

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

SEPTEMBER 22, 2009

PRESENT:

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

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

The Washoe County Board of Commissioners convened at 10:09 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

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

09-978 AGENDA ITEM 3 – RESOLUTION OF APPRECIATION

Agenda Subject: "Resolution of Appreciation--for supported structure protection response to July 15-18, 2009 wildland fire (Fire Services Coordinator)."

Commissioner Weber read and presented the Resolution to Kurt Latipow, Washoe County Fire Services Coordinator, and Tim Alameda, Interim Fire Chief of the Truckee Meadows Fire Protection District (TMFPD). Mr. Latipow pointed out there had been incredible support from the Red Cross, and from the Sheriff's Community Emergency Response Team (CERT) and Search and Rescue (SAR) volunteers. He introduced and congratulated representatives from several firefighting agencies that responded to the incident.

In response to the call for public comment, Sam Dehne commended all of the firefighting personnel.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 3 be adopted and approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-979 AGENDA ITEM 4 – RESOLUTION OF APPRECIATION

Agenda Subject: “Resolution of Appreciation--Mike Pomi.”

Chairman Humke read and presented the Resolution to Mike Pomi, former Washoe County Juvenile Services Director. Mr. Pomi thanked the Board for their support and said he would continue to serve the youth in Washoe County through his work at the Children’s Cabinet.

There was no response to the call for public comment.

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

09-980 AGENDA ITEM 5 – RESOLUTION OF APPRECIATION

Agenda Subject: “Resolution of Appreciation--Keep Truckee Meadows Beautiful.”

Commissioner Jung read and presented the Resolution to: Christi Cakiroglu, Executive Director of Keep Truckee Meadows Beautiful (KTMB); Maia Dickerson, KTMB Program Director; Christi Dickerson, KTMB Volunteer; Washoe County Sheriff Michael Haley, Sheriff’s Deputy Jeff Masten; Adrian Freund, Director of Community Development; Bob Webb, Program Manager for Community Development; Doug Doolittle, Director of Regional Parks and Open Space; Lynda Nelson, Planning Manager for Regional Parks and Open Space; and Jennifer Budge, Park Planner.

Ms. Cakiroglu expressed her appreciation for the County’s support. She presented plaques to the Commission, Sheriff Haley and his staff, Director Doolittle and his staff, and Director Freund and his staff. She pointed out it was Commissioner Weber’s encouragement and vision that resulted in the Great Truckee Meadows Community Cleanup, the Illegal Dumping Task Force and the institution of a single phone number for citizens to report illegal dumping (329-DUMP). Commissioner Weber commented on the progress that had been made. She thanked the Sheriff’s Office for their participation on the Illegal Dumping Task Force and their efforts in providing community education about how to report illegal dumping. Mr. Doolittle thanked KTMB for all their hard work. He emphasized his appreciation for the numerous volunteers whose participation made the clean-up efforts possible.

In response to the call for public comment, Sam Dehne discussed the volunteers and the great coordination of the KTMB organization. He acknowledged the local media for their promotion of the KTMB's activities.

Chairman Humke thanked Commissioner Weber for tackling the issue of cleaning up public lands.

In response to the call for public comment, Garth Elliott thanked the volunteers for their efforts. He encouraged citizens to volunteer, particularly to help with clean-up along the Truckee River.

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

09-981 AGENDA ITEM 6 – 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.”

Garth Elliott spoke on the Nuisance Ordinance and expressed his frustration with motorcycle noise. He noted the Ordinance as it was currently written did not fully address the problem because sound levels were removed as one of the criteria for defining a nuisance.

Gary Schmidt identified himself as a candidate for the State Senate in Washoe County District 2. He spoke about transparent government, the Open Meeting Law and public records law. He referred to a pocket-size copy of the U.S. constitution, which was placed on file with the Clerk.

Sam Dehne said he was glad to see that the University of Nevada Reno Marching Band program had been saved.

09-982 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.)”

Commissioner Breternitz requested a future agenda item to discuss a possible General Improvement District or Special Assessment District in the Logan Meadows area of District 1. He requested a presentation about the history of quiet zones in the County, particularly relating to the issue of railroad noise in the Verdi area. He

asked for a schedule showing when the necessary implementation elements of WC-3 would be moved forward by the County, before additional action could be taken at the level of the Regional Planning Governing Board.

Commissioner Weber said there had been discussion of the Verdi railroad noise issue at a recent meeting of the Verdi/Mogul Citizen Advisory Board (CAB). She noted representatives were present from the Union Pacific Railroad and the Federal Railroad Administration. She said residents of the Red Rock and Silver Knolls areas asked the Commission to look into speed limits on their main road. She thanked the Board members who attended a conference of the Nevada Association of Counties.

Chairman Humke indicated he would attend an upcoming tour of the Interstate 580 project being completed by the Nevada Department of Transportation.

09-983 AGENDA ITEM 8A – MINUTES

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meeting of August 25, 2009.”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8A be approved.

09-984 AGENDA ITEM 8B

Agenda Subject: “Cancel October 20, 2009 County Commission meeting.”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8B be approved.

09-985 AGENDA ITEM 8C – ASSESSOR’S OFFICE

Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2009/2010, 2008/2009, 2007/2008 secured and unsecured tax rolls; and if approved, authorize Chairman to execute order and direct the Washoe County Treasurer to correct the errors [cumulative amount of decrease \$19,635.82]. (Parcels are in various districts as outlined.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8C be approved, authorized, executed and directed.

09-986 AGENDA ITEM 8D – COMMUNITY DEVELOPMENT

Agenda Subject: “Adopt Resolution establishing an administrative enforcement fee schedule pursuant to Washoe County Code section 125.300; and if adopted, authorize Chairman to sign same. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8D be adopted and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-987 AGENDA ITEM 8E – COMPTROLLER’S OFFICE

Agenda Subject: “Authorize the Tax Collector to strike names and amounts identified on Delinquency/Uncollectable Personal Property Tax List for Fiscal Years 1998/99 through 2007/08 [\$41,675.72]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8E be authorized.

09-988 AGENDA ITEM 8F – DISTRICT ATTORNEY’S OFFICE

Agenda Subject: “Approve payments [\$7,446.50] to vendors for assistance of 38 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, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8F be approved.

09-989 AGENDA ITEM 8G – DISTRICT HEALTH DEPARTMENT

Agenda Subject: “Authorize permanent decrease in full-time hours for position control number 70004104 (1.0 full time equivalent to .53 full time equivalent). (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8G be authorized.

09-990 AGENDA ITEM 8H – HUMAN RESOURCES

Agenda Subject: “Approve reclassification requests submitted through the job evaluation and classification process and to report the results of the job evaluation for a support position for Juvenile Services approved by the Board on July 14, 2009 [annual fiscal impact for these reclassifications is approximately \$5,240. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8H be approved and accepted.

09-991 AGENDA ITEM 8I – JUVENILE SERVICES

Agenda Subject: “Approve use of grant funds [\$16,902.10] to be expended in Fiscal Year 2010 for travel and training purposes; and if approved, direct Finance to make necessary budget adjustments (funds were received from the Juvenile Justice Commission under the Juvenile Accountability Block Grant for Fiscal Year 2008/09 and need to be expended by November 1, 2009). (All Commission Districts)”

Chairman Humke disclosed that he currently served on the Nevada Juvenile Justice Commission, which was the pass-through granting authority for the funds. He said he had been advised it was not a conflict to vote on the agenda item.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8I be approved and directed.

09-992 AGENDA ITEM 8J – PURCHASING / PUBLIC WORKS

Agenda Subject: “Award Bid #2675-09 - Janitorial Services for the Washoe County High Security Buildings to the lowest, responsive, responsible bidder, Qual-Econ U.S.A., Inc, [\$54,008 per month for 17 High Security Buildings]; and if awarded, authorize Acting Purchasing and Contracts Administrator to execute a one-year agreement with two single year renewal options for this Bid [estimated annual value

for janitorial services at the High Security Buildings is \$648,096.00 per year]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8J be awarded and authorized.

09-993 AGENDA ITEM 8K – SENIOR SERVICES

Agenda Subject: “Accept grant awards from State of Nevada Aging and Disability Services Division from American Recovery and Reinvestment Act Funds [\$30,549 with \$5,392 County match] for the Home Delivered Meals Program and [\$96,012 with \$16,945 County match] for the Congregate Meals Program retroactively for the period July 1, 2009 through June 30, 2010; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts)”

Commissioner Larkin disclosed his service on the Commission on Aging, which was responsible for oversight of the State of Nevada Aging and Disability Services Division. He noted the grant award had not come before the Commission on Aging.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8K be accepted and directed.

09-994 AGENDA ITEM 8L – SHERIFF’S OFFICE

Agenda Subject: “Approve donation of miscellaneous used laboratory equipment from the Washoe County Sheriff’s Forensic Science Division to University of Nevada, Reno [estimated value \$19,250]. (All Commission Districts)”

Chairman Humke thanked the Sheriff’s Office for its generous donation to the University. He acknowledged the following staff members from the Forensic Science Division who were present in the audience: Suzanne Harmon, Supervising Criminalist of the Biology Unit responsible for DNA and primary examination; Kerri Heward, Supervising Criminalist of the sections responsible for trace, firearms, breath alcohol and drugs; and Trish Beckman, Administrative Secretary Supervisor of the front office.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8L be approved.

09-995 AGENDA ITEM 8M – SOCIAL SERVICES

Agenda Subject: “Authorize Director of Social Services to accept Federal Adoption Incentive Funds [\$22,046 - no matching funds required] from State Division of Child and Family Services to assist the Department of Social Services in the Adoption Program and authorize the Department to expend up to \$2,000 of those funds in Federal Fiscal Year 2009 (February 15, 2009-September 30, 2009 to cover costs of sponsoring Adoption Day activities, including food, water, entertainment, decorations, a reception for adoptive families, public awareness and costs of photographs and video recording of the adoption hearings; and if authorized, direct Finance to make appropriate budget adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8M be authorized and directed.

09-996 AGENDA ITEM 8N – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

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

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8N be acknowledged.

09-997 AGENDA ITEM 8O – DEPARTMENT OF WATER RESOURCES

Agenda Subject: “Authorize Department of Water Resources to issue a request for qualifications to solicit written statements of qualification from firms to provide support to ongoing implementation of the Groundwater Monitoring Plan being conducted as part of the Central Truckee Meadows Remediation District Program. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8O be authorized.

09-998 AGENDA ITEM 8P1 – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of the Three-Year Schedule of Audits for Internal Audit Division. (All Commissioner Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8P1 be acknowledged.

09-999 AGENDA ITEM 8P2 – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of Annual Report from the Internal Audit Division for Fiscal Year 2008/09. (All Commissioner Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8P2 be acknowledged.

09-1000 AGENDA ITEM 8Q1 – PUBLIC WORKS

Agenda Subject: “Approve Intrastate Interlocal Contract between the County of Washoe and State of Nevada (Bureau of Services to the Blind and Visually Impaired/Business Enterprises of Nevada) for the continued operation of vending and concession services within County facilities as required by Nevada Revised Statutes Chapter 426.630, for the period December 1, 2009 through November 30, 2013 [no fiscal impact]; and, if approved, authorized Chairman to execute Contract. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8Q1 be approved, authorized and executed. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

09-1001 AGENDA ITEM 8Q2 – PUBLIC WORKS / REGIONAL ANIMAL SERVICES

Agenda Subject: “Accept grant award [\$20,000 - no match required] to Washoe County Regional Animal Services from Maddie’s Fund to support collection of shelter statistics, the public reporting of such statistics and to support other activities on behalf of lost, stray or homeless dogs and cats; and if accepted,

authorize Regional Animal Services Manager to administer obligations on behalf of Washoe County and direct Finance to make appropriate budget adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8Q2 be accepted, authorized and directed.

09-1002 AGENDA ITEM 8R1 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Reappoint Bill von Phul, Patty Moen and Cliff Young to the Open Space and Regional Parks Commission for a term through June 30, 2013, and appoint Ed Harney to fill a vacant position through June 30, 2012 and Anne Buckley to fill a vacant position through June 30, 2013. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8R1 be approved.

09-1003 AGENDA ITEM 8R2 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve Cooperative Agreement for Court of Antiquity Interpretive Area between the County of Washoe, State of Nevada (Department of Transportation) and City of Sparks; and if approved, authorize Chairman to execute Agreement. (Commission District 4)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8R2 be approved, authorized and executed. The Cooperative Agreement for same is attached hereto and made a part of the minutes thereof.

DISCUSSION – BLOCK VOTE – AGENDA ITEMS 12, 13, 14, 15, 16, 17 AND 18 (SEE MINUTE ITEMS 09-1004 THROUGH 09-1010)

The Board consolidated Agenda Items 12, 13, 14, 15, 16, 17 and 18 into a single block vote.

09-1004 AGENDA ITEM 12 – PURCHASING

Agenda Subject: “Recommendation to award Bid #2691-09 for Automotive and Light Truck Maintenance and Repair Parts and Supplies to Finley Industries/Napa

Auto Parts as the primary supplier and NC Auto Parts as the secondary supplier [estimated amount per fiscal year \$200,000]. Discounts, prices and exceptions as stated in Washoe County Invitation to Bid #2691-09 shall be honored and adhered to until May 1, 2011, with an option to renew for an additional one year period. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 12 be awarded.

**09-1005 AGENDA ITEM 13 – MANAGEMENT SERVICES / EMERGENCY
MANAGER’S OFFICE**

Agenda Subject: “Recommendation to award Washoe County Bid #2705-10 for a 100% grant-funded purchase of 14 Mass Fatality trailers and related equipment from the lowest, responsive, responsible bidder, EMS Innovations [net amount \$122,388]; and if awarded, direct Finance to make appropriate adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 13 be awarded and directed.

**09-1006 AGENDA ITEM 14 – EMERGENCY RESPONSE ADVISORY
COMMITTEE / TECHNOLOGY SERVICES**

Agenda Subject: “Recommendation to authorize the Purchasing Department to release a Request for Proposal for a Next Generation Emergency 911 system which will provide the future availability to report using text, video, images and data to the Public Safety Answering Points (PSAP’s) for Reno, Sparks and Washoe County PSAP’s as recommended by the 911 Emergency Response Advisory Committee [estimated cost \$800,000 to \$900,000]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 14 be authorized.

09-1007 AGENDA ITEM 15 – PUBLIC WORKS

Agenda Subject: “Recommendation to accept an Energy Efficiency Conservation Block Grant award [\$401,200] from United States Department of Energy, to support the installation of two 30 kW Solar Photovoltaic installations for Washoe County; and if accepted, direct Finance to make appropriate budget adjustments

and authorize Public Works Department to bid the project. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 15 be accepted, directed and authorized.

09-1008 AGENDA ITEM 16 – PUBLIC WORKS

Agenda Subject: “Recommendation to approve in concept the Central Incline Village Phase II (EIP #672, 669A, 651, 10068, 231A, 231C & 669B) Water Quality Improvement Project; and if approved, authorize the request and acceptance of grant funds from the State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds in the estimated amount of \$1,250,000 plus 3% of the total project cost for administration; authorize the Chairman to execute the Resolution to request State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds; authorize the Chairman to execute the Assurances certifying compliance with the regulations, policies, guidelines and requirements of the State of Nevada, Division of State Lands Lake Tahoe Water Quality Grant Program; authorize the request and acceptance of grant funds from the U.S. Forest Service in the estimated amount of 1,250,000; authorize the request and acceptance of Water Quality Mitigation Funds from Tahoe Regional Planning Agency, if needed, to supplement any shortfalls in grant funds up to \$1,000,000; appoint the Director of Public Works as agent for Washoe County; and direct Finance to make appropriate budget adjustments. (Commission District 1)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 16 be approved, authorized, executed, appointed and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-1009 AGENDA ITEM 17 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to approve Intrastate Interlocal Agreement [\$175,000 from WC-1 Bond Funds] between Washoe County (Department of Regional Parks and Open Space) and State of Nevada (Division of State Parks) for the Washoe Valley Bike Path Project; and if approved, authorize Chairman to sign Agreement and authorize Finance to make appropriate budget adjustments. (Commission District 4)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 17 be approved and authorized. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

09-1010 AGENDA ITEM 18 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to accept a reimbursable grant [\$100,000 with County match of \$20,000] from the Commission on Cultural Affairs for continuation of structural rehabilitation and seismic retrofit of Bowers Mansion; and if accepted, authorize the Regional Parks and Open Space Director to sign all necessary documents associated with the grant and authorize Finance to make appropriate budget adjustments. (Commission District 2)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 18 be accepted and authorized.

11:10 a.m. The Board convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District with all members present.

11:40 a.m. The Board convened as the Board of Fire Commissioners for the Sierra Fire Protection District with all members present.

12:10 p.m. Commissioner Larkin temporarily left the meeting.

12:27 p.m. The Board reconvened as the Board of County Commissioners with Commissioner Larkin absent.

09-1011 AGENDA ITEM 11 – APPEARANCE

Agenda Subject: “Dr. John Warwick, Interim Executive Vice President for Research – Desert Research Institute Cloud Seeding Program and status of funding. (Requested by Commissioner Breternitz)”

Dr. John Warwick, Interim Executive Vice President for Research at the Desert Research Institute (DRI), conducted a PowerPoint presentation, which was placed on file with the Clerk. He introduced Arlen Huggins, Director of the Cloud Seeding Program. He briefly discussed the general mission of the DRI. He provided some background about the origins, funding and efficacy of the cloud seeding program.

Dr. Warwick pointed out the DRI received \$590,000 in State funding for fiscal year 2009 to conduct the program. He stated a DRI study estimated an increase of approximately 8 percent in the southern Sierra snowpack, and an annual increase of about

18,000 acre feet in the total water available for the treated portions of the Truckee River watershed. He emphasized there was a lot of variability in the efficacy of cloud seeding during a single event, from one event to another, and from year to year. He noted the 18,000 acre foot increase was based on a ten-year average, with a low of approximately 8,000 acre feet and a high of about 30,000 acre feet. He cautioned there was no data tracing how much of the increased water went to augment stream flows or recharge groundwater, and how much was lost to sublimation or evapotranspiration. He displayed a map showing cloud seeding generator locations located throughout the State, including the Truckee-Tahoe target area.

Dr. Warwick explained the DRI recently began decommissioning its cloud seeding sites after experiencing substantial budget cuts. He indicated the Truckee Meadows Water Authority (TMWA) subsequently agreed to fund the reestablishment of five generators for the Truckee River watershed sites and to fund their operation for one year. He stated the Southern Nevada Water Authority (SNWA) had expressed interest in reestablishing and operating sites in the Ruby and Toiyabe Mountains, and the DRI was working with various parties to investigate third-party funding for the Walker River watershed. He noted long-term stable funding for the program was a challenge and might require new public-private partnerships.

Commissioner Breternitz hoped the Board could find a way to support long-term programs for the Truckee River and Tahoe watersheds, which would directly benefit the citizens of Washoe County.

Commissioner Weber asked whether Commissioner Breternitz had requested an agenda item to consider specific funding. Commissioner Breternitz indicated more work needed to be done before anything could come before the Commission for a vote, but he anticipated an agenda item at some point in the future.

Dr. Warwick said he welcomed the opportunity to work with staff. He announced an upcoming open house at DRI.

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

09-1012 AGENDA ITEM 21 – COMMUNITY DEVELOPMENT

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 25 by adding definitions for breeding and a litter; establishing a threshold whereby breeding is considered a business; setting an annual license fee for cat or dog breeders; and, providing other matters properly relating thereto. Set the public hearing and second reading of the ordinance for October 13, 2009 at 6:00 p.m. (All Commission Districts)”

Dr. Richard Simmonds, Chair of the Washoe County Animal Control Board, responded to the call for public comment. He referred to Attachment B of the staff report, which indicated that the Animal Control Board voted to support the Ordinance

with an amendment reducing the number of litters from five to two. He explained some of the reasoning behind the pro and con votes by Animal Control Board members.

Commissioner Weber indicated she wanted to look at what was best for the animals. Dr. Simmonds said there were arguments on both sides of the issue. He stated those voting in favor felt the requirement for a business license would discourage breeding and it was adequate to have Animal Services look at the animal welfare issues before licenses were granted. Those voting against the Ordinance believed it would be best to keep breeders under the purview of the Animal Control Board. He acknowledged there seemed to be a consensus in favor of five litters at most of the public meetings. Commissioner Breternitz wondered whether it was the non-commercial breeders who seemed to form such a consensus. Dr. Simmonds said it was his impression that most of the breeders were hobbyists who participated in dog shows.

Bob Webb, Planning Manager, pointed out there would be an additional opportunity to take comments at a public hearing if the Ordinance was introduced by the Board.

Commissioner Breternitz commented that five litters per year seemed excessive. He questioned how many animals would be cared for in someone's home.

Chairman Humke asked what the gestation period was for a dog. Dr. Simmonds replied that it was 52 days. Mr. Webb explained the hobbyists would typically breed more than one animal at a time. He said the consensus was that those breeding more than five litters per year were commercial breeders rather than hobbyists. Dr. Simmonds clarified that dogs would not come into heat more than once or twice a year and it was possible for some cats to have three or four litters per year.

Bill No. 1601, entitled, **“AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 25 BY ADDING DEFINITIONS FOR BREEDING AND A LITTER; ESTABLISHING A THRESHOLD WHEREBY BREEDING IS CONSIDERED A BUSINESS; SETTING AN ANNUAL LICENSE FEE FOR CAT OR DOG BREEDERS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO”** was introduced by Commissioner Breternitz, the title read to the Board and legal notice for final action of adoption directed.

The public hearing and second reading for the Ordinance were set for October 13, 2009 at 6:00 p.m.

1:00 p.m. Chairman Humke declared a recess.

5:02 p.m. The Board reconvened with Commissioners Larkin and Weber absent.

09-1013 AGENDA ITEM 27 – CLOSED SESSION

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

5:03 p.m. On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Commissioners Larkin and Weber absent, it was ordered that the Board recess and reconvene in the Caucus Room for a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

5:49 p.m. The Board reconvened with Commissioner Weber absent.

09-1014 AGENDA ITEM 22 – COMMUNITY DEVELOPMENT (RULE SUSPENSION)

Agenda Subject: “Washoe Hill Billboard (Commission District 2)”

Discussion and possible action to suspend Rule Number Six, *Motion to Reconsider any Action Taken by the Commission, of its adopted Rules and Procedures [pursuant to Rule Number Seven, *Suspension of Rule(s)*]* to reconsider the County Commission action on June 22, 2004 concerning the appeal from a Washoe County Board of Adjustment decision that the use of the billboard located on APN 050-170-04 had been discontinued for more than 12 months; that the billboard was no longer a nonconforming use; and, that the billboard frame must be removed from the property.”

Bob Webb, Planning Manager, explained the Board’s first in a series of three possible actions concerning the Washoe Hill Billboard was to consider suspending Rule Number Six.

5:51 p.m. Commissioner Larkin temporarily left the meeting.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Chairman Humke, which motion duly carried with Commissioners Larkin and Weber absent, it was ordered that Rule Number Six of the Board’s adopted Rules and Procedures be suspended and the Board reconsider its action of June 22, 2004.

09-1015 AGENDA ITEM 22 – COMMUNITY DEVELOPMENT (RECONSIDER PREVIOUS ACTION)

Agenda Subject: “Washoe Hill Billboard (Commission District 2)”

Provided the County Commission suspends its Rule Number Six, discussion and possible action to reconsider the County Commission action on June 22, 2004 to

deny an appeal from a Washoe County Board of Adjustment decision that the use of the billboard located on APN 050-170-04, situated south of U.S. Highway 395 in the vicinity of Washoe Hill, had been discontinued for more than 12 months; that the billboard was no longer a nonconforming use; and, that the billboard frame must be removed from the property.

5:53 p.m. Commissioner Larkin returned to the meeting. Commissioner Weber arrived at the meeting.

Bob Webb, Planning Manager, provided a summary of Board actions and a timeline of events related to the Washoe Hill Billboard, as outlined on pages 3 through 5 of the staff report. He explained the Nevada Supreme Court dismissed an appeal by the property and sign owners in August 2008 concerning the Commission's March 2007 decision to proceed with billboard abatement and to institute civil injunction proceedings if necessary. The Court specifically directed the Second Judicial District Court to remand the matter back to the Commission, and the agenda item was before the Board to proceed with the remand as stipulated.

Mr. Webb said enforcement action was initiated because the billboard did not contain advertising display or copy for greater than 12 months in 2002 and 2003. At that point, he stated the billboard no longer met the County Code's criteria for a nonconforming use, and the parcel on which it was located was required to come into full regulatory zone compliance. He indicated billboards were not allowed on the section of Highway 395 where the billboard was located, nor were they allowed by the parcel's General Rural (GR) zoning. He referenced pages 6 through 8 of the staff report, which contained details concerning the applicable Code requirements, the 2003 notification to the property and sign owners, and the subsequent appeal of the Community Development Director's decision that the billboard frame must be removed from the property. He noted the Director's decision was upheld by the Washoe County Board of Adjustment on May 6, 2004, and by the Board of County Commissioners on June 22, 2004.

Mr. Webb pointed out the attorney of record for the property and sign owners had previously presented copies of signed leases as proof that the billboard was still in use. He stated the billboard functioned as a sign under Article 502 of the Development Code only when advertising display or copy was physically present. He recommended that the Commission uphold its 2004 decision and find that the billboard's use had been discontinued for more than 12 months, that the billboard was no longer a nonconforming use, and that the billboard frame must be removed from the property.

Ken McKenna, the attorney representing the property and sign owners, responded to the call for public comment. He asserted the County Code excerpts presented in the staff report did not contain complete definitions. He referenced the definition of a sign from Section 110.502.05, as shown on page A2 of the staff report. He indicated the language "...all parts of such device, including its structure and supports..." meant that the law did not require the sign to be in use and that the billboard structure

constituted the sign. He compared it to an apartment unit, which was still classified as an apartment unit even when it did not have a tenant.

With respect to abatement of the sign, Mr. McKenna stated there were two cases cited by the County's staff attorney on page 6 of Attachment D of the staff report. He observed they were both cases where a structure was removed after the courts found it to be abandoned, but there was no case law in the United States that said not having ad copy constituted abandonment.

Commissioner Jung asked the County's staff attorney to comment about the arguments related to a structure versus a sign. Herb Kaplan, Deputy District Attorney, said he did not read the County Code to be consistent with Mr. McKenna's interpretation, but would defer to staff. Mr. Webb clarified that staff had not used the term abandonment because there was no proof that the billboard was willfully abandoned. He indicated staff focused on the appearance of the billboard and it was clear to him on reading the definition of a sign that an empty frame was not conveying a message that advertised anything.

Commissioner Jung wondered whether the billboard was the only sign in the County that had a blank canvas for more than 12 months. Mr. Webb said it was the only one staff had been able to track. Commissioner Jung questioned whether the enforcement action had been complaint driven or staff driven. Mr. Webb explained staff conducted an inventory of billboards following a storm that damaged many of them. He stated the sign owners were notified of the ad copy requirements before staff proceeded further with enforcement.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that: the County Commission's action of June 22, 2004 be upheld; the appeal of the County Board of Adjustment's decision be denied; the use of the billboard located on Assessor's Parcel No. 050-170-04 be affirmed as having been discontinued for more than 12 months; the billboard was no longer considered a nonconforming use; and the billboard frame must be removed from the property.

09-1016 AGENDA ITEM 22 – COMMUNITY DEVELOPMENT
(ABATEMENT AND CIVIL INJUNCTION AUTHORITY)

Agenda Subject: “Washoe Hill Billboard (Commission District 2)

Provided the County Commission decides to not reverse its action on June 22, 2004, affirming its decision that the billboard was no longer a nonconforming use and must be removed; discussion and possible direction to staff to initiate legal abatement proceedings and possible civil injunction suit authority to remove an unlawful billboard frame located on APN 050-170-04, situated south of U.S. Highway 395 in the vicinity of Washoe Hill. Abatement and/or filing of a civil

injunction would proceed if the billboard frame is not voluntarily removed by October 15, 2009.”

Bob Webb, Planning Manager, stated the agenda item called for the Commission to consider abatement proceedings since it had not reversed its June 22, 2004 action (see minute item 09-1015). He said staff recommended proceeding with abatement and/or the filing of a civil injunction if the billboard frame was not voluntarily removed by October 15, 2009. He explained the stipulation issued by the Nevada Supreme Court directed the County Commission to consider claims by the sign owner and/or the property owner that abatement proceedings would constitute a compensable taking. He noted any ruling concerning a compensable taking would be made in a court of law. He pointed out the billboard frame and its associated advertising display had been unlawfully used as a billboard since October 13, 2003. The property and sign owners were noticed on August 13, 2003 that the billboard was no longer a nonconforming use, the Department would take action to remove the billboard, and that no work on the frame, including the installation of advertising display, could be performed without appropriate permits. He indicated it was the staff's opinion that unlawful use should not entitle the owners to any compensation for removal of the unlawful use.

Commissioner Larkin asked the staff attorney to comment about the issue of compensable taking. Herb Kaplan, Deputy District Attorney, referenced his legal brief that was included in Attachment D of the staff report. He indicated he did not believe the Commission's action would constitute a taking for numerous reasons that were spelled out in the brief. In order for it to be a taking, he stated the regulation had to have caused the loss of all economic value in the land. Since it was not the regulation, but rather the action or non-use by the property owner that caused the loss, he concluded it did not constitute a taking.

Commissioner Larkin asked Legal Counsel whether the Commission had satisfied the Supreme Court's direction. Melanie Foster, Legal Counsel, stated the issue had been brought forth and considered by the Commission. She said it was her opinion this satisfied the stipulation that had come from the Supreme Court settlement conference.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, staff was directed to initiate legal abatement proceedings and a possible civil injunction suit to remove an unlawful billboard frame located on Assessor's Parcel No. 050-17-04, located south of U.S. Highway 395 in the vicinity of Washoe Hill. It was further noted that abatement proceedings and/or the filing of a civil injunction suit would proceed if the billboard frame was not voluntarily removed by October 15, 2009.

09-1017 AGENDA ITEM 25 – MANAGER'S OFFICE

Agenda Subject: “Second reading and adoption of an Ordinance amending Chapter 21 (Miscellaneous and Additional Taxes) establishing a fee on the commencement of

any civil action or proceeding in the District Court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required; and providing for the collection, accounting and use of such fees for court security or certain capital costs; and other matters properly related thereto (Bill No. 1600). (All Commission Districts)”

6:19 p.m. Chairman Humke opened the public hearing.

Amy Harvey, County Clerk, read the title for Ordinance No. 1421, Bill No. 1600.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Ordinance No. 1421, Bill No. 1600, entitled, **"AN ORDINANCE AMENDING CHAPTER 21 (MISCELLANEOUS AND ADDITIONAL TAXES) ESTABLISHING A FEE ON THE COMMENCEMENT OF ANY CIVIL ACTION OR PROCEEDING IN THE DISTRICT COURT FOR WHICH A FILING FEE IS REQUIRED AND ON THE FILING OF ANY ANSWER OR APPEARANCE IN ANY SUCH ACTION OR PROCEEDING FOR WHICH A FILING FEE IS REQUIRED; AND PROVIDING FOR THE COLLECTION, ACCOUNTING AND USE OF SUCH FEES FOR COURT SECURITY OR CERTAIN CAPITAL COSTS; AND OTHER MATTERS PROPERLY RELATED THERETO"** be approved, adopted and published in accordance with NRS 244.100.

09-1018 AGENDA ITEM 24 – SHERIFF’S OFFICE

Agenda Subject: “Second reading and adoption of an Ordinance amending the Washoe County Code by repealing provisions in Chapter 54 concerning alarm business, alarm systems, and false alarms, and by enacting new provisions relating to alarm businesses, alarm systems and false alarms (Bill No. 1599). (All Commission Districts)”

6:21 p.m. Chairman Humke opened the public hearing.

Amy Harvey, County Clerk, read the title for Ordinance No. 1420, Bill No. 1599.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Ordinance No. 1420, Bill No. 1599, entitled, **"AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS IN CHAPTER 54 CONCERNING ALARM BUSINESS, ALARM SYSTEMS, AND FALSE ALARMS, AND BY ENACTING**

NEW PROVISIONS RELATING TO ALARM BUSINESSES, ALARM SYSTEMS AND FALSE ALARMS" be approved, adopted and published in accordance with NRS 244.100.

09-1019 AGENDA ITEM 19 – MANAGEMENT SERVICES / COMMUNITY SUPPORT ADMINISTRATOR

Agenda Subject: “Recommendation to accept Homeless Prevention and Rapid Re-housing Program (HPRP) grant funds from Nevada Housing Division [\$445,863 with no County match], approve agreement with the State of Nevada Housing Division for HPRP funds; authorize Chairman to sign award documents and authorize Finance to make necessary adjustments (grant provides homeless prevention assistance to households who would otherwise become homeless - many due to the economic crisis and to provide assistance to rapidly re-house persons who are homeless. (All Commission Districts)”

Commissioner Larkin pointed out the Board had previously directed staff to find nonprofit organizations to take on the responsibility for homeless issues. Gabrielle Enfield, Community Support Administrator, stated she would be bringing a series of interlocal agreements back to the Board to award sub-recipient grant funds. She indicated \$150,000 would be distributed to nonprofit organizations for legal services and the County would be entering into an interlocal agreement with the City of Reno to coordinate use of the Homeless Prevention and Rapid Re-Housing Program (HPRP) funds. She explained the regional approach would use \$200,000 for implementation through the Social Services departments and would also supplement existing programs.

Commissioner Larkin recalled there had been a previous discussion with the mayors of Reno and Sparks about placing seed money through a nonprofit consortium. He questioned the hiring of an eligibility specialist. Ms. Enfield clarified the City of Reno would hire an employee for central intake and the County would support the position through an interlocal agreement. She indicated she had worked closely with the City of Reno on the original plan to sub-grant all of the funds to nonprofit organizations. She explained none of the nonprofit agencies had applied for or had been able to implement the program in a manner that met the HPRP grant’s requirements.

Commissioner Larkin wondered whether a waiver of the requirements was requested from the U.S. Department of Housing and Urban Development (HUD). He stated the development of a different decision matrix was necessary in order to solve the homeless issue. Ms. Enfield acknowledged that central intake was a new component. However, she indicated the majority of the County’s and the City’s funds would still go to nonprofit agencies to support aspects of the program they had applied for that were within their scope and capacity. She was hopeful the nonprofits could use the grant funds to establish more capacity. She pointed out HUD was likely to require central intake for future Continuum of Care grant funding. She noted new employees would be hired with the expectation that their positions were grant funded.

Commissioner Larkin said he would support the agenda item, although he was not happy about it. He remarked that he did not want to see the community deprived of the grant funds, but the program was taking a course that was not consistent with the Board's direction for addressing the homeless issue.

Katy Simon, County Manager, thanked the staff for trying to follow the Board's direction and working hard to solicit support from the community's nonprofit agencies. She acknowledged there was work that needed to be done at her level to help the nonprofit community build its capacity.

Commissioner Breternitz wondered whether a condition could be added to the Board's motion that would require movement in the desired direction. Commissioner Larkin observed that the Manager knew what the expectation was and that work had to take place at her level. Commissioner Jung said she was hesitant to insert local changes that might make the County ineligible for federal level grant applications. She suggested future staff reports could include more detailed information about the steps taken to meet the Board's directive. Ms. Simon recommended regular status reports to the Board about the homeless issue.

Chairman Humke agreed with Commissioner Larkin. He asked whether the City was hiring one employee. Ms. Enfield replied an additional person might be hired for data entry to collect the vast amount of information required by HUD. Chairman Humke expressed concern about hiring people at the City after employees were recently laid off by the County. Ms. Simon observed there had been a few instances where displaced employees were put into grant-funded positions after federal money became available. She stated such employees were informed that their positions would be terminated if the grant funds were terminated. She pointed out, although the positions under the HPRP grant were not County positions, they did represent reemployment for someone somewhere. She said staff would be happy to report to the City of Reno the Board's desire for staff to redouble their efforts to have the functions performed by a private nonprofit organization.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 19 be accepted, approved and authorized. The Board further directed that funds would not be released to hire an eligibility specialist until every effort had been made to find a nonprofit agency that would take on the responsibility.

Commissioner Jung emphasized she did not agree that the whole community wanted government to stay out of homeless issues. She said there were strong constituents in her District who dealt with homeless people every day because they lived in the urban core. She indicated such constituents very much appreciated that local governments continued to address the homeless issue, because the federal and State governments and the nonprofit agencies were not doing so.

Agenda Subject: “Discussion and possible approval authorizing the Chairman to execute a Resolution designating Washoe County as a Recovery Zone Per Section 1400u-1(b) of the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof and possible approval authorizing the Chairman to execute a Resolution allocating all or a portion of the County’s \$39,766,000 Volume Cap for Recovery Zone Economic Development Bonds to other governmental entities including but not limited to the Washoe County School District, the City of Sparks, the Washoe County Regional Transportation Commission and the University of Nevada Reno pursuant to the American Recovery And Reinvestment Act of 2009; and providing the effective date hereof. (All Commission Districts)”

John Sherman, Finance Director, stated the American Recovery and Reinvestment Act (ARRA) of 2009, otherwise known as the federal stimulus bill), included two financing mechanisms for use by local governments – Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. He noted the Economic Development Bonds were available to local governments for tax exempt eligible projects located in a recovery zone. Although the interest on the Bonds was taxable, the federal government provided a federal tax credit subsidy of 45 percent to the issuer of the Bonds. He indicated the intent was to get credit flowing again by allowing local governments to access more robust credit markets. Mr. Sherman cautioned that the Bonds still had to be paid back, but there was some economic benefit in terms of a slightly lower interest rate. He explained almost \$40 million in bonding capacity had been allocated to Washoe County. He stated the second financing mechanism, through Recovery Zone Facility Bonds, offered tax exempt rates for private projects that would otherwise be financed with a taxable bond. He observed the County already had the ability to offer similar types of bonds under the State’s economic development laws.

Mr. Sherman indicated projects financed through either mechanism had to be located inside of a recovery zone that was defined in advance by the Board. He noted the City of Reno had already designated everything within the geographic boundaries of the City as a recovery zone. He referenced a Resolution attached to the staff report for the Board to consider defining all of Washoe County as a recovery zone.

Mr. Sherman identified several entities that had already requested Bond allocations from the County, including the Washoe County School District (WCSD), the City of Sparks, the Regional Transportation Commission (RTC) and the University of Nevada Reno (UNR). He pointed out the Reno City Council recently allocated almost \$22 million to the WCSD and \$11 million to UNR. UNR subsequently withdrew its request for an allocation from the County.

Mr. Sherman discussed the possibility of allocating Bond funds to County projects such as the Truckee River Flood Control Project or to SAD 32. He asked the Board to take into consideration that the Bonds had to be issued no later than December 2010, and there had to be a dedicated revenue stream available to pay off the Bonds. He

said the Flood Project would probably not be ready to issue the Bonds within the required timeframe. He noted the Board had not yet completed deliberations for the formation of SAD 32 and the timing of road projects would be fairly tight if it were to be approved for Bond allocation. Mr. Sherman referenced a second Resolution attached to the staff report that would allow the Board to allocate some or all of the bonding capacity to various entities. He pointed out the Board could allocate specific amounts to outside entities or to County projects.

Commissioner Jung asked how much bonding capacity would be needed for each of the projects. Mr. Sherman explained the requests included \$13 million for SAD 32, \$10 million for the City of Sparks, and both the RTC and the WCSD were requesting the entire allocation. Commissioner Jung wondered why staff had not come forward with any other County projects. Mr. Sherman stated no other projects were identified that had a revenue stream to pay off the debt. He indicated the WCSD and the RTC were preparing to issue debt almost immediately, and would use other sources if Recovery Bonds were not allocated to them. Although the deadline for issuing Recovery Bonds was December 2010, he clarified the process required about three months of advance preparation. He recommended using a clause in the Resolution to specify that any Bonds not issued by June 1, 2010 would revert back to the County.

Commissioner Larkin asked about the Recovery Zone Facility Bonds, which amounted to almost \$60 million. Mr. Sherman said the Facility Bonds were a separate issue. He noted there had been discussions with the City of Reno, and staff would come back to the Board at a future date to consider a process for soliciting proposals from private enterprise.

Commissioner Larkin requested an explanation of the tax advantages for the Economic Development Bonds. Mr. Sherman explained the Bonds were taxable, but the federal government reimbursed 45 percent of the interest costs to the issuer, which resulted in a lower effective interest rate. He said it was possible to save approximately 8 percent on the total cost of capital, although the amount depended on the project, the revenue stream and when the Bonds were issued.

Commissioner Breternitz remarked that the purpose of the program was to get money into the marketplace on viable projects and get people to work. He asked about the schedule for getting SAD 32 approved. Mr. Sherman indicated a public hearing was set for October 2009, and additional procedural steps would follow. He estimated the road project would go out to bid in the spring of 2010. Commissioner Breternitz observed the project involved about 12 miles of road. He expressed concern that everything could be done by December 2010.

Commissioner Jung wondered about the timelines for the WCSD and the RTC. Mark Stanton, Assistant Superintendent of Capital Projects and Facilities Management for the WCSD, explained \$51 million in bonding had already been approved through the Debt Management Commission and the WCSD Board of Trustees. He said any allocation from the Economic Development Bonds would go toward that

amount to reduce interest payments and increase the School District's future bonding capacity. He stated the WCSD was scheduled to sell bonds during the first week of November 2009. He explained about \$23 million was needed for a two-year construction program that primarily targeted older school revitalization projects. He estimated about 250 jobs would be created. He indicated about 46 percent of the funding would be spent on schools in the City of Sparks, 19 percent in the City of Reno and 35 percent in the unincorporated areas of Washoe County. Tom Taelour, Chief Financial Officer for the RTC, stated there were plans to sell about \$90 million in RTC-5 bonds around February 2010.

Commissioner Larkin questioned whether there would still be opportunities for cost savings if the Bond allocations were made over time with a reversionary clause. Mr. Sherman replied affirmatively.

Chairman Humke observed the WCSD had some tremendous capital needs. Mr. Sherman agreed their need was higher than their requested allocation.

In response to the call for public comment, Ralph Theiss, Sandra Theiss, Cliff Bilyeu, Lou Istrice, Ken Theiss, Will Brown, Len Rogalla, Tom Bruce, Jerry Casale and Lois Kolbet spoke in favor of allocating Bond funds to SAD 32.

Mitch Ziegler suggested the funding should be allocated to the WCSD.

Commissioner Breternitz suggested the Commission consider allocating a portion of the funds to the WCSD. He said he would have a difficult time allocating the entire amount until more strategic thought was given as to how to get the most from the available funding amount.

Chairman Humke observed the WCSD would balance the funds between areas of Reno, Sparks and unincorporated Washoe County. He agreed with Commissioner Breternitz that a portion could be allocated to the WCSD. He proposed it might be possible to divide the remaining funds between the five Commission Districts or to look for projects that would benefit the County in general.

Commissioner Weber agreed the selection process needed more delineation and balance between the various Commission Districts.

Commissioner Jung recommended allocating \$22 million to the schools, and asking staff to take a broader look at possible projects for the rest of the funding. She acknowledged staff had to find projects that met the ARRA funding parameters. She indicated she was reluctant to allocate funding to SAD 32 prior to the public hearing on its formation.

Commissioner Breternitz suggested an allocation of \$10 to \$15 million to the WCSD, and a timeline of 45 days for staff to come back with a list of possible projects for the remainder. Chairman Humke agreed.

A motion to allocate \$15 million to the WCSD was made by Commissioner Breternitz and seconded by Commissioner Jung. Mr. Sherman requested more specific wording in the form of a resolution and the motion was withdrawn.

Commissioner Weber wondered whether the Board should table the motion to a future meeting in order to allow more discussion and public input. Commissioner Breternitz said he did not believe it was necessary to table the motion. He pointed out the WCSD had a distinct need that could partially be met by the immediate allocation of a portion of the funding. He stated there could be a process, as envisioned by Commissioner Weber, to look objectively at a broader variety of potential projects for the remainder of the unallocated funds. Chairman Humke agreed. He observed citizens who wanted to be a part of the process would have an opportunity to come forward.

Commissioner Weber said she could not support a motion to allocate any of the funds until the public had an opportunity to comment.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the Resolution designating Washoe County as a Recovery Zone per Section 1400u-1(B) of the American Recovery and Reinvestment Act of 2009 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion carried on a 4 to 1 vote with Commissioner Weber voting "no," it was ordered that the Chair be authorized to execute a Resolution allocating: \$15 million of the County's \$39,766,000 Volume Cap For Recovery Zone Economic Development Bonds to the Washoe County School District, no funds to the City of Sparks, no funds to the Washoe County Regional Transportation Commission, and no funds to the University of Nevada Reno, pursuant to the American Recovery and Reinvestment Act of 2009; and providing the effective date thereof. The Resolution for same is attached hereto and made a part of the minutes thereof.

Commissioner Larkin wondered what processes would be pursued. Mr. Sherman indicated staff would contact local government entities in Washoe County, primarily the general improvement districts. He suggested the definition of shovel ready could be based on a requirement to issue debt and begin project work by June 1, 2010, (the date used in the Resolution's reversionary clause). He stated staff could once again touch base with County agencies such as Public Works, Flood Control, Water Resources and Parks to see if there were any more shovel ready projects with an identified revenue stream to pay off the Bonds. Commissioner Larkin observed the Commission would know by then whether SAD 32 was a viable project, and he hoped it would be brought back to the Board with the list of other projects.

Mr. Sherman added that staff would come back to the Board to recommend a process for allocating Facility Bonds for private enterprise. Commissioner

Breternitz requested that staff find out whether there were any private projects in Sparks that might qualify. Mr. Sherman indicated there had been a meeting the previous week at which the City of Sparks was in attendance.

09-1021 AGENDA ITEM 23 – COMMUNITY DEVELOPMENT

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 50 by revising provisions relating to unlawful riding of a vehicle off-road, and by adding a public nuisance code that prohibits certain activities and conditions and requires certain property maintenance, all pertaining to structures, property and residential foreclosures in disrepair, existence of garbage, weeds, junk vehicles, attractive nuisances, pollutants, hazardous waste or criminal gangs, storage, grading of land, obstruction of public roads, off-road vehicle restrictions, animals, parking, graffiti, and signs; and providing other matters properly relating thereto. Set the public hearing and second reading of the Ordinance for October 13, 2009 at 6:00 p.m. (All Commission Districts)”

Adrian Freund, Director of Community Development, indicated the proposed Nuisance Ordinance was intended to consolidate most of the existing Code related to nuisances under a single chapter of the County Code. He noted the proposed Ordinance provided a framework for legally modifying definitions within certain areas as directed by the Board. He said the “modifiers” would come back for the Board’s future consideration. He said most of the proposed Ordinance language reflected recommendations from the Citizens’ Committee. He pointed out there were no substantive changes from current State law and County Codes, and the focus had been on consolidating existing provisions from several sections of County Code and providing clear definitions and standards. As to questions that had been raised about existing agricultural practices, Mr. Freund observed there was no impact on activities that complied with federal, State and local laws. He stated most preexisting agricultural activity was statutorily exempt. He commented that the Board could make changes if experience showed there was a need to fine tune or clarify certain sections of the proposed Ordinance.

Mr. Freund recommended that Paragraph 23 of Section 7 under 50.308, found at the top of page 9 of the proposed Ordinance, be removed by the Board if they chose to introduce the proposed Ordinance. He explained the paragraph dealt with sign code, which was being amended in other Code sections. He stated some renumbering would be done under Section 8, 50.310, to clean up the editing process. He said a second reading and public hearing was proposed on October 13, 2009 if the Board introduced the Ordinance.

Chairman Humke requested an explanation of what modifications might be tailored to certain areas under Section 8. Mr. Freund stated the framework provided for modifications based on congested areas, non-congested areas, and areas in the Lake Tahoe Basin. Bob Webb, Planning Manager, noted the Code applied Countywide. He explained Section 8 could contain modifications to one or more of the nuisances outlined

in Section 7. For example, language in the Rural Lands section modified four of the definitions outlined in Section 7 for the non-congested areas outside of the Lake Tahoe Basin. He anticipated a working group would bring its recommended modifications for the Lake Tahoe area before the Commission by about January 2010.

Chairman Humke recalled earlier testimony that areas were determined to be congested based on the posting of a sign by the Sheriff's Office or other entity related to the discharge of firearms. Mr. Webb clarified that congested area designations were enabled by State law and enacted under County Code. He indicated the County Commission had already enacted Codes designating certain geographical areas as one of two types of congested areas – one for firearm control and one for animal control. Signs were posted after the Commission enacted an ordinance, and the Sheriff's Office or Animal Services enforced specific regulations within the congested areas. Chairman Humke asked whether it was fair to say that the lines were already drawn. Mr. Webb referenced Attachment E to the staff report, which contained a map of the designated congested areas already adopted by the Commission. He noted the map showed areas strictly designated for firearms or for animal control, and some areas that were a combination of the two. He pointed out any congested area on the map would be placed within the County's congested area under the proposed Ordinance. Chairman Humke questioned whether the areas were changed by the movement of suburban development into an area. Mr. Webb replied the areas were changed by an ordinance enacted by the Commission. He said the last congested area change that he was aware of had to do with the expansion of firearm controls up the flanks of Peavine Mountain. Mr. Freund indicated the Citizens' Committee looked at things like density and average lot size during its analysis of possible modifiers, and found very good correlation with the congested areas that were already on the map. He stated the congested area designation spoke somewhat to the nature of the various communities and the types of nuisance issues that would typically arise as density increased. He observed the firearms congested areas contained specific references to distance from structures, and those could be modified by the Board.

In response to the call for public comment, Garth Elliott advocated the use of noise level rather than distance to define a nuisance. He suggested citations would pay for the noise meters.

Nancyann Pacheco Leeder said it was materially different to define congested areas for firearms and animal control versus using nuisance law to define them. She suggested congested area should be based on acreage for nuisance purposes. She disagreed with Paragraphs 3, 6, 8 and 9 of Section 7, and asked the Board to take no action on the proposed Ordinance.

Lee Rowland, the Northern Coordinator for the American Civil Liberties Union (ACLU), urged the Board to take Director Freund's advice and remove Paragraph 23 of Section 8 related to signage. She indicated the community input and administrative enforcement made many aspects of the proposed Ordinance civil liberties friendly.

Ron Stichter, President of the Incline Village Board of Realtors, recommended the removal of Section 8, which allowed modifications or 'designer code' for Lake Tahoe. He stated the area was already significantly regulated by other entities. He spoke in favor of proactive enforcement of existing ordinances.

Lois Kolbet suggested a change to the language defining public view under Paragraph 16 of Section 5. She indicated the language pertaining to junk vehicles made the Code stricter than State law, and placed tractors and snow removal equipment within the definition because they could not be registered.

Susan Severt spoke in support of the proposed Ordinance as written.

Katherine Snedigar said it was unreasonable to develop an ordinance that applied to everyone in the County regardless of the lot size of their property.

Terry Plys distributed copies of a photograph and email, which were placed on file with the Clerk. He discussed his complaint that someone was maintaining a junkyard and auto dismantling business in a residential neighborhood.

Jane Countryman objected to the map that would apply congested area nuisance definitions to rural areas of Washoe Valley because of firearm restrictions. She expressed concern that a property would no longer be considered an existing agricultural area if it was sold, as well as concern about livestock and animal restrictions. She suggested the proposed Ordinance needed more work.

Gary Schmidt stated some things in the proposed Ordinance went in the right direction and others did not. He spoke in opposition to defining unregistered vehicles as junk vehicles and agreed with Ms. Countryman's comments about congested areas.

Jack Drace was concerned about the definitions of junk vehicles.

Nancy Samon agreed with Ms. Countryman's concerns about horses, cattle and dogs. She suggested using lot size and acreage in the nuisance definitions.

Chairman Humke asked staff to respond to the citizens' comments. With respect to the animal issue, Mr. Freund clarified that the current County Code keyed livestock and horses to lot size, and the proposed Ordinance would not change those provisions.

Commissioner Weber wondered whether citizens would lose the right to have animals when their properties were sold. Mr. Freund said they would not. Mr. Webb stated the provisions in the proposed Ordinance mirrored those in sections of the existing Code, with the exception that those in congested areas would be restricted from having noisy animals and animals at large.

Commissioner Weber wondered why such issues would not come under the Animal Control Board. Mr. Webb pointed out the Animal Control Board had a very limited scope and was tasked with reviewing permits for animal kennels. He clarified that enforcement of the Nuisance Ordinance was not just the responsibility of Community Development staff. He stated Animal Services staff would continue to be responsible for animal issues, issues related to public health would remain under the Health Department, and off-road vehicle provisions would remain under the Sheriff's Office.

Mr. Webb agreed with Mr. Elliott that the Citizens' Committee recommended the use of noise levels as an additional measure for controlling highway vehicles and motorcycles. He pointed out the Sheriff's Office had taken a clear position about the costs of purchasing, maintaining and calibrating noise metering equipment, as well as the viability of having Sheriff's deputies who were dedicated to operating the equipment. He noted the provisions regarding ingress and egress were designed to allow off-road vehicles to access their own property and were part of the existing Code. Mr. Freund explained the Sheriff's Office patrol cars were already equipped with maps showing the congested areas and the deputies were comfortable with enforcement based on distance.

Mr. Webb stated the definitions for congested areas were based on recommendations by the District Attorney's office to provide equal treatment for all people under the law. He indicated the six-month provision for homes that began but did not complete construction had been the recommendation of the County Building Official. He pointed out it had been the staff recommendation to use registration as the basis for junk vehicles. He observed 50 percent of nuisance complaints received by the County were about vehicles. He stated owners of display vehicles had the option to obtain a permit. With respect to screening from public view, he said the Code talked about six-foot screening of the area, regardless of whether others could look down into the area. As long as screening was there, it met the intent of the Code.

Chairman Humke inquired about tractors, graders and other equipment that would never be registered. Mr. Webb said the current definition of a vehicle was contained on page 6 of the proposed Ordinance. Although a vehicle could not be registered, it could be screened. He observed there was a proposed modifier that would allow tractors in non-congested areas. He stated the Board could change any of the definitions or language contained in the proposed Ordinance, including those related to modifiers for the Lake Tahoe Basin.

Mr. Webb noted the issue raised about an auto repair business came down to whether or not it could be proved that a business was being conducted. Commissioner Weber pointed out there were opposing viewpoints related to all of the nuisance issues. Mr. Freund recalled the characteristics of the case related to complaints of a business being run out of the property. Although an automotive repair business was not allowed in a residential zone, he said fairly substantial evidence was required to back up such complaints. He indicated staff tried to reach some happy medium in the proposed Ordinance in order to balance competing viewpoints. Commissioner Weber commented

that half the people driving by such a property would see nothing wrong and the other half would see that the fence needed repair, the vehicles were not covered and there were weeds in the yard. She stated she did not see how the Board could go forward to define the issue.

Commissioner Breternitz wondered how the area specific modifiers came into being. Mr. Freund indicated the starting point had been constitutional issues of equal protection. He explained staff looked at Area Plans, but could not address nuisances there because they were not part of the Code. In looking at what made sense, he said there were only a few distinctions. He stated the Lake Tahoe Basin was a distinct and separate area, and a tourist destination with one of the highest density levels in the County. He noted there were many unique regulatory issues related to the Tahoe Regional Planning Agency, and concerns such as narrow streets and limited parking. Commissioner Breternitz asked whether modifiers for the Lake Tahoe Basin area were suggested by staff or by the Citizens Committee. Katy Simon, County Manager, said the issue had been raised about four years ago by Trustees for the Incline Village General Improvement District (IVGID), during a joint meeting with the Board of County Commissioners. Mr. Webb stated the Incline representatives to the Citizens Committee had been comfortable with putting in a placeholder to allow the Citizens Committee to move forward while Incline citizens considered modifiers. He indicated a community workshop had been hosted in Incline Village in February 2007 and that generated a potential list of modifiers, which were still being considered by the community.

Commissioner Breternitz questioned whether the placeholder for the Lake Tahoe Basin modifiers was appropriate. He disclosed that he had been lobbied on both sides of the issue, and both sides claimed to have broad support from those who lived at Lake Tahoe. He said he wanted to find out whether there was any broad interest in specific modifiers. He requested that the placeholder be left in the proposed Ordinance while a process went forward to find out whether there was broad interest to support modifiers in concept and specific modifiers.

Bill No. 1602, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 50 BY REVISING PROVISIONS RELATING TO UNLAWFUL RIDING OF A VEHICLE OFF-ROAD, AND BY ADDING A PUBLIC NUISANCE CODE THAT PROHIBITS CERTAIN ACTIVITIES AND CONDITIONS AND REQUIRES CERTAIN PROPERTY MAINTENANCE, ALL PERTAINING TO STRUCTURES, PROPERTY AND RESIDENTIAL FORECLOSURES IN DISREPAIR, EXISTENCE OF GARBAGE, WEEDS, JUNK VEHICLES, ATTRACTIVE NUISANCES, POLLUTANTS, HAZARDOUS WASTE OR CRIMINAL GANGS, STORAGE, GRADING OF LAND, OBSTRUCTION OF PUBLIC ROADS, OFF-ROAD VEHICLE RESTRICTIONS, ANIMALS, PARKING, GRAFFITI, AND SIGNS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Paragraph 23 of Section 7 under 50.308 be removed prior to the second reading of the proposed Nuisance Ordinance.

Melanie Foster, Legal Counsel, asked the Board to set the date and time for a public hearing and second reading to adopt the proposed Ordinance. Following some discussion, the Board agreed on October 27, 2009 at 6:00 p.m.

09-1022 AGENDA ITEM 26 – 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 Larkin announced an upcoming ribbon cutting ceremony and dedication for the first project completed by the Truckee River Flood Control Project.

* * * * *

9:20 p.m. There being no further business to discuss, the meeting was adjourned.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill, Deputy County Clerk*

Clerk

Resolution of Appreciation

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

WHEREAS, This emergency response system could not exist without dedicated staff, volunteers and agencies from within Washoe County as well as the surrounding areas; and

WHEREAS, During the period July 15 to 18, 2009 the "Red Rock" Wildland Fire threatened numerous structures throughout the communities of Red Rock, Rancho Haven and Silver Knolls; and

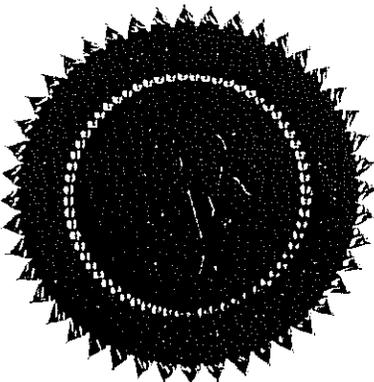
WHEREAS, Members of numerous Volunteer Fire Departments left their homes and families to respond to the incident and alongside their paid counter parts aggressively took action to protect homes and other structures that were in the path of the fire, minimizing the threat to the surrounding community; and

WHEREAS, Members of the Silver Lake Fire Department family and community members responded to the Truckee Meadows Silver Lake Fire Station and provided support to crews providing structure protection, providing food water and other logistical support to well over 300 firefighters; and

WHEREAS, Several Volunteer Departments throughout the County supported the mobilization by staffing their stations to provide seamless delivery of service to the areas not impacted by the Red Rock Fire; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners, on behalf of the residents of Washoe County, extend heartfelt gratitude to the Silver Lake volunteers and community members - Red Rock Volunteer Fire Department, Cold Springs Volunteer Fire Department, City Of Reno Fire Department, Pleasant Valley Volunteer Fire Department, Hungry Valley Volunteer Fire Department, Nixon Volunteer Fire Department, Carson City Fire Department, City of South Lake Tahoe Fire Department, Lake Valley Fire Protection District, Sierra Fire Protection District, Central Lyon County Fire Protection District, Storey County Fire Protection District, Tahoe Douglas Fire Protection District, Galena Volunteer Fire Department, Peavine Volunteer Fire Department, Verdi Volunteer Fire Department, Wadsworth Volunteer Fire Department, Washoe Valley Volunteer Fire Department, Lemon Valley Volunteer Fire Department, East Fork Fire Protection District, Mason Valley Fire Protection District, City of Sparks Fire Department, North Lake Tahoe Fire Protection District, Nevada Division of Forestry and the Fallon/Churchill Volunteer Fire Department - who responded to the fire and/or staffed fire stations during the Red Rock Wildland Fire incident July 15 to 18, 2009.

ADOPTED this 22nd day of September, 2009.



David E. Humke

David E Humke, Chairman

09-978

Resolution of Appreciation Mike Pomi

WHEREAS, Mike Pomi, is a proven national leader in the field of juvenile justice; and

WHEREAS, Mike Pomi, recent Director of Juvenile Services, spent 28 years serving the community through the Washoe County juvenile system; and

WHEREAS, Mike Pomi is the past president of the Nevada Juvenile Justice Administration, a graduate of the Anne E. Casey Applied Leadership Network, and serves the National Council of Juvenile and Family Court Judges as a consultant for implementing Model Court; and

WHEREAS, Mike Pomi passionately obtained national recognition for the Juvenile Detention Alternative Initiative, an alternative to incarceration which supports the growth of healthy productive adults; and

WHEREAS, Many other states have recognized the success of our social service programs and are now utilizing best practices and materials developed by the esteemed staff; now, therefore, be it

RESOLVED, That Washoe County honors Mike Pomi's lifetime commitment to development of all children, professional expertise and his continuing exceptional service to the families of Washoe County.

ADOPTED this 22nd day of September, 2009.



David E. Humke

**David E. Humke, Chairman
Washoe County Commission**

69-909

Resolution of Appreciation Keep Truckee Meadows Beautiful

WHEREAS, Washoe County is committed to properly managing and protecting open space; and

WHEREAS, Keep Truckee Meadows Beautiful is dedicated to creating a cleaner, more beautiful region through education and active community involvement; and

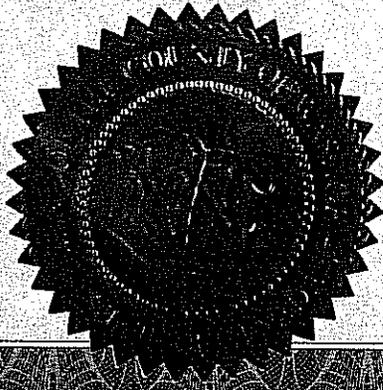
WHEREAS, Washoe County staff has supported the efforts of Keep Truckee Meadows Beautiful to organize community clean-ups, preventing illegal dumping, recycle Christmas tree and phone books, and provide public education; and

WHEREAS, Among others, dedicated staff from Regional Parks and Open Space, Community Development, and the Washoe County Sheriff's Department have been integral to the success of these efforts; and

WHEREAS, In the last four years 422 tons of trash has been removed from public lands, in the last 10 years over 90,000 Christmas trees were recycled into usable mulch, over 300 trees have been donated back to the community through the AT&T phone book for trees program, and a strong group of 77 representatives have joined forces on the illegal dumping task force to prevent dumping on public lands; now, therefore, be it

RESOLVED, That Washoe County honors the commitment of staff from both Keep Truckee Meadows Beautiful and Washoe County for providing clean and safe open spaces for our community.

ADOPTED this 22nd day of September, 2009.



David E. Humke, Chairman
Washoe County Commission

09-980



RESOLUTION

WHEREAS, The County Commissioners finds that administrative enforcement of the Washoe County Code throughout the unincorporated area of Washoe County, Nevada, is an important public service and is vital to the protection of the public's health, safety and quality of life; and

WHEREAS, The County Commissioners further finds that more efficient enforcement against Washoe County Code violations by all county departments and agencies can be obtained through the use of a comprehensive uniform administrative enforcement system, to include the need to recover costs incurred by the county in its code enforcement efforts by assessing certain reasonable administrative fees; and

WHEREAS, The County Commissioners did adopt an Administrative Enforcement Code on September 8, 2009, to include provisions for administrative enforcement fees within sections 125.300 through 125.315 of the adopted Code; and

WHEREAS, Section 125.300(2) of the adopted Administrative Enforcement Code provides that the County Commissioners shall adopt an administrative enforcement fee schedule by resolution; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Administrative Enforcement Fee Schedule shown at Attachment A is adopted with an effective date of September 22, 2009.

ADOPTED this 22nd day of September, 2009.

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

David E. Humke, Chairman

ATTEST:

The official seal of the Washoe County Clerk, featuring a circular design with the text "OFFICE OF WASHOE COUNTY CLERK" and "WASHOE COUNTY NEVADA". A handwritten signature is written over the seal, and the text "Washoe County Clerk" is printed below it.

09-986



Washoe County

ADMINISTRATIVE ENFORCEMENT FEE SCHEDULE

Washoe County Code Sections 125.300 through 125.315

EFFECTIVE SEPTEMBER 22, 2009

Administrative Action	Administrative Fee
Second or subsequent re-inspection of a property found to remain in violation of Washoe County Code	\$ 25.00
Recording a Notice or Lien (2 pages)	\$ 15.00
Lot Book and Tax Lien Reports (per parcel)	\$ 150.00
Personal or posted service of any notice or lien by a Washoe County enforcement official	\$ 25.00
Mailed service of any notice or lien sent through certified mail, postage prepaid, with return receipt requested	\$ 5.00
Request for an Administrative Hearing	\$50.00
Administrative enforcement fees will be assessed only if a violation has been found and remains uncorrected in the prescribed period of time for correction.	

Note: Resolution for administrative enforcement fees adopted by the Washoe County Commission on September 22, 2009.

09-984

INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

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

**Department of Employment, Training and Rehabilitation
Rehabilitation Division**

**Bureau of Services to the Blind & Visually Impaired
Business Enterprises of Nevada**

Contact: Billie Tucker ~ bjtucker@nvdetr.org

**500 E Third Street
Carson City NV 89713
ph: (775) 684-3900 ~ fx: (775) 684-3848**

and

Washoe County

PO Box 11130

Reno NV 89520

Contact: Leticia Harris

Ph: (775) 328-2053 ~ fx: (775) 328-2148

E.I.N. 88-600138

T40283400

09-1000

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

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

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

1. **REQUIRED APPROVAL.** This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. **DEFINITIONS.** "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. **CONTRACT TERM.** This Contract shall be effective **from December 1, 2009, to November 30, 2013**, unless sooner terminated by either party as set forth in this Contract.
4. **TERMINATION.** This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until **30** days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason State and/or federal funding ability to satisfy this Contract is withdrawn, limited, or impaired.

5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.

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

ATTACHMENT AA: STATEMENT OF STIPULATIONS

ATTACHMENT BB: SNACK BAR AND VENDING SITES AT WASHOE COUNTY LOCATIONS

7. CONSIDERATION. Bureau of Services to the Blind and Visually Impaired/Business Enterprises of Nevada agrees to provide a vendor or operator to provide services set forth in paragraph six (6). Any intervening end to an annual or biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

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

9. INSPECTION & AUDIT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. ENTIRE AGREEMENT AND MODIFICATION. This Contract and its integrated attachment(s) constitute the entire agreement of the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms

CONTRACT #: 1405-13-BEN

of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto, approved by the State of Nevada Office of the Attorney General.

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

Washoe County



9/22/09
Date

David Humke

Washoe County Chairman
Title

Department of Employment, Training and Rehabilitation

Deborah Braun

Date

Administrator, Rehabilitation Division
Title

Larry J. Mosley

Date

Director, Dept. of Employment, Training & Rehabilitation
Title

Signature – Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On _____
(Date)

Approved as to form by:

Deputy Attorney General for Attorney General, State of Nevada

On _____
(Date)

RD (1)

STATEMENT OF STIPULATIONS

Department of Employment, Training and Rehabilitation, Rehabilitation Division
Bureau of Services to the Blind and Visually Impaired/Business Enterprises of Nevada

And

Washoe County

This Statement of Stipulations is made and entered into pursuant to the provisions of NRS 277.180 by and between the Washoe County, hereinafter individually referred to as the "WASHOE COUNTY" and the Bureau of Services to the Blind and Visually Impaired/Business Enterprises of Nevada, of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation hereinafter referred to as "BSBVI/BEN".

1. As used in this Statement of Stipulations the term "BSBVI/BEN" means the Bureau of Services to the Blind and Visually Impaired/Business Enterprises of Nevada. The term "OPERATOR" means the licensed blind operator assigned to a WASHOE COUNTY location and the snackbar or vending sites within each WASHOE COUNTY complex.
2. This Interlocal Agreement covers snack bar and/or vending services and all subcontractors partnering with the designated operator at the following WASHOE COUNTY locations: See "Attachment B"
3. Hours of Operation: Vending services will be available during those hours as agreed upon between each BSBVI/BEN Operator and the managers of each individual WASHOE COUNTY site. Snack bars will operate during the hours agreed upon between each BSBVI/BEN Operator and the managers of each individual WASHOE COUNTY site.
4. BSBVI/BEN will ensure that the operator will prepare a menu of meals, meal items, snacks and beverages including any special menu items for display at a WASHOE COUNTY Snack Bar, with prices.
5. BSBVI/BEN will assure, through the operator, the sanitary operation of each snack bar/cafeteria. Janitorial services for all kitchen areas and eating areas will be paid by BSBVI/BEN or its Operator.
6. WASHOE COUNTY will be responsible for all utility costs assigned to the vending area to include electricity, gas, water and rubbish disposal.
7. A BSBVI/BEN operator assigned to a snackbar will be responsible for his own phone bills. The authority responsible for the management of each WASHOE COUNTY site will provide appropriate access to phone lines and phone jacks in each snack bar/cafeteria area.
8. The BSBVI/BEN will ensure that vending machines in owns or operates, or those vending machines owned or operated by its agents located within Washoe County property, will be maintained with a sufficient supply of snacks, sodas, or other beverages. Vending machines will be cleaned and maintained by the operator in accordance with manufacturer instructions. Recycling containers will be emptied on a routine basis. Complaints regarding machine malfunction or supply concerns will be addressed, by the operator, within sixteen working hours.
9. BSBVI/BEN will ensure that the assigned operator is responsible for secured, on-site storage of all food products. Because storage space is frequently limited, food products will be appropriately, separately, securely stored and accessible only by authorized personnel.
10. BSBVI/BEN will ensure that dining areas are maintained in a clean and sanitary manner. Tables and chairs will be wiped down frequently during periods of heavy use so as to maintain an attractive and sanitary appearance.
11. As required in SAM 0333.0, where vending machines that dispense beverage in aluminum cans, or contracts with an outside vending provider to service vending machines which dispense beverage in aluminum cans, are provided, the BSBVI/BEN will ensure that (a) a bin or other suitable receptacle for the collection of empty cans is provided, and (b) will insure that the recycled materials are periodically collected and delivered to an appropriate recycling center or nonprofit organization that collects cans.
12. BSBVI/BEN will ensure that the operator complies with the security procedures and guidelines as established by the building manager. The building manager is to provide the operator with keys as appropriate for facility, food preparation, storage and distribution areas. As Appropriate, the operator will be issued a security card or pass for access to the building. WASHOE COUNTY and the site manager will provide for the security of the snack

ATTACHMENT AA

bar/cafeteria area and will restrict access to that area by unauthorized individuals without advanced notice to the operator.

13. BSBVI/BEN will address and assist the operator to resolve any quality and quantity control issues or any other matters arising as a result of this Statement of Stipulations.
14. BSBVI/BEN will ensure that the operator will comply fully with all applicable health codes and post the rating achieved on the most recent health inspection in a conspicuous location.
15. BSBVI/BEN will periodically request feedback from WASHOE COUNTY as to the quality of services provided by the operator assigned to snackbars or vending in WASHOE COUNTY locations as well as the cleanliness of the operation and the quality of customer service.

Remainder of page left blank intentionally

ATTACHMENT BB

SNACK BAR AND VENDING SITES AT WASHOE COUNTY LOCATIONS

Washoe County Family Court, 1 So. Sierra St., Reno, NV
Washoe County Courthouse, 75 Court Street, Reno NV 89501
Washoe County Administration Building, 1001 9th Street, Reno NV 89501
Regional Public Safety Training Center, 5190 Spectrum Blvd, Reno NV 89512
Washoe County Sheriff Office, 911 Parr Blvd., Reno
Washoe County Sheriff Office, 625 Mt. Rose Highway, Incline Village, NV
Senior Citizens Center, 1155 E. 9th St., Reno, NV
Washoe County Library, 301 S. Center St., Reno NV
Washoe County Library, 4001 S. Virginia, Reno NV
South Valley Library, 15650A Wedge Parkway, Reno, NV 89511
Washoe County Public Defender, 1 California St., Reno, NV 89501

Other Washoe County locations and facilities as identified and approved by Washoe County and Rehabilitation/BSBVI.

**COOPERATIVE AGREEMENT
FOR
COURT OF ANTIQUITY INTERPRETIVE AREA**

This Cooperative Agreement ("Agreement") is entered into this ____ day of ____, 2009, by and between State of Nevada, Department of Transportation ("State"), City of Sparks, a municipal corporation of the State of Nevada ("City"), and Washoe County, a political subdivision of the State of Nevada ("County"), or collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, NRS 277.110 authorizes any two or more public agencies to enter into agreements with one another for the joint or cooperative exercise of powers, privileges and authority; and

WHEREAS, the parties are public agencies under Nevada Revised Statutes ("NRS") 277.100 and authorized to enter into a cooperative agreement in accordance with NRS 277.080 to 277.110; and

WHEREAS, the Parties desire and intend to preserve, manage and develop the resources of the Court of Antiquity Interpretive Area (the "Project") as an outdoor education/instruction area (subject to availability of adequate funding); and

WHEREAS, the Parties desire to make the most efficient use of their powers by cooperating on a basis of mutual advantage to provide services and facilities for the Project in a manner which will best accord the needs and development of the Project and the local community; and

WHEREAS, the Parties desire to define and set forth their respective roles and responsibilities in relation to resource management, operations, and maintenance of the Project.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree to the following participation in the Project and the following terms and conditions.

1. State Agrees to:

- a. Provide a representative to the Court of Antiquity Advisory Committee.
- b. Allow for the documentation and protection of cultural and natural resources on the Real Property as part of the Project upon execution of the appropriate entry or lease documents.

09-1003

- c. Coordinate with the City to lease the real property more particularly described in Exhibit A, attached hereto and incorporated herein by reference ("Real Property").
- d. Conduct and provide to the Parties a cultural site assessment of the Real Property, including Native American consultation, in compliance with the National Environmental Policy Act.
- e. Provide to the Parties a topographic survey of such Real Property.

2. County agrees to:

- a. Provide a representative to the Court of Antiquity Advisory Committee.
- b. Develop a site master plan for the Project in cooperation with the City and the Court of Antiquity Advisory Committee, as such funds become available.
- c. Use best efforts to provide financial support for selected aspects of the Project as outlined in the site master plan, as such funds become available.

3. City agrees to:

- a. Provide a representative to the Court of Antiquity Advisory Committee.
- b. Coordinate with the State in leasing the Real Property.
- c. Develop a site master plan for the Project in cooperation with the County and the Court of Antiquity Advisory Committee, as such funds become available.
- e. Use best efforts to provide financial support for selected aspects as outlined in the site master plan of the Project, as such funds become available.

4. The County and City further agree to:

- a. Encourage site stewardship and Native American representation for the project from all local tribal councils through participation on the Court of Antiquity Committee.
- b. Encourage site stewardship, documentation of rock art, site restoration, and representation on the Court of Antiquity Committee from the Nevada Rock Art Foundation, a 501-c3 domestic non-profit organization.

- c. Encourage the Nevada Rock Art Foundation to develop a fundraising plan for the Project in cooperation with the Court of Antiquity Advisory Committee, and serve as the lead agency for fundraising of the Project, providing financial support for selected aspects of the Project concurrent with the site master plan, as such funds become available.

5. The Parties agree to:

- a. Allow for the Nevada Rock Art Foundation to conduct documentation of rock art on the Real Property, as such funds become available.
- b. Assume individually, without imposing expense to any of the other Parties, and to the extent permitted by law or regulation, all liability for each of their own respective negligent acts or omissions and indemnify, save and hold all such other Parties harmless, from all claims, demands, losses, liabilities, or expenses, arising from or relating to the performance of this Agreement as allowed by law under the provision of NRS Chapter 41.
- c. Apply the provisions of this Agreement to any real property acquired by any Party in relation to the Project.
- d. Not construe any provision in this Agreement as affecting the authorities of the Parties or as binding beyond their respective authorities, or requiring any of the parties to obligate or expend funds in excess of available appropriations.
- e. Review this Agreement at least every five years to determine its adequacy, effectiveness and need for revision of content.
- f. Renegotiate, if desired, the terms of this Agreement at any time at the initiative of one or more parties, following at least thirty days prior, written notice to the other Parties.

6. Miscellaneous Provisions:

- a. Any improvements developed on the Project shall revert to the State in the event this Agreement is terminated.
- b. All Parties further agree to comply with applicable requirements of any federal, state, or local grant programs associated with the funding of design, construction, operation, and maintenance of improvements and programs in the Project.
- c. This Agreement shall be governed by and construed in accordance with the laws of the State of Nevada. Any suit or action arising out of this Agreement shall be filed in a court of competent jurisdiction within the County of Washoe, State of Nevada. The parties hereby consent

to the personal jurisdiction of such courts within Washoe County, State of Nevada. The Parties hereby waive any objections to venue in such courts within Washoe County, State of Nevada.

- d. All notices required by this Agreement shall be in writing, must be sent to the addresses provided below and are deemed effective upon placement in the United States Mail, postage prepaid addressed to:

Director
Nevada Department of Transportation
1263 South Stewart Street
Carson City, NV 89712

Director
Washoe County Regional Parks and Open Space
P.O. Box 11130
Reno, NV 89520-0027

Director
City of Sparks Parks and Recreation Department
98 Richards Way
Sparks, NV 89431

State of Nevada, Department of Transportation

By _____
Susan Martinovich, P.E., Director

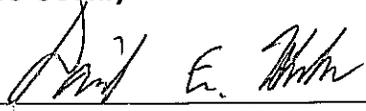
Date

ATTEST:

By _____

Date

Washoe County

By 
David E. Humke, Chair
Board of County Commissioners

9/22/09
Date

ATTEST:

By 
County Clerk

Sept. 22, 2009
Date

City of Sparks

By _____
Geno Martini, Mayor
Sparks City Council

Date

ATTEST:

By _____

Date

COURT OF ANTIQUITY

Vicinity Map - Exhibit "A"

E INTERSTATE 80 — W INTERSTATE 80

APN 3731005
3.53 acres

APN 8407001
1.57 acres



RESOLUTION

Resolution of the *Board of County Commissioners* approving the application for State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds.

***Central Incline Village Phase II (EIP #672, 669A, 651, 10068, 231A, 231C & 669B)
Water Quality Improvement Project***

WHEREAS, the *County of Washoe* is submitting an application to the Nevada Division of State Lands (the "Division") for financial assistance; and,

WHEREAS, the Nevada Tahoe Conservation District has been assigned to assist the administration of the program and development of procedures governing the program; and

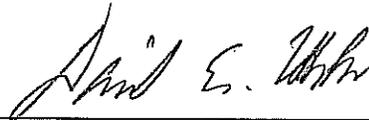
WHEREAS, the adopted procedures established by the Division require that the applicant must certify by resolution the approval of the proposed project, application, including all understanding and assurances contained therein, and availability of matching funds prior to submission of said application to the Division.

NOW THEREFORE, BE IT RESOLVED that the proposed *Central Incline Village Phase II (EIP #672, 669A, 651, 10068, 231A, 231C & 669B) Water Quality Improvement Project* is approved for implementation;

BE IT FURTHER RESOLVED that the *Board of County Commissioners* does hereby certify that said agency can finance 100% of their share of the project.

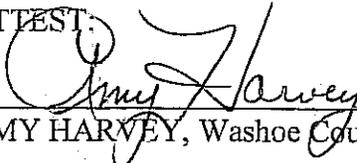
BE IT FURTHER RESOLVED that the *Board of County Commissioners* does hereby appoint *Dan St. John, Director of Public Works* as agent of the *Board of County Commissioners* to conduct all contract negotiations, execute and submit all documents including applications, agreements, engineering contracts, billing statements, and so on which may be necessary for the planning, environmental assessment, design and construction of the above project.

Introduced, passed and approved this 22nd day of September, 2009.



DAVID E. HUMKE, Chairman
Board of County Commissioners

ATTEST:



AMY HARVEY, Washoe County Clerk

09-1008

INTRASTATE INTERLOCAL AGREEMENT BETWEEN PUBLIC AGENCIES

An Agreement Between the State of Nevada
Acting By and Through Its

Division of State Parks
901 S. Stewart Street, Suite 5005
Carson City, NV 89701
(775) 684-2770

And, Washoe County, A Political Subdivision of the State of Nevada
Acting by and through its

Department of Regional Parks and Open Space
2601 Plumas Street
Reno, NV 89509
(775) 823-6500

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

WHEREAS, Washoe County received \$38.3 million in voter approved 2000 Washoe County Question 1: Regional Parks, Trails, Open Space and Libraries Bond funds for a variety of park projects throughout Washoe County, Nevada; and

WHEREAS, the Regional Parks, Trails, Open Space and Libraries Bond funds are to be used on projects of regional significance, including open space preservation, trail access to public lands and numerous recreation opportunities; and

WHEREAS, the Board of Washoe County Commissioners, on April 25, 2000, agreed upon the amount of funding and project to be facilitated and completed by the issuance of the bonds from the November 2000 Washoe County Question 1: Regional Parks, Trails, Open Space and Libraries Bond measure; and

WHEREAS, the Washoe Valley Bike Path, (hereinafter, the "Project"), was part of the approved list, and recommended for \$175,000 in funding toward development of a paved bicycle path along Washoe Lake as illustrated in Attachment A: Scope of Work, attached hereto and incorporated by reference; and

WHEREAS, the State is the owner of certain real property, commonly known as Washoe Lake State Park, as illustrated in Attachment A, and identified for improvements as indicated in the adopted Washoe Valley Public Trail System Master Plan, which includes the Project; and

WHEREAS, the County wishes to coordinate with the State to design and construct the Project as outlined in the approved 2000 Washoe County Question 1: Regional Parks, Trails, Open Space and Libraries Bond project list in order to maximize the efficient use of funding and other resources, also illustrated in Attachment A; and

WHEREAS, the State wishes to contribute \$175,000 cash via Nevada Division of State Lands Question 1 funds toward development of the Project; and

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

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

09-1009

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective upon approval, but no later than December 31, 2010 unless sooner terminated by either party as set forth in this Contract.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until 90 days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason State and/or federal funding ability to satisfy this Contract is withdrawn, limited, or impaired.
5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.
6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:
ATTACHMENT A: SCOPE OF WORK FOR CONSTRUCTION OF A BICYCLE PATH AT WASHOE LAKE STATE PARK
7. CONSIDERATION. Nevada Division of State Parks agrees to provide the services set forth in paragraph (6) at a cost not to exceed \$ 175,000.00 with the total Contract or installments payable: by Washoe County, not exceeding \$175,000.00 as set forth in Attachment A: (attached hereto and incorporated by reference). Any intervening end to an annual or biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.
8. ASSENT. The parties agree that the terms and conditions listed on incorporated attachments of this Contract are also specifically a part of this Contract and are limited only by their respective order of precedence and any limitations expressly provided.
9. INSPECTION & AUDIT.
 - a. Books and Records. Each party agrees to keep and maintain under general accepted accounting principles full, true and complete records, agreements, books, and documents as are necessary to fully disclose to the other party, the State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with any applicable regulations and statutes.
 - b. Inspection & Audit. Each party agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the party, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location where such records may be found, with or without notice by the other party, the State Auditor, Employment Security, the Department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the State Legislative Auditor, and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, Washoe County Comptroller, Washoe County Internal Audit, Washoe County Regional Parks, or any of their authorized representatives.
 - c. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained by each party for a minimum of six years, in accordance with NRS Chapter 239. The retention period runs from the end of the County fiscal year (July-June) in which the Project was completed..

Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

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

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

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

13. INDEMNIFICATION.

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

b. The indemnification obligation under this paragraph is conditioned upon receipt of written notice by the indemnifying party within 60 days of the indemnified party's actual notice of any actual or pending claim or cause of action. The indemnifying party shall not be liable to hold harmless any attorneys' fees and costs for the indemnified party's chosen right to participate with legal counsel.

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

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

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

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

18. OWNERSHIP OF PROPRIETARY INFORMATION. Unless otherwise provided by law or this Contract, any reports, histories, studies, tests, manuals, instructions, photographs, negatives, blue prints,

plans, maps, data, system designs, computer code (which is intended to be consideration under this Contract), or any other documents or drawings, prepared or in the course of preparation by either party in performance of its obligations under this Contract shall be the joint property of both parties.

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

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

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

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

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

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

Nevada Division of State Parks
Public Agency #1

J. Stephen Weaver, Chief, Planning & Development Date

Kirsten Hettrick, Administrative Services Officer II Date

Washoe County
Public Agency #2

David E. Humke
David E. Humke

9/22/09

Chairman, Washoe County Board of Commissioners
Date Title

ATTEST:

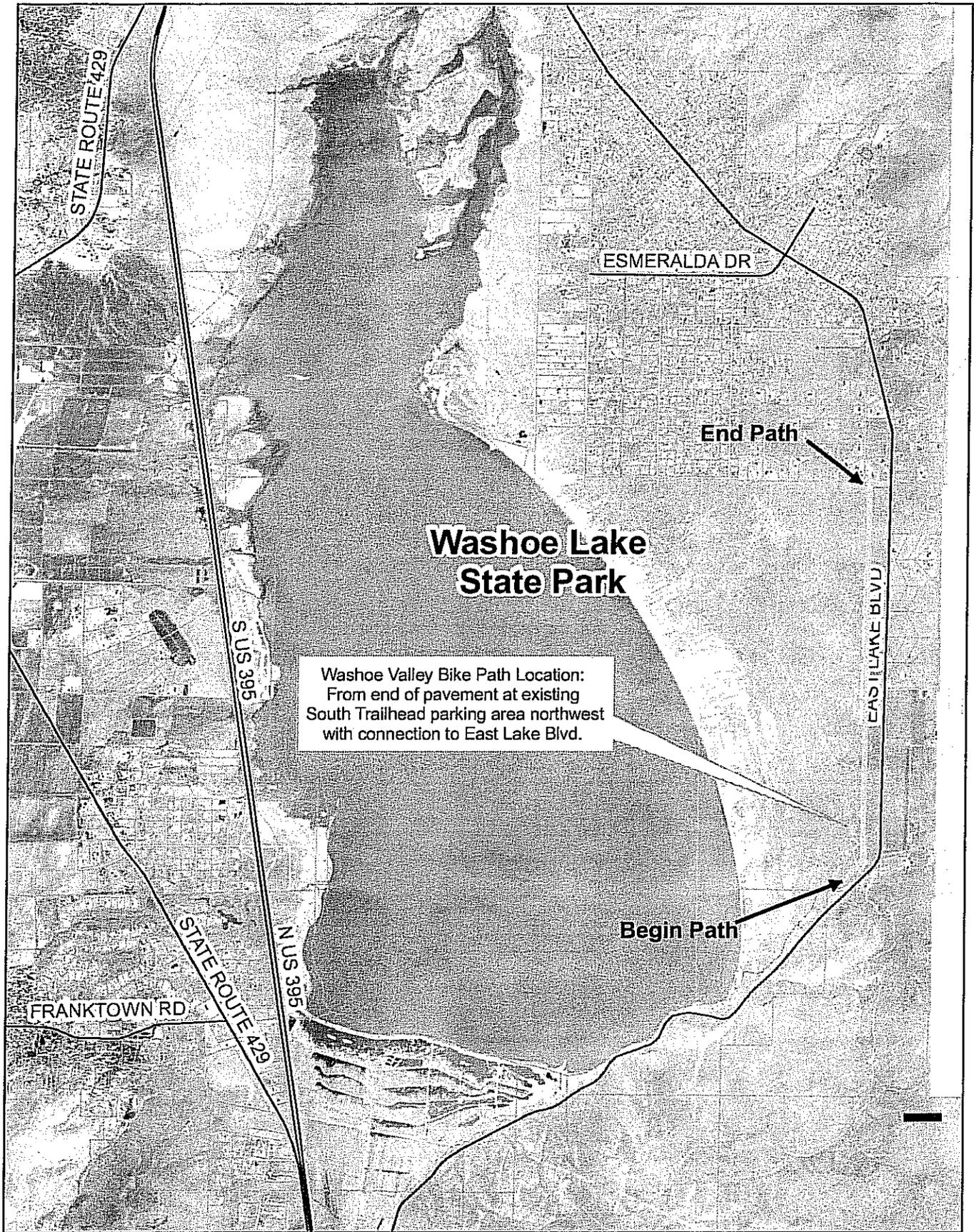
Amy Harvey
Amy Harvey, County Clerk

Signature – Nevada State Board of Examiners

Approved as to form by: _____

Deputy Attorney General for Attorney General, State of Nevada

APPROVED BY BOARD OF EXAMINERS
On _____ (Date)
On _____ (Date)



ATTACHMENT A: SCOPE OF WORK

A RESOLUTION DESIGNATING WASHOE COUNTY AS A RECOVERY ZONE PER SECTION 1400U-1(b) OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the County of Washoe in the State of Nevada (the “County” and “State,” respectively) has received a volume cap allocation for “recovery zone economic development bonds” in the amount of \$39,766,000 (the “Volume Cap”) under Section 1400U-1(b) of the American Recovery and Reinvestment Act of 2009 (the “Act”); and

WHEREAS, the unemployment rate for the Reno-Sparks Metropolitan Statistical Area in July 2009 was 12.3%, as reported by the Nevada Department of Employment, Training and Rehabilitation; and

WHEREAS, according to a report from RealtyTrac the July 2009 year-to-date foreclosure filings shows that one in every 16 Nevada housing units received a foreclosure filing during the first six months of the year, the highest state foreclosure rate in the nation and that Washoe County came in second highest, reporting 6,509 properties with foreclosure filings halfway through the year; and

WHEREAS, the Nevada Department of Taxation has reported that as of June 2009 taxable sales in Washoe County have declined 32 of the last 36 months and have declined 16.4% in the fiscal year ending June 30, 2009; and

WHEREAS, the current economic downturn that precipitated the American Recovery and Reinvestment Act of 2009 has affected all the citizens of Washoe County; and

WHEREAS, the Board of County Commissioners of the County (the “Board”) is authorized to designate all or a portion of the area within the geographic boundaries of the County, as a “Recovery Zone” for purpose of Sections 1400U-1 through 1400U-3 of the Act (the “Recovery Zone”); and

WHEREAS, the County desires to designate a Recovery Zone.

09-10220

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

Section 1. This resolution shall be known as, and may be cited by, the short title "2009 Recovery Zone Designation Resolution" (the "Resolution").

Section 2. The County hereby designates all of the area within the geographic boundaries of the County, as a "Recovery Zone" for purpose of Sections 1400U-1 through 1400U-3 of the Act (the "Recovery Zone") under the American Recovery and Reinvestment Act of 2009.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the creation of the Recovery Zone be, and the same hereby are, ratified, approved and confirmed.

Section 4. The officers of the County are directed to effectuate the provisions of this Resolution.

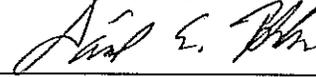
Section 5. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent of such inconsistency.

Section 6. The invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 7. The Board has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with law.

PASSED AND ADOPTED ON SEPTEMBER 22, 2009.

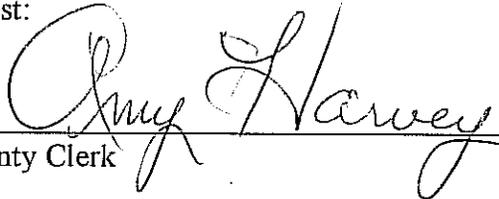
WASHOE COUNTY COMMISSION



David E. Humke, Chair

(SEAL)

Attest:



County Clerk

The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meeting held on September 22, 2009.

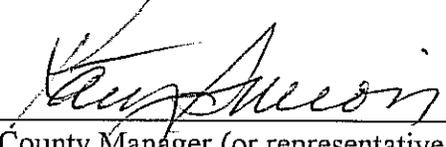
2. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted not later than 9:00 a.m. on the third working day prior to the meeting, on the County's website, and at the following locations:

- (i) Washoe County Administration Complex
1001 East Ninth Street, Bldg. A
Reno, Nevada
- (ii) Washoe County Courthouse-Clerk's Office
Virginia and Court Streets
Reno, Nevada
- (iii) Washoe County Central Library
301 South Center Street
Reno, Nevada
- (iv) Sparks Justice Court
630 Greenbrae Drive
Sparks, Nevada

is attached as Exhibit A.

3. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notice of meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

IN WITNESS WHEREOF, I have hereunto set my hand this September 22, 2009.



County Manager (or representative
thereof)
Washoe County, Nevada

EXHIBIT A

(Attach Notice of Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada

**September 22, 2009
10:00 a.m.**

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

Public Comment during the Commission Meeting on September 22, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Washoe County Administration Building (1001 E. 9th Street, Bldg. A), Washoe County Courthouse-Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center Street) and Sparks Justice Court (630 Greenbrae Drive). At the meeting after salute to the flag and roll call, the Board of County Commissioners may vote on the following items as the Board and, ex-officio, as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, as the Board of Directors for the Sierra Fire Protection District, and/or the Board of Trustees of either the Lawton/Verdi or South Truckee Meadows General Improvement Districts.

Support documentation for the items on the agenda, provided to the Washoe County Board of Commissioners is available to members of the public at the County Manager's Office (1001 E. 9th Street, Bldg. A, 2nd Floor, Reno, Nevada) and on the County's website at www.washoecounty.us.

Unless otherwise indicated by asterisk (*), all items on the agenda are action items upon which the Board of County Commissioners will take action.

The Washoe County Board of Commissioners may take a short break every 1 1/2 hours.

- 10:00 a.m.** *1. Salute to the flag.
- *2. Roll call.
3. Resolution of Appreciation--for supported structure protection response to July 15-18, 2009 wild land fire (Fire Services Coordinator).
4. Resolution of Appreciation--Mike Pomi.
5. Resolution of Appreciation--Keep Truckee Meadows Beautiful.
- *6. 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.
- *7. 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.)

Consent Items.

8. A. Approve minutes for the Board of County Commissioners' meeting of August 25, 2009.
8. B. Cancel October 20, 2009 County Commission meeting.
8. C. Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2009/2010, 2008/2009, 2007/2008 secured and unsecured tax rolls; and if approved, authorize Chairman to execute order and direct the Washoe County Treasurer to correct the errors [cumulative amount of decrease \$19,635.82]--Assessor. (Parcels are in various districts as outlined.)

8. D. Adopt Resolution establishing an administrative enforcement fee schedule pursuant to Washoe County Code section 125.300; and if adopted, authorize Chairman to sign same--Community Development. (All Commission Districts.)
8. E. Authorize the Tax Collector to strike names and amounts identified on Delinquency/ Uncollectable Personal Property Tax List for Fiscal Years 1998/99 through 2007/08 [\$41,675.72]--Comptroller. (All Commission Districts.)
8. F. Approve payments [\$7,446.50] to vendors for assistance of 38 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, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons--District Attorney. (All Commission Districts.)
8. G. Authorize permanent decrease in full-time hours for position control number 70004104 (1.0 full time equivalent to .53 full time equivalent)--District Health. (All Commission Districts.)
8. H. Approve reclassification requests submitted through the job evaluation and classification process and to report the results of the job evaluation for a support position for Juvenile Services approved by the Board on July 14, 2009 [annual fiscal impact for these reclassifications is approximately \$5,240--Human Resources. (All Commission Districts.)
8. I. Approve use of grant funds [\$16,902.10] to be expended in Fiscal Year 2010 for travel and training purposes; and if approved, direct Finance to make necessary budget adjustments (funds were received from the Juvenile Justice Commission under the Juvenile Accountability Block Grant for Fiscal Year 2008/09 and need to be expended by November 1, 2009)--Juvenile Services. (All Commission Districts.)
8. J. Award Bid #2675-09 - Janitorial Services for the Washoe County High Security Buildings to the lowest, responsive, responsible bidder, Qual-Econ U.S.A., Inc, [\$54,008 per month for 17 High Security Buildings]; and if awarded, authorize Acting Purchasing and Contracts Administrator to execute a one-year agreement with two single year renewal options for this Bid [estimated annual value for janitorial services at the High Security Buildings is \$648,096.00 per year]--Purchasing/Public Works. (All Commission Districts.)
8. K. Accept grant awards from State of Nevada Aging and Disability Services Division from American Recovery and Reinvestment Act Funds [\$30,549 with \$5,392 County match] for the Home Delivered Meals Program and [\$96,012 with \$16,945 County match] for the Congregate Meals Program retroactively for the period July 1, 2009 through June 30, 2010; and if accepted, direct Finance to make appropriate budget adjustments--Senior Services. (All Commission Districts.)
8. L. Approve donation of miscellaneous used laboratory equipment from the Washoe County Sheriff's Forensic Science Division to University of Nevada, Reno [estimated value \$19,250]--Sheriff. (All Commission Districts.)

8. M. Authorize Director of Social Services to accept Federal Adoption Incentive Funds [\$22,046 - no matching funds required] from State Division of Child and Family Services to assist the Department of Social Services in the Adoption Program and authorize the Department to expend up to \$2,000 of those funds in Federal Fiscal Year 2009 (February 15, 2009-September 30, 2009 to cover costs of sponsoring Adoption Day activities, including food, water, entertainment, decorations, a reception for adoptive families, public awareness and costs of photographs and video recording of the adoption hearings; and if authorized, direct Finance to make appropriate budget adjustments-- Social Services. (All Commission Districts.)
8. N. Acknowledge receipt of Truckee River Flood Management Project Status Report for August 2009--Truckee River Flood Management Project. (All Commission Districts.)
8. O. Authorize Department of Water Resources to issue a request for qualifications to solicit written statements of qualification from firms to provide support to ongoing implementation of the Groundwater Monitoring Plan being conducted as part of the Central Truckee Meadows Remediation District Program--Water Resources. (All Commission Districts.)

Internal Audit.

8. P. 1. Acknowledge receipt of the Three-Year Schedule of Audits for Internal Audit Division. (All Commissioner Districts.)
8. P. 2. Acknowledge receipt of Annual Report from the Internal Audit Division for Fiscal Year 2008/09. (All Commissioner Districts.)

Public Works.

8. Q. 1. Approve Intrastate Interlocal Contract between the County of Washoe and State of Nevada (Bureau of Services to the Blind and Visually Impaired/Business Enterprises of Nevada) for the continued operation of vending and concession services within County facilities as required by Nevada Revised Statutes Chapter 426.630, for the period December 1, 2009 through November 30, 2013 [no fiscal impact]; and, if approved, authorized Chairman to execute Contract. (All Commission Districts.)
8. Q. 2. Accept grant award [\$20,000 - no match required] to Washoe County Regional Animal Services from Maddie's Fund to support collection of shelter statistics, the public reporting of such statistics and to support other activities on behalf of lost, stray or homeless dogs and cats; and if accepted, authorize Regional Animal Services Manager to administer obligations on behalf of Washoe County and direct Finance to make appropriate budget adjustments--Washoe County Regional Animal Services. (All Commission Districts.)

Regional Parks and Open Space.

8. R. 1. Reappoint Bill von Phul, Patty Moen and Cliff Young to the Open Space and Regional Parks Commission for a term through June 30, 2013, and appoint Ed Harney to fill a vacant position through June 30, 2012 and Anne Buckley to fill a vacant position through June 30, 2013. (All Commission Districts.)
8. R. 2. Approve Cooperative Agreement for Court of Antiquity Interpretive Area between the County of Washoe, State of Nevada (Department of Transportation) and City of Sparks; and if approved, authorize Chairman to execute Agreement. (Commission District 4.)

10:00 a.m. 9. Truckee Meadows Fire Protection District--see separate agenda.

10:00 a.m. 10. Sierra Fire Protection District--see separate agenda.

- *11. Appearance: Dr. John Warwick, Interim Executive Vice President for Research
Desert Research Institute

Cloud Seeding Program and status of funding. (Requested by Commissioner Breternitz.)

12. Recommendation to award Bid #2691-09 for Automotive and Light Truck Maintenance and Repair Parts and Supplies to Finley Industries/Napa Auto Parts as the primary supplier and NC Auto Parts as the secondary supplier [estimated amount per fiscal year \$200,000]. Discounts, prices and exceptions as stated in Washoe County Invitation to Bid #2691-09 shall be honored and adhered to until May 1, 2011, with an option to renew for an additional one year period--Purchasing. (All Commission Districts.)
13. Recommendation to award Washoe County Bid #2705-10 for a 100% grant-funded purchase of 14 Mass Fatality trailers and related equipment from the lowest, responsive, responsible bidder, EMS Innovations [net amount \$122,388]; and if awarded, direct Finance to make appropriate adjustments--Management Services/Emergency Manager. (All Commission Districts.)
14. Recommendation to authorize the Purchasing Department to release a Request for Proposal for a Next Generation Emergency 911 system which will provide the future availability to report using text, video, images and data to the Public Safety Answering Points (PSAP's) for Reno, Sparks and Washoe County PSAP's as recommended by the 911 Emergency Response Advisory Committee [estimated cost \$800,000 to \$900,000]--911 Emergency Response Advisory Committee/Technology Services. (All Commission Districts.)
15. Recommendation to accept an Energy Efficiency Conservation Block Grant award [\$401,200] from United States Department of Energy, to support the installation of two 30 kW Solar Photovoltaic installations for Washoe County; and if accepted, direct Finance to make appropriate budget adjustments and authorize Public Works Department to bid the project--Public Works. (All Commission Districts.)

16. Recommendation to approve in concept the Central Incline Village Phase II (EIP #672, 669A, 651, 10068, 231A, 231C & 669B) Water Quality Improvement Project; and if approved, authorize the request and acceptance of grant funds from the State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds in the estimated amount of \$1,250,000 plus 3% of the total project cost for administration; authorize the Chairman to execute the Resolution to request State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds; authorize the Chairman to execute the Assurances certifying compliance with the regulations, policies, guidelines and requirements of the State of Nevada, Division of State Lands Lake Tahoe Water Quality Grant Program; authorize the request and acceptance of grant funds from the U.S. Forest Service in the estimated amount of 1,250,000; authorize the request and acceptance of Water Quality Mitigation Funds from Tahoe Regional Planning Agency, if needed, to supplement any shortfalls in grant funds up to \$1,000,000; appoint the Director of Public Works as agent for Washoe County; and direct Finance to make appropriate budget adjustments--Public Works. (Commission District 1.)
17. Recommendation to approve Intrastate Interlocal Agreement [\$175,000 from WC-1 Bond Funds] between Washoe County (Department of Regional Parks and Open Space) and State of Nevada (Division of State Parks) for the Washoe Valley Bike Path Project; and if approved, authorize Chairman to sign Agreement and authorize Finance to make appropriate budget adjustments--Regional Parks and Open Space. (Commission District 4.)
18. Recommendation to accept a reimbursable grant [\$100,000 with County match of \$20,000] from the Commission on Cultural Affairs for continuation of structural rehabilitation and seismic retrofit of Bowers Mansion; and if accepted, authorize the Regional Parks and Open Space Director to sign all necessary documents associated with the grant and authorize Finance to make appropriate budget adjustments--Regional Parks and Open Space. (Commission District 2.)
19. Recommendation to accept Homeless Prevention and Rapid Re-housing Program (HPRP) grant funds from Nevada Housing Division [\$445,863 with no County match], approve agreement with the State of Nevada Housing Division for HPRP funds; authorize Chairman to sign award documents and authorize Finance to make necessary adjustments (grant provides homeless prevention assistance to households who would otherwise become homeless - many due to the economic crisis and to provide assistance to rapidly re-house persons who are homeless--Management Services/Community Support Administrator. (All Commission Districts.)
20. Discussion and possible approval authorizing the Chairman to execute a Resolution designating Washoe County as a Recovery Zone Per Section 1400u-1(b) of the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof and possible approval authorizing the Chairman to execute a Resolution allocating all or a portion of the County's \$39,766,000 Volume Cap for Recovery Zone Economic Development Bonds to other governmental entities including but not limited to the Washoe County School District, the City of Sparks, the Washoe County Regional Transportation Commission and the University of Nevada Reno pursuant to the American Recovery And Reinvestment Act of 2009; and providing the effective date hereof--Finance. (All Commission Districts.)

21. Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 25 by adding definitions for breeding and a litter; establishing a threshold whereby breeding is considered a business; setting an annual license fee for cat or dog breeders; and, providing other matters properly relating thereto. Set the public hearing and second reading of the ordinance for October 13, 2009 at 6:00 p.m.--Community Development. (All Commission Districts.)

5:30 p.m. 22. Washoe Hill Billboard--Community Development. (Commission District 2.)

Discussion and possible action to suspend Rule Number Six, *Motion to Reconsider any Action Taken by the Commission*, of its adopted Rules and Procedures [pursuant to Rule Number Seven, *Suspension of Rule(s)*] to reconsider the County Commission action on June 22, 2004 concerning the appeal from a Washoe County Board of Adjustment decision that the use of the billboard located on APN 050-170-04 had been discontinued for more than 12 months; that the billboard was no longer a nonconforming use; and, that the billboard frame must be removed from the property.

AND

Provided the County Commission suspends its Rule Number Six, discussion and possible action to reconsider the County Commission action on June 22, 2004 to deny an appeal from a Washoe County Board of Adjustment decision that the use of the billboard located on APN 050-170-04, situated south of U.S. Highway 395 in the vicinity of Washoe Hill, had been discontinued for more than 12 months; that the billboard was no longer a nonconforming use; and, that the billboard frame must be removed from the property.

AND

Provided the County Commission decides to not reverse its action on June 22, 2004, affirming its decision that the billboard was no longer a nonconforming use and must be removed; discussion and possible direction to staff to initiate legal abatement proceedings and possible civil injunction suit authority to remove an unlawful billboard frame located on APN 050-170-04, situated south of U.S. Highway 395 in the vicinity of Washoe Hill. Abatement and/or filing of a civil injunction would proceed if the billboard frame is not voluntarily removed by October 15, 2009.

- 6:00 p.m.** 23. Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 50 by revising provisions relating to unlawful riding of a vehicle off-road, and by adding a public nuisance code that prohibits certain activities and conditions and requires certain property maintenance, all pertaining to structures, property and residential foreclosures in disrepair, existence of garbage, weeds, junk vehicles, attractive nuisances, pollutants, hazardous waste or criminal gangs, storage, grading of land, obstruction of public roads, off-road vehicle restrictions, animals, parking, graffiti, and signs; and providing other matters properly relating thereto. Set the public hearing and second reading of the Ordinance for October 13, 2009 at 6:00 p.m.--Community Development. (All Commission Districts.)

6:00 p.m.

Public Hearings. (*Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.*)

24. Second reading and adoption of an Ordinance amending the Washoe County Code by repealing provisions in Chapter 54 concerning alarm business, alarm systems, and false alarms, and by enacting new provisions relating to alarm businesses, alarm systems and false alarms (Bill No. 1599)--Sheriff. (All Commission Districts.)
25. Second reading and adoption of an Ordinance amending Chapter 21 (Miscellaneous and Additional Taxes) establishing a fee on the commencement of any civil action or proceeding in the District Court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required; and providing for the collection, accounting and use of such fees for court security or certain capital costs; and other matters properly related thereto (Bill No. 1600)--Manager. (All Commission Districts.)

End Of Scheduled Public Hearings

- *26. 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).
27. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.
28. Emergency Items.
29. Adjournment.

A RESOLUTION ALLOCATING ALL OR A PORTION OF THE COUNTY'S \$39,766,000 VOLUME CAP FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS TO OTHER GOVERNMENTAL ENTITIES INCLUDING BUT NOT LIMITED TO THE WASHOE COUNTY SCHOOL DISTRICT, THE CITY OF SPARKS, THE WASHOE COUNTY REGIONAL TRANSPORTATION COMMISSION AND THE UNIVERSITY OF NEVADA RENO PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the County of Washoe in the State of Nevada (the "County" and "State," respectively) has received a volume cap allocation for "recovery zone economic development bonds" in the amount of \$39,766,000 (the "Volume Cap") under Section 1400U-1(a)(3)(A) of the American Recovery and Reinvestment Act of 2009 (the "Act"); and

WHEREAS, the County is authorized to allocate all or a portion of its Volume Cap to beneficiaries who may issue "recovery zone economic development bonds" in the amount allocated, in order to finance "eligible costs" for "qualified economic development purposes" that are located within, or attributable to, the area overlapping both the Recovery Zone (as defined below) and the jurisdiction of the beneficiary; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has, by resolution previously adopted, designated all or a portion of the area within the geographic boundaries of the County, as a "Recovery Zone" for purpose of Sections 1400U-1 through 1400U-3 of the Act (the "Recovery Zone"); and

WHEREAS, the County desires to allocate a portion of its Volume Cap.

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

Section 1. This resolution shall be known as, and may be cited by, the short title "2009 Recovery Zone Volume Cap Allocation Resolution" (the "Resolution").

09-1020

Section 2. The County hereby allocates \$ 15,000,000 of its Volume Cap to the Washoe County School District and \$ 0 of its Volume Cap to the City of Sparks and \$ 0 of its Volume Cap to the Washoe County Regional Transportation Commission and \$ 0 of its Volume Cap to the University of Nevada Reno and \$ 0 of its Volume Cap to the to issue "recovery zone economic development bonds" in the respective amounts allocated in order to finance "eligible costs" for "qualified economic development purposes" that are located within, or attributable to, the respective areas overlapping both the Recovery Zone and the jurisdiction of the issuing entity.

Section 3. An allocation made in Section 2 that is not used by June 1, 2010 is revoked.

Section 4. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the creation of the Recovery Zone and the allocation of the Volume Cap be, and the same hereby are, ratified, approved and confirmed.

Section 5. The officers of the County are directed to effectuate the provisions of this Resolution.

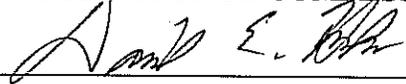
Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. The invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with law.

PASSED AND ADOPTED ON SEPTEMBER 22, 2009.

WASHOE COUNTY COMMISSION



David E. Humke, Chair

(SEAL)

Attest:



County Clerk

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I am the duly chosen, qualified and acting County Clerk of Washoe County (the "County"), in the State of Nevada, and do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution of the Board of County Commissioners (the "Board") adopted at a meeting of the Board held on September 22, 2009 (the "Resolution").

2. The members of the Board voted on the Resolution as follows:

Those Voting Aye:

John Breternitz
David Humke
Kitty Jung
Robert M. Larkin
~~Bonnie Weber~~

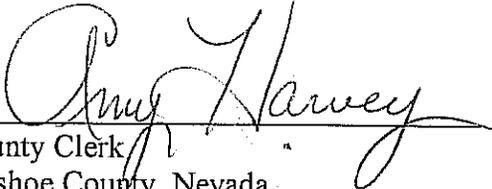
Those Voting Nay:

BONNIE WEBER

Those Absent:

3. The original of the Resolution has been approved and authenticated by the signatures of the Chair of the Board and myself as County Clerk and has been recorded in the minute book of the Board kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County this September 22, 2009.



County Clerk
Washoe County, Nevada

(SEAL)

The undersigned does hereby certify:

4. All members of the Board were given due and proper notice of the meeting held on September 22, 2009.

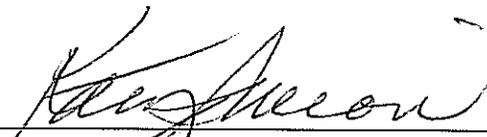
5. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted not later than 9:00 a.m. on the third working day prior to the meeting, on the County's website, and at the following locations:

- (i) Washoe County Administration Complex
1001 East Ninth Street, Bldg. A
Reno, Nevada
- (ii) Washoe County Courthouse-Clerk's Office
Virginia and Court Streets
Reno, Nevada
- (iii) Washoe County Central Library
301 South Center Street
Reno, Nevada
- (iv) Sparks Justice Court
630 Greenbrae Drive
Sparks, Nevada

is attached as Exhibit A.

6. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notice of meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

IN WITNESS WHEREOF, I have hereunto set my hand this September 22, 2009.



County Manager (or representative
thereof)
Washoe County, Nevada

EXHIBIT A

(Attach Notice of Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada

**September 22, 2009
10:00 a.m.**

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

Public Comment during the Commission Meeting on September 22, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Washoe County Administration Building (1001 E. 9th Street, Bldg. A), Washoe County Courthouse-Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center Street) and Sparks Justice Court (630 Greenbrae Drive). At the meeting after salute to the flag and roll call, the Board of County Commissioners may vote on the following items as the Board and, ex-officio, as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, as the Board of Directors for the Sierra Fire Protection District, and/or the Board of Trustees of either the Lawton/Verdi or South Truckee Meadows General Improvement Districts.

Support documentation for the items on the agenda, provided to the Washoe County Board of Commissioners is available to members of the public at the County Manager's Office (1001 E. 9th Street, Bldg. A, 2nd Floor, Reno, Nevada) and on the County's website at www.washoecounty.us.

Unless otherwise indicated by asterisk (*), all items on the agenda are action items upon which the Board of County Commissioners will take action.

The Washoe County Board of Commissioners may take a short break every 1 1/2 hours.

- 10:00 a.m.**
- *1. Salute to the flag.
 - *2. Roll call.
 3. Resolution of Appreciation--for supported structure protection response to July 15-18, 2009 wild land fire (Fire Services Coordinator).
 4. Resolution of Appreciation--Mike Pomi.
 5. Resolution of Appreciation--Keep Truckee Meadows Beautiful.
 - *6. 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.
 - *7. 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.)

Consent Items.

8. A. Approve minutes for the Board of County Commissioners' meeting of August 25, 2009.
8. B. Cancel October 20, 2009 County Commission meeting.
8. C. Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2009/2010, 2008/2009, 2007/2008 secured and unsecured tax rolls; and if approved, authorize Chairman to execute order and direct the Washoe County Treasurer to correct the errors [cumulative amount of decrease \$19,635.82]--Assessor. (Parcels are in various districts as outlined.)

8. D. Adopt Resolution establishing an administrative enforcement fee schedule pursuant to Washoe County Code section 125.300; and if adopted, authorize Chairman to sign same--Community Development. (All Commission Districts.)
8. E. Authorize the Tax Collector to strike names and amounts identified on Delinquency/ Uncollectable Personal Property Tax List for Fiscal Years 1998/99 through 2007/08 [\$41,675.72]--Comptroller. (All Commission Districts.)
8. F. Approve payments [\$7,446.50] to vendors for assistance of 38 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, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons--District Attorney. (All Commission Districts.)
8. G. Authorize permanent decrease in full-time hours for position control number 70004104 (1.0 full time equivalent to .53 full time equivalent)--District Health. (All Commission Districts.)
8. H. Approve reclassification requests submitted through the job evaluation and classification process and to report the results of the job evaluation for a support position for Juvenile Services approved by the Board on July 14, 2009 [annual fiscal impact for these reclassifications is approximately \$5,240--Human Resources. (All Commission Districts.)
8. I. Approve use of grant funds [\$16,902.10] to be expended in Fiscal Year 2010 for travel and training purposes; and if approved, direct Finance to make necessary budget adjustments (funds were received from the Juvenile Justice Commission under the Juvenile Accountability Block Grant for Fiscal Year 2008/09 and need to be expended by November 1, 2009)--Juvenile Services. (All Commission Districts.)
8. J. Award Bid #2675-09 - Janitorial Services for the Washoe County High Security Buildings to the lowest, responsive, responsible bidder, Qual-Econ U.S.A., Inc, [\$54,008 per month for 17 High Security Buildings]; and if awarded, authorize Acting Purchasing and Contracts Administrator to execute a one-year agreement with two single year renewal options for this Bid [estimated annual value for janitorial services at the High Security Buildings is \$648,096.00 per year]--Purchasing/Public Works. (All Commission Districts.)
8. K. Accept grant awards from State of Nevada Aging and Disability Services Division from American Recovery and Reinvestment Act Funds [\$30,549 with \$5,392 County match] for the Home Delivered Meals Program and [\$96,012 with \$16,945 County match] for the Congregate Meals Program retroactively for the period July 1, 2009 through June 30, 2010; and if accepted, direct Finance to make appropriate budget adjustments--Senior Services. (All Commission Districts.)
8. L. Approve donation of miscellaneous used laboratory equipment from the Washoe County Sheriff's Forensic Science Division to University of Nevada, Reno [estimated value \$19,250]--Sheriff. (All Commission Districts.)

8. M. Authorize Director of Social Services to accept Federal Adoption Incentive Funds [\$22,046 - no matching funds required] from State Division of Child and Family Services to assist the Department of Social Services in the Adoption Program and authorize the Department to expend up to \$2,000 of those funds in Federal Fiscal Year 2009 (February 15, 2009-September 30, 2009 to cover costs of sponsoring Adoption Day activities, including food, water, entertainment, decorations, a reception for adoptive families, public awareness and costs of photographs and video recording of the adoption hearings; and if authorized, direct Finance to make appropriate budget adjustments--Social Services. (All Commission Districts.)
8. N. Acknowledge receipt of Truckee River Flood Management Project Status Report for August 2009--Truckee River Flood Management Project. (All Commission Districts.)
8. O. Authorize Department of Water Resources to issue a request for qualifications to solicit written statements of qualification from firms to provide support to ongoing implementation of the Groundwater Monitoring Plan being conducted as part of the Central Truckee Meadows Remediation District Program--Water Resources. (All Commission Districts.)

Internal Audit.

8. P. 1. Acknowledge receipt of the Three-Year Schedule of Audits for Internal Audit Division. (All Commissioner Districts.)
8. P. 2. Acknowledge receipt of Annual Report from the Internal Audit Division for Fiscal Year 2008/09. (All Commissioner Districts.)

Public Works.

8. Q. 1. Approve Intrastate Interlocal Contract between the County of Washoe and State of Nevada (Bureau of Services to the Blind and Visually Impaired/Business Enterprises of Nevada) for the continued operation of vending and concession services within County facilities as required by Nevada Revised Statutes Chapter 426.630, for the period December 1, 2009 through November 30, 2013 [no fiscal impact]; and, if approved, authorized Chairman to execute Contract. (All Commission Districts.)
8. Q. 2. Accept grant award [\$20,000 - no match required] to Washoe County Regional Animal Services from Maddie's Fund to support collection of shelter statistics, the public reporting of such statistics and to support other activities on behalf of lost, stray or homeless dogs and cats; and if accepted, authorize Regional Animal Services Manager to administer obligations on behalf of Washoe County and direct Finance to make appropriate budget adjustments--Washoe County Regional Animal Services. (All Commission Districts.)

Regional Parks and Open Space.

8. R. 1. Reappoint Bill von Phul, Patty Moen and Cliff Young to the Open Space and Regional Parks Commission for a term through June 30, 2013, and appoint Ed Harney to fill a vacant position through June 30, 2012 and Anne Buckley to fill a vacant position through June 30, 2013. (All Commission Districts.)
8. R. 2. Approve Cooperative Agreement for Court of Antiquity Interpretive Area between the County of Washoe, State of Nevada (Department of Transportation) and City of Sparks; and if approved, authorize Chairman to execute Agreement. (Commission District 4.)

10:00 a.m. 9. Truckee Meadows Fire Protection District--see separate agenda.

10:00 a.m. 10. Sierra Fire Protection District--see separate agenda.

- *11. Appearance: Dr. John Warwick, Interim Executive Vice President for Research
Desert Research Institute

Cloud Seeding Program and status of funding. (Requested by Commissioner Breternitz.)

12. Recommendation to award Bid #2691-09 for Automotive and Light Truck Maintenance and Repair Parts and Supplies to Finley Industries/Napa Auto Parts as the primary supplier and NC Auto Parts as the secondary supplier [estimated amount per fiscal year \$200,000]. Discounts, prices and exceptions as stated in Washoe County Invitation to Bid #2691-09 shall be honored and adhered to until May 1, 2011, with an option to renew for an additional one year period--Purchasing. (All Commission Districts.)
13. Recommendation to award Washoe County Bid #2705-10 for a 100% grant-funded purchase of 14 Mass Fatality trailers and related equipment from the lowest, responsive, responsible bidder, EMS Innovations [net amount \$122,388]; and if awarded, direct Finance to make appropriate adjustments--Management Services/Emergency Manager. (All Commission Districts.)
14. Recommendation to authorize the Purchasing Department to release a Request for Proposal for a Next Generation Emergency 911 system which will provide the future availability to report using text, video, images and data to the Public Safety Answering Points (PSAP's) for Reno, Sparks and Washoe County PSAP's as recommended by the 911 Emergency Response Advisory Committee [estimated cost \$800,000 to \$900,000]--911 Emergency Response Advisory Committee/Technology Services. (All Commission Districts.)
15. Recommendation to accept an Energy Efficiency Conservation Block Grant award [\$401,200] from United States Department of Energy, to support the installation of two 30 kW Solar Photovoltaic installations for Washoe County; and if accepted, direct Finance to make appropriate budget adjustments and authorize Public Works Department to bid the project--Public Works. (All Commission Districts.)

16. Recommendation to approve in concept the Central Incline Village Phase II (EIP #672, 669A, 651, 10068, 231A, 231C & 669B) Water Quality Improvement Project; and if approved, authorize the request and acceptance of grant funds from the State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds in the estimated amount of \$1,250,000 plus 3% of the total project cost for administration; authorize the Chairman to execute the Resolution to request State of Nevada Lake Tahoe Water Quality and Stream Environment Zone Grant Funds; authorize the Chairman to execute the Assurances certifying compliance with the regulations, policies, guidelines and requirements of the State of Nevada, Division of State Lands Lake Tahoe Water Quality Grant Program; authorize the request and acceptance of grant funds from the U.S. Forest Service in the estimated amount of 1,250,000; authorize the request and acceptance of Water Quality Mitigation Funds from Tahoe Regional Planning Agency, if needed, to supplement any shortfalls in grant funds up to \$1,000,000; appoint the Director of Public Works as agent for Washoe County; and direct Finance to make appropriate budget adjustments--Public Works. (Commission District 1.)
17. Recommendation to approve Intrastate Interlocal Agreement [\$175,000 from WC-1 Bond Funds] between Washoe County (Department of Regional Parks and Open Space) and State of Nevada (Division of State Parks) for the Washoe Valley Bike Path Project; and if approved, authorize Chairman to sign Agreement and authorize Finance to make appropriate budget adjustments--Regional Parks and Open Space. (Commission District 4.)
18. Recommendation to accept a reimbursable grant [\$100,000 with County match of \$20,000] from the Commission on Cultural Affairs for continuation of structural rehabilitation and seismic retrofit of Bowers Mansion; and if accepted, authorize the Regional Parks and Open Space Director to sign all necessary documents associated with the grant and authorize Finance to make appropriate budget adjustments--Regional Parks and Open Space. (Commission District 2.)
19. Recommendation to accept Homeless Prevention and Rapid Re-housing Program (HPRP) grant funds from Nevada Housing Division [\$445,863 with no County match], approve agreement with the State of Nevada Housing Division for HPRP funds; authorize Chairman to sign award documents and authorize Finance to make necessary adjustments (grant provides homeless prevention assistance to households who would otherwise become homeless - many due to the economic crisis and to provide assistance to rapidly re-house persons who are homeless--Management Services/Community Support Administrator. (All Commission Districts.)
20. Discussion and possible approval authorizing the Chairman to execute a Resolution designating Washoe County as a Recovery Zone Per Section 1400u-1(b) of the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof and possible approval authorizing the Chairman to execute a Resolution allocating all or a portion of the County's \$39,766,000 Volume Cap for Recovery Zone Economic Development Bonds to other governmental entities including but not limited to the Washoe County School District, the City of Sparks, the Washoe County Regional Transportation Commission and the University of Nevada Reno pursuant to the American Recovery And Reinvestment Act of 2009; and providing the effective date hereof--Finance. (All Commission Districts.)

21. Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 25 by adding definitions for breeding and a litter; establishing a threshold whereby breeding is considered a business; setting an annual license fee for cat or dog breeders; and, providing other matters properly relating thereto. Set the public hearing and second reading of the ordinance for October 13, 2009 at 6:00 p.m.--Community Development. (All Commission Districts.)

5:30 p.m. 22. Washoe Hill Billboard--Community Development. (Commission District 2.)

Discussion and possible action to suspend Rule Number Six, *Motion to Reconsider any Action Taken by the Commission*, of its adopted Rules and Procedures [pursuant to Rule Number Seven, *Suspension of Rule(s)*] to reconsider the County Commission action on June 22, 2004 concerning the appeal from a Washoe County Board of Adjustment decision that the use of the billboard located on APN 050-170-04 had been discontinued for more than 12 months; that the billboard was no longer a nonconforming use; and, that the billboard frame must be removed from the property.

AND

Provided the County Commission suspends its Rule Number Six, discussion and possible action to reconsider the County Commission action on June 22, 2004 to deny an appeal from a Washoe County Board of Adjustment decision that the use of the billboard located on APN 050-170-04, situated south of U.S. Highway 395 in the vicinity of Washoe Hill, had been discontinued for more than 12 months; that the billboard was no longer a nonconforming use; and, that the billboard frame must be removed from the property.

AND

Provided the County Commission decides to not reverse its action on June 22, 2004, affirming its decision that the billboard was no longer a nonconforming use and must be removed; discussion and possible direction to staff to initiate legal abatement proceedings and possible civil injunction suit authority to remove an unlawful billboard frame located on APN 050-170-04, situated south of U.S. Highway 395 in the vicinity of Washoe Hill. Abatement and/or filing of a civil injunction would proceed if the billboard frame is not voluntarily removed by October 15, 2009.

- 6:00 p.m.** 23. Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 50 by revising provisions relating to unlawful riding of a vehicle off-road, and by adding a public nuisance code that prohibits certain activities and conditions and requires certain property maintenance, all pertaining to structures, property and residential foreclosures in disrepair, existence of garbage, weeds, junk vehicles, attractive nuisances, pollutants, hazardous waste or criminal gangs, storage, grading of land, obstruction of public roads, off-road vehicle restrictions, animals, parking, graffiti, and signs; and providing other matters properly relating thereto. Set the public hearing and second reading of the Ordinance for October 13, 2009 at 6:00 p.m.--Community Development. (All Commission Districts.)

6:00 p.m.

Public Hearings. (Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.)

24. Second reading and adoption of an Ordinance amending the Washoe County Code by repealing provisions in Chapter 54 concerning alarm business, alarm systems, and false alarms, and by enacting new provisions relating to alarm businesses, alarm systems and false alarms (Bill No. 1599)--Sheriff. (All Commission Districts.)
25. Second reading and adoption of an Ordinance amending Chapter 21 (Miscellaneous and Additional Taxes) establishing a fee on the commencement of any civil action or proceeding in the District Court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required; and providing for the collection, accounting and use of such fees for court security or certain capital costs; and other matters properly related thereto (Bill No. 1600)--Manager. (All Commission Districts.)

End Of Scheduled Public Hearings

- *26. 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).
27. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.
28. Emergency Items.
29. Adjournment.