

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

3:00 P.M.

FEBRUARY 26, 2008

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairperson
Jim Galloway, Commissioner*
David Humke, Commissioner
Kitty Jung, Commissioner

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

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Chairman Larkin noted the Pledge of Allegiance to the flag of our Country was conducted during the joint meeting with the District Board of Health, so the Clerk called the roll and the Board conducted the following business:

Katy Singlaub, 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."

AGENDA ITEM 3 – PUBLIC COMMENT

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."

Erick Holland, discussed the City of Reno's annexation policies. A copy of his remarks and the proposed language of the annexation ballot initiative were placed on file with the Clerk.

Sam Dehne clarified his comments made during the joint meeting with the District Board of Health. He noted ground was broken for the new baseball stadium, but he still had not received an answer on who would pay for building the replacement fire station.

Sandy McGill said she was representing herself and 114 other rural North Valleys residents all of which supported Erik Holland's initiative being put on an agenda.

Gary Schmidt stated he also supported the initiative, and discussed what he felt were the problems with the meetings of the Citizen's Committee working to draft new and changed enforcement regulations regarding nuisances.

***3:10 p.m.** Commissioner Galloway arrived during public comment.

08-174 AGENDA ITEM 4 – PROCLAMATION PEACE CORPS WEEK

Agenda Subject: "Proclamation - February 25 through March 3, 2008 Peace Corps Week."

Katy Singlaub, County Manager, read and presented the Proclamation to Kelly O'Keefe, Peace Corps representative. Mr. O'Keefe thanked the Board for recognizing Peace Corps and its volunteers. He asked everyone to encourage their children to try to understand what they fear instead of shutting it out. He felt everyone stepping outside of their comfort zone would help make the world a better place.

There was no response to the call for public comment.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 4 be adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

08-175 AGENDA ITEM 5 – PROCLAMATION PROFESSIONAL SOCIAL WORK MONTH

Agenda Subject: "Proclamation - March 2008 as Professional Social Work Month - Social Services. (All Commission Districts.)"

Katy Singlaub, County Manager, read and presented the Proclamation to Kevin Schiller, Children Services Division Director, and his fellow staff members. Mr. Schiller introduced several Adult Services staff members in attendance and noted they represented three generations and thanked the Board for their recognition.

In response to the call for public comment, Sam Dehne felt social workers were a critical part of the community, and he hoped the Social Services budget was not being cut.

Commissioner Galloway said he supported this Proclamation. He felt people did not realize how hard these folks worked nor how personally dangerous that work could be. He noted family situations could be touchy, and he appreciated that staff was willing to do the job.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5 be adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

08-176 AGENDA ITEM 6 – PROCLAMATION - SPAY DAY USA

**Agenda Subject: "Proclamation--February 26, 2008, designated as "Spay Day USA"-
-General Services/Animal Services. (All Commission Districts.)"**

Katy Singlaub, County Manager, read and presented the Proclamation to Mitch Schneider, Regional Animal Services Animal Control Officer, and Bonney Brown, Nevada Humane Society Executive Director.

Mr. Schneider said spaying was the hallmark of any community's effort to reduce animal abandonment and euthanasia.

Ms. Brown said she was delighted that the Commission saw spaying and neutering as being important to ending the homeless animal issue in the community. She noted spaying and neutering was also shown to be a way to reduce animal control costs. In Washoe County for Spay Day, the Nevada Humane Society joined forces with Community Cats to reach a combined goal of neutering 275 cats and dogs. She explained Community Cats provides the service for free for outdoor free-roaming cats. She said that effort was supported by Regional Animal Services allowing Community Cats to use part of their facility for their surgeries and by the Nevada Humane Society offering greatly reduced rates for dogs and cats. She was confident that goal would be reached because they were flooded with inquiries as soon as the public heard spaying and neutering was being provided. Ms. Brown said there were many more people who needed the services than could be accommodated this week, which reinforced how much these low-cost services were needed in the community. She also discussed the new free pit-bull spay and neuter program that was launched last August.

In response to the call for public comment, Sam Dehne said spaying and neutering should be done even if it was not free. He commented about Regional Animal Services being one of the top operations in the nation. Gary Schmidt said he supported Spay Day USA and the work done by Regional Animal Services and its volunteers.

Commissioner Jung commended Regional Animal Services and the Nevada Humane Society for the excellent work they did. She said Mr. Dehne was correct that the local Humane Society was number three in the nation for its no-kill approach and that Ms. Brown was declared the "Best No-Kill Shelter Director" in the country. She felt having a no-kill shelter was a huge quality of life indicator.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6 be adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

08-177 AGENDA ITEM 7 – ANNOUNCEMENTS

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

Katy Singlaub, County Manager, announced that Don Jeppson, County Building Official, indicated eight employees volunteered to go Wells, Nevada to assist with inspections to help get those folks up and running again as quickly as possible. She thanked those dedicated employees for volunteering their time. Chairman Larkin requested a certificate of appreciation be placed on a future agenda.

Commissioner Jung requested the County Manager place on the March 11th agenda, the second ballot initiative presented by Eric Holland. She noted she received notification about a "Cell Phone for Soldiers Program," which she did not know existed prior to receiving the mailing. She indicated this was a fee cell-phone recycling program that would send collected phones to soldiers so they could call home while stationed overseas. She stated she would be willing to head this effort, so people could call her or could bring their cell phones to the County Manager's Office to be passed on to her to be forward to the cell-phone recycling center.

Commissioner Galloway also requested Mr. Holland's initiative be placed on an agenda and that it be worded broadly enough to discuss both an initiative and an advisory question; because he did not know if the folks who wanted this understood that the Board could only act on an advisory questions, which did not have the same legal impact as an initiative.

Commissioner Galloway reported a permit for the Crystal Bay Undergrounding Project might be issued by Tahoe Regional Planning Agency (TRPA) as early as this Friday, February 29th. He indicated contrary to rumors, TRPA worked really hard to move the project forward.

Commissioner Galloway said he also requested on March 11th, an item to consider trying to reverse the Regional Planning Commission's decision regarding the Special Plan Area that included Spring Mountain, also known as Winnemucca Ranch. He acknowledged some information he received from the District Attorney indicated that the deadline to do anything might have passed, but his research showed it might still be up in the air. He felt it could be dealt with at the March 11th Commission meeting if there was no agreement before then.

Commissioner Galloway requested staff investigate using lease-purchase options to purchase capital equipment. He indicated that would spread the cost over five years and that would be better than doing nothing if public safety was at stake even with possibly having to pay 10 percent of the value of the equipment to buy the equipment at the end of the five-year lease and paying interest.

Chairman Larkin stated he had the pleasure of speaking at the groundbreaking ceremony for the new baseball stadium on Monday with Commissioners Jung and Weber and Ms. Singlaub in attendance. He felt the stadium was the kickoff of a new phase of the redevelopment intensification of downtown Reno, which was called for in the Regional Plan. He announced the Veterans Guest House on Saturday would be having their telethon at the Atlantis from 9 a.m. until 5 p.m., and he was asked to participate as an on-air-talent.

In response to Commissioner Weber, Ms. Singlaub said a report was scheduled on the how the joint agreement between the Nevada Humane Society and Washoe County was working.

Commissioner Weber stated she attended the Nevada Association of Counties meeting last Friday. She said the Board members of the League of Cities joined them during the meeting to discuss how they could all work together during the next legislative session. She noted both groups were looking at the possibility of working together on transportation issues, and she felt that working relationship would be very positive one.

Commissioner Weber said she met with Assistant Sheriff Marshall Emerson and other staff members, to discuss having a community-wide meeting about the Neighborhood Watch program. She felt the meeting would be the perfect opportunity to share with people how they could start their own Neighborhood Watch programs. She stated the community-wide meeting was scheduled for Wednesday, March 19th from 6:30 to 8:30 p.m. in the Commission Chambers and any citizen in Washoe County could come to get the information and materials needed to start a neighborhood program.

Commissioner Weber confirmed she attended the meeting of the Citizens Committee on the Nuisance Ordinance last Thursday, which was a lively and enlightening meeting. She said the Committee had been meeting twice a month for a year and a lot of great work was done, but now it was time to end the meetings and to wrap up their work. She acknowledged staff requested the Committee's work be wrapped up by the end of June, and she wanted to inform them of that request in case they felt like they needed more time. She noted the Committee met the second and forth Thursdays from 6:15 to 8:15 p.m. at Regional Animal Service.

Commissioner Humke noted it was a sad week for Northern Nevada law enforcement because last week he attended funeral services for Officer Denise Phoenix. He stated Officer Phoenix was a member of the Pyramid Lake Paiute Tribe, but served as an

investigator with the Bureau of Indian Affairs in Montana when she passed away. He said our thoughts and prayers were also with Trooper Kara Kelly-Borgognone and her family.

A moment of silence was observed.

Chairman Larkin said, "Our hearts and minds do go to the fallen officer, who was recuperating in critical condition over at the hospital."

DISCUSSION – CONSENT AGENDA – ITEMS 8A THROUGH 8H(2)

In response to the call for public comment, Sam Dehne complemented the Board on keeping the Consent Agenda to relatively mundane items.

After discussion, Commissioner Weber requested Agenda Item 8D, a reclassification through Water Resources Enterprise Fund, be taken out of the Consent Agenda.

08-178 AGENDA ITEM 8A – COMMUNITY DEVELOPMENT

Agenda Subject: "Appoint Edward Goodrich as the Sparks Citizen Advisory Committee representative to the Spanish Springs Citizen Advisory Board to June 30, 2008 and appoint Edward Goodrich to a new two year term expiring June 30, 2010. (Commissioner Larkin, Commission District 4)"

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Edward Goodrich be appointed as the Sparks Citizen Advisory Committee representative to the Spanish Springs Citizen Advisory Board with a term ending June 30, 2008, and Mr. Goodrich be appointed to a new two-year term for same ending June 30, 2010.

08-179 AGENDA ITEM 8B – DISTRICT ATTORNEY

Agenda Subject: "Approve payments [\$15,060.30] to vendors for assistance of 73 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons."

In response to the call for public comment, Sam Dehne said he supported these reimbursements and it appeared the vendors were doing this in a very appropriate and conservative manner.

Commissioner Galloway commented staff advised him that no State money was involved in this reimbursement, only County money. He indicated that made it another unfunded mandate from the State. He agreed the money should be paid, but he asked if there was any way that Nevada Association of Counties or some other group could start a

progress regarding these payments. For instance if the State would not pay a portion of these claims, would the State pay \$1,000.00 to victims of someone who was released from State prison early on parole and then committed another crime.

Commissioner Weber read "NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000.00 for victims..." She noted the staff report showed one client whose medical bill was \$3,869.00, and she asked how that applied in that instance. Melanie Foster, Legal Counsel, explained if serious physical injuries were sustained as a result of the assault, the County had to pay for the victim's emergency-medical care and not just the sexual assault exam. She advised there were extensive physical injuries that the County was responsible to care for by law in a number of these cases.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 8B be approved.

08-180 AGENDA ITEM 8C – FINANCE

Agenda Subject: "Approve policy on acquisition and use of County-owned cell phones."

In response to the call for public comment, Sam Dehne discussed the County's cell phone policy, including his belief the County would have to keep closer tabs on their use. Gary Schmidt said he felt the amount attributed to cell phone use in the staff report was high. He discussed the Nevada Supreme Court ruling that every call to and from County issued cell phones was a public record.

Commissioner Galloway felt there needed to be a budget review on whether or not there should be further restrictions on who was issued a County cell phone. He disclosed he did not have a County cell phone or computer, and he paid for his Commissioner line that was listed in the phone book. He said he liked doing it that way because he did not have to worry about keeping track of what was personal use.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 8C be approved.

08-181 AGENDA ITEM 8E – MANAGEMENT SERVICES

Agenda Subject: "Accept 2007 Pre-Disaster Mitigation Grant from State of Nevada, Division of Emergency Management, [\$38,406.75 with County match of \$12,802.25]; and if accepted, direct Finance Department to make appropriate budget adjustments. (All Commission Districts.)"

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 8E be accepted and directed.

08-182 AGENDA ITEM 8F – TRUCKEE RIVER FLOOD MANAGEMENT

Agenda Subject: "Acknowledge receipt of Truckee River Flood Management Project Status Report for January 2008. (All Commission Districts.)"

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 8F be acknowledged.

08-183 AGENDA ITEM 8G(1) – ASSESSOR’S OFFICE

Agenda Subject: "Declare Assessor’s Parcel No. 032-131-03 as surplus to Washoe County’s needs and authorize the Chairman to execute Resolution of Surplus to transfer this parcel to the City of Sparks; and, schedule a Public Hearing, as required by NRS 277.053, for March 25, 2008 at 5:30 p.m. to allow for any objections to this action. (Commission District 4.)"

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8G(1) be declared, authorized, executed, and scheduled. The Resolution for same is attached hereto and made a part of the minutes thereof.

08-184 AGENDA ITEM 8G(2) – PUBLIC WORKS DEPARTMENT

Agenda Subject: "Authorize Public Works Department to bid Detention Facility housing unit mechanical register replacement project. (All Commission Districts.)"

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 8G(2) be authorized.

08-185 AGENDA ITEM 8H(1) – WATER RIGHTS DEED

Agenda Subject: "Approve and authorize the Chairman to execute the Water Rights Deed transferring 132.695 acre-feet between Washoe County and Truckee Meadows

Water Authority on behalf of Reynen and Bardis Communities (Nevada), Inc. (All Commission Districts.)"

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8H(1) be approved, authorized, and executed.

08-186 AGENDA ITEM 8H(2) – WATER RIGHTS

Agenda Subject: "Approve and authorize the Chairman to execute Water Rights Deed and associated Water Sale Agreement between Ronald L. Olson Trust, Crazy Wilcox Ranch Equestrian Center, LLC as Grantor and Washoe County as Grantee; and, direct Water Rights Manager to record all documents. (Commission District 4.)"

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8H(2) be approved, authorized, executed, and directed.

08-187 AGENDA ITEM 8D – HUMAN RESOURCES

Agenda Subject: "Approve reclassification request submitted through the job evaluation and classification process [no fiscal impact to General Fund - annual fiscal impact to Water Resources Enterprise Fund is \$13,634.82]. (All Commission Districts.)"

Katy Singlaub, County Manager, said this request followed the established process of reclassifications going through the Job Evaluation Committee. She felt this reclassification came to the Board because it was not tied to the General Fund, but it could be folded into the budget process if that was the Board's request.

In response to Commissioner Galloway, Jeanne Ruefer, Water Resources Planning Manager, clarified the reclassification request was for a specialized position funded through the Central Truckee Meadows Remediation District. She said because the person who held the position left, this was an opportunity to reclassify the position to the appropriate class for the work the Remediation District needed done. She reiterated there was no impact to the General Fund. She explained the reason the reclassification was being brought forward outside of the budget process was establishment of the fee for the Remediation District had to be done in conjunction with the budget process, which needed to be completed by June so the fee could be placed on the tax bills. Commissioner

Galloway said he was inclined to support the reclassification based on Ms. Ruefer's comments.

Commissioner Weber still felt this discussion should be held during the budget discussions, and what was fair for one was fair for all.

Commissioner Weber moved that this item wait for discussion and approval until the budget hearing for the Department of Water Resources with the Board of County Commissioners. Chairman Larkin seconded the motion.

Commissioner Humke said he would not support the motion because the potential position upgrade would be supported by the Water Resources Enterprise Fund, which was a non-General Fund category. He understood the Commissioner's concern about the budget crisis, but this could also lead to a potential crisis because the position was needed to quantify the territory that was being assessed to establish the fee of the special district for the mitigation of hazardous waste found in the water supply. He said it was a critical function and had been approved by the Job Evaluation Committee; and, for those reasons, he felt an exception should be made.

In response to Chairman Larkin, Commissioner Weber indicated she would not withdraw her motion.

On a call for the question, the motion failed with Commissioners Humke, Galloway, and Jung voting "no."

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber voting "no," Chairman Larkin ordered that Agenda Item 8D be approved.

4:00 p.m. Commissioner Humke temporarily left the meeting.

08-188 AGENDA ITEM 9 – AIRPORT UPDATE - APPEARANCE

Agenda Subject: "Randi Thompson, Washoe County's Appointee to the Reno-Tahoe International Airport and Brian Kulpin, Director of Marketing and Public Affairs Reno-Tahoe International Airport - Update on Airport activities."

Chairman Larkin noted that Ms. Thompson and Mary Simmons, the Washoe County appointee to the Reno-Tahoe Airport Authority Board of Trustees, had been here. Mr. Kulpin said they sent their apologies, but their afternoon schedule did not permit them to stay.

Mr. Kulpin thanked the Board for allowing him to update the Board on the Airport Baggage Check (ABC) project, which was the airport's largest construction project in 10 years. A copy of his presentation was placed on file with the Clerk.

Mr. Kulpin noted that 35 percent of the ticket-lobby space was lost in the wake of 9-11 because of the installation of Transportation Security Administration (TSA) screening machines, which also created the two-step check-in process. He said this 22-month project would dramatically improve the way bags and people departed the community, would relieve the overcrowding in the ticketing lobby, and would offer the highest level of customer service and technological security available today. He discussed the construction impacts to the roadway, including the new cell phone parking lot; the temporary lobby; how the new lobby would function and what it would look like; and the construction schedule. He indicated updates and information could be found at www.ConstructionTruths.com.

4:07 p.m. Commissioner Humke returned to the meeting during Mr. Kulpin's presentation.

Chairman Larkin asked if the check-in procedures would be pretty much what they were now after the airlines were relocated to the temporary lobby and TSA was relocated in the south temporary structure. Mr. Kulpin replied you would just walk into the temporary lobby, check your bags, and go to the check points.

Chairman Larkin asked if there were any plans to redo the second floor so it would be a smoother operation. Mr. Kulpin said a one check-point process was being looked at instead of the dual check-point process that currently existed. He said that change could open up space for more concessions and would give passengers more room to move, while reducing the number of TSA staff needed. He felt it could really improve the process and increase revenue generated from non-airlines sources to help keep ticket prices down.

Chairman Larkin asked if the Federal government was kicking in any money to house TSA. Mr. Kulpin replied that was the good news for this project. He said several airports across the country who were doing this type of project had to foot the bill themselves or bond to do it. He noted this was a \$60 million project and about 20-30 percent would be funded by TSA, which was very uncommon because they typically do not fund these types of projects. He indicated TSA would provide \$12-\$20 million for their equipment and for some of the design required to install their high-tech security equipment. He said the rest of the funding was coming from a user fee a passenger pays on each ticket used at the airport.

Chairman Larkin asked when the ground would be broken for the tower. Mr. Kulpin replied that had already been done, but there had not been a ground-breaking ceremony yet. He noted they were trying to get Senator Reed to participate in that ceremony because he was responsible for securing \$20 million for the project.

In response to Commissioner Galloway, Mr. Kulpin said the airport would not incur any debt because of the project. He indicated the temporary lobby would go back to being an awning-covered front curb when the temporary lobby was no longer needed, and all of the traffic lanes would be back. He noted the temporary lobby would be used elsewhere in the airport to cover the snow removal equipment.

Commissioner Jung asked if this presentation would be given to the Citizen Advisory Boards and the Neighborhood Advisory Boards. Mr. Kulpin said numerous meetings had been scheduled throughout the airport's entire catchment area including Carson City, Susanville and even all the way up to Austin. He said there would also be information available on the airport's web-site in conjunction with radio, television, and print advertising. He stated the airport also had a news partnership with Channel 4, and the next segment about a Security Specialist would be shown on Thursday. He said everything possible was being done to get the word out while still working within the airport's marketing budget.

In response to Commissioner Weber, Mr. Kulpin explained he would advise travelers during March to arrive at the airport two hours before their flight because of the construction, and he would offer that same advice for holidays and during a big convention being in town. He advised the main thing was to allow for construction delays and roadway congestion, because he would hate to tell people to allow 90 minutes to make their flight and then have them late for their flights because of delays.

In response to the call for public comment, Sam Dehne stated his opinion of the Reno-Tahoe International Airport's funding and projects.

08-189 AGENDA ITEM 12 - INDIGENT DEFENDANTS IN CRIMINAL AND JUVENILE CASES

Agenda Subject: "Status report and possible direction to staff regarding Nevada Supreme Court Order (ADKT No. 411) dated January 4, 2008 in the matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases - Manager."

John Berkich, Assistant County Manager, explained Exhibit A, Standards of Performance, was attached to the final report from the Indigent Public Defense Commission to the Nevada Supreme Court. He noted because it was 72 pages long, it was not included in the Commissioner's backup. He said a copy of Exhibit A would be provided to the Commissioners and a copy of Exhibit A was placed on file with the Clerk.

Chairman Larkin welcomed the District Attorney's Office, the Public Defender, the Alternate Public Defender, and the Courts.

Mr. Berkich thanked the members of the team, along with District Attorney Dick Gammick, all of whom were intimately involved with him in this matter since the Order was issued in January 2008. He read from the summary contained in the staff report dated February 26, 2008.

Mr. Berkich said the first of the four chief elements of the order was the determination of indigency. He explained the Order established new standards or thresholds for determining whether or not a defendant was indigent. He stated the second

chief element called for the establishment of a model plan, which would be created by a committee, for the various judicial districts throughout the State. He said that plan would address the mechanism for appointing a defense counsel, the approval of all defense costs, and the determination of all indigency. He said the third chief element indicated the attorney representing a defendant had to comply with the Performance Standards. He explained the fourth chief element was the weighted-caseload study that was required for Clark and Washoe Counties and the State Public Defender.

Mr. Berkich said the Commission's recommendation to the Court for the weighted-caseload study was that caseload limits be set per attorney based on the class of offenses the attorney would be handling. He noted those standards were promulgated in 1973 and so far it was successfully argued that those standards were out-of-date. He said the Court accepted the suggestion of doing a weighted-caseload study to determine the appropriate caseloads according to Court's new standards. He indicated July 15, 2008 was set for submitting the study's results.

Mr. Berkich advised the County entered into a joint venture with Clark County and Washoe County's Purchasing Department issued the Request for Proposal (RFP) for the caseload study last Friday. He noted staff would work with the respondents later in March.

Mr. Berkich felt the first and most significant impact to the County would be meeting the Performance Standards adopted as of April 1, 2008. He stated attorneys told him privately they began practicing those standards as soon as the Order was issued. He said Jeremy Bosler, Washoe County Public Defender, testified it was unlikely the County's attorneys and system could support the standards and still maintain the County's current case loads. Mr. Berkich advised that Phil Kohn, Clark County Public Defender, testified it was unlikely enough attorneys could be found, recruited, hired, and trained to meet the standards as required by April 1st in either northern or southern Nevada.

Mr. Berkich indicated the Performance Standards would have a cascading effect on our criminal justice system because they required an attorney to devote more time and energy to each of their assigned cases, thereby limiting their number of cases and requiring additional resources to service the existing caseload. He noted there was a contract with Robert Bell, Esq to assume those cases the County's Public Defenders Office and the Alternate Public Defenders Office would not be able handle after April 1st. He advised potentially hundreds and hundreds of cases would go into that third level of defense.

Mr. Berkich stated the other major effect that occurred last Friday was the elimination of the County's Early Case Resolution (ECR) Program. He explained the ECR program resolved 30 percent of cases in the first 72 hours after the offense. He advised that loss could result in up to tens of thousands of additional jail days and perhaps up to \$3 million in detention costs that were not there before last Friday.

Mr. Berkich said the Performance Standards were already generating numerous new requests for continuances, and would create unavoidable delays in the functioning of the County's judicial system. He advised defense attorneys would be filing additional motions on a number of issues contained in the Performance Standards for their indigent clients; and the standards would have a direct and immediate impact on defendants, because they would no longer be able to receive counsel on previously offered deals that would enable them to negotiate settlements of their cases.

Mr. Berkich commented the Court contemplated this happening, because the Court said when the standards could not be met, the defense attorneys were ordered to approach the Commissions here or in Clark County to advise them of that fact. He noted staff had estimated the amount of out-of-pocket expense to the County, but they were loose numbers at this point.

Mr. Berkich said the standards were having a significant impact on all the Counties, and he and Commissioner Weber appeared before the Nevada Association of Counties Board meeting last Friday where the Board unanimously approved a motion to oppose the imposition of this Order. He stated he and Commissioner Weber did not ask them to do that, but that was the action the Board took. He noted Pershing County filed an objection to this Order. He felt it was interesting that the standards adopted by the Court exceeded the standards ruled by the U.S. Supreme Court in the Strickland decision and exceeded those standards used by the Supreme Court.

Mr. Berkich acknowledged one of the chief consultants in this process was David Carroll, National Legal Aid & Defender Association Director of Research and Evaluation, who was nationally recognized and who, along with the American Civil Liberties Union (ACLU), had been supporting this process with the Supreme Court and with the Commission. He noted Mr. Carroll said he found issues were surfacing with this Order due to a survey of 12 of the 15 rural counties in Nevada. Mr. Berkich said he would quote him as closely as he could, "we as a commission did not clearly understand the impacts of what we were going to create here. The order was going to have significant financial impact on all the counties, particularly the rural counties. We may not be able to achieve the goals of this Order without dire financial consequences. We cannot avoid crisis in the State without legislative relief." Mr. Berkich felt it was interesting to note no one from the legislative branch was involved in this process.

Mr. Berkich felt it was also worth noting that Washoe County's system for providing indigent defense had not been challenged or found wanting in any judicial proceeding, and data obtained from the District Attorney's Office showed there had only been a handful of cases of ineffective assistance over the past five years.

Mr. Berkich advised it was estimated that right out of the chute there would be about \$5 million in additional defense costs for the Alternate Public Defender, the Public Defender, and the Contract Counsel; with the District Attorney estimating an impact of somewhere around \$3 million to his office and the loss of the ECR program was estimated to create an additional \$3 million hit. He indicated the Sparks and Reno Justice

Courts were already seeing an increase in continuation motions and traffic throughout their facilities. He stated Chief Judge Connie Steinheimer, Second Judicial District Court, said she expected significant impacts on the District Court as everything started to back up in the legal system.

In response to Chairman Larkin, Mr. Berkich reiterated it was estimated, just because of the elimination of the ECR program, there could be up to tens of thousands of additional jail days impacting the jail system.

Mr. Berkich said everyone agreed the Court had authority to set these standards, but it was argued that they were the Mercedes Benz of standards that were far in excess of what the Supreme Court adopted as good standards for indigent defense. He stated this would require significant changes in the way defense was practiced in Washoe County, and unfortunately comes at a time and cost that ignores the State's weakening economy and the County's shrinking resources. He said because the Order came out in January and had to be implemented by April of this year, it only gave staff three months to come up with a plan to find and fund the resources necessary to achieve the goals of this Order. He asked the Board to direct staff to explore alternative programs to the ECR Program, which in fact staff had already started doing; and, more importantly, he asked the Board to direct staff to again approach the Court on this matter by having the Board authorize the Chairman to prepare a letter that would ask the Supreme Court to delay this Order until July 1, of 2009, particularly the standards. He explained that would allow staff to approach the 2009 Legislature with the Order to have the discussion about how counties across the State would meet the goals of this Order. He noted the letter would include a request for three years to develop and implement the plan, which would include funding and resource acquisition elements; it would include the agreement to file annual progress reports; and an agreement to stay in constant communication with the Court as everyone tried to achieve those goals. He asked that staff also be directed to partner with counties across the State to develop a shared strategy for the 2009 Legislative session to deal with this Order.

Commissioner Galloway said at times when Mr. Berkich referred to the Supreme Court he meant State and sometimes United States. He said he was unclear if this ruling was only from the Nevada Supreme Court. Melanie Foster, Legal Counsel, said this Order came out of an Administrative Docket of the Supreme Court, which meant it did not come before the Supreme Court as part of a case or controversy. She advised the Order did not specifically reference whether or not the standards established were predicated solely upon the right to counsel under the U.S. Constitution. She said it appeared to establish a new standard under the Nevada Constitution. She acknowledged many states, in their own constitutions, establish levels of protection that were more protective than what the U.S. Constitution required. She noted Mr. Berkich referenced the Perishing County filing in which the County believed the standard imposed in the Order was more stringent than that set by the U.S. Supreme Court in *Strickland v. Washington*, which was one of the premier cases in indigent defense. She advised that could very well be what the Court was intending to do.

Ms. Foster said because it was not set forth in a case or controversy, the Order did not include the usual recitation to decided law. She said it looked as if the Nevada Supreme Court was stepping beyond the U.S. Supreme Court standard and setting a standard for indigent defense as a matter of State Law. Commissioner Galloway asked if the Court could be asked to clarify that issue because, if they were basing their Order on the Nevada State Constitution, the counties could not just ask the Legislature to fix it; but there would have to be a change the State Constitution. He asked if the Court was asked to extend the deadline for the implementation of the Order, could the ECR Program be restored until that date. Mr. Berkich replied the District Attorney's and the Public Defender's Offices were studying ways that program could be brought back in some form, but it was too early to tell.

Mr. Berkich clarified the intent of going to the Legislature about the Performance Standards was only regarding the funding. Commissioner Galloway said if the Court could order the County to spend all this money, they should be able to order the State to provide the money. Mr. Berkich said there was talk about this being primarily the State's responsibility, but Washoe County was mandated to pay for indigent defense. He acknowledged it was an unfunded level of service. He stated he was not aware of the Legislative or Executive branches of State government being involved in creation of this Order.

Commissioner Humke noted the Order required virtually every level of inferior court to meet certain reporting requirements, and he asked if there was any indication that these requirements could be met. Mr. Berkich replied a separate committee was formed by the Court to develop a model by March for all districts. He said it was hoped that model would allow each of the districts to comply with the plan, which had to be filed by May 1st. He indicated the problem with addressing the County's concerns in the plan was the County was obligated to abide by the Performance Standards on April 1st and the Committee's plan would not be filed until May 1st.

Commissioner Humke said the recommendation phase of the staff report read like a consent decree that was being unilaterally entered into with the Nevada Supreme Court. He hoped care would be taken to make sure the County made no admissions and that the County's legal rights of redress were preserved because this was an administrative action. He noted his statement that the motion read like a consent decree was a compliment, and he felt the strongest portion of the motion was urging Washoe County to join with Clark and other counties to come up with a one-state solution.

Mr. Gammick acknowledged there were numerous impacts due to the Court ruling. He said the ECR Program was started 13 years ago during which time it only had one unsuccessful challenge. He noted the ECR Program set up a system where the defendant could waive his Justice Court appearance and go directly to District Court, which cut the Justice Court caseload and paperwork. He said today 38 percent more cases were back in the hopper, which affected the District Attorney's Office, the Public Defender's and the Alternate Public Defender's Offices, hired counsel, and the Courts. He explained the Order required additional motions and hearings. He explained it also required a lot of additional work by the Public Defender or appointed counsel by requiring

they do a complete investigation, regardless of the evidence and their clients wishes, before recommending entering into a plea agreement. He said it could take literally weeks or months for that to be accomplished.

Mr. Gammick said the Order's impact on jail crowding was not known. He stated the Criminal Justice Advisory Committee was formed to address the jail crowding issue to avoid a Federal lawsuit and a Federal Consent Decree and the County had been successful in keeping the jail population managed. He said the County was possibly again facing that issue, and he was advised that jail time had already increased since this started happening. He said even if the Board could come up with the funding today, there would still be issues about hiring staff to fill the needed attorney positions and the necessary support staff.

Mr. Gammick explained juvenile issues were also addressed in the Order, which was already causing some headaches and concerns about meeting the additional requirements. He said he met with Nevada Supreme Court Justice James Hardesty who advised a letter explaining the issues would be a satisfactory way to approach the Court, and it should contain suggestions on alleviating the problems. He noted four counties had filed documentation with the Supreme Court with most of it being some kind of motion. He advised the motions were not appropriate since there was no case in controversy, while the letter would be appropriate. He concurred the only issue the Legislative could address was that of funding. He said the only way he saw this issue being resolved was by working with the Supreme Court to get them to amend the Order to give the counties more time and by them looking at specific provisions to see if they would reduce some of the specific requirements on various jurisdictions.

Chairman Larkin asked if Mr. Gammick had any advice regarding Pershing County. Mr. Gammick replied the motions did not have standing procedurally, but it was hoped the Supreme Court would not dismiss them because they were inappropriate documents. He stated Mr. Berkich was working very closely with Clark County to come up with like letters because there were many "like" considerations and concerns. He felt a letter to the Supreme Court laying out the County's concerns along with recommendations to improve those concerns would be the appropriate way to handle this.

Chairman Larkin asked if anyone had any standing besides what Mr. Gammick suggested was the advice from Justice Hardesty. Mr. Gammick replied the Supreme Court could dismiss the County's request and put this Order into effect if they wished, which was why the County needed to work with them to get a cooperative effort going. He felt the Order as written would not find favor with the State's citizens when they found out the financial impact the Order had statewide. Chairman Larkin asked if Mr. Gammick felt the notion of working with the Supreme Court should be expanded to working with the Executive and Legislative branches of the State government. Mr. Gammick replied absolutely. He indicated the Executive Branch was already coming forward regarding the issues involved in this Order. He said he was not sure what the Legislature was going to do because they would be faced with funding all of this. He stated

this Order had wide sweeping impacts across the State and everyone should get together to find workable solutions.

Jeremy Bosler, Public Defender, discussed the implementation of Department 7 and the Public Defender's working relationship with the County. He said he wanted to work with all the interested parties to ensure the implementation of the Order. He felt he was in a very difficult position because the Public Defender of Washoe County was specifically ordered to file a Motion of Unavailability. He said that meant he was ordered by the Supreme Court to figure out when the Public Defender's Office could no longer ethically represent clients constitutionally and then to approach the Commission. He said the Public Defender's staff was dedicated to handling all the cases they could, but at some point the Supreme Court would exercise its authority over attorneys, which included the authority to disbar, sanction, penalize, and counsel. He stated the Supreme Court had a strong influence over the Public Defense function across the State. He said he told the Supreme Court he needed to figure out a way to go to the County to secure funding and to hire and train attorneys. He noted this was supposed to be a gradual implementation, but unfortunately there was an April 1st date for implementing the Performance Standards with the caseloads being reviewed on July 15th. He said besides the April 1 date, he was also obligated to provide attorneys to do the weighted-caseload study that would let him know when he would reach the number where he could no longer represent clients constitutionally. He stated between April 1st and July 15th he would be in a very precarious position.

Commissioner Larkin asked if there was a status on when the timekeeping methodology would be implemented. Mr. Bosler replied the people doing the weighted-caseload study would train staff on how the timesheets should be kept and would observe all the logistics required to provide indigent defense for 4-6 weeks, crunch data, and compare that data to the Performance Standards to come up with a final product. He stated the Public Defender's Office was willing to comply with any requirements made.

Chairman Larkin asked what warning the Commission would receive regarding the Public Defender's Office not being able to meet the Performance Standards. Mr. Bosler replied he had already started training staff and developing checklists, and he would provide as much notice as he could.

In response to Chairman Larkin, Mr. Bosler explained if an attorney had nearly 500 cases, it would guarantee the total service for a client would be between 2-4 hours per case based on available work hours. He said that would include going to court, investigations, client interviews, motions, and research. He felt the Public Defender's Office had managed its cases very well, but at some point there would be a problem. He said the Public Defender's Office and the County had a good track record and he wanted to maintain that.

In response to Commissioner Galloway, Mr. Bosler said the need to investigate exists whether or not the client wants to plead guilty under the performance guidelines, which was what did away with the ECR program. He felt the early access to discovery and to clients was what was good about the ECR program, but he discussed why

it did not reduce the Public Defender's burden significantly. Commissioner Galloway asked if the ECR cases were taken out in addition to the labor used to dispose of the them, what would be the number of hours available for non-ECR cases and would it be greater than 2.5 hours per case. Mr. Bosler discussed the calculation and said the number would come out to about 4.75 hours per case.

In response to Commissioner Humke, Ms. Foster responded counties that used the State Public Defender's Office were charged for using those services. She said Washoe and Clark Counties were required by statute to create their own Public Defender's Office. Ms. Foster said one reason Perishing County filed was there was misinformation in the report to the Supreme Court regarding their available indigent-defense services.

Chairman Larkin advised he met with the District Court's Chief Administrative Officer on this issue, and she was very concerned about the impact on the courts. He said the unspooling of the ECR program was already beginning to wrap itself around the axels, and she was expecting a critical meltdown on or about April 1st.

Katy Singlaub, County Manager, said she wanted to underscore that she and Mr. Berkich meet with Justice Hardesty to discuss the issue. She noted the critical part of his comments was that the Court wanted to see demonstrable progress by the counties in beginning to address what the Court felt was a concern. She said she wanted to make sure the Board directed staff to continue working to demonstrate progress could be shown and that action was being taken such as last Friday's release of the RFP by Washoe and Clark Counties for the weighted-caseload study. She stated work would continue to try and make the ECR program fit the Performance Standards. She indicated the Court was less concerned about the County determining indigency, but from a budget perspective that was important for the County. She said Mr. Berkich would continue to work with Clark County on the definition of indigency because it had a huge fiscal impact on the counties. Ms. Singlaub said they also asked Justice Hardesty to not forget Washoe County when talking about the State's potential funding responsibility for this entire function. She stated it appeared there was no way to avoid this Order, but there might be a way to slowdown the train.

Commissioner Galloway said he agreed the Supreme Court had some authority to set standards on how indigents were defended, but it seemed the Legislature had the authority to determine the definition of indigency. Ms. Foster replied the Order prescribed the standards of indigency for public defense. She said there was no question the Court had the ability to regulate the legal profession and to set professional standards. She explained the Legislature set standards of indigency for particular programs, but she noted the standards as written regarding numbers were consistent with and very close to what was being used by the County in a number of applications for different services.

Commissioner Humke approved of the direction Mr. Berkich recommended in the motion because of the one-Nevada view it took. He also felt determination of indigency could be argued to be an Executive Branch function. He discussed how going to the Legislature could, as the Legislature was currently configured, be perhaps more of a liability than solution for the bigger counties who had a Public Defender by statute. He felt

the County should only approach the Legislature after first making an appeal to the Governor for a special session of the Legislature. He said that was important because the Governor determined the purpose of a legislative session. He agreed this issue would gain from calling more public attention to it. He said if the statement to the Governor were carefully fashioned, it might be a good way to go and should avoid any unwanted additional mandates the Legislature might attempt to place on the County.

Commissioner Larkin said it could be argued that many of the functions the Court was outlining were actually functions of the Executive Branch. He stated he had the appetite to seek some redress with the Executive Branch. He noted under Item 2.b. in the recommendation; “three-year implementation program,” sent up a white flag for him because it indicated the County would surrender in three years. He appreciated there was a problem, but he understood the problem would be worked on and there were not yet any statistics to indicate the depth of the problem. He said he was not persuaded there should be a preset time for compliance, which would be capricious. He indicated there was no way the County could know what the economy would be like in the next two to three years, and some of this was economy driven. He felt it would be very ironic that the County would have to go to the taxpayers to ask them to pay for the defense of criminal activity, which had robbed them to begin with; alas it was the price of freedom in this great country. He stated he was not sure he agreed with Item 2.b., but he agreed with the general principle on where this was headed and with Commissioner Humke in terms of an Executive Branch appeal.

Mr. Berkich said he respected Chairman Larkin’s comments about the cost to the public; but, unfortunately, this Order was effective and standing. He stated that was why the letter had to be filed with Justice Hardesty by next week absent any further action by the Court during March. He indicated without any affirmative action by the Court, there was no alternative but to continue with the compliance elements of this Order. He said 2.b. was added to provide concrete deliverables. Chairman Larkin indicated he had no problem with filing the annual report, but he was not sure he was ready to go with the “proposed three-year implementation” yet. He agreed relief should be sought from the Court to give the County time to study this and, in fact an RFP was issued, but was not comfortable with the time schedule. Mr. Berkich said comments were made by people more familiar with the Court than he was that the Court might not stand still for a three-year implementation. He said the Court had drawn a line in the sand that they could and would decide how this would be done.

Commissioner Humke agreed that for Item 2.b. alternate language should be found for the word “commit.” He said it could be stated in terms that the County would make an honest, good-faith effort to comply. He said if it was stated in terms of consent, it could be over. Chairman Larkin commented it could be over, but no one had realized it yet.

There was no response to the call for public comment.

Commissioner Humke moved that the motion in the staff report be adopted with the following amendments: The narrative language in the recommendation 2.b. – alter the language “Commit Washoe County to the filing ... of the three-year implementation program, conditioned on possible action by the 2009 Legislature,” would

be changed to “will make an honest, good-faith effort to comply...” Commissioner Humke asked if that was acceptable. Ms. Foster said the letter was drafted, and she had been waiting for the Board’s action to add that part to it. She suggested coming back later in the evening to provide the Board with the letter’s specific language. Commissioner Humke also moved that a letter recommending to the Governor that he call a special Legislative session be carefully crafted. Chairman Larkin seconded the motion.

Commissioner Galloway asked if he voted yes on this motion, would he get another vote to approve the language. Chairman Larkin clarified Ms. Foster would be bringing the language back later in the evening. He stated the motion was to approve in concept the letter being worked on by Ms. Foster and to draft a letter to the Governor. Commissioner Humke felt the letter to the Governor might take a few days to construct because constitutional law was involved and that the recommendation needed to be very carefully crafted.

On a call for the question, the motion passed unanimously.

Later in the meeting, Ms. Foster indicated she e-mailed and provided the Commissioners with hardcopies of the letter. She said she had since put in the dates for the responses on the RFP and when those interviews would be conducted.

Chairman Larkin suggested changing the second to the last paragraph where it stated, “the Court is able” to read “if the Court is able to grant this request, Washoe County will use its best efforts to achieve compliance with the Performance Standards.”

Ms. Singlaub commented that Justice Hardesty asked why the County had not indicated there was a problem with immediate implementation to which she replied that it had never occurred to the County the Court would implement the Order immediately. She said there should be a reference to an extended period of time for the implementation to be delayed to. Commissioner Galloway asked about making the request for “more time” rather than a “delay.” Chairman Larkin said “if the Court is able to grant this request for more time,” Ms. Singlaub said she was concerned “more time” might be interpreted by the Court to mean two more months rather than multiple years. Commissioner Galloway noted the beginning of the previous paragraph indicated what the request was. Chairman Larkin said that was for the effective date of the Performance Standards and this paragraph referred to implementing those Performance Standards. He said the Manager was suggesting the Board needed to state a specific timeframe. Ms. Singlaub said in addition to being saddled with a too short timeline, the County would not want to imply to the Court that the County was looking for a five year or a 10 year timeline. She felt it would be in the County’s interest to reference something within two to three years. Chairman Larkin said the subject of the paragraph was the plan the County would be filing in good faith on July 1st, which he assumed would include the negotiated timeframe. Commissioner Galloway suggested saying “if the Court is able to grant an extension to July 1, 2009.” Ms. Singlaub noted that was just for the effective date of the Performance Standards. Chairman Larkin said the main thing was not only the Performance Standards, but the weighted-caseload study and the hiring of resources. He

said what needed to be done was to buy some time and he appreciated what the Manager was saying, but he was hesitant about putting a specific two, three, four or five year timeframe in the letter.

Ms. Singlaub said making the letter as specific as possible would be a concrete demonstration of good faith. She acknowledged the Performance Standards were only the most immediate piece of this, but it was the Court's intention to adopt caseloads and they were very close to adopting caseloads that would be reflective of the 1973 150 or so caseload limit. She stated that would be very detrimental to the County. She said she was not clear why the Chair did not want to put three years in the letter. Chairman Larkin explained it went back to "throwing up a white flag" and saying here is what the County will do and when the County would do it. He said that could come back to bite the County because it would look like the County was throwing in the towel. He stated he was not convinced the Court had total authority regarding this; and he did not want the Court coming back and saying the County agreed to it, so it must mean the County admitted there was a problem.

Ms. Singlaub said the Court indicated it was important for local governments to understand that the Court meant business about this, and the Court wanted to see if the County agreed there was a problem. Chairman Larkin stated there was testimony that County admitted there was a problem.

Ms. Singlaub said she was trying to find a way to suggest a multi-year implementation program, maybe not to achieve compliance, but to address the Court's concerns. Chairman Larkin indicated he was okay with multi-year. Ms. Singlaub said rather than saying "achieve compliance" say "a multi-year implementation program." Chairman Larkin said he would go with "a multi-year program to achieve compliance."

Commissioner Weber suggested just leaving out the three year part. Chairman Larkin said the Manager had convinced him the Court could come back with two months. Ms. Singlaub said it also might tell the Court the County was not serious and was trying to stall, which the Court felt local governments were doing. She indicated there was no delay by this government because staff first heard about the Order in November and it only came down in January. She felt it should be expressed it would not be forever. Chairman Larkin felt a reference to a specific timeframe would be a moving target, and to say three years could be a problem if it takes five years.

Ms. Singlaub stated the letter could say, "Washoe County would use its best efforts to develop a multi-year program to achieve compliance with the Performance Standards" and harmonize with the rest of the paragraph that achieved what the Court wanted: evidence of progress and reporting back to the Court. Chairman Larkin reiterated he had no problem with reporting to the Court.

Commissioner Galloway asked if the County was requesting an extension in the deadline for weighted-caseload study. Ms. Singlaub explained the delay was for meeting the rest of the implementation besides the Performance Standards, such as acquiring staffing. Commissioner Galloway asked if the County was going to request a

delay to the deadline for the weighted-caseload study. Ms. Singlaub said she did not see a need to delay that study because the results of the study were needed. Commissioner Galloway said the previous paragraph already requested a delay in the Performance Standards until July 2009. He stated rather than saying “if then” it says “in the interim” and “meanwhile Washoe County will use it best efforts,” he said why not just say “meanwhile” and put in the “multi-year implementation plan.”

Chairman Larkin stated the question for him was what would be the time period and the parameters for implementing the Performance Standards. He said at the September 5th meeting, the County could say the Court asked for this and here is the County’s plan to implement this over a multi-year period. He said that would include County giving the Court annual reports.

Ms. Singlaub said moving forward with the weighted-caseload study would demonstrate the County needed that information to develop a good plan.

Commissioner Galloway said he felt the beginning of the last paragraph was wrong with everything before the comma. He stated the paragraph should say what the County intended to do, “Based on our findings in the caseload study, Washoe County will use its best efforts.” He noted Commissioner Humke really wanted to get rid of “if you do this then we will do that” because that was contractual language. Chairman Larkin noted his request was to take “delay” out and put in “request.” Commissioner Galloway said that implied an “if, then” situation. He suggested saying “Based on the caseload study and other information developed, Washoe County will use its best efforts.” He explained the only delay asked for was covered in the previous paragraph and that could talk about a multi-year implementation program.

Ms. Foster said her only concern was the Court had put a lot of time and effort into this issue and the County was asking them to grant a boon. She said if that was done, the County needed to show in the tone of the letter that the County had some very good reasons to be coming to the Court with this request. She stated the tone of the letter needed to be respectful. Commissioner Galloway suggested saying, “With the consent of the Court, Washoe County would use its best efforts to develop a multi-year implementation program.” Ms. Foster said that worked and read the next to the last paragraph with the suggested corrections. Chairman Larkin indicated he liked it. Ms. Foster said she would send it to Mr. Berkich; but if the Commissioners felt anything was missing, to let her know and it could be worked into the letter.

Chairman Larkin said the previous motion included authorization for Ms. Foster to draft the letter and asked if any subsequent action was needed to authorize Ms. Foster to do this. Ms Foster stated nothing further was needed. A copy of the final letter to the Nevada Supreme Court was placed on file with the Clerk.

08-190 AGENDA ITEM 10 – SHERIFF

Agenda Subject: "Recommendation to approve issuing Request for Proposal for the Washoe County Sheriff’s Office Crime Laboratory to either lease, purchase or rent

four Gas Chromatograph Mass Spectrometers [cost to rent for five years \$578,781 or cost to purchase (includes delivery, installation, maintenance, etc., but not major updates) \$591,308]; and if approved, Purchasing Department will administer Bid Solicitation Package to obtain the required equipment under the best possible financial arrangements. (All Commission Districts.)"

Commissioner Galloway said staff indicated this item would allow the possibility of a lease-purchase arrangement if it was found by the Department to be more advantageous to spread out the cost and still own the machine at the end of the lease. He noted if this was approved it could mean there might be an additional cost for a lease-purchase agreement.

Melanie Foster, Legal Counsel, indicated the motion did not contain a price limit so that language could be included. She said the motion was styled to give a member of the public adequate notice, and she did not see a lease-purchase arrangement would be a problem. Commissioner Galloway asked the Sheriff's Office to look into a lease-purchase option.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 10 be approved.

08-191 AGENDA ITEM 11 – PUBLIC WORKS

Agenda Subject: "Recommendation to approve an Interlocal Cooperative Agreement between the County of Washoe and the Regional Transportation Commission of Washoe County (RTC) for the transfer of Washoe County's portion of the Indexed Fuel Tax Revenues to RTC to fund preventive maintenance on Regional and Non-Regional Roads [estimated Fiscal Year 2009 cost \$1,042,300]; and, if approved, authorize Chairman to execute Interlocal Cooperative Agreement. (All Commission Districts.)"

Dan St. John, Public Works Director, indicated the use of the funds was being expanded to local or non-regional roads. Chairman Larkin noted the language was consistent with the action the Commission took several weeks ago.

Commissioner Galloway stated he would not vote in favor of this item because he voted no on essentially the same item when presented at the joint meeting. He said because it was strictly unilateral, he felt the Board would need something for the public that was more than a unilateral action to ensure everyone was going to cooperate to chip into an RTC program. He said when things were done unilaterally there was no assurance that there would not be further demands on Washoe County's revenue. He noted there was an initiative by the City that again contends more money should be taken away from Washoe County. He said the County had not received an abatement of that effort in return for doing this.

Mr. St. John advised, with the current budget situation, the loss of approximately \$1 million in next year's road's budget would not be replaced by support from the General Fund. He said this action would lead to a reduction in funds for Washoe County roads and, therefore, a likely reduction in the amount of preventative maintenance being done by the County on its unincorporated roads. He stated he wanted to be very clear that the consequences of this action would be a decrease in the County's Pavement Condition Index over time until the City roads caught up and more of this money could be redirected towards unincorporated roads.

Chairman Larkin asked if it would lead to an increase in the index on regional and non-regional roads. Mr. St. John replied it would lead in total to an increase in the condition of all roads in Washoe County.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, with Commissioner Galloway voting "no," Chairman Larkin ordered that Agenda Item 11 be approved, authorized, and executed.

5:42 p.m. The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District (STMGID) before reconvening as the Board of County Commissioners. After adjourning as the Board of Trustees for STMGID, the Board took a temporary recess at 5:52 p.m.

6:22 p.m. The Board reconvened as the Board of County Commissioners with all members present.

08-192 AGENDA ITEM 14 – WATER RESOURCES

5:30 p.m.

Agenda Subject: "Second reading and adoption of an Ordinance creating Washoe County, Nevada Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) at an estimated cost of \$1,500,000; ordering a water project within Washoe County, Nevada; providing for the levy and collection of special assessments therefore; and prescribing other matters relating thereto (Bill No. 1537)."

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

In response to the call for public comment, Cliff Low asked if there was any idea on what the comfort level would be that a similar situation would not be faced in five, 10, or 15 years; and, if there was any idea how the collective investment of \$1-1.5 million for the new well, pipeline and treatment facility would be protected. He said the residents were told they were using more water than the current infrastructure was designed to support and now the residents would have what he called a "new water budget" within

which to live. He asked if the 121 parcel owners collectively lived within this new water budget, were they protected from future special assessments; and what if the new well produced within the expected parameters for the first year or two, but then production dropped for reasons other than a severe and prolonged drought. He felt such a drop could happen because of adding customers to the Lightning W Water System beyond the current 121 parcel owners. He explained the Department of Water Resources said they would not add properties to the municipal system if the system could not support them. He believed the Department could make mistakes and there were already at least two customers added to the Lightning W Water System that were not part of the original customer base. He indicated a drop in production could also happen because of future development resulting in the creation of new wells, which could be either private wells or one or more municipal wells that would draw water from the same aquifer that was used by the Lightning W Water System well. He asked if there was any idea whose responsibility it would be to pay for further infrastructure to produce and treat additional water sources for the users of the Lightning W Water System in that scenario. He asked if it would be the 121 users of the Lightning W Water System or would this be an operating maintenance cost to be shared by all 22,000 customers of the Department of Water Resources.

There being no response to the call for further public comment, the hearing was closed.

Rosemary Menard, Department of Water Resources Director, explained the strategy used to address the issue associated with failed or inadequate water for the future would be as follows: if the system was operating within its established budget, which was about 400 gallons a minute at build out, then the inadequate capacity from an existing well would be considered a system-wide problem that would be taken care of by spreading the cost across the customer base. She said as was the current case, if use was estimated at 180 gallons per minute and they were using 200 gallons per minute and 400 gallons a minute at build out, that was quite a bit more than similar properties were using and was why this cost was being put on the users of the water opposed to it being spread out across the whole rate base. She felt staff had a good estimate and a good basis for that estimate because the Lightning W. Water System's actual use was used as a basis for the 400 gallons per minute build out amount. She indicated it was thought if the users lived within the estimated amount, then it would be the responsibility of the system to make sure they had an adequate water supply; but, if for some reason their future development went beyond that amount, then it was thought that would be a different story.

Commissioner Galloway felt that sounded reasonable as far as it went, but what about the intention by adjacent properties to put more straws in the ground and lower the water table, which would close the producing wells. Ms. Menard replied that could not be controlled. She stated individual domestic wells or any additional municipal systems would be authorized by the State Engineer.

Commissioner Galloway said Mr. Low pointed out there were properties adjacent to the Lightning W area with development potential. He asked if they applied to the Department of Water Resources for service, would the Department make sure the

service provided did not deplete the capacity of the wells serving Lightning W. Ms. Menard replied she indicated to Mr. Low and to the residents of Franktown Pines and Franktown Estates that additional properties would not be added if the capacity of the system that met their needs would be placed in jeopardy. She indicated there could still be a question about another well some distance away and those kinds of things. She said the Department would do its best to locate additional wells or to hook someone up in a way that would not affect the local well or draw down what the existing users had. She explained staff was confident the new well was being located where it would not have those kinds of effects, but again the Department did not control everything.

Commissioner Galloway clarified he was only talking about Water Resources' actions. He theorized if 150 houses could be built adjacent to Lightning W and obtain service from Water Resources and another well was put in to serve the new homes that could adversely affect the Lightning W, then the Lightning W could receive some mitigation money or something. Ms. Menard replied absolutely. Commissioner Galloway asked if that could be spelled out in an agreement that would be separate from setting up this district. Ms. Menard replied there was no precedent for doing that type of agreement, but that did not mean it could not be done. Commissioner Galloway suggested maybe it could be done through a policy covering situations like this rather than as an agreement. Ms. Menard confirmed that would be separate item from this agenda item.

Commissioner Humke asked if Mr. Low was satisfied with the record that was made. Mr. Low replied he was not clear about the scenario Commissioner Galloway described where the Department put in another well. He understand and respected the intent of the Department not to draw additional water where it was felt it could not be supported; but he asked if it turned out down the line there was a need for additional water sources, would that be an operating maintenance issue or another potential special assessment. Ms. Menard replied the key policy issue was whether or not the Lightning W Water System's customers were living within their estimated 400 gallons per minute. If they were and additional supplies were needed, then that cost would be spread across the customer base. Commissioner Humke indicated he was satisfied with that and, if the Board wanted to discuss the policy, he felt that clearly would have to be another agenda item.

Commissioner Galloway agreed, but indicated he was willing to pursue drafting a policy very similar to the South Truckee Meadows General Improvement District's well mitigation policy. He said the County's policy could cover paying mitigation costs to make an area whole again that was living within its water budget and was affected by the County putting in a municipal well for future or additional development. Commissioner Humke indicated he would entertain discussing creating a policy at the appropriate time.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1358, Bill No. 1537, entitled, **"AN ORDINANCE CREATING WSHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT) AT AN ESTIMATED COST OF \$1,500,000;**

ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

08-193 AGENDA ITEM 15 – COMMUNITY DEVELOPMENT – AUTUMN WOOD

5:30 p.m.

Agenda Subject: "Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case No. DA08-001 for Tentative Subdivision Map Case No. TM06-002 for Autumn Wood as previously approved by the Washoe County Planning Commission (Bill No. 1538); and if adopted, authorize Chairman to execute Development Agreement concerning same."

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

A motion was made by Commissioner Humke, seconded by Commissioner Weber, which carried by unanimous vote to approve the Ordinance. Later in the meeting the following motion was made due to an error in the reading of the Ordinance.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Agenda Item 15 be reopened because the Agreement Case No. was read in error as DA02-001 when it should have been DA08-001.

The Chairman reopened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Larkin ordered that Ordinance No. 1359, Bill No. 1538, entitled, **"AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA08-001 FOR TENTATIIVE SUBDIVISION MAP CASE NO. TM06-002 FOR AUTUMN WOOD AS PREVIOUSLY APPROVED BY THE WASHOE CUNTY PLANNING COMMISSION,"** be approved, adopted and published in accordance with NRS 244.100. It was also ordered that the Chairman be authorized to execute the Development Agreement.

5:30 p.m.

Agenda Subject: "Comprehensive Plan Amendment Case No. CP07-006--Southwest Truckee Meadows Area Plan Update. An amendment to the Southwest Truckee Meadows Area Plan that provides a wholesale update of the Southwest Truckee Meadows Area Plan, establishing updated goals and policies relating to Land Use, Transportation, Scenic, Recreational and Cultural Resources, Natural Resources (Air, Land and Water), and establishing specific findings, criteria and thresholds for future amendments. This update proposes an amendment to the Land Use Plan map to reflect proposed character management areas and introduces an updated map series to include a Land Use map, Character Management Plan map, Recreational Opportunities Plan map, Public Services and Facilities Plan map, Streets and Highway Systems plan map, and Development Suitability map. The Southwest Truckee Meadows Planning Area is comprised generally of the unincorporated areas of the southern portion of Washoe County, bounded on the west by the Toiyabe National Forest, on the north by the Truckee River, on the east by I-580 and South Virginia Street, and on the south by the Steamboat Hills and the Mt. Rose Highway."

AND IF APPROVED

"Authorize Chairman of the Board of County Commissioners to sign the Resolution adopting the Amended Southwest Truckee Meadows Area Plan (CP07-006), a part of the Washoe County Comprehensive Plan. Such signature by the Chairman to be made only after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency. (Commission Districts 1 and 2.) Continued from January 8 and 22, 2008 Commission meetings."

Lisa Brosnan, Assistant Planner, said the Board requested staff to address particular concerns of the West Truckee Meadows Citizen Advisory Board (CAB) when the plan was brought before the Board on January 22nd. She said Legal Counsel advised staff that any changes requested by this Board would have to be referred back to the Planning Commission. She explained that meant the Board could either act on the Southwest Area Plan as originally adopted by the Planning Commission on November 20, 2008 or they could refer the plan to the Planning Commission for a report on the proposed language contained in the motion in the staff report.

Commissioner Galloway said he worked very closely with staff and everything was fine except for the page in the Supplemental Staff report where he indicated the last paragraph at the bottom of SW.20.3.d. should be shortened to, "Casinos are not appropriate in the Southwest Truckee Meadows." He noted his reason for doing that was it clarified the County was not trying to encourage plan amendments to allow Tourist Commercial zoning that would then allow casinos. He felt it was not necessary to have that compound sentence, and he said Mike Harper, Planning Manager, seemed amenable to the change.

Chairman Larkin stated the if Board utilized the supplemental motion to refer the updated STMAP to the Planning Commission, they would review the proposed language changes. Commissioner Galloway said he understood the proposed language changes in the attachments would be combined with the existing language for the Planning Commission to consider. Ms. Brosnan confirmed it would be considered on March 18th by the Planning Commission. Commissioner Galloway stated if the Planning Commission declined to put in the proposed language, it would come back to the Board and the Board could put it in anyway. Ms. Brosnan replied that was correct. Commissioner Galloway commented the procedure was that before making changes, they had to be sent to the Planning Commission for their advice. He said Mr. Harper did not anticipate any problems with the Planning Commission, but it was unfortunate that miscommunications caused a delay. Commissioner Galloway noted there was no way this matter could be derailed now if this Commission had the power to resolve it.

Commissioner Weber asked if staff was a little apprehensive about Commissioner Galloway's comments. Mr. Harper replied staff was not apprehensive at all.

In response to Chairman Larkin, Ms. Brosnan said casinos were only allowed in areas zoned Tourist Commercial and that zoning was not present in the Southwest Truckee Meadows Plan area. Commissioner Galloway stated he would have no objection to adding, "in the Southwest Truckee Meadows Plan area." Chairman Larkin observed there was no current designation for Tourist Commercial zoning in that area and this was more of a policy statement. He understood the citizens in that area were keen to have some language dealing with their intent not to have casinos within the planning area. Commissioner Galloway stated the intent of the statement was to guide staff recommendations if someone would apply to change a land-use designation. He said staff would go back and look at this to see what the Plan originally said. He noted staff would still entertain the zoning change request, but would be guided by the Plan.

Chairman Larkin commented this would be going back to the Planning Commission and people could express how they felt about the change at that meeting.

Chairman Larkin noted there was a desire by folks to widen Fourth Street. Commissioner Galloway said widening might be necessary to keep the carrying capacity commensurate with the increased traffic volume being experienced. Chairman Larkin said he had no objection to sending it back to the Planning Commission to see what they had to say.

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

Commissioner Galloway motioned that the proposed changes, and the reasons therefore, be referred back to the Planning Commission for its action, which would then be brought back to the Board for action; and would include the change on the last line

of SW.20.3.d. to read, "Casinos are not appropriate in the Southwest Truckee Meadows Plan Area."

Commissioner Galloway requested that the West Truckee Meadows Citizen Advisory Board receive a copy of the redlined document for its next meeting on the second Monday in March.

Commissioner Jung seconded the motion. The motion passed unanimously.

In response to Chairman Larkin, Katy Singlaub said no action had to be taken regarding the Chairman signing the resolution. Commissioner Galloway said that would have been necessary if the Board had approved the plan without any changes.

08-195 AGENDA ITEM 17 – REPORTS AND UPDATES

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 Weber commented the Citizen Committee on the Nuisance Ordinance asked if they could send someone to provide the Commission with an update on their progress. She noted there would be a Reno-Sparks Convention and Visitors Authority (RSCVA) meeting this Thursday, and she would be attending the Legislative Conference in Washington, DC next week.

Chairman Larkin stated he had been invited to the Nevada Water Resources Association meeting in Mesquite to provide information about the new Western Regional Water Commission and to talk about western regional water as part of a panel. He said March 4, 2008 was the jail expansion grand opening in addition to the inauguration the City of Reno's downtown ballroom. He indicated tomorrow Mayor Martini, City of Sparks, would be delivering his State of the City message.

Commissioner Galloway discussed the major issues that would be addressed at tomorrow's Tahoe Regional Planning Authority (TRPA) meeting in South Lake Tahoe and noted the next day would be a retreat in the City of South Lake Tahoe. He said the proponents of the Flying J's truck stop revised their plan, which would be unveiled during March 4th's Town Hall meeting at 6:00 p.m. at McQueen High School.

Commissioner Jung said she would be attending a Reno/Sparks Chamber of Commerce meeting on Thursday to discuss downtown redevelopment and that she also had a Housing Task Force meeting that same day. She also was looking forward to the Legislative meeting in Washington, DC.

Katy Singlaub, County Manager, noted the Nuisance Committee met the first and third Thursday of each month and the next meeting would be March 6, 2008 at Regional Animal Control located on Longley Lane.

* * * * *

7:13 p.m. There being no further business to come before the Board, on motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, Chairman Larkin ordered that the meeting be adjourned.

ROBERT LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Jan Frazzetta, Deputy County Clerk*

Clerk

PROCLAMATION

WHEREAS, The Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity and expand development at the grass-roots level in the developing world; and

WHEREAS, More than 190,000 Americans have served as Peace Corps Volunteers in 139 countries since 1961; and

WHEREAS, Over the past 47 years, 831 men and women from the State of Nevada have responded to our nation's call to serve by joining the Peace Corps; and

WHEREAS, Peace Corps Volunteers have made significant and lasting contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, and the environment, and have improved the lives of individuals and communities around the world; and

WHEREAS, Peace Corps Volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and

WHEREAS, Peace Corps Volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and

WHEREAS, It is indeed fitting to recognize the achievements of the Peace Corps and honor its Volunteers, past and present, and reaffirm our country's commitment to helping people help themselves throughout the world; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners, that February 25 through March 3, 2008 is Peace Corps Week in Washoe County, Nevada.

ADOPTED this 26th day of February, 2008.

08-174



Robert M. Larkin
Robert M. Larkin, Chairman
Washoe County Commission

PROCLAMATION

Designating February 26, 2008 as "Spay Day USA"

WHEREAS, Cats and dogs provide companionship to and share the homes of over 71,000,000 individuals in the United States; and

WHEREAS, Animal services and shelters have to euthanize approximately four million cats and dogs each year, although many of them are healthy and adoptable, due to a lack of critical resources such as money, space, and good adoptive homes; and

WHEREAS, The problem of pet overpopulation costs the taxpayers of this country millions of dollars annually through animal control programs aimed at coping with the millions of homeless cats and dogs; and

WHEREAS, Spaying and neutering cats and dogs has been shown to drastically reduce cat and dog overpopulation; and

WHEREAS, Veterinarians, humane societies, national and local animal protection organizations, and private citizens worked together to ensure the spaying or neutering of more than 20,000 companion animals through "Spay Day USA 2008"; now, therefore, be it

PROCLAIMED, By the Board of Commissioners of Washoe County, Nevada, that February 26, 2008, is designated "Spay Day USA" in the County of Washoe, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved with promoting spay/neuter as an essential component of good pet health care in addition to being an effective and humane means of decreasing the euthanasia of homeless animals in shelters and for the people of Washoe County to observe the day by having their own cats or dogs spayed or neutered, by sponsoring the spaying or neutering of another person's cat or dog, or by having a feral cat in our community spayed or neutered by Community Cats.

ADOPTED this 26th day of February, 2008.

Robert M. Larkin, Chairman
Board of County Commissioners

08-176

Clerk

PROCLAMATION

WHEREAS, Social workers help millions of people address social and psychological problems to improve their lives; and

WHEREAS, Washoe County employs over 125 licensed professional social workers; and

WHEREAS, Social Workers bridge the gap between resources and services and the people who need them; and

WHEREAS, Social workers use their education, training and commitment to strengthen individuals, families and communities; and

WHEREAS, Social workers shape numerous programs and policies that improve community life; and

WHEREAS, Social workers provide services in many settings, including private practices, family counseling centers, courts, nursing homes, hospices, mental health clinics, child welfare agencies, hospitals, schools and universities, prisons and corporations, as well as public and private agencies; now, therefore, be it

PROCLAIMED, That the Washoe County Board of Commissioners hereby recognizes professional social workers and their commitment and dedication to individuals and families in our community and joins the National Association of Social Workers in proclaiming March 2008 as Professional Social Work Month.

ADOPTED this 26th day of February 2008



Robert M. Larkin
Chairman
Washoe County Commission

08-175

Clerk

RESOLUTION OF DECLARATION OF SURPLUS

A RESOLUTION DECLARING APN 032-131-03 AS SURPLUS TO THE COUNTY'S NEEDS; SCHEDULE OF A PUBLIC HEARING REGARDING THE TRANSFER OF THE SUBJECT PROPERTY TO THE CITY OF SPARKS FOR A PUBLIC PURPOSE AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, Washoe County owns a certain parcel of real property in Washoe County located at 15th and D Street, Sparks Nevada, legal description is shown on Exhibit A, (hereinafter referred to as "County Parcel"); and

WHEREAS, The Nevada Revised Statutes 277.053, allows the transfer of real property, without cost between government entities when used for a public purpose; and

WHEREAS, The Washoe County Board of Commissioners agree to transfer the above referenced parcel to the City of Sparks; and now, therefore, be it

RESOLVED, by the Washoe County Board of Commissioners:

1. The subject real property is not needed for the public purposes of the County and may be transferred to the above-stated municipality for public benefit.
2. On March 25th at 5:30 PM, the Washoe County Board of Commissioners shall hold a public hearing in order to allow for any objections to this property action.
3. Upon approval by the Washoe County Board of Commissioners, the Chairman shall execute a quitclaim deed to transfer all right, title and interest to the City of Sparks.

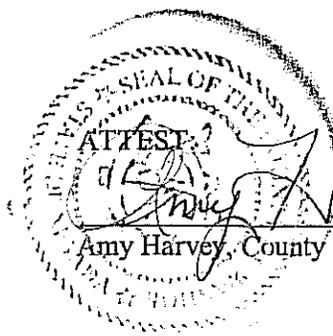
03-183

ADOPTED this 26th day of February 2008 by the following vote:

AYES: LARKIN, WEBER, HULMKE, JUNG, GALLOWAY
 NAYS: _____
 ABSENT: _____
 ABSTAIN: _____

Robert M Larkin
 Robert M. Larkin, Chairman
 Washoe County Commission

Amy Harvey
 Amy Harvey, County Clerk



8/1/08

EXHIBIT A

LEGAL DESCRIPTION

All that certain real property situate in the County of Washoe, State of Nevada described as follows:

Parcel A of PARCEL MAP NO. 2818, for the CITY OF SPARKS, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on August 11, 1994, as Document 1823539.

APN: 032-131-03

032-131-03