commission

ATTEST:



County Clerk

EXHIBIT "A"

2009 Tax Delinquent Parcels to be withheld
From Sale to the general public

1. The City of Reno has requested acquisition of four parcels for economic development, redevelopment, and/or other municipal/public purposes:

<u>APN</u>	<u>BACK TAX</u>
007-285-13	\$9,740.56
007-285-14	\$7,264.54
007-285-20	\$7,119.26
007-285-21	\$187,189.53

RESOLUTION: Authorizing donation of equipment purchased via state grant funds to Truckee Meadows Community College

WHEREAS, the Washoe County District Board of Health made the determination to donate equipment purchased with grant funds to satisfy the diesel emissions grant-required activity on November 19, 2009 and the Washoe Board of County Commissioners approved the capital outlay on April 8, 2008-item # 6 C (2); and

WHEREAS, by virtue of the Interlocal Agreement creating it, the Washoe County Health District is required to use the same financial policies and procedures that are used for County Departments; and

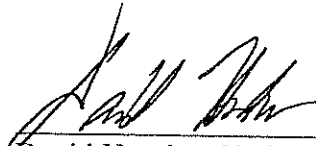
WHEREAS, pursuant to NRS 244.1505, Board of County Commissioners may donate to a governmental entity for any purpose which will provide a substantial benefit to the inhabitants of the county; and

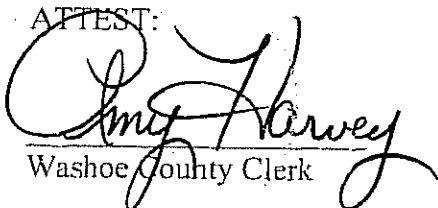
WHEREAS, Washoe County desires to donate equipment purchased via state grant funds to Truckee Meadows Community College to provide resources for reduction of diesel related air emissions in Washoe County; and

WHEREAS, Washoe County finds that these diesel emission reduction activities provide a substantial benefit to the inhabitants of the county;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, that the Board hereby approves the donation of equipment purchased via state grant funds to Truckee Meadows Community College.

Adopted this 8th day of December, 2009.


David Humke, Chairman
Washoe County Commission

ATTEST:

Washoe County Clerk

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 SHERIFF'S OFFICE
911 PARR BLVD
RENO NV 89512
PHONE (775) 328-3369 FAX (775) 328-3055
(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, it is deemed that the services of [AGENCY NAME] hereinafter set forth are both necessary to [AGENCY NAME] 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 to _____, unless sooner terminated by either party as set forth in this Contract.
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 _____ 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 federal and/or State Legislature 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.
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
ATTACHMENT B: SCOPE OF LICENSE PLATE READER AGREEMENT
7. **CONSIDERATION.** [AGENCY NAME] agrees to provide the services set forth in paragraph (6) at a cost of \$ _____ per _____ (state the exact cost or hourly, daily, or weekly rate exclusive of travel or per diem expenses) with the total Contract or installments payable: _____, not exceeding \$ _____. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

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 State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with all state and federal 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 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.

c. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained a minimum three years and for five years if any federal funds are used in this Contract. The retention period runs from the date of termination of this Contract. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

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. It is specifically agreed that reasonable attorneys' fees shall include without limitation \$125 per hour for State-employed attorneys.

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. Actual damages for any State breach shall never exceed the amount of funds which have been appropriated for payment under this Contract, but not yet paid, for the fiscal year budget in existence at the time of the breach.

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.

a. To the fullest extent of limited liability as set forth in paragraph (11) of this Contract, each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorneys' fees and costs, arising out of any alleged negligent or willful acts or omissions of the party, its officers, employees and agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph.

b. The indemnification obligation under this paragraph is conditioned upon receipt of written notice by the indemnifying party within 30 days of the indemnified party's actual notice of any actual or pending claim or cause of action. The indemnifying party shall not be liable to hold harmless any attorneys' fees and costs for the indemnified party's chosen right to participate with legal counsel.

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 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 Office of the Attorney General.

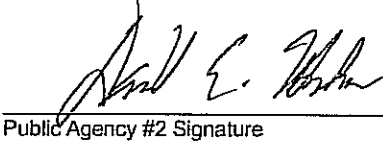
IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

Washoe County Sheriff's Office
Public Agency #1


Public Agency #1 Signature

11/03/09 Washoe County Sheriff
Date Title

Washoe County Board of Commissioners
Public Agency #2


Public Agency #2 Signature

12/8/09 Chairman
Date Title

Signature -- Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

Approved as to form by:

On _____
(Date)

Deputy Attorney General for Attorney General, State of Nevada

On _____
(Date)

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 International Justice and Public Safety Network ("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.

- 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.

ATTACHMENT B: SCOPE OF LICENSE PLATE READER AGREEMENT

- 1) The purpose is to memorialize the **State's** and **User's** understanding regarding the transmitting, receiving, and storage of information contained in the National Crime Information Center (NCIC) License Plate Reader (LPR) Project.
- 2) The exchange of information will be limited to extracts from NCIC License Plate Reader Project, File Transfer Protocol server.
- 3) This Agreement applies to the **State's** transmission of information from the NCIC LPR Extract Files received from the FBI, which contain stolen Vehicle File information, the License Plate File information, and Person File information if attached to a stolen vehicle record.
 - a. The **State** will:
 1. Provide extracts from the NCIC LPR Program to **User**;
 2. Provide updated extract information on a daily basis to **User**;
 3. Respond to specific inquiries from the **User**; and
 4. Provide the **User** with the name and telephone number of a **State** technical and an administrative point of contact.
 - b. The **User** will:
 1. Use the NCIC LPR extracts for law enforcement purposes only;
 2. Update its local database as FBI updates become available through the **State** ensuring that those numbers deleted from the NCIC system are also deleted from all local databases;
 3. Confirm extract hits are still active in NCIC, in accordance with current NCIC hit confirmation policy; and
 4. Provide the **State** with the name and telephone number of a **User** technical and an administrative point of contact.
- 4) There are no reimbursable expenses associated with this level of support. Each party will fund its own activities unless otherwise agreed in writing. Expenditures will be subject to budgetary processes and availability of funds pursuant to applicable laws and regulations
- 5) It is the intent of the parties that the transfer of information described under this Agreement will be conducted in accordance with security procedures contained in the CJIS Security Policy. No classified information will be provided or generated under this Agreement.
 - a. Parties agree information transferred, stored, maintained, furnished, destroyed or in any other manner utilized under this agreement, is subject to applicable current CJIS Security Policies, and any future amendments made to the CJIS Security Policy.

A RESOLUTION AUTHORIZING THE DIRECTOR OF THE TRUCKEE RIVER FLOOD MANAGEMENT PROJECT TO GRANT CERTAIN EASEMENTS, LICENSES, RIGHTS OF ENTRY AND TEMPORARY USE PERMITS FOR PROPERTIES ACQUIRED FOR THE BENEFIT OF THE TRUCKEE RIVER FLOOD MANAGEMENT PROJECT.

WHEREAS, Washoe County has acquired and will continue to acquire real property and improvements for the benefit of and inclusion in the Truckee River Flood Management Project, a public works project as defined in NRS 338.010 (the “**Flood Project**”);

WHEREAS After acquiring property for the benefit of the Flood Project (the “**Flood Project Property**”) the County may desire to enter into agreements (such as easements, licenses, rights of entry, and temporary use permits) for its use in order to integrate it in the construction and other plans for the Flood Project;

WHEREAS The Director of the Truckee River Flood Management Project is in the best position to determine what is in the best interest of the Flood Project in integrating Flood Project Property into the Flood Project;

WHEREAS Under the Truckee River Flood Management Project Cooperative Agreement entered into between Washoe County, the City of Reno, the City of Sparks, and the University of Nevada in 2005, as amended, (the “**Cooperative Agreement**”) the Flood Project Coordinating Committee has primary responsibility for approving and forwarding to the County for consent all matters with respect to acquisition of property, construction thereon, and any agreements necessary for implementation of the Project [Paragraphs 1.F, 1.G, and 1.Q], and the County is obligated to provide administrative services to the Flood Project [Paragraph 4.B] and the granting of easements, licenses, rights of entry and temporary use permits falls within that administrative responsibility;

WHEREAS The County desires to efficiently administer the Project;

NOW THEREFORE The Board of County Commissioners of Washoe County does hereby RESOLVE:

§1. Applicability.

This resolution authorizes the granting of certain interests in property held by Washoe County for the benefit of the Truckee River Flood Management Project (**Flood Project Property**”), by the “**Director**” appointed as the “**Project Director**” under the Cooperative Agreement.

§2. Easements, licenses, rights of entry and similar grants.

- A. Subject to the following requirements, the Director is authorized to grant:
1. Any easement, license, right of entry, or temporary use agreement to the United States Army Corps of Engineers or to a contractor, subcontractor, engineer or consultant for the purpose of inspecting or testing property, or designing, constructing or operating an improvement (including ecosystem restoration) which is an approved (by the Flood Project Coordinating Committee) part of the Flood Project;
 2. Any easement, license, right of entry, or temporary use agreement which is required by the terms of a Project Partnership Agreement or other agreement with the U.S. Army Corps of Engineers that has been approved by the Board of County Commissioners;
 3. Any revocable license;
 4. Any non-exclusive right of entry or similar agreement that terminates within three years from the date of execution; and/or
 5. Any temporary use agreement which expires in 90 days.

The granting of any other right to use or interest in Flood Project Property (e.g. fee title, encumbrance, lease, rental agreement, or easement not described above) must be approved by the Board of County Commissioners.

B. In connection with any such easement, license, right of entry, temporary use permit or similar agreement, the Director shall:

1. Prepare an agreement with the grantee stating the purpose and duration of the right to use the property, requiring bonds, insurance and indemnification as directed by the County Risk Manager, which agreement must be approved by the District Attorney's Office;
2. Obtain the approval of and follow the instructions of the County Risk Manager who may require property inspections and repairs, proof of insurance, and the posting of bonds before occupancy;
3. Except for any interest granted under Subsections A.1 and A.2 above, charge appropriate compensation for the use and occupancy of the Flood Project Property (considering the value of the property and any impact on the property being caused by the use) unless otherwise approved by the Board of County Commissioners; and
4. Record all easements in the official records of Washoe County.

§3 Records. All documents shall be kept by the Director in the Flood Project records for eventual transfer to a joint powers authority being created to construct and operate the Flood Project.

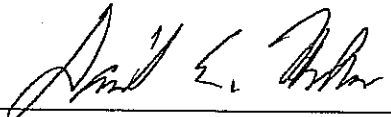
APPROVED on this 8th day of December, 2009

Vote:

Ayes HUMKE, WEBER, BRETERNITZ, LARKIN, JUDGE

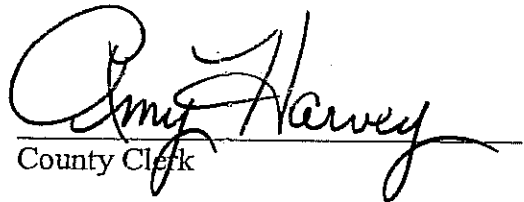
Nays 0

Absent or Abstain 0



David E. Humke, Chairman
Board of County Commissioners

Attest:



County Clerk

RESOLUTION: Authorizing grant of funds to Nevada Hispanic Services, Inc.

WHEREAS, The Washoe County District Board of Health made the determination to fund the HIV prevention efforts of Nevada Hispanic Services, Inc. through a Notice of Subgrant Award on November 19, 2009; and

WHEREAS, By virtue of the Interlocal Agreement creating it, the Washoe County Health District uses the same financial policies and procedures that are used for County Departments; and

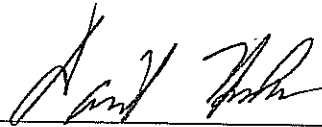
WHEREAS, Pursuant to NRS 244.1505, Washoe County may grant money to a nonprofit organization for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, Washoe County desires to provide money to Nevada Hispanic Services, Inc. for the VOCES intervention that will provide small group education and skill building to 720 unduplicated Hispanic MSM and sexually active heterosexuals throughout the two-year funding period; and

WHEREAS, Washoe County finds that these prevention services provide a substantial benefit to the inhabitants of the county;

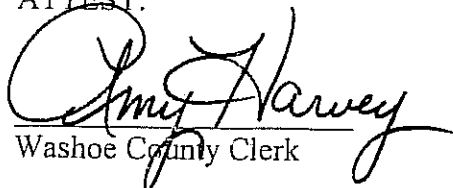
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, that the Board hereby enters into the Purchase Requisition to provide funds to Nevada Hispanic Services, Inc. for the purposes set forth in the attached Notice of Subgrant Award.

Adopted this 8th day of December, 2009.



David Humke, Chairman
Washoe County Commission

ATTEST:



Washoe County Clerk

RESOLUTION: Authorizing grant of funds to Planned Parenthood Mar Monte

WHEREAS, The Washoe County District Board of Health made the determination to fund the HIV prevention efforts of Planned Parenthood Mar Monte through a Notice of Subgrant Award on November 19, 2009; and

WHEREAS, By virtue of the Interlocal Agreement creating it, the Washoe County Health District uses the same financial policies and procedures that are used for County Departments; and

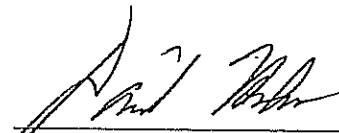
WHEREAS, Pursuant to NRS 244.1505, Washoe County may grant money to a nonprofit organization for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, Washoe County desires to provide money to Planned Parenthood Mar Monte to provide an intensive small group intervention to prevent HIV/AIDS and other sexually transmitted infections among high risk youth ages 12-24 years, with a focus on youth of color; and

WHEREAS, Washoe County finds that these prevention services provide a substantial benefit to the inhabitants of the county;

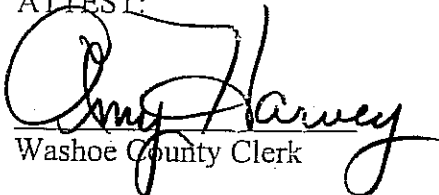
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, that the Board hereby enters into the Purchase Requisition to provide funds to Planned Parenthood Mar Monte for the purposes set forth in the attached Notice of Subgrant Award.

Adopted this 8th day of December, 2009.



David Humke, Chairman
Washoe County Commission

ATTEST:



Washoe County Clerk



RESOLUTION OF THE WASHOE COUNTY COMMISSION

**ESTABLISHING COMPENSATION RATES FOR
ADMINISTRATIVE ENFORCEMENT CODE HEARING OFFICERS**

WHEREAS, the County Commission finds that administrative enforcement of the Washoe County Code is an important public service and is vital to the protection of the public's health, safety and quality of life; and

WHEREAS, the County Commission further finds that more efficient enforcement by all county departments and agencies against Washoe County Code violations can be obtained through the use of Hearing Officers to hear enforcement related cases in administrative hearings; and

WHEREAS, The County Commission did adopt an Administrative Enforcement Code on September 8, 2009, to include provisions for Administrative Code Enforcement Hearing Officers within sections 125.220 through 125.290, inclusive, of the adopted Code; and

WHEREAS, Section 125.225(2) of the adopted Administrative Enforcement Code provides that the County Commission shall set the compensation of Hearing Officers at an hourly rate by resolution; NOW, THEREFORE, be it

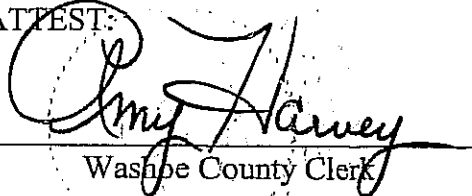
RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, that the compensation rate for Administrative Code Enforcement Hearing Officers is set at:

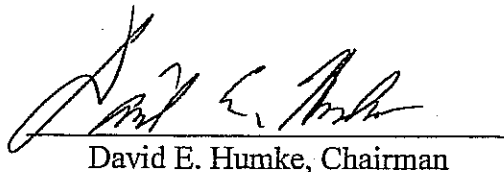
\$100 per hour during assigned administrative hearings, with a maximum of \$300 for each administrative hearing case, unless prior approval is obtained from the Washoe County Manager's Office; and be it further

RESOLVED, That the effective date of this resolution is December 8, 2009.

WASHOE COUNTY COMMISSION

ATTEST:


Washoe County Clerk


David E. Humke, Chairman