

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 13, 2009

PRESENT:

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

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

The Board convened at 2:06 p.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:

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

09-13 AGENDA ITEM 3

Agenda Subject: “Resolution of Accomplishment--Regional Emergency Medical Services Authority. (Requested by Commissioner Humke). (All Commission Districts.)”

Chairman Humke read and presented the Resolution of Accomplishment to the Regional Emergency Medical Services Authority (REMSA).

Patrick Smith, REMSA Representative, explained the circumstances that occurred allowing REMSA to receive the numerous awards for dedication to their employees who serve in the National Guard. He commented REMSA had won the State award, and the National Freedom Award for small businesses. On behalf of REMSA, Mr. Smith thanked the Board for their recognition and support.

In response to the call for public comment, Sam Dehne commented on the Resolution and praised REMSA for their service.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Commissioners Larkin and Weber absent, Chairman Humke ordered that Agenda Item 3 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-14 AGENDA ITEM 4

Agenda Subject: “Resolution of Appreciation--Michael Capello. (All Commission Districts.)”

Commissioner Jung read and presented the Resolution of Appreciation to Michael Capello. Mr. Capello thanked the Board for an exceptional career with Washoe County and noted it had been an honor to serve the County as the Director of Social Services. Mr. Capello commended his staff for their hard work and commitment to the community.

There was no response to the call for public comment.

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

09-15 AGENDA ITEM 5

Agenda Subject: “Resolution of Retirement--Steve Watson. (All Commission Districts.)”

Commissioner Breternitz read and presented the Resolution of Retirement to Steve Watson. Mr. Watson thanked the Board for their recognition. He appreciated the support and commitment of the Commission.

Commissioner Jung commended County Manager, Katy Simon for the professional relationships she had fostered with employees and department heads.

***2:35 p.m.** Commissioner Larkin arrived.

There was no response to the call for public comment.

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

09-16 **AGENDA ITEM 6**

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.”

Bill Fine commented on the Federal Stimulus funds. He suggested if the County received any of those funds some should be used for the regional bus service.

Sam Dehne agreed with improving the local bus service. He stated his discontent with the two minute time limit for public speakers.

Dr. Gabriel Bonnet said he was concerned about the Medical Reserve Corp. He explained the Medical Reserve Corp for Washoe County was established in 2006 under the auspices of the County Health Department. Dr. Bonnet said there had been many health professionals who had expressed an interest in serving the Corp; however, due to the County requiring volunteers to sign a Hold Harmless Agreement many had not volunteered. He urged the Board to have the policy rescinded and support the Medical Reserve Corp so the County would have health care professionals ready to serve citizens in an emergency. He also urged support of an amendment to the Good Samaritan Act under Nevada State statute, which would increase the liability of protection of health professionals in disaster relief operations.

09-17 **AGENDA ITEM 7**

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

Katy Simon, County Manager, stated staff had discussions with Risk Management and Legal Counsel regarding State statute concerning the Good Samaritan Act and added the Board would be kept apprised of any recommendations.

Commissioner Larkin verified there would be a discussion item on the Commission agenda of January 20, 2009 related to the governance structure of the Overall Flood Project Coordinating Committee.

Commissioner Jung requested a review of the County’s position regarding Hold Harmless Agreements.

Chairman Humke announced that Café Mir Mir, a blind services contractor located in the County Complex, was promoting National Braille Literacy Month. He said to promote Braille Services the Café was offering a service for your name to be typed in Braille.

CONSENT AGENDA

After discussion, it was determined that Agenda Item 8N(5), acknowledge receipt of Second Judicial District Court Minimum Accounting Standards Audit Report, would be continued to January 20, 2009 for discussion.

In response to the call for public comment, Sam Dehne spoke on several of the consent agenda items.

09-18 AGENDA ITEM 8A

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meetings of October 28 and December 16, 2008.”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8A be approved.

* * * * * * *

Later in the meeting, Commissioner Weber indicated there was a misspelling of a name in the December 16, 2008 minutes. Amy Harvey, County Clerk, stated the name would be corrected.

09-19 AGENDA ITEM 8B – SOCIAL SERVICES

Agenda Subject: “Accept donation of training supplies [LCD Projector approximate value \$1,119, Public Address System approximate value \$539.05 and laptop computer approximate value \$1,585.58 - approximate total value \$3,243.63] from Affordable Housing Resource Council. (All Commission Districts.)”

On behalf of the Board, Commissioner Jung thanked the Affordable Housing Resource Council for their generous donation.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8B be accepted.

09-20 AGENDA ITEM 8C – COMMUNITY RELATIONS

Agenda Subject: “Accept donation of two multimedia projectors [originally valued at \$8,995 each] from Intuit, Inc. (All Commission Districts.)”

On behalf of the Board, Commissioner Jung thanked Intuit, Inc. for their generous donation.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8C be accepted.

09-21 AGENDA ITEM 8D – RISK MANAGEMENT

Agenda Subject: “Adopt changes to Driver’s Selection and Training Policy. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8D be adopted.

09-22 AGENDA ITEM 8E – COMMUNITY DEVELOPMENT

Agenda Subject: “Appoint Tara Vogel as an At-Large member to fill an unexpired term to June 30, 2010 on the Warm Springs Citizen Advisory Board. (Commission District 4.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Tara Vogel be appointed as an At-Large member to fill an unexpired term to June 30, 2010 on the Warm Springs Citizen Advisory Board.

09-23 AGENDA ITEM 8F - LIBRARY

Agenda Subject: “Accept Incline Village Rotary Club Grant [\$801.18] for Fiscal Year 2009, for the Tahoe Collection; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8F be accepted and directed.

09-24

AGENDA ITEM 8G – WATER RESOURCES

Agenda Subject: “Approve and authorize Chairman to execute Water Rights Deed transferring 95.67 acre feet of Truckee River water rights and associated Agreement between CQ Holding Company and Washoe County for banking a total of 333.21 acre-feet of Truckee River water rights, in support of future development in the Truckee Meadows and adjoining service areas; and, direct Water Rights Manager to record both documents. (All Commission Districts.)”

Vahid Behmaram, Water Rights Manager, explained the water rights were retained in the Water Resources Department database and stated the beneficiary of the water rights, CQ Holding Company, could sell them to another entity that could use those water rights in support of a development. He noted CQ Holding Company could also use the water rights for a development. Mr. Behmaram said no money changed hands in these transactions and indicated the County was retaining title for these water rights on behalf of CQ Holding Company. Mr. Behmaram reiterated the County did not have the right to sell the water rights.

There was no response to the call for public comment.

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

09-25

AGENDA ITEM 8H – DISTRICT ATTORNEY

Agenda Subject: “Approve payments [\$9,814.30] to vendors for assistance of 54 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8H be approved and authorized.

09-26

AGENDA ITEM 8I - SHERIFF

Agenda Subject: “Approve Memorandum of Agreement and Understanding between Washoe County (on behalf of the Washoe County Sheriff’s Office Detention Response Team) and Washoe County (on behalf of Jan Evans Juvenile Justice Center) to provide Jan Evans mutual assistance in the event of any tactical situation, a serious incident and/or emergency which may occur at Jan Evans Juvenile Justice Center located at 650 Ferreri McLeod Boulevard, Reno; and if

approved, authorize Chairman to execute same. (Commission District 3 - affects all Commission Districts.)”

There was no response to the call for public comment.

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

09-27 AGENDA ITEM 8J - PARKS

Agenda Subject: “Accept U.S. Fish and Wildlife Service Grant [\$26,417.50, no match required] for Verdi Pond Restoration construction project at Crystal Peak Park; increase AIA Construction Contract with F and P Construction by \$26,417.50; and if approved, authorize Director of Regional Parks and Open space to sign the Cooperative Agreement and all associated grant paperwork for the project and direct Finance to make all necessary financial adjustments. (Commission District 5.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8J be accepted, approved, authorized and directed.

09-28 AGENDA ITEM 8K – SENIOR SERVICES

Agenda Subject: “Approve and execute Interlocal Agreement between the City of Reno and Washoe County regarding facility use of the City of Reno’s Neil Road Senior Center for services and programs to Washoe County senior citizens, effective upon execution through June 30, 2011. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8K be approved and executed.

09-29 AGENDA ITEM 8L – TECHNOLOGY SERVICES/TELECOMMUNICATIONS

Agenda Subject: “Approve AT&T Amendment No. 3 (year five of five years) of AT&T Maintenance Service Agreement between the County of Washoe and SBC Global Services, Inc., dba AT&T Global Services, to support the Public Safety Answering Point System [\$88,637.88 for Fiscal Year 2009] retroactive to January 1,

2009; and if approved, authorize Chairman to execute Amendment No. 3. (All Commission Districts.)”

There was no response to the call for public comment.

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

09-30 AGENDA ITEM 8M(1) – MANAGEMENT SERVICES

Agenda Subject: “Approve expenditure [\$250] from County Commission District 3 Special Funding Account to the McQueen Band Parents Association to assist in funding the costs associated with the McQueen Band’s performance at the 2009 Tournament of Roses (Fiscal Year 2008/09); and if approved, authorize Chairman to execute Resolution necessary for same. (Commission District 3.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 8M(1) be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

* * * * * * * *

Later in the meeting, Commissioner Weber indicated all five Commissioners needed to be present for this vote.

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

* * * * * * * *

09-31 AGENDA ITEM 8M(2) – COMMUNITY SUPPORT ADMINISTRATOR

Agenda Subject: “Accept Community Development Block Grant (CDBG) program income received by Washoe County through repayment of CDBG housing rehabilitation projects [\$76,784.40]; and if accepted, approve the use of these funds to support the current CDBG housing rehabilitation project Heppner Well Abandonment and Community Water Service Connection grant and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8M(2) be accepted, approved and authorized.

09-32 AGENDA ITEM 8N(1) – INTERNAL AUDIT

Agenda Subject: “Approve reappointment of Mr. Ron Nicholson and Mr. Keith Romwall to the Washoe County Audit Committee for the term commencing January 1, 2009 and expiring December 31, 2010; and, retroactively reappoint Mr. Tim Chu to the Washoe County Audit Committee for the term commencing July 1, 2008 and expiring June 30, 2010. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Mr. Ron Nicholson and Mr. Keith Romwall be reappointed to the Washoe County Audit Committee for the term commencing January 1, 2009 and ending December 31, 2010; and, retroactively reappoint Mr. Tim Chu to the Washoe County Audit Committee for the term commencing July 1, 2008 and ending June 30, 2010.

09-33 AGENDA ITEM 8N(2) – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of Contracted Services Audit Report. (All Commission Districts.)”

Commissioner Larkin commented all of the janitorial contracts added together equaled approximately \$1.1 million and should be included within the title of the report. He indicated the audit found that the contracts were more cost effective than in-house or internally related contracts.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8N(2) be acknowledged.

09-34 AGENDA ITEM 8N(3) – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of Washoe County SAP Purchasing Audit Report. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8N(3) be acknowledged.

09-35 AGENDA ITEM 8N(4) – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of Reno Justice Court Minimum Accounting Standards Audit Report. (Commission District 3.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8N(4) be acknowledged.

09-36 AGENDA ITEM 8N(6) – INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of Wadsworth Justice Court Minimum Accounting Standards Audit Report. (Commission District 4.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 8N(6) be acknowledged.

BLOCK VOTE

The following agenda items were consolidated and voted on in a block vote: Agenda Items 10, 11, 13, 14, 16, 17, 18 and 19.

09-37 AGENDA ITEM 10 – DISTRICT ATTORNEY

Agenda Subject: “Recommendation to approve Amended Agreement between the County of Washoe and William Kockenmeister, Esq., to represent Washoe County in Public Utilities Commission-related rate proceedings and other legal proceedings relating to the undergrounding of high-voltage power lines to increase the cost by \$50,000 for a new total not-to-exceed \$100,000 without prior Board of County Commissioner approval; and if approved, ratify and authorize Chairman to execute same, and authorize the use of funds from the underground utilities fund 402PW920537, account 710100 to pay for the \$250/hour cost of his services. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 10 be approved, authorized, ratified and executed.

09-38 AGENDA ITEM 11 – TRUCKEE RIVER FLOOD PROJECT

Agenda Subject: “Recommendation to approve payment of tenant relocation claim payment (from 125 N. Edison Way) to Claimant # 12-272-05-T-1 [\$355,000]; and if approved, authorize the Director to pay moving and related expenses up to \$355,000 as the Director determines to be actual, reasonable and necessary and in compliance with URA Regulations; authorize Chairman to execute all agreements and documents to accomplish settlement and payment of the claim and authorize use of the 1/8-cent sales tax dedicated to the Truckee River Flood Project to fund the claim. (Commission District 4.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 11 be approved, authorized and executed.

09-39 AGENDA ITEM 13 – PUBLIC WORKS

Agenda Subject: “Request for action on request from Kim Adamson, M.D. for Washoe County to petition the Nevada State Board of Medical Examiners to waive certain licensing requirements for the practice medicine in a medically underserved area of that county and to declare the Pyramid Lake Paiute Reservation as an underserved area pursuant to NRS 630.264.”

Chairman Humke disclosed that he performed a small contract with the Pyramid Lake Paiute Tribe, but would not receive any benefits from the Medical Clinic on the Reservation.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 13 be approved.

09-40 AGENDA ITEM 14 – PUBLIC WORKS

Agenda Subject: “Recommendation to award Base Bid and Additive Alternate No. One and Two for the Court House Safety Glazing Film Installation project to the lowest responsive and responsible bidder [staff recommends Sierra Window Tinting in the amount of \$135,493.29]; and if awarded, authorize Chairman to execute Contract Documents. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 14 be awarded, authorized and executed.

09-41 AGENDA ITEM 16 - PURCHASING

Agenda Subject: “Recommendation to approve the County joining on the new State of Nevada contract with AT&T ILEC (formerly SBC Nevada) for continued provision of Digital Centrex Service (DCS); and if approved, authorize the County’s Acting Purchasing and Contracts Administrator to execute a one-year contract for same at the rate of \$12.95 per line per month [estimated annual total \$104,428], Washoe County currently has approximately 672 DCS lines provided by AT&T. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 16 be approved, authorized and executed.

09-42 AGENDA ITEM 17 - PURCHASING

Agenda Subject: “Recommendation to award Invitation to Bid #2664-09 for Water-Bourne Traffic Line Paint to the lowest, responsive, responsible bidder, The Sherwin-Williams Company, on behalf of the Roads Division of the Washoe County Public Works Department and the City of Sparks, award period shall commence on the day of bid award to December 31, 2009 with the County retaining the option for a one-year extension of the bid award - award is on a requirements basis and guarantees the unit price per gallon for Traffic Line Paint but does not obligate the County or the City of Sparks to any specific quantities [based on previous usage it is estimated that Washoe County may spend in excess of \$115,000 per fiscal year for Water-Bourne Traffic Line Paint - also estimated that the City of Sparks may spend in excess of \$52,000 per fiscal year for the various products]. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 17 be awarded.

09-43 AGENDA ITEM 18 - PURCHASING

Agenda Subject: “Recommendation for authorization to join on State of Nevada Bid No. 7580 for Plantmix/Coldmix with Granite Construction Company for the duration of the contract period through November 30, 2009 on behalf of the Roads Division of the Washoe County Public Works Department; and if approved, authorize the Acting Purchasing and Contracts Administrator to make such purchases as may be required in annual amounts that may exceed \$100,000 but will not exceed approved Fiscal Year budget authority. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 18 be approved and authorized.

09-44 AGENDA ITEM 19 - PURCHASING

Agenda Subject: “Recommendation to award Invitation to Bid #2671-09 for Printing Paper/Card Stock/Envelopes to the low bidders, Unisource and JC Paper, on behalf of Reprographics, a Division of Public Works, and the Washoe County School District; and if awarded, authorize the Acting Purchasing and Contracts Administrator to issue purchase orders to the specified firms, on a requirements basis, for one year, commencing January 15, 2009 through January 14, 2010, with an option for two additional one year renewal periods, provided pricing does not increase beyond that allowed in the bid [approximate annual amount for Washoe County \$140,000 and approximate annual amount for Washoe County School District \$57,000]. (All Commission Districts.)”

There was no response to the call for public comment.

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

09-45 AGENDA ITEM 9 - PARKS

Agenda Subject: “Recommendation to approve temporary use of cash in Park Capital Fund 404 bond proceeds from the 2000 Regional Parks, Trails and Open Space bond (WC-1) as necessary to fund reimbursable grant projects in Fund 404 until state or federal reimbursement funds are received in support of approved park capital projects [current grants total approximately \$1,124,523]. (All Commission Districts.)”

Katy Simon, County Manager, stated all the money was available in grant funds and voter-approved funds specifically restricted to the accounts.

There was no response to the call for public comment.

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

09-46 AGENDA ITEM 12 – SOCIAL SERVICES

Agenda Subject: “Recommendation to authorize Department of Social Services to accept Targeted Case Management reimbursements for April 2008 – June 30, 2009 services from Nevada Medicaid [approximately \$3,500,000]; and if accepted, authorize Department to expend these reimbursements and direct Finance to make appropriate budget adjustments for Fiscal Year 2008/09. (All Commission Districts.)”

Kevin Schiller, Social Services Director, explained Targeted Case Management had been a significant piece of the budget. He said it was not included in the 2008/09 fiscal budget and with the moratorium passing, the State plan amendment would only allow the County to bill through the March date.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Agenda Item 12 be accepted, authorized and directed.

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

**09-47 AGENDA ITEM 15 AMENDING WASHOE COUNTY CODE
CHAPTER 5**

Agenda Subject: “Introduction and first reading of an Ordinance amending Washoe County Code, Chapter 5, by adding new language reflecting County’s policy of supporting the use of private vehicles for conduct of County business pursuant to County Travel Regulation Ordinance, and other matters properly related thereto. (All Commission Districts.)”

Commissioner Larkin found it curious that the changes were being made under the unlawful use portion and stated this was not a positive ordinance. He asked if this could be completed in a more positive manner. Katy Simon, County Manager, stated Section 2 was use of County vehicles and spoke on lawful and unlawful uses. Commissioner Larkin said Section 5.389 was entitled: Use of County vehicles; unlawful use. He wondered if the authorization on the policy was for private vehicles.

Melanie Foster, Legal Counsel, explained the difference between Section 5.389 and 5.390. She said staff could move the unlawful use into a separate section, which would clarify that a County vehicle could not be used for anything contrary to law, but would be in a separately numbered section. Commissioner Larkin replied that would bring clarification. Ms. Foster said that revision would be brought back for the second reading with the new number inserted.

Commissioner Breternitz said he was concerned about business use of a private vehicle based on an insurance standpoint. He said after speaking with a risk management analyst he suggested the following wording be woven into the policy: "with respect to the definition of business use under a personal automobile policy insurance companies would have different underwriting variations and; therefore, an individual who was using a personal vehicle for business use should contact their insurance company's representative to clarify how their individual policy would respond in the event of a loss."

Ms. Simon said many employees had insurance provisions that allowed incidental use of their vehicle at work which was different than business use. She said it needed to be ensured that employees reviewed their insurance policies.

Dan St. John, Public Works Director, explained the existing policy allowed personal use for business and the amended policy allowed for the same. He said there was a provision in the Employee Association agreement stating if an employee was being asked to use their personal vehicle to the extent that it would change the insurance, the Employee Association agreement allowed the employee to bring that incremental increase insurance back to their department head and request a reimbursement for that amount.

Commissioner Breternitz said policies would vary with all the different insurance companies. He suggested that the County would do itself a good service by placing the above suggested language into the policy.

Bill No. 1569, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE, CHAPTER 5 BY ADDING NEW LANGUAGE REFLECTING COUNTY'S POLICY OF SUPPORTING THE USE OF PRIVATE VEHICLES FOR CONDUCT OF COUNTY BUSINESS PURSUANT TO COUNTY TRAVEL REGULATION ORDINANCE, AND OTHER MATTERS PROPERLY RELATED THERETO,**" was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed.

**09-48 AGENDA ITEM 20 – MANAGEMENT SERVICES/EMERGENCY
MANAGEMENT**

Agenda Subject: "Recommendation to accept State of Nevada 2008 State Homeland Security Program grant for a Statewide Evacuation, Mass-Care & Shelter-in-Place project [\$993,750, no County match required]; and if accepted, authorize the Acting

Purchasing and Contracts Administrator to execute a sole source professional services contract [\$200,000] with Ecology and Environment, Inc. for the update of the 17 counties Statewide Evacuation, Mass Care and Shelter-in-Place Plans and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

Katy Simon, County Manager, stated Washoe County was leading the effort for the 17 counties in the State. She indicated Aaron Kenneston, Emergency Management Manager, would be the coordinator.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioners Jung and Weber absent, Chairman Humke ordered that Agenda Item 20 be accepted, authorized, executed and directed.

09-49 AGENDA ITEM 21 – MANAGEMENT SERVICES/EMERGENCY MANAGEMENT

Agenda Subject: “Recommendation to accept State of Nevada 2008 State Homeland Security Program grant for a Statewide Mass Fatality project [\$738,345, no County match required]; and if accepted, authorize the Acting Purchasing and Contracts Administrator to execute a sole source professional services contract [\$80,000] with Emergency Management Professionals for project management and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

***3:25 p.m.** Commissioner Weber arrived.

3:25 p.m. Commissioner Jung returned.

Commissioner Larkin asked if the County had conducted a mass fatality analysis. Katy Simon, County Manager, replied the County had completed a mass fatality exercise. Commissioner Larkin asked what the difference was between analysis and exercise. Ms. Simon explained this was a State-wide mass fatality project that included some planning and actual purchase of equipment.

Aaron Kenneston, Emergency Management Manager, indicated this project was a result of the initial planning and exercise that the County Medical Examiner’s Office conducted. He said the items identified in the after-action reports indicated that more detailed planning and equipment was needed. Mr. Kenneston said this particular project was jointly administered by the Southern Nevada Clark County Coroner/Medical Examiner and the Washoe County Coroner/Medical Examiner under the auspices of the Emergency Management Office. He explained the equipment listed for the 15 rural counties, where the Sheriff was also the Coroner, and the larger amount of equipment was for a larger disaster portable mortuary unit that would be deployed

from Washoe County for regional disasters or could be moved to a rural county in the event of a disaster. He explained the staff report listed a category of equipment that totaled more than \$10,000.

Mr. Kenneston said the units listed were a combination of some equipment going to the rural counties and equipment to be stationed in Washoe County. He said the project involved a task force led by medical examiners to determine exactly the quality needed in the event of a disaster. He said the equipment would be deployed to the rural counties, the Medical Examiners Office in Las Vegas and the Medical Examiners Office in Reno. Commissioner Larkin asked over what period of time would this take place. Mr. Kenneston replied the goal was to complete this in a one-year period which would be a calendar year. Commissioner Larkin requested the Commissioners be notified prior to the equipment arriving in town.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Agenda Item 21 be accepted, authorized, executed and directed.

09-50 AGENDA ITEM 22 – MANAGEMENT SERVICES

Agenda Subject: “**Recommendation to review and approve the *Washoe County Legislative Communication Policy*. (All Commission Districts.)”**

John Slaughter, Management Services Director, explained this policy was brought before the Board prior to every Legislative session and outlined how the organization communicated with the Legislature and also provided guidelines on that communication. Mr. Slaughter stated it addressed participation by the Commissioners as a group and as individuals at the Legislature.

Commissioner Weber asked how a Commissioner would contact staff at the Legislature. Mr. Slaughter replied there was discussion concerning Commissioner’s participation at the Legislature, and the policy related that the Board needed to notify staff. Commissioner Weber said it was important to clarify when Commissioners were in the building and anticipated speaking on a subject so staff or the County Manager could be informed. She felt it should be one contact person for the Board and suggested Mr. Slaughter.

Commissioner Jung felt it would be important for Mr. Slaughter to meet with Commissioners individually before the session to review key points. Mr. Slaughter said he would schedule those individual meetings.

Commissioner Breternitz asked if Commissioner Weber was proposing amending the policy to have one sole-source of contact for notification. Commissioner Weber stated she wanted clarification of who should be contacted for Commissioner

participation. Katy Simon, County Manager, explained the policy stated to contact the County Manager. She suggested stating the County Manager, designee or Government Affairs staff to give the Commissioners more contact availability, and not have to spend time trying to track down Mr. Slaughter.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Agenda Item 22 be adopted.

* * * * *

Commissioner Weber requested reopening the Consent Agenda. On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that the Consent Agenda be reopened.

Commissioner Weber indicated there was a misspelling of a name in the December 16, 2008 minutes.

* * * * *

09-51 AGENDA ITEM 23 – MANAGEMENT SERVICES

Agenda Subject: “**Recommendation to review and approve the *Washoe County Legislative Principles*. (All Commission Districts.)”**

John Slaughter, Management Services Director, reviewed the list of Legislative Principles, which included long term, sustainable solutions; fiscal responsibility; government accountability; local decision-making and flexibility; unfunded mandates; intergovernmental collaboration and legislative relations as stated in the staff report. He said once adopted this would be used by staff, lobbyists and elected officials to guide their actions when speaking to Legislators on various bills and policy decisions made during the session. He said the principles would help with the day-to-day guidance of where the County would fall on a particular policy issue.

Commissioner Jung asked for inclusion under the heading “Local Decision-Making and Flexibility” outlining the County’s ability to seek revenue generation to become self-sufficient. Mr. Slaughter said that could be included.

Katy Simon, County Manager, suggested that request be placed under “Fiscal Responsibility” since the Legislature typically did not prefer to give any kind of revenue generation authority to local governments. However, if it were tied into the commitment of fiscal responsibility, it may be more successful and include retaining and expanding tools at the local level to better manage budget, cash flow and responsibly structured revenue sources. Chairman Humke agreed.

Commissioner Larkin requested a change under “Legislative Relations” and suggested changing “unified approach” to “integrated approach.”

Commissioner Weber asked how the Board could convey that the County and the Cities of Reno and Sparks worked together even with differing opinions concerning some of the issues. She felt that message needed to be included within the policy and agreed integrated may be a better word than unified.

Ms. Simon said this draft was shared with Senator Bill Raggio who was pleased that such a statement was being made by the County and recognized that the County wanted to work together with the other entities. She said the Board would want to retain the right to disagree; however, would not initiate any legislation that would be damaging to the other local governments.

Chairman Humke stated this was a well-crafted document that was the first step and was unprecedented and unsolicited.

There was no response to the call for public comment.

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

09-52 AGENDA ITEM 24 – MANAGEMENT SERVICES/GOVERNMENT AFFAIRS

Agenda Subject: “Discussion and direction to staff regarding legislation or legislative issues proposed by Legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County, or issues arising out of the special legislative session. (All Commission Districts.)”

John Slaughter, Management Services Director, spoke on Bill Draft Request (BDR) AB 74, a bill that would provide for the extension of deadlines on tentative and final maps. He explained the other half of the bill was a request to make this enabling legislation, which had become the issue since that could create difficulty in what one jurisdiction did versus another. Mr. Slaughter said the BDR had been pre-filed and assigned and felt it should come up for hearing early in the session. He suggested if changes were desired that the Committee Chair be approached and asked for the opportunity to make those changes and attempt to have the bill re-written prior to the first hearing.

Commissioner Breternitz asked for clarification on the affect of making the bill enabling legislation. Mr. Slaughter explained the concern was that entity “A” and “D” could decide to allow the extensions, but entity “B” and “C” would not. He said

those four groups that would be doing business with all the agencies would be varying portions of the statute and this was intended to be a State-wide statute.

Commissioner Weber said there were two BDR's from the City of Reno SB 88 and SB 95, and asked how Washoe County would deal with those. Katy Simon, County Manager, explained those two BDR's dealt with the opening of a consolidated tax distribution formula. She said it was being referred to as a suburban tax; however, was a tax on unincorporated area residents for their use of urban city facilities and infrastructure with a tax to be generated and directly forwarded to the City of Reno. Ms. Simon said the County had significant concerns about both of those BDR's and would return to the Board at the appropriate time when the specific language was fully drafted and vetted and fiscal notes had been prepared to allow the Board to take a position on those BDR's.

Mr. Slaughter added staff had received a request from the Legislative Council Bureau (LCB) to complete the fiscal notes on those BDR's, which had been assigned to the appropriate departments.

In response to the call for public comment, Gregory Peek stated if BDR AB 74 went forward with the enabling language there would be difficulties and he urged Board to request the legislation be recrafted to return back to narrowing extensions.

Commissioner Breternitz commented if the BDR would be jeopardized he was not in support of making it enabling legislation.

Commissioner Breternitz moved to change the language. Commissioner Weber seconded. After discussion, Commissioner Breternitz withdrew the motion and said the intent was clear and he was willing to review language that was better tailored for the situation.

Mr. Peek believed the first paragraph on page three was the offending paragraph and suggested omitting the entire paragraph. Commissioner Weber did not agree with taking out the entire paragraph.

Chairman Humke suggested directing staff with less directive language and use more general language. He noted there were still several weeks before the Legislative session began. Mr. Slaughter reiterated there was State-wide interest in this bill. He inquired if the direction was to take out the enabling portion of the legislation and discuss only map extensions and deadlines and work with all involved parties. He noted the expression on consensus would be sufficient and he would bring the language back to the Board.

Commissioner Weber asked if the Peavine Station/Anderson Acres Volunteer Fire Department had been included in a piece of legislation. Mr. Slaughter replied it had not, but staff was aware of the issue and said it was on the list to find a bill sponsor to develop that possibility.

There was no action taken on this item.

09-53 AGENDA ITEM 25 - MANAGER

Agenda Subject: “Discussion and possible action with regard to the County Commissioners serving on various boards/commissions. (All Commission Districts.)”

Katy Simon, County Manager, said a summary was provided that listed what each Board and Commissioner did, which was distributed to the Board and placed on file with the Clerk. Ms. Simon stated the list would be compiled and a copy provided to the Board for clarification.

Following discussion, on motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, the following assignments and appointments of Board members were approved:

Chairman Humke

- Investment Committee – **Primary (Chairman must serve)**
- Criminal Justice Advisory Committee – **Primary**
- Joint Fire Advisory Board – Alternate
- Nevada Association of Counties (NACO) Board of Directors County Representative
- Oversight Advisory Board - Alternate
- Regional Planning Governing Board – Alternate
- Nevada Commission for the Reconstruction of the V&T Railway - Alternate
- Regional Transportation Commission – **Primary**
- Reno-Sparks Convention and Visitors Authority (RSCVA) – **Primary**
- Truckee Meadows Water Authority Board - Alternate
- Truckee River Flood Project Coordinating Committee – **Primary**
- Washoe County Human Services Consortium Triumvirate – 1st Alternate
- Washoe County School District Oversight Panel – **Primary**

Commissioner Weber

- Joint Fire Advisory Board – **Primary**
- National Association of Counties (NACo) – **Primary**
- Nevada Association of Counties (NACO) Board of Directors County Representative
- Nevada Commission for the Reconstruction of the V&T Railway – **Primary**
- Nevadaworks – **Primary**
- Oversight Advisory Board – **Primary** (Weber did not mention but was listed as Primary)
- Regional Housing Task Force – Alternate
- Regional Planning Governing Board – **Primary**
- Regional Transportation Commission – 1st Alternate
- Reno-Sparks Convention and Visitors Authority (RSCVA) – **Primary**
- Truckee Meadows Water Authority Board – Alternate
- Truckee River Flood Project Coordinating Committee – 3rd Alternate

Commissioner Larkin

Investment Committee
Nevada Association of Counties (NACO) Board of Directors County Representative (Alternate)
Oversight Advisory Board – **Primary**
Regional Planning Governing Board – **Primary**
Regional Transportation Commission - **Primary**
Truckee Meadows Water Authority Board - **Primary**
Truckee River Flood Project Coordinating Committee – **Primary**
Western Regional Water Commission
Legislative Liaison
Joint Fire Advisory Board – 1st Alternate

Commissioner Jung

Criminal Justice Advisory Committee – 1st Alternate
Joint Fire Advisory Board – **Primary**
Nevadaworks – 1st Alternate
Organizational Effectiveness Committee – **Primary**
Regional Housing Task Force – **Primary**
Regional Planning Governing Board - Alternate
Truckee Meadows Water Authority Board – 1st Alternate
Truckee River Flood Project Coordinating Committee – 1st Alternate
Washoe County Community Event Sponsorship Grant Advisory
Washoe County Human Services Consortium Triumvirate – **Primary**
Washoe County School District Oversight Panel – **Primary**
District Health Board – **Primary**
Open Space & Regional Park Commission Liaison
Senior Services Advisory Board – **Primary**
Nevada Association of Counties (NACO) Board of Directors -Alternate

Commissioner Breternitz

Debt Management Commission – **Primary**
Internal Audit Committee – **Primary**
Joint Fire Advisory Board – Alternate
Nevada Association of Counties (NACO) Board of Directors County Representative –
Alternate
Nevada TRPA – **Primary**
Oversight Advisory Board – Alternate
Regional Planning Governing Board – **Primary**
Regional Transportation Commission – 2nd Alternate
Senior Services Advisory Board – Alternate
Tahoe Regional Planning Agency (TRPA) – **Primary**
Truckee Meadows Water Authority Board – Alternate
Truckee River Flood Project Coordinating Committee – 2nd Alternate
Western Regional Water Commission

5:33 p.m. The Board recessed.

6:02 p.m. The Board reconvened with Commissioners Larkin and Weber temporarily absent.

PUBLIC HEARINGS

09-54 AGENDA ITEM 27 - ORDINANCE NO. 1389 - BILL NO. 1568 - AMENDING WASHOE COUNTY CODE

Agenda Subject: “Second reading and adoption of an Ordinance revising the Washoe County requirements and schedule of rates and charges for water service within the South Truckee Meadows; requiring the continued assessment and collection for necessary wholesale infrastructure improvements to meet increased wholesale water service demand in the South Truckee Meadows area; and providing procedures for its enforcement (Bill No. 1568). This Ordinance repeals Ordinance No. 1286; **AND**, recommendation to approve the Business Impact Statement related to the proposed Ordinance revising the Washoe County requirements and the schedule of rates and charges for water service within the South Truckee Meadows; requiring the continued assessment and collection for necessary wholesale infrastructure improvements to meet increased wholesale water service demand in the South Truckee Meadows area; providing procedures for its enforcement; and providing for other matters properly relating thereto; and direct the County Clerk to make the findings available upon request. (Commission District 2.)”

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

6:09 p.m. Commissioner Larkin returned to the meeting.

On motion by Chairman Humke, seconded by Commissioner Jung, which motion duly carried with Commissioner Weber temporarily absent, it was ordered that Ordinance No. 1389, Bill No. 1568, entitled, "**AN ORDINANCE REVISING THE WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE WITHIN THE SOUTH TRUCKEE MEADOWS; REQUIRING THE CONTINUED ASSESSMENT AND COLLECTION FOR NECESSARY WHOLESALE INFRASTRUCTURE IMPROVEMENTS TO MEET INCREASED WHOLESALE WATER SERVICE DEMAND IN THE SOUTH TRUCKEE MEADOWS AREA; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE REPEALS ORDINANCE NO. 1286. (BILL NO. 1568),**" be approved, adopted and published in accordance with NRS 244.100.

Agenda Subject: “Comprehensive Plan Amendment Case No. CP06-005 (High Desert Area Plan Update).”

An amendment to the High Desert Area Plan and the Washoe County Comprehensive Plan establishing updated goals and policies relating to Land Use, Transportation, Scenic, Recreational and Cultural Resources, and Natural Resources (Air, Land and Water). This update proposes to amend Area Plan policy language as it relates to the area commonly known as the High Desert, including Gerlach and Empire, the Land Use Plan map to reflect proposed character management areas and will introduce an updated map series; and if adopted, authorize the Chair of the Board of County Commissioners to sign the Resolution Adopting the Amended High Desert Area Plan (CP06-005), a part of the Washoe County Comprehensive Plan. Such signature by the Chair to be made only after a determination of conformance with the 2007 Regional Plan by the Truckee Meadows Regional Planning Commission. The High Desert Planning Area is comprised generally of the unincorporated areas of the northern portion of Washoe County, bounded on the west by the California state line, on the north by the Oregon state line, on the east by Humboldt and Pershing Counties, and on the south by the Truckee Canyon, Warm Springs, and North Valleys planning areas. (Commission District 5.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Comprehensive Plan Amendment Case No. CP06-005 (High Desert Area Plan Update.)

6:15 p.m. Commissioner Weber returned to the meeting.

Lisa Brosnan, Planner, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting community participation, community concerns, area plan goals, downtown Gerlach overlay, Squaw Valley Reservoir, State and federal involvement in the update process and findings.

There being no one wishing to speak, the Chairman closed the public hearing.

Based on the following findings, on motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 28 be adopted. It was further ordered that the Resolution be adopted, authorized and executed after a determination of conformance with the 2007 Regional Plan by the Truckee Meadows Regional Planning Commission:

1. The proposed additional amendments to the High Desert Area Plan are in substantial compliance with the policies and action programs of the Comprehensive Plan.

2. The proposed additional amendments to the High Desert Area Plan will provide for land uses compatible with existing and planned adjacent land uses, and will not adversely impact the public health, safety, or welfare.
3. The proposed additional amendments to the High Desert Area Plan respond to changed conditions that have occurred since the Board of County Commissioners adopted the Plan, and the requested amendment represents a more desirable utilization of land.
4. The proposed additional amendments to the High Desert Area Plan will promote the desired pattern for orderly physical growth of the County and guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
5. The proposed additional amendments to the High Desert Area Plan do not exceed the four permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
7. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

09-56 AGENDA ITEM 29 – COMMUNITY DEVELOPMENT

Agenda Subject: “Appeal Case No. AX08-006 (North Tahoe Preservation Alliance) - Appeal The Planning Commission’s Approval of Abandonment Case AB08-009 (Boulder Bay, LLC).”

To abandon the streets, access easements and County right-of-way of the southernmost 1,060 linear feet of Wassou Road, the southernmost 113 linear feet of Lakeview Avenue, and all 418 linear feet of Reservoir Drive as authorized in Article 806 of the Washoe County Development Code. The applicant proposes to create a new street alignment connecting Lakeview Avenue to Stateline Road and connecting the southern end of Wassou Road to Lakeview Avenue. An additional private drive with a public access easement will connect Wassou Road to State Highway 28; AND, Variance Case No. VA08-014 (BOULDER BAY, LLC) – To vary the previously-mentioned proposed new street alignment connecting Lakeview Avenue to Stateline Road, a street with a southern exposure, in the following manner: (1) by increasing the maximum grade allowed from 10% to 12.5% for not more than 800 feet; (2) by increasing the horizontal length limitation for a street with a grade greater than 8%

from 400 feet to 1,200 feet; and (3) by varying the requirements for the landing at the top of the new street alignment to allow it to be no less than 40 feet in length instead of 100 feet with a maximum grade of 8% instead of 6%. Washoe County Engineer is permitted to modify final road design in accordance with Washoe County Development Code Article 436. The project is located in Crystal Bay, Nevada, adjacent to the Biltmore Casino properties. The affected area is designated Tourist Commercial in the North Stateline Community Plan, being a part of the Tahoe Area Plan, and is situated in portions of Sections 19 and 30, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (The surrounding properties are identified as APNs 123-071-04, 34 and 35; 123-053-02 and 04; 123-052-02, 03 and 04; 123-054-01.)

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX08-006.

The Board members disclosed that they had met with or spoke on the phone individually with members of the developers and/or members from the North Tahoe Preservation Alliance (Alliance).

Eva Krause, Planner, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the background, first proposal, second proposal and the appeal request of the Boulder Bay project.

Brian Helm, Project Manager for Boulder Bay LLC (Boulder Bay), conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the revised application request, completed reviews, existing conditions, public meetings, scenarios A, B, C, D and Option E, proposed alignment, fourth public access point, level of service, Nevada Department of Transportation (NDOT) requirements, road width, pedestrian environment, road design and variances, public easement, updated traffic counts, and the next step in the process.

Ann Nichols, Alliance Chairperson, conducted a PowerPoint presentation, which was placed on file with the Clerk, indicating that the proposed snow melt system was untested and potentially unreliable, the location of Wellness Way, additional Option B which showed advantages to the proposed Wellness Way, the Lakeview/Stateline variance safety and requirements of the applicant.

Maddy Shipman, Legal Counsel for the Alliance, stated the Planning Commission attempted to address the prior concerns; however, there were more issues that the Alliance hoped to have resolved and have the County Commission address so there would not be a detriment or material injury to the citizens who used the aforementioned roads.

John Sell spoke on the traffic circulation problems of the proposed road design. He stated the level of service would be non-compliant with the community plan.

He said the replacements proposed by Boulder Bay traversed the project and substantially mixed pedestrian and vehicle traffic. Mr. Sell recommended Scenario B as proposed by the Alliance and requested the appeal be upheld.

Patti Wholleb stated reasons why the public was not in support of the proposed Wellness Way road.

Bill Quesnel spoke on his concerns for the replacement of Reservoir Drive with Wellness Way. He urged the Board to consider if it was appropriate for Wellness Way to be considered a commercial driveway.

The following individuals spoke in favor of the appeal: Jack McAuliffe, Margaret Martini, Norm Songey, Steve Mayo, Robert Goldberg, Phil Jordan, Coleman Munch, Scott Teach and Mark Alexander.

The following individuals spoke against the appeal: Heather Bacon, John Muller, Davis Clark, Heather Sharp, Brian Polsen, Tyler Gaffaney, John Masacarich, Karen Russell, Beatrice Magrini, Paul Reynolds, Phil Gilanfarr, Brian McRae, Robert Ellsworth, Don Starbard, Jan Colyer and Wayne Cromwell.

7:30 p.m. Chairman Humke left the meeting during public comment and Vice Chairperson Weber assumed the gavel.

Commissioner Larkin asked why Scenario B was not chosen. Mr. Helm replied the decision was arrived at after direction from the Board to solicit more comments from the community and then the design team returned with multiple options. Mr. Helm commented Option A was presented as a privately maintained access road with snow melt capability and a steep slope. Option B was a 10.9 percent road that would require a 2.9 percent variance and would be a County road. He remarked during the workshops the public was asked to throw out their comments and, if they chose, complete a comment card. He said based on those comments Boulder Bay felt the general consensus of the community was Option A, which was presented to the County for consideration; however, in order to use the snow melt function it had to be a private road. Commissioner Larkin stated safety was the biggest issue and felt Option B preserved the additional fourth access out of those communities. Mr. Helm indicated Wellness Way would provide a fourth full-time permanent easement egress/ingress out of upper Crystal Bay. Commissioner Larkin stated not if that were a private driveway. He said he specifically requested that an ingress/egress be preserved concerning Reservoir Drive and said that was eliminated. Mr. Helm explained in his conversations with emergency service provider's, Option A was acceptable.

John Griffin, representative for Boulder Bay, commented under County standards there were two types of roads, a public road, which met County standards and was maintained by the County, and anything else in County Code was referred to as a driveway. He said in discussions, staff stated they did not want another County road to operate and maintain.

Commissioner Larkin clarified staff did not set the policy of Washoe County, the Commissioners set policy. He said this Board expressed that ingress and egress in the vicinity of Reservoir Drive was a priority and to have staff countermand he found repugnant, unless that was not correct. He did not want another Angora Fire situation occurring on the north side of the Lake. Mr. Griffin said Boulder Bay was working on a number of different options and noted it was only private by definition, but would be treated as a public road that Boulder Bay would maintain. Mr. Griffin said that was the best case scenario for the County and the residents.

Commissioner Jung asked if the Planning Commission found parity not to be an issue, when a Commissioner clearly stated that parity was in the egress and ingress. Ms. Kraus explained parity was not a requirement in the previous motion. She said the Planning Commission did not state that this road would be in parity, but stated they could not find a material injury to the public when the second road was being provided and that there was a hardship for granting the variance. Commissioner Jung stated she had asked for parity and stated that was an important issue. She remarked the Board had to be specific in the future or the Board would no longer be policy makers, instead staff would begin to make policy. She agreed with Commissioner Larkin that was repugnant and felt disrespected and not heard. Commissioner Jung found it to be disingenuous to suggest that she was not clear with direction. She said the proposal was for this to be a private road because of the snow melt issue, and asked why that was not brought before the Board to possibly change an ordinance since that would be a good alpine best practice. Ms. Krause clarified County staff did not say they would not want to maintain the roads. She explained that under the current Code, staff did not maintain snow melt systems nor did they have the facilities for that system.

Commissioner Breternitz commented as Commissioners they relied on the expertise provided by staff and other service providers. He asked if the new proposed road system could be completed and functional prior to abandonment or demolition of existing roads. Mr. Helm indicated that was a condition of approval and acknowledged that the new roads would be built and functional prior to abandonment. Commissioner Breternitz asked if the Wellness Way snow melt system would be functional after the construction, but prior to any building construction. Brian McCray, Site Engineer, clarified the snow melt system was a simple power generation hot water system and explained the snow melt infrastructure needed to be placed beneath the road. Commissioner Breternitz asked if the developer would be willing to provide the 24 foot width if the County Engineer required that dimension. Mr. McCray indicated the developer would indeed comply. Commissioner Breternitz said he had concerns if Wellness Way was constructed, but the balance of the project was not completed. Mr. Helm explained Boulder Bay was open to any insured bonds that would be requested.

Commissioner Breternitz said the Board received a proposed revised condition No. 12 and asked if the new language allowed for a lien to be filed and foreclosed on if the property owner failed to maintain Wellness Way. Melanie Foster, Legal Counsel, said she could not reply without actual spelling out of remedies to the

County that would allow for a lien to be filed. She commented the language was very similar to language that existed in other documents staff had reviewed. However, she would be uncomfortable telling the Board that this would authorize the placement of a lien.

Vice Chairperson Weber thanked the residents and the developers for being participants in their community. She said since the community had worked together to arrive at a decent project, it was unfortunate there would be some disappointment.

Commissioner Breternitz asked if the developers objected to the proposed revised language being included in the conditions. Mr. Helm replied they did not.

Commissioner Larkin asked if the developer would be willing to place Wellness Way in service before removing Reservoir Road. Mr. Helm said they were committed to building all of the new roads prior to any existing roads being taken out of service.

Mr. McCray commented the abandonment occurred when the map was recorded and explained the map would be recorded when the bonds were issued for the construction of the road. He said the location of Reservoir Road versus Wellness Way was particularly advantageous to the site since they were two different areas. Mr. McCray said in this project those documents would not be recorded to abandon Reservoir Road until the new roads were constructed.

Adrian Freund, Community Development Director, indicated an order of abandonment would be created and stated that would be a condition of that order, but did not represent the abandonment itself. He commented condition No. 4 explained the process.

In response to Commissioner Larkin's concerns about the stopping conditions, Mr. Helm explained it would be a 100 foot transition to the stopping condition.

Commissioner Larkin stated he had not heard any dissention from the community that if all the conditions were met then Option A acted as a sufficient egress from the area, as testified from various fire officials that had come before the developers.

Vice Chairperson Weber asked for clarification on the turn lane. Mr. McCray explained the design was not finalized. He said a computer generated turning program would be used and any vehicle could be placed into the program. He ensured the turn lane would be fully evaluated in the design. Vice Chairperson Weber said there were still questions and issues to be contemplated and requested the developers continue to work with the community. Mr. Helm reiterated the developers would continue to work with the community on the various issues.

Commissioner Larkin reviewed and clarified the conditions with the developer.

Commissioner Breternitz said he had additions ensuring the interest of Wellness Way to accommodate a wide-variety of vehicles and a revised condition No. 12. He asked where those should be placed. Ms. Foster commented the motion listed in the staff report would be sufficient and then at the end of the motion add the addition or amendment.

Based on the following findings, on motion by Commissioner Breternitz, seconded by Vice Chairperson Weber, which motion duly carried with Chairman Humke absent, it was ordered that Appeal Case AX08-006 be denied, upholding the Washoe County Planning Commission's conditional approval of Abandonment Case No. AB08-009 to abandon the streets, access easements and County right-of-way of the southernmost 1,060 linear feet of Wassou Road, the southernmost 113 linear feet of lake View Avenue, and all 418 linear feet of Reservoir Drive with the three findings made by the Washoe County Planning Commission and one additional finding made by the Board of County Commissioners:

1. Comprehensive Plan. That the abandonment or vacation is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the applicable area plans;
2. No Detriment. With the conditions for new road alignment and a fourth egress point from the subdivision to the north, the abandonment or vacation does not result in a material injury to the public;
3. Existing Easements. That existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service; and
4. Reasoned Consideration. That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting. The language in the revised Condition 12 was *such document shall establish that maintenance was the responsibility of the property owner or its successor or assigns and the obligation of maintenance was enforceable by the County*. That the developer ensures that the entrance to Wellness Way accommodates a wide-variety of vehicles, and towed vehicles.

Based on the following findings, on motion by Commissioner Breternitz, seconded by Vice Chairperson Weber, which motion duly carried with Chairman Humke absent, it was ordered that Appeal case No. AX08-006 be denied, upholding the Washoe County Planning Commission's approval with conditions of variance Case No. VA08-

014 to vary the previously-mentioned proposed new street alignment connecting Lake View Avenue to State Line Road, a street with a southern exposure, in the following manner:

1. By increasing the maximum grade allowed from 10 percent to 12.5 percent for not more than 800 feet;
2. By increasing the horizontal length limitation for a street with a grade greater than 8 percent from 400 feet to 1,200 feet; and
3. By varying the requirements for the landing at the top of the new street alignment to allow it to be no less than 40 feet in length instead of 100 feet with a maximum grade of 8 percent instead of 6 percent.

With the following four findings made by the Washoe County Planning Commission and one additional finding made by the Board of County Commissioners:

1. Special Circumstances. Because of the special circumstances applicable to the property related to the extraordinary and exceptional situation and conditions created by the topography of the area, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good; the improvements attributed to constructing a road extension improve the access to the surrounding area; by separating vehicles from pedestrians creates a safer environment; and does not substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted; the proposed road will enhance the public safety by removing a 90 degree turn on a steep intersection and removing a short stopping ramp at the bottom of a street intersecting with State Route 28;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel property; and
5. Reasoned Consideration. That the Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting. That the County Engineer finds that a 24 foot wide street was more

desirable and more appropriate for this road than 20 feet and that the developers would be bound to modify that design.

09-57 AGENDA ITEM 26

Agenda Subject: “Discussion and possible action with regard to the Rules and Procedures for the Washoe County Board of Commissioners pertaining to the 2009 Washoe County Board of Commissioners.”

Commissioner Jung asked for future clarification concerning item three under Rules and Procedures. She noted limited to two consecutive terms needed to be clearly identified as to what a term was on each Board. She also requested a self-evaluation sheet for the Board to review and reconsider every six months to evaluate themselves and colleagues. Commissioner Jung also asked for clarification on item four, integrated acknowledgement about electronic correspondence.

In response to questions, Melanie Foster, Legal Counsel, explained Commission Funds were approved by Resolution. She explained that did not have force of law, but was the means by which the Board created those funds and by which the Board established how the money could be spent. Ms. Foster said for further discussion that would have to be agendized.

There was no action taken on this item.

There was no response to the call for public comment.

09-58 AGENDA ITEM 30

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 said the Flood Project Coordinating Committee Finance Sub-Committee met and noted the governance structure was narrowed to three specific alternatives. He said he would attend the installation for the Nevada Association of Counties (NACO) on January 14, 2009. Commissioner Larkin said a Regional Planning Governing Board (RPGGB) meeting was scheduled for January 15, 2009.

Vice Chairperson Weber announced she would be sworn in as the NACO President on January 14, 2009. She said she would attend the RPGGB meeting on January 15, 2009 and had a “Coffee with your Commissioner” scheduled for January 17th. She attended the North Valleys Citizen Advisory Board meeting on January 12th and stated

there was contentious discussion concerning the building of pump stations in the Sierra Ranchos/Rancho Haven area.

Commissioner Jung said an Organizational Effectiveness Committee meeting (OEC) was scheduled for January 14, 2009. She stated her intern would attend the Community Gardens Local Food Network meeting also on January 14, 2009 to find ways the County may help with that program. Commissioner Jung said she would attend a library tour on January 16th.

AGENDA ITEM 31

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

There was no closed session scheduled for this meeting.

* * * * *

AGENDA ITEM 33 – ADJOURNMENT

8:58 p.m. There being no further business to come before the Board, on motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke absent, it was ordered that the meeting be adjourned.

DAVID HUMKE, Chairman
Washoe County Commission

ATTEST:

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

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


RESOLUTION--Authorizing the Gift of Public Money to the McQueen Band Parents Association.

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

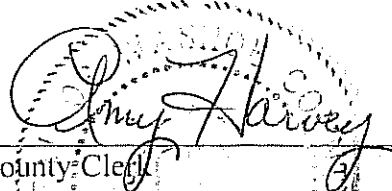
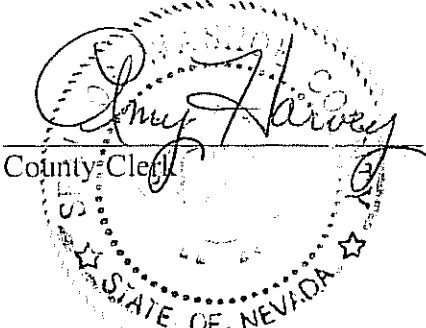
WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2008/2009, to make a grant of money to McQueen Band Parents Association to assist in funding the costs associated with the McQueen High School Band and Color Guard's performance at the Tournament of Roses in the amount of \$250, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to McQueen Band Parents Association, a grant for Fiscal Year 2008/2009 in the amount of \$250.

Adopted this 13th day of January 2009.


Chairman

ATTEST:


County Clerk

STATE OF NEVADA

Clarke

RESOLUTION

WHEREAS, Steve Watson served as Manager of Labor Relations for 10 years; and

WHEREAS, Steve Watson negotiated more than 40 multi and single year labor agreements with eight labor units and an approximate membership of 3100 employees; and

WHEREAS, Steve participated as a greatly appreciated and insightful member of the County Manager's senior leadership team; and

WHEREAS, Steve successfully guided supervisors and managers in employee relations instruction and policy development which contributed to a relatively peaceful labor environment within the organization; and

WHEREAS, Steve expertly built and maintained relationships that promoted creativity in resolution, recognizing that collaboration contributed to a better result, and allowed the County to move to more productive relationships with employee associations; and

WHEREAS, Steve Watson used his extensive professional skill to arrange compromises that maintained the integrity and stability of the organization, as well as being beneficial to all parties; and

WHEREAS, Steve Watson is recognized for his professional skill and capability of gaining agreement through negotiation, even in difficult economic times; and

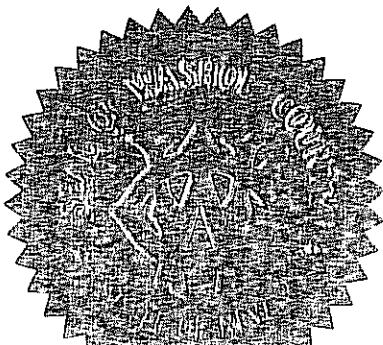
WHEREAS, Steve Watson willingly and capably served a dual role as the Labor Relations Manager and the Acting Human Resources Director in his last year with the organization; and

WHEREAS, Steve earned the appreciation of Human Resources staff through his daily support and exemplary leadership within Human Resources, Labor Relations and the organization; now, therefore, be it

RESOLVED, That the Board of Washoe County Commissioners extends its sincere appreciation to Steve Watson for his outstanding leadership, dedication to Washoe County, and its residents, and his excellent skills as a negotiator and manager; and, be it further

RESOLVED, That the Board wishes Steve all the best in his well-deserved retirement and the next chapter of his life.

ADOPTED this 13th day of January 2009.



Paul Watson

Chairman
Washoe County Commission

09-15

2

Client

RESOLUTION

WHEREAS, Michael Capello began his career with Washoe County government on August 8, 1983 with the Department of Social Services and will retire effective January 2, 2009; and

WHEREAS, Throughout his tenure with the Department of Social Services as an Intern, Caseworker, Supervisor, Manager, Division Director, and Director, Michael made many lasting improvements to the services provided to families in our community; and

WHEREAS, Michael has developed and implemented on-going program improvements, reimbursement programs, and policy changes through Federal and State governments that directly impacted and improved services for families in Washoe County; and

WHEREAS, Michael worked tirelessly to successfully steward citizen tax initiatives, specifically "Question 10" to fruition to increase the child welfare work force; and

WHEREAS, Michael has fostered partnerships and collaborative relationships throughout Washoe County, bringing invaluable resources to children and families; and

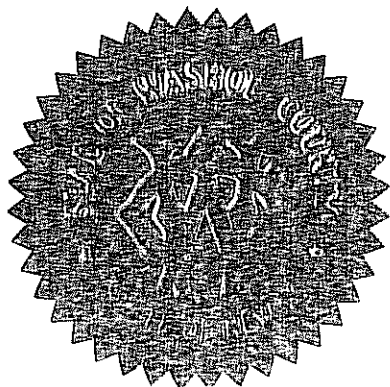
WHEREAS, Michael has been recognized by numerous National Child Welfare organizations as a leader, expert and consultant in the field; and

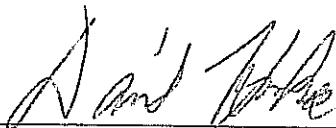
WHEREAS, Michael is directly responsible for the successful integration of the Child Welfare system programs at both the state and county levels to better serve children and families in that system; and

WHEREAS, Michael's work of 25 years in child welfare, including 20 years with the Social Services Department, has had a great impact on the quality of services provided to families throughout the years; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners hereby expresses their appreciation to Michael for his many years of dedication to Washoe County and sincerely wishes him all the best in his retirement and any future endeavors he may pursue.

ADOPTED this 13th day of January, 2009.





Chairman, Washoe County Commission

09-14

4

Clark

Resolution of Accomplishment

WHEREAS, The Regional Emergency Medical Service Authority (REMSA) has been selected by the Secretary of Defense as a National Employer Support of the Guard and Reserve (ESGR) Freedom Award recipient; and

WHEREAS, The Freedom Award is the highest recognition given by the U.S. Government to employers for their outstanding support of their employees who serve in the National Guard and Reserve through pay policies, benefits and leave policies, supervisor training, ESGR advocacy, service member recognition, family support, deployed member support, hiring preferences and general military support; and

WHEREAS, REMSA was one of 15 award winners selected from a record 2,199 nominees from across the country for their outstanding support; and

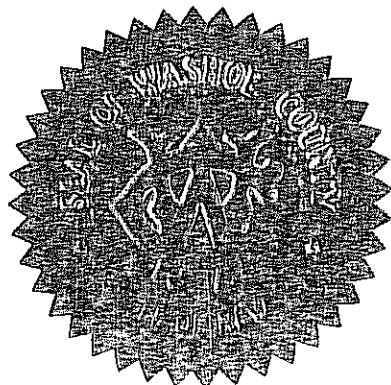
WHEREAS, REMSA has put patriotism above profit by providing time off, pay, healthcare benefits and job security to members of National Guard and Reserve who are employed by the ambulance authority; and

WHEREAS, Washoe County expresses our gratitude to REMSA and other employers within the county who support members of our National Guard and Reserve and help enable them to serve our county; and

WHEREAS, REMSA and Washoe County recognize that the men and women of the National Guard and Reserve have demonstrated the highest form of citizenship, and their service is vital to the security of our country and the peace of the world; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners recognizes REMSA for their support of our country's National Guard and Reserve and receiving the National Freedom Award.

ADOPTED this 13th day of January, 2009.



A handwritten signature in cursive script, appearing to read "Kim White".

Chairman
Washoe County Commission

09-13



Dedicated Service in Partnership with our Community

MEMORANDUM OF AGREEMENT AND UNDERSTANDING DURING A SERIOUS INCIDENT OR EMERGENCY AT JAN EVANS JUVENILE JUSTICE CENTER LOCATED AT 650 FERRERI McLeod BLVD, RENO, NEVADA 89512.

This memorandum of agreement (hereinafter "Agreement") is made and entered into this 13th day of January, 2008, by and between the Washoe County Sheriff's Office, hereinafter referred to as WCSO and Jan Evans Juvenile Justice Center, hereinafter referred to as Jan Evans.

WHEREAS Jan Evans provides juvenile detention and court services, and Washoe County operates a Sheriff's Office to maintain law and order, public safety and a detention facility; and

WHEREAS WCSO and Jan Evans enter into this Agreement under the authority of Nevada Revised Statutes 277.180 and NRS 248.090; and

WHEREAS in order to more efficiently and effectively maintain law and order and public safety the WCSO and Jan Evans hereby enter into this Agreement for the purposes stated below.

NOW THEREFORE BE IT RESOLVED that the WCSO and Jan Evans hereby enter into this Agreement on the following conditions:

Purpose: The WCSO agrees to provide Jan Evans mutual assistance in the event of any tactical situation, a serious incident and/or emergency, which may occur at Jan Evans Justice Juvenile Center located at: 650 Ferreri McLeod Blvd. Reno NV. 89512.

1. The Washoe County Sheriff's Office "Detention Response Team," hereinafter referred to as "DRT," will provide assistance during a "Serious Incident or Emergency," which fall within the parameters of WCSO's DRT policies and procedures. Washoe County Sheriff's Office agrees to provide available DRT personnel for security and/or interactions with Jan Evans inmates during a request for assistance under this Agreement.
2. Jurisdiction: The WCSO will provide assistance as provided in this Agreement within the jurisdiction areas of the Jan Evans Juvenile Justice Center.
 - A. In instances where the WCSO's DRT is called upon by Jan Evans pursuant to this agreement within the jurisdictional areas of Jan Evans, the WCSO's DRT may call upon other tactical divisions and/or teams such as, SWAT, Hostage Negotiators, other Law Enforcement Agencies and/or Agents.
3. Request Procedures: Jan Evans' request for service under this agreement shall be made orally and/or in writing to the Washoe County Sheriff's Office Detention Bureau's

09-26



- Assistant Sheriff, Detention Captain and/or their designee if they are unavailable or circumstances warrant.
4. Voluntary Response: A WCSO's response to any request for service/assistance under this Agreement is completely voluntary and there is no obligation to respond favorably to any request except as prescribed by NRS 248.090.
 5. Liability and Indemnification:
 - A. To the extent limited in accordance with NRS chapter 41, Jan Evans shall indemnify, defend and hold harmless the WCSO, its deputies, and employees from and against any and all liabilities, claims, losses, lawsuits, judgments, and/or expenses, including attorney fees, arising either directly or indirectly from any act or failure to act by the WCSO or any of its deputies or employees, which may occur during or which may arise out of the performance of this Agreement. WCSO and Jan Evans will assert the defense of sovereign immunity and any other applicable immunities, including NRS Chapter 41 immunities, as appropriate in all cases, including malpractice and indemnity actions.
 - B. The WCSO agrees that it shall be responsible for any liability or loss that may be incurred as a result of a suit, claim, demand, cost, judgment or settlement made against its deputies, employees or agents resulting from their intentional or negligent acts, or failure to act, in conjunction with any activities performed under this Agreement. The WCSO also agrees to hold harmless, indemnify and defend Jan Evans from any and all losses, liabilities, claims, or expenses (including attorney fees) of any nature to the person or property of an other caused by the negligent or intentional acts, errors or omissions of the WCSO deputies, employees or agents in connection with any activities performed under this Agreement. Nothing in this Agreement interferes with or alters the applicability of requirements of Chapter 41 of the Nevada Revised Statutes.
 6. Worker's Compensation and liability Insurance: Each party shall be responsible for ensuring its deputies, employees and agents have worker's compensation coverage in accordance with applicable laws while this Agreement is in effect. Each party shall be responsible for ensuring its deputies, employees and agents are covered under its general liability insurance policy or a policy of self-insurance. Each party may, at any time, request proof of such worker's compensation and liability insurance coverage, which proof of insurance or coverage shall be promptly provided to the other party.
 7. Ultimate Supervision: Notwithstanding anything to the contrary in this Agreement, the employer of the deputy, employee or agent (and the employer's law enforcement officials) shall have ultimate authority over its deputies, employees and agents including the authority to order such person (s) back to his/her jurisdiction.

09-216

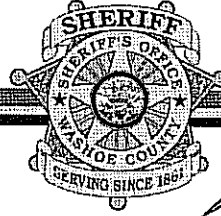


8. On-the-scene Direction: Subject to the ultimate supervisory authority of the employer over its personnel as provided in paragraph 7 above, this Agreement authorizes the highest ranking WCSO law enforcement official on duty or on the scene with jurisdiction over where the incident occurs to be in charge of the incident, including the direction of all personnel and equipment provided by the responding parties.
9. Reports: As soon as practicable after a law enforcement incident occurs under this Agreement, the parties shall exchange available reports related to such activity. Nothing in this Agreement waives, limits, or removes confidentiality requirements or authorized by applicable law.
10. Subpoenas: The parties agree that all judicial or administrative subpoenas issued at the request of one party required for law enforcement activities under this Agreement shall be honored. If allowed by law, any out-of-pocket expenses incurred by a party associated with compliance with such subpoenas shall be paid by the party responsible for issuance of the subpoena.
11. No Compensation: Neither party is required to compensate the other party for services rendered under this agreement. Each party agrees to use its own resources and equipment in responding to request for service and each party shall be responsible for any cost or repairs associated with such resources and equipment.
12. Firearms and Equipment: Law enforcement officers shall carry and use a firearm and equipment in accordance with their Agency's policies and procedures and, in accordance with the policies and procedures of the Agency in whose jurisdiction an incident requiring service has occurred.
13. Officer Involved Shootings: The investigation of any law enforcement officer involved shooting that takes place while performing a service under this Agreement shall be the primary responsibility of the jurisdiction in which the incident occurred. Nothing in this Agreement prevents appropriate staff or personnel from the other jurisdiction from assisting in such investigation, conducting its own investigation or participating in a joint investigation.
14. Injuries Sustained on Duty: If a law enforcement officer, agent or employee is injured while performing duties under this Agreement, the employing Agency's procedure for on-duty injuries should be followed.
15. Complaints: Any complaints alleging misconduct by personnel performing law enforcement activities pursuant to this Agreement will be investigated by the party who employs such personnel.

09-26

WASHOE COUNTY SHERIFF

Dedicated Service in Partnership with our Community



Michael Haley
Sheriff

16. Reservation of Rights: Notwithstanding anything to the contrary, the parties to this Agreement reserve all of their statutory and inherent rights and nothing in this Agreement waives sovereignty.
17. Amendments: This Agreement contains all the provisions agreed to by the parties and no amendments to the Agreement are valid unless agreed to in writing by the Chairman of the Board of County Commissioners of Washoe County and Jan Evans Juvenile Justice Center.
18. Effective Date: Except as otherwise provided by laws governing the parties to this Agreement this contract is effective from the date of execution and subject to the termination provisions listed below in number 19.
19. Termination: This Agreement may be voluntarily terminated with or without cause by either party upon providing the other party thirty (30) days prior written notice in writing addressed to the following:

Washoe County Sheriff's Office
911 Parr Blvd.
Reno, Nevada 89512

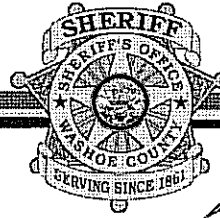
Washoe County Board of County Commissioners
P.O. Box 11130
Reno, Nevada 89520

Jan Evan Juvenile Justice Center
650 Ferreri McLeod Blvd
Reno, Nevada 89512

09-26

WASHOE COUNTY SHERIFF

Dedicated Service in Partnership with our Community



Michael Haley
Sheriff

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

<u>Michael Haley</u> Sheriff Washoe County Sheriff's Office	<u>12/17/08</u> Date	<u>Michael Z -</u> Director Jan Evans Justice Center	<u>12-18-08</u> Date
<u>And [Signature]</u> Chairman Board of County Commissioners	<u>1/13/09</u> Date	<u>[Signature]</u> Judge Washoe County Family Court	<u>12/16/08</u> Date

Approved as to form by:

[Signature] 12/12/08
Washoe County District Attorney Date



[Signature]
County Clerk

09-26

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF RENO AND
WASHOE COUNTY REGARDING SENIOR PROGRAMING AT THE NEIL
ROAD FACILITY**

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into this 13th day of January, 2008 ("Effective Date") by and between **Washoe County**, a political subdivision of the State of Nevada (hereinafter "County"), and the **City of Reno**, a political subdivision of the State of Nevada (hereinafter "City").

RECITALS

- A. WHEREAS, the COUNTY and the CITY are jointly working together to support the needs of senior adults in the community;
- B. WHEREAS, the CITY created the Senior Citizen Advisory Committee in July 1995 to advise City Council on matters related to senior adults; to promote volunteer programs and serve as an advocacy body on behalf of senior adults in the community;
- C. WHEREAS, the COUNTY created a Senior Citizens Advisory Board in October 2006 to advise and make recommendations to the Director of Department of Senior Services regarding matters related to services to senior adults in Washoe County;
- D. WHEREAS, the CITY collaborated with the COUNTY on its *Strategic Plan for Washoe County Senior Citizens* in January 2006, the mission of which is to identify, plan and promote self-determination, civic engagement, independence and dignity, thereby ensuring quality of life for current and future seniors;
- E. WHEREAS, the adopted Plan identified mutual goals to expand, improve and increase senior centers in neighborhoods to provide enhanced access to senior adults for needed services;
- F. WHEREAS, the CITY-owned Neil Road Senior Center (hereafter "Center") provides an opportunity for mutual cooperation between the CITY Parks, Recreation and Community Services Department and the COUNTY Senior Services Department to jointly offer services and programs to senior adults; and
- G. WHEREAS, NRS 277.180(1) requires that the interlocal agreement fully set forth the purposes, powers, rights, objectives and responsibilities of the contracting parties, and be ratified by appropriate official action of the governing body of each party to the contract as a condition precedent to its entry into force.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into the agreement by this reference, the parties mutually agree as follows:

09-28

111
RK

1. CITY Responsibilities. The CITY agrees to provide the following:
 - 1.1 The CITY will make available to the COUNTY, upon mutually agreeable scheduling, access to the Center to provide COUNTY services to senior adults. These services should be provided to the senior adults without charge, where reasonably possible, and may include but not be limited to legal consultations, health screenings, social welfare services, and tax assistance. If COUNTY intends to charge a fee, CITY reserves the right to review the fee and if found excessive, in CITY's sole discretion, CITY may refuse the use of its facility for that service or program. The COUNTY'S use of the Center is contingent upon the COUNTY's programs and services not being in conflict with CITY sponsored programs and activities.
 - 1.2 The CITY will pay for all utility and janitorial costs for operation of the Center.
 - 1.3 The CITY will cooperate with the COUNTY in development of new programs, services or collaborations with other community agencies, as outlined in the adopted Strategic Plan for Washoe County Senior Citizens.
 - 1.4 The CITY will coordinate with the COUNTY on the scheduling of Center service hours; however, the CITY will have final authority on hours of operation, based on available funding, staffing and condition of facility.
 - 1.5 The CITY staff in charge of the facility will be the primary individual responsible for scheduling the use and daily oversight of the Center.
2. COUNTY Responsibilities. The COUNTY agrees to provide the following:
 - 2.1 The COUNTY shall provide adequate personnel to properly set-up, tear down, supervise, monitor and provide services for all COUNTY provided programs or activities at the Center.
 - 2.2 The COUNTY shall furnish and supply and be completely responsible for all expendable materials necessary for the programs or activities provided by the COUNTY.
 - 2.3 The COUNTY shall be responsible for keeping the site free of and placing all trash, rubbish, and debris in appropriate receptacles, resulting from the COUNTY sponsored program or activity.
 - 2.4 The COUNTY shall be responsible for any and all damages to the Center caused by the use or abuse by the COUNTY sponsored programs or activities beyond normal wear and tear.

09-28

2.5 The COUNTY will cooperate with the CITY in development of new programs, services or collaborations with other community agencies, as outlined in the adopted Strategic Plan for Washoe County Senior Citizens.

3. Committee. The parties agree to set up a committee to review and discuss scheduling, joint programming opportunities, issues, concerns, and changes regarding the cooperative use of the Center. The committee shall consist of two (2) representatives of the CITY, and two (2) representatives of the COUNTY. The committee shall meet at least twice each year on the first Thursday of December and on the first Thursday of June, at 10:00 am at the Center, and at such other times as shall be agreed upon by the parties.

4. Term of Agreement. This agreement shall run from execution of the agreement by both parties until June 30, 2011. The term may be extended by mutual agreement for an additional three years.

5. Termination. This agreement may be terminated immediately for cause. This agreement may be terminated without cause or penalty by either party upon 30 days written notice, provided that the close of operations under the contract shall not take effect for 90 days from the notice in order to permit the parties to make necessary alternative arrangements.

6. Indemnification. To the extent allowed by law, each party shall defend, hold harmless and indemnify the other party and its officers, and employees from all costs and claims for damages to real or personal property, or personal injury to any third party, resulting from such parties own negligence or negligence of its employees or agents, arising out of the performance of this Agreement or the use of the facility. The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases.

7. Insurance. Both parties are self insured up to a fixed amount and both parties carry an excess comprehensive general liability insurance policy. Both parties agree to furnish the other party with a Certificate of Insurance/Endorsement and to name the other party as an Additional Insured under their excess coverage liability policy covering and insuring the other and its employees for the operations conducted under this agreement.

8. Notice. Notices required under this agreement shall be given as follows:

To COUNTY: Director of Senior Services
 Washoe County
 P.O. Box 11130
 Reno, NV 89520

09-28

To CITY: Director of Parks, Recreation & Community Services
City of Reno
P.O. Box 1900
Reno, NV 89505

9. No Third-Party Rights. The parties expressly disclaim the creation of any right in any third party whatsoever under this Agreement. There are no third-party beneficiaries. The only persons who may enforce this Agreement and have any rights under this Agreement are the City and County. Nothing in this agreement shall be construed to create a joint venture or partnership or as making either party or their employees an agent or employee of the other party.
10. Severability. If any section, subsection, clause, phrase, or word of this Agreement is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such section, subsection, clause, phrase, or word shall be deemed a separate, distinct and independent provision and such holding shall not negatively affect the validity of the remaining portions of this Agreement.
11. Informal Dispute Resolution. Both parties agree that if a dispute arises under this agreement, they shall provide written notice of the dispute to the other party within ten (10) days of the date of the incident, difference or dispute. The parties shall immediately appoint appropriate representatives. The representatives shall meet within ten (10) days of receipt of the notice, and shall attempt in good faith to resolve the dispute. If the dispute is still not resolved, either party may then resort to other means of dispute resolution or terminate the agreement if good cause exists.
12. Jurisdiction. This Agreement shall be administered and interpreted under the laws of the State of Nevada. Venue shall be in Washoe County.
13. Assignment. Pursuant to NRS 332.095, this agreement may not be assigned in any way without the consent of the governing bodies or their authorized representatives.
14. Funding Limitation. In the event that the governing body of either party appropriating funds to support this agreement fails to obligate the funds necessary to continue to support this agreement beyond the then-current fiscal period, this agreement shall be terminated without penalty, charge or sanction.
15. Entire Agreement. This Agreement is the entire agreement of the parties and supersedes all prior negotiations and agreements whether written or oral. This Agreement may be amended only by written agreement. No purported oral amendment to this Agreement shall be valid.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement effective the day and year first written above.

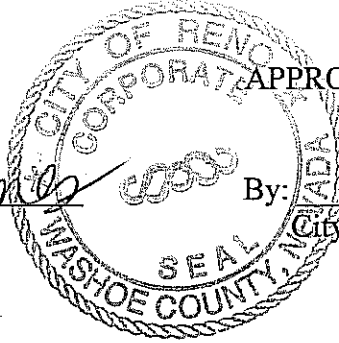
09-28

THE CITY OF RENO

By: *Robert A. Cashell, Sr.*
Robert A. Cashell, Sr.
Mayor

ATTEST:

By: *Lynnette R. Jones*
Lynnette R. Jones
City Clerk



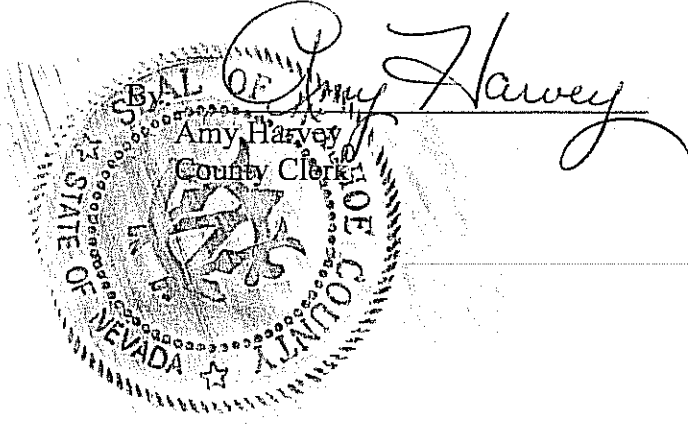
APPROVED AS TO FORM ONLY

By: *Craig Skau*
City Attorney's Office

WASHOE COUNTY

By: *David E. Humke* 1/13/09
David E. Humke
Chairman

ATTEST:



APPROVED AS TO FORM ONLY

By: *Melanie Post*
Washoe County District
Attorney's Office

09-28