

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

FEBRUARY 17, 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 10:08 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

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.

**09-149      AGENDA ITEM 3**

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

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

**Essentials of Management Development**

Julie Ullman, Librarian II  
Terrance Shea, Deputy District Attorney

David Anderson, Technology Project Coordinator  
Arlene Dempsey, Librarian II  
Lisa Lottritz, Public Health Nurse  
Laura Ybarra, Family Support Supervisor

**Essentials of High Performing Teams**

Laura Ybarra, Family Support Supervisor

**09-150      AGENDA ITEM 4**

**Agenda Subject: “Proclamation—February 23 – March 2, 2009 as Peace Corps Week (requested by Commissioner Humke).”**

Chairman Humke read the Proclamation proclaiming February 23 through March 2, 2009 as Peace Corps Week. He commended all volunteers who give their time and commitment to such a successful and worthwhile organization.

There was no response to the call for public comment.

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

**09-151      AGENDA ITEM 5**

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

Howard Reynolds stated he had discovered a major problem on the way the City of Reno handled retirement contributions for their employees. He felt the City’s situation may be symptomatic for a larger State-wide problem and explained it was a major reason behind the escalation of the Public Employees Retirement System (PERS) contributions. Mr. Reynolds requested additional time to address the problem. Chairman Humke stated he appreciated Mr. Reynolds commitment; however, he could not produce a waiver of the time limit. He said the Commissioners could ask questions later or a Commissioner could request this be placed on a future agenda for discussion.

Sharon Spencer discussed the problems perceived with the draft Administrative Enforcement Ordinance.

Garth Elliot spoke on the decision to close the Sun Valley pool. He also discussed the lack of public attendance today concerning discussion for the draft Administrative Enforcement Ordinance.

Lois Kolbet stated she was a member of the Citizen Nuisance Committee. She discussed the handling of junk vehicles, noise concerning off-road vehicles and current statutes that covered those issues.

Sam Dehne brought several toy airplanes to the meeting to clarify the type of aircrafts he had flown in his past military career.

**09-152      AGENDA ITEM 6**

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

Commissioner Weber said she attended the Sun Valley Citizen Advisory Board (CAB) meeting and noted community members were upset due to the closing of the Sun Valley pool. She said suggestions were made on how to raise funds for the pool to remain open and noted a citizen task force was formed to review options. Commissioner Weber stated she would also work with the Parks Department to find other alternatives. She said the Sun Valley General Improvement District may be willing to review options. Commissioner Weber stated she attended the Nevadaworks meeting on February 13, 2009 and the Old Northwest/Golden Valley Homeowners meeting on February 12, 2009.

Commissioner Weber requested Howard Reynolds continue his statements regarding the Public Employees Retirement System (PERS). Mr. Reynolds indicated the City of Reno negotiated a provision in labor agreements which had the affect of changing the provisions of the State retirement system under Chapter 286. He said he appeared before the Reno City Council to inform them that, in his opinion, this was an illegal action since a prohibited subject for bargaining had been negotiated. He said he provided the chapter concerning retirement to the Council. Mr. Reynolds continued with his concerns and stated the bottom line was that for years the City had been applying Chapter 286 incorrectly and felt there may be other State employers doing the same. He indicated he would present his concerns and recommended solutions to the PERS Board. Commissioner Weber thanked Mr. Reynolds and appreciated his comments.

Commissioner Breternitz requested a report concerning the County’s situation as it relates to PERS. He also requested a Shared Service Task Force agenda item for the next Commission meeting to include a possible Commissioner appointment.

Commissioner Jung remarked there were alternatives being reviewed concerning the Sun Valley pool. She suggested a quick study to review weekday daycare

costs per child versus weekday charges at the pool per child. She said most children did not leave the Sun Valley area making the pool crucial to that area. Commissioner Jung requested a presentation from Assessor Josh Wilson to the Northwest Neighborhood Advisory Board (NAB) and the Golden Valley Property Owners concerning property taxes.

Commissioner Weber requested Assessor Wilson also conduct that same presentation to the Board.

Katy Simon, County Manager, announced that the Washoe County Employees Association (WCEA) and Supervisors Association approved a 2.5 percent pay cut, which was appreciated. She clarified the home funds in Agenda Item 10 were federal pass through dollars.

### **CONSENT AGENDA – AGENDA ITEMS 7A AND 7B**

In response to the call for public comment, Sam Dehne discussed the consent agenda and the economy.

#### **09-153      AGENDA ITEM 7A - FINANCE**

**Agenda Subject: “Approve and execute a Resolution concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); determining the cost to be assessed and ratifying the assessment roll for the district; fixing the time and place when complaints, protests, and objections to the assessment roll will be heard; providing other details in connection therewith. (Commission District 2.)”**

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 Larkin absent, it was ordered that Agenda Item 7A be approved, adopted, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

#### **09-154      AGENDA ITEM 7B - SHERIFF**

**Agenda Subject: “Approve waiving the optional one year renewal on the current Medical Services contract; and if approved, authorize the Washoe County Sheriff’s Office and Purchasing Department to develop and administer a Request for Proposal for Pre-placement, Annual and Related Medical Services for Sheriff’s Office Personnel. (All Commission Districts.)”**

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 Larkin absent, Chairman Humke ordered that Agenda Item 7B be approved and authorized.

**09-155            AGENDA ITEM 8 - LIBRARY**

**Agenda Subject: “Appearance: Arnie Maurins, Director, Washoe County Library. Presentation regarding consultant report on Library’s return on funding for the community”**

Arnie Maurins, Library Director, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the measured value to the community via return on funding, the importance of proving value and accountability, how return on funding was calculated, value basis, options, issues and results.

Commissioner Jung indicated this study was initiated by former Library Director Nancy Cummings and she felt Ms. Cummings was owed a tremendous deal of respect. She noted with the current budget situation this was a timely study. She emphasized the total count used for the study was actual persons in buildings and the rate of return of internet or phone inquiries was not taken into consideration. Commissioner Jung commended staff for their innovative approaches.

Chairman Humke asked if the libraries had State approved curriculum for homeschoolers, if that information could be accessed online and how many homeschooled families did the library assist. Mr. Maurins replied several of the libraries had collections of materials onsite and online that homeschooled families used. He said he did not have the current number available of those families, but could research that information.

Commissioner Jung asked if the County offered a “Take your Child to the Library Day.” Mr. Maurins explained “Library Week” was scheduled in April as well as “National Reading Day.” He indicated the Library had just updated the website and invited the public to view the changes and the offerings.

There was no action taken on this item.

There was no response to the call for public comment.

**09-156            AGENDA ITEM 9 – PUBLIC WORKS/SHERIFF**

**Agenda Subject: “Recommendation to authorize a Pilot Project to lease 20 unmarked Sheriff’s Department vehicles; and if authorized, award the Pilot Project, with option to renew for one additional year with approval of both parties, [\$220,689] to Enterprise Fleet Management, responder of Request for Proposal No. 2668-09 and, authorize Chairman to execute the Master Walkaway Lease Agreement, the Amendment to Master Equity Lease Agreement and the Self-**

**Insurance Addendum to Master Walkaway Lease Agreement. (All Commission Districts.)”**

Dan St. John, Public Works Director, stated this was a proposal to lease 20 non-patrol vehicles for the Washoe County Sheriff’s Office (WCSO). He explained the County fleet had approximately 900 vehicles with 38 percent of the fleet belonging to the WCSO. He said in fiscal year 2007, 66 light vehicles were replaced, with an additional eight vehicles replaced in 2008. Mr. St. John explained the Pilot Lease Program would be evaluated in two years with input from the Finance Department and Internal Audit.

Commissioner Jung asked how fuel efficient vehicles were defined. Mr. St. John replied there was no formal definition. He noted none of the vehicles were hybrids; however, indicated these vehicles were the most fuel efficient for their class. Commissioner Jung asked if the vehicles needed to be sedans or SUV’s and, if so, did the County stay with a certain make or model. Mr. St. John explained the operating department determined the type of vehicle.

Sheriff Mike Haley said the WCSO had a variety of vehicles. He said the department strived to have the most economic vehicle, and indicated all the vehicles for the Pilot Program would be used vehicles.

Commissioner Jung said in reviewing the fiscal impact, this program was a two-year leasing period with a \$9,000 increase over that time versus purchase. She asked what would happen to the increase if the program was for a longer period of time. Sheriff Haley indicated there was a provision in the lease that allowed for extension and he believed the price would decrease. Commissioner Jung commended staff on the cost-savings and encouraging energy efficient vehicles.

Commissioner Breternitz commented, based on the projection, there did not seem to be much cost-saving. Sheriff Haley explained the cost-savings would arrive from the decrease of down time and maintenance time. He said the WCSO was trying to be as reasonable as possible in the projections and as minimal in what would occur in those projections. Sheriff Haley felt that the Board would be satisfied with the outcome of the Pilot Program.

Commissioner Breternitz stated the staff report read “the leasing of 20 newer vehicles every two years versus buying and maintaining an older fleet for an eight year period will cost an additional \$110,000 in the next eight years, should current rates continue with trended CPI growth.” He asked if that was an accurate statement. Pamela Fine, Fiscal Analyst, replied that was a correct figure. She stated it would cost \$110,000 more if the County continued leasing versus buying for the next eight year period. Commissioner Breternitz said that was overall lease cost and what was figured for maintenance. Ms. Fine stated that was a correct statement.

Mike Rutledge, WCSO Consultant, explained a present value presentation had been completed, and if only the costs were being reviewed, then the cheapest

approach was to buy a new vehicle, keep until it was no longer economical to fix and then salvage that vehicle. He said the Pilot Program maintenance agreement was exceptional and would provide a set monthly maintenance fee that included preventive maintenance every 3,500 miles and would cover all maintenance with the exception of brake pads and tires. Mr. Rutledge said if it had been known that level of coverage was being offered, he would have proposed a three-year Pilot Program, and explained why the one-year extension was offered in the proposal. He indicated on the maintenance alone, if 1,000 miles were averaged per vehicle per month, that would increase the Operation of Maintenance Cost that this agreement was being compared against. He said that comparison would save approximately \$31,000 per year for maintenance. He said other advantages included the ability for law enforcement to return the leased vehicles, if and when, they were identified by a public forum. For instance, if undercover vehicles were identified, another vehicle could be in possession within two weeks. Mr. Rutledge stated there would also be less down-time and costly repairs would be avoided. Sheriff Haley emphasized the agency had to have access to vehicles. He believed the Pilot Program would be economical and would eliminate a tremendous number of issues that prevented him from operating a fleet of reliable vehicles.

**\*11:37 a.m.** Commissioner Larkin arrived.

Chairman Humke remarked this was not an attempt to lavish taxpayer dollars on private sector leasing; however, it was an attempt to find a better leasing option. He said the primary issue was access to vehicles due to the downtime caused by maintenance, and the ability to rapidly exchange and access newer models.

Commissioner Breternitz said the purpose of a Pilot Program was to find out what made sense. He supported the concept, but would like to see an objective report at the end of the period in order to compare the benefits of the program. Sheriff Haley stated that was the intent.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the Pilot Project be authorized to lease 20 unmarked Sheriff's Department vehicles with an option to renew for one additional year with approval of both parties, in the amount of \$220,689 to Enterprise Fleet Management. It was further ordered that the Chairman be authorized to execute the service agreement, amendment and addendum on behalf of the Equipment Services Division of Public Works and the WCSO.

**09-157            AGENDA ITEM 10 – COMMUNITY DEVELOPMENT**

**Agenda Subject:“Recommendation that the Board of County Commissioners return Washoe County’s share of the Fiscal Year 2009/10 HOME Funds [\$137,325.16] to the HOME Consortium for further review and allocation to 2009/10 applicants. (All Commission Districts.)**

Katy Simon, County Manager, stated these funds were pass-through dollars and not monies eligible to be retained by Washoe County for any other purpose.

There was no response to the call for public comment.

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

**09-158      AGENDA ITEM 11**

**Agenda Subject: “Consideration of and possible action regarding employee associations’ cost concessions and possible amendments to the Fiscal Year 2008/09 budget reduction plan approved by the Washoe County Commission on January 27, 2009. (This item may be continued to February 24, 2009 County Commission Meeting.)”**

Katy Simon, County Manager, suggested this item be continued to February 24, 2009 for specific action.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Agenda Item 11 be continued to the February 24, 2009 County Commission meeting.

**09-159      AGENDA ITEM 12 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Review and possible approval of staff recommendations to the Draft Administrative Enforcement Ordinance; possible direction to return the Draft Ordinance for a first reading at a future County Commission Meeting and other direction as appropriate. (All Commission Districts.)”**

Adrian Freund, Community Development Director, said this item was previously discussed in December 2008 with specific direction provided to staff by the Board. He commented nuisances did not diminish during these economic times, in fact, there would be an increase due to foreclosures and noted some problems had already been seen with abandoned commercial properties. Mr. Freund stated there was a 97 percent voluntary compliance rate already in the system. He explained the Administrative Enforcement Ordinance was in response to decriminalize some of the matters, and recently because of the budgetary issues concerning animal services and code enforcement, there had been added impetus.

Bob Webb, Planning Manager, highlighted and reviewed the Fact Sheet for the Administrative Enforcement Ordinance, and the fiscal impact which were included in the staff report. He said concerning court issued search warrants, the Draft Ordinance was clear that only courts could issue search warrants. He said the second

concern regarding establishing hearing officer qualifications and having the Board approval of those contracts had been reformatted. He noted there was new language that outlined potential qualifications for hearing officers and specified that the Board would approve the list and the actual contracts. Mr. Webb indicated the third area of concern was whether Justice Courts could hear an appeal of an administrative order. He indicated an administrative order came from the County Commission or a hearing officer. He said the draft Code was clear that the administrative order and an appeal of that order was an appeal of the record.

Commissioner Weber thanked the committee for their dedication. She said the document submitted was fabulous and noted everyone's position was voiced. However, she indicated the Board had requested a workshop format and stated this meeting was not that format.

Katy Simon, County Manager, explained there was confusion surrounding the new Board meeting format. She apologized and noted this item should have been agendaized in the evening. Ms. Simon stated the item could be reagendaized for an evening format which would have to be noticed as a special meeting. Commissioner Weber suggested moving forward with this portion so citizens had an opportunity to speak. However, in the future when the remaining part of the ordinance returned that could be scheduled as a public hearing or a workshop prior to a meeting.

In response to the call for public comment, Sharon Spencer read from a prepared statement that was placed on file with the Clerk. Ms. Spencer indicated this Ordinance should be in the Development Code and not the Washoe County Code.

Lois Kolbet provided a copy of a letter that she had distributed in December 2008 that was placed on file with the Clerk, which provided major changes she hoped could be accomplished.

Garth Elliott thanked the Board for allowing the citizens to have a voice in finding ways to accomplish this task and fulfill this function. He felt the announcement of this meeting was buried within the County's webpage and that impacted the number of people in attendance.

Gene Brockman indicated 18 workshops had been open to the public. He urged the Commission to move forward on this portion, which took the enforcement out of criminal courts and placed into an administrative procedure. Mr. Brockman said certain changes were necessary to comply with legal requirements or concepts and to eliminate duplication. He noted he did not have a problem with any of those changes and would accept staff's recommendation concerning the time to rectify a complaint.

Commissioner Larkin asked for the logic behind each day being cited as a separate offense. Mr. Webb replied that was a common phrase used in ordinances and currently was listed in enforcement procedures. He explained it would only be enforced after there had been a misdemeanor criminal conviction and the violation had not been

corrected. Commissioner Larkin remarked the underlining theory was it would be considered punitive until correction occurred. Mr. Webb agreed. However, Commissioner Larkin stated, the intent of the Draft Administrative Enforcement Ordinance was not criminal. Mr. Webb stated that was correct, but it allowed latitude for the Enforcement Officer to indicated a notice would be given daily. Commissioner Larkin clarified the notion was even though it would be moved through an administrative procedure; there would still be punitive actions on those administrative procedures. Mr. Webb said there would be consequences. Commissioner Larkin commented consequences were different than punitive damages. Mr. Webb stated there would be monetary, potential abatement and recording lien consequences and added all those penalties would be outlined when the first notice was received.

Commissioner Breternitz questioned how to affect resolution of a lien without closing on the property. Mr. Webb replied there was a type of lien crafted in the document that did not mandate sale of a property to close out a lien. That provision would encumber the title, so in order to apply further transactions on the property that lien would need to be unencumbered. He said once that occurred the lien would be removed that a procedure was crafted in the draft ordinance to have that lien cleared from the title as quickly as possible. Commissioner Breternitz remarked if the property owner chose to maintain ownership for years there could be an outstanding expense and difficulty recouping that expense until there was a transfer of that property. He asked for clarification of the process from observation or complaint of a nuisance, including appeals to ultimate resolution. Chairman Humke said there had been a suggestion of a workshop and felt that would be a question for a workshop forum.

Commissioner Larkin made a motion to continue this item to a workshop forum. Chairman Humke seconded the motion.

Commissioner Larkin commented this had been laboring for a long time, but remarked there was a current enforcement ordinance and Code. He said he was bothered that the word “enforcement” was still in the language and felt the original notion was to move away from “enforcement” to “compliance.” He hoped, through a workshop, verbiage could be considered that may alleviate some of the issues brought forward.

Commissioner Weber asked if the County was still complaint-driven toward nuisances. Mr. Freund replied currently it was still a complaint-driven system. He commented the foreclosure issue was real, which could lead to another host of problems in communities. He stated other communities had passed ordinances that dealt with abandoned and foreclosed properties.

Chairman Humke indicated he would be leaving the meeting for an appearance before the Assembly Taxation Committee at the Nevada Legislature. Vice Chairperson Weber stated a motion had been made to schedule a workshop and Chairman Humke had seconded that motion. She said the impacts on foreclosures needed to be brought to the workshop for discussion.

**12:34 p.m.** Chairman Humke left the meeting and Vice Chairperson Weber assumed the gavel.

Commissioner Breternitz believed in the administrative process because it allowed the Board to expedite processes that would be long if put into the court system. He said he supported the process and felt the efforts of the group should be commended.

On call for the question to continue this item the motion passed with Chairman Humke absent.

**12:36 p.m.** County Manager Katy Simon left the meeting. Dave Childs, Assistant County Manager, stated he would be in attendance for the remainder of the meeting.

**09-160            AGENDA ITEM 13 – 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. (All Commission Districts.)”

John Berkich, Assistant County Manager, distributed updates that were placed on file with the Clerk. He said AB 45 would be heard on February 18th in Assembly Judiciary, and he would testify on behalf of the Board. He recommended the Board support the legislation. He explained the bill was the result of the County bringing to the attention of the Nevada Association of Counties (NACO) in 2008 the Supreme Court decision to issue Administrative Docket No. 411. He indicated if the court were to pursue performance standards for indigent defense, the potential impact to the County could be approximately \$11 million. He said staff apprised the NACO Board of that impact and, per the County’s urging, NACO introduced a Bill Draft Request (BDR), which became AB 45, calling for the State to fund the cost of indigent defense. Essentially, the bill allowed counties to choose the delivery system providing indigent defense. He said as done today, it allowed the counties to either opt-out or choose the State Public Defenders to provide indigent defense at the local level and recognized that under the sixth amendment to the Constitution the State still held the primary responsibility for funding indigent defense. Therefore, the bill allowed the counties to send the State a bill for indigent costs.

Commissioner Larkin asked what section in the bill allowed for each county to setup the public defenders office as they saw fit. Mr. Berkich replied section 1 noted it was open as to how the office was created. However, Commissioner Larkin said it did not specify what standard that office needed to perform once the creation had occurred. Mr. Berkich indicated that was left to the Supreme Court to decide and said the performance standards went into effect April 1st. He said the problem was if this bill did not pass, the County would be between the Court standards of performing, the case load

problems created and increased costs. Commissioner Larkin did not see how this bill would correct that inequity. He asked why there was not a provision in this legislation that specified the standards since the Legislature had authority over all laws. Mr. Berkich remarked the Supreme Court held the constitutional ability to prescribe how attorneys practiced law in the State of Nevada; therefore, the Court had adopted those standards of performance pursuant to that being the judiciary branch of government. He said there had been no challenge as to the Supreme Court's ability to promulgate standards for attorneys.

Vice Chairperson Weber said this BDR repealed the requirement that counties with populations of 100,000 or more must create an office of public defenders, yet this bill stated no population requirement. Mr. Berkich replied based on population, existing statute required whether a county had to create an office. He said this bill did away with that so that a county would have full freedom and flexibility to choose either to set up an office or elect to use the State public defenders.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Chairman Humke absent, it was ordered that the Board accept the staff report and support AB 45.

Mr. Berkich explained AB 64 increased the number of judges in the Second and Eighth Judicial Districts and authorized one more judge to be created and funded by the State for the Second District. He said this bill authorized the County to increase the number of judges in the Second Judicial District from 14 to 15.

Mr. Berkich stated AB 65 discussed court fees. He suggested the Board's approval for AB 64 be contingent upon the passage of AB 65, which covered the County with all the costs associated with staffing the new judge.

Commissioner Larkin asked how the increase of fees in AB 65 was targeted to local municipalities for increased facilities costs. Mr. Berkich replied there was no breakdown concerning that; however, under that bill and the amendments, the County would recover all of the costs associated with the additional judge. Mr. Berkich commented the Weighted Case Load study indicated that the general jurisdiction was short judges. Commissioner Larkin commented he did not have any confidence in the Weighted Case Load study since it was flawed in design. He was not predisposed to vote against the addition of the judge, but there needed to be continued dialogue on that particular area and felt it premature for the Board to take a position. He said AB 65 was brought forth and an amendment to recoup capital costs may have some life.

Vice Chairperson Weber commented the Board needed to have the discussion concerning AB 65 before deciding on AB 64.

Commissioner Breternitz observed that the Legislature would not wait for the County to act and asked when AB 64 and 65 were scheduled for hearings. Mr. Berkich indicated they may be heard on February 18th, but he had not seen the agenda.

Commissioner Breternitz said he supported the idea for conditional support of AB 64 based on AB 65 being amended to reinstate capital costs. He said he supported AB 65 with that condition and supported AB 64 based on the addition of that condition.

Mr. Berkich reviewed all of the proposed changes for AB 65 and the proposed amendments as stated in the handout entitled "Proposed Amendments to AB 65." He said staff was suggesting that Section (k), *for the issuance of any writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court*, be added. He said another proposed amendment was listed in Section 2 (B), *if any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraph (a), to reimburse the county for any capital costs incurred for adding or maintaining new judicial departments*. Mr. Berkich felt that amendment spoke to Commissioner Larkin's comments and concerns. He reviewed the strikeout language that staff was recommending and the reasoning behind those recommendations. Mr. Berkich remarked with the provided amendments AB 65 was an appropriate piece of legislation that the Board could support with the extent that the Board agreed with the courts request for a new department.

Commissioner Larkin inquired if every fee identified in Section 2.1 was earmarked for that special account. Mr. Berkich stated that was correct. Commissioner Larkin asked why the word "and" was struck between section 2(a) and (b). Mr. Berkich stated staff read this to be sequential to address the cost in (a), (b) and (c). Commissioner Larkin agreed that there was some sequence; however, he thought the Commission would want the latitude of deciding the priorities between (a) and (b) and that the word "and" between (a) and (b) was correct, but the "and" between (b) and (c) was incorrect. Mr. Berkich said that could be changed to the extent that the Board felt it read better and created more flexibility. Commissioner Larkin was concerned since he did not want a special account set-up and have those monies designated solely for the maintenance of a new judicial department. He said if the Commissioners wished to establish a new judicial department, the Board needed to have capital and not just the on-going maintenance.

Vice Chairperson Weber questioned if the capital was more of a priority than the staffing. She believed the word "and" should be in place. Mr. Berkich remarked if the word "and" would be inserted then there would be no sequencing of the funding.

Commissioner Breternitz commented it should read "and to reimburse the County for any capital costs of adding or maintaining new judicial departments." He said that language would indicate there was an obligation incurred. He said he would prefer "and" at the end of Section 2(a) and have Section 2(b) read "to reimburse the County for any capital costs of adding or maintaining new judicial departments." Commissioner Larkin agreed with Commissioner Breternitz.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke absent, it was ordered that the Board support AB 65 with the staff recommended changes and to include under Section 2(a) the addition of the word "and." It was further ordered that under Section

2(b), “if any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraph (a),” be deleted.

Mr. Berkich said it would be helpful if the Board took a position in regard to AB 64. Commissioner Larkin asked what position the Board took two years ago. Mr. Berkich replied the Board indicated it was a negotiated resolution and that the stipulation was reached with the court. Commissioner Larkin encouraged the Board not to take a position on AB 64 until after the hearing of AB 65. Mr. Berkich suggested the Board make their approval and support on AB 64 contingent on the passage of AB 65.

Commissioner Larkin indicated AB 64 and AB 65 would be heard on February 27th. Commissioner Breternitz felt the Board had the ability to make a modification in the position if it was found that the two were not tied together. He stated he supported the contingency idea.

Commissioner Breternitz moved to support AB 64 contingent upon the passage of AB 65 with the modifications suggested by the Board. Vice Chairperson Weber seconded the motion.

Commissioner Larkin stated he would not support the motion because of the timing.

On call for the question, the motion passed 3 to 1 with Commissioner Larkin voting “no,” and Chairman Humke absent.

Dave Childs, Assistant County Manager, indicated staff was working on new language for AB 54 and would review that language next week.

**09-161            AGENDA ITEM 14**

**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 Breternitz said during the Regional Planning Governing Board (RPGB) joint meeting with the Regional Transportation Commission (RTC) it was decided to table combining the two operations under one structure and to meet quarterly as a joint board to deal with key issues. He said it was also decided not to introduce legislation regarding increasing the size of the RTC Board. Commissioner Breternitz announced there was a meeting scheduled for February 25, 2009 of the Citizen Advisory Board (CAB) members to discuss alternating the schedules of meetings and becoming more efficient. He noted there was an Audit Committee meeting scheduled for March 18th.

Commissioner Jung said the Senior Services Advisory Board met and discussed the proposal to bid out the Senior Law Project functionality.

Commissioner Larkin updated the Board on the Flood Project Coordinating meeting that occurred on February 13, 2009. He said Assistant Secretary of the Army, John Paul Woodley Jr. was given a tour of the downstream mitigation program. Commissioner Larkin said stimulus monies were also being sought for the Project. He said he would attend the City of Sparks Branding Process on February 18, 2009 and also would attend the 152nd Squadron Facility meeting on February 19, 2009.

Vice Chairperson Weber said the Northwest Neighborhood Advisory Board meeting was scheduled for February 18, 2009. She stated her monthly "Coffee and Conversation with your Commissioner" was scheduled for February 21st. Vice Chairperson Weber indicated a Heppner Subdivision Task Force meeting was also scheduled for February 21st.

**09-162            AGENDA ITEM 15**

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

There was no closed session scheduled.

**COMMUNICATIONS**

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

- 09-163**            A.        Resignation of Neil Upchurch from the Incline Village/Crystal Bay Citizen Advisory Board, dated January 22, 2009 and filed with the Clerk January 26, 2009.
- 09-164**            B.        List of new members, positions and terms for the Gerlach General Improvement District Board of Directors.
- 09-165**            C.        Summary of all claims made against the Nevada Tahoe Conservation District for tortious conduct for the calendar year 2008.
- 09-166**            D.        Summary of all claims made against the South Truckee Meadows General Improvement District for tortious conduct for the calendar year 2008.
- 09-167**            E.        Summary of all claims made against the Truckee Meadows Fire Protection District for tortious conduct for the calendar year 2008.

- 09-168** F. Summary of all claims made against Washoe County for tortious conduct for the calendar year 2008.

**REPORTS – MONTHLY**

- 09-169** A. Clerk of the Court, report of fee collections for the month ending December 31, 2008.

**REPORTS – QUARTERLY**

- 09-170** A. AT&T Nevada Declaration of Availability of IP Video Service for the period ending December 31, 2008.
- 09-171** B. Clerk of the Court, financial statement and fees collected for the quarter ending December 31, 2008.
- 09-172** C. County Clerk's financial statement for the quarter ending December 31, 2008.
- 09-173** D. Gerlach General Improvement District, financial report for the quarter ending December 31, 2008.
- 09-174** E. Grand View Terrace General Improvement District, financial statements compilation report as of December 31, 2008.
- 09-175** F. Incline Village/Crystal Bay Office of the Constable, revenues received for the quarter ending December 31, 2008.
- 09-176** G. Sparks Justice Court, report of revenues received for the quarter ending December 31, 2008.
- 09-177** H. Washoe County Sheriff's Office, report of civil fees and commissions for the quarter ending December 31, 2008.

**REPORTS – ANNUAL**

- 09-178** I. Palomino Valley General Improvement District, financial statements and independent auditors' report for the year ended June 30, 2008.
- 09-179** J. Reno-Tahoe Airport Authority, comprehensive annual financial report for the year ended June 30, 2008.

\* \* \* \* \*

**1:32 p.m.** There being no further business to come before the Board, on motion by Commissioner Breternitz, seconded by Commissioner Jung, 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*

# PROCLAMATION

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

WHEREAS, More than 195,000 Americans have served as Peace Corps Volunteers in 139 countries since 1961; and

WHEREAS, Over the past 48 years, 857 men and women from the State of Nevada have responded to our nation's call to serve by joining the Peace Corps; and

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

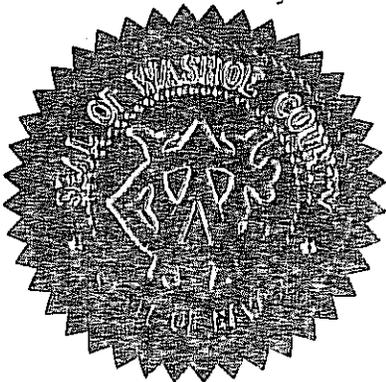
WHEREAS, Peace Corps Volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries; and

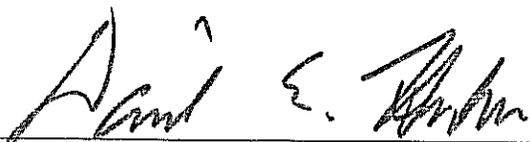
WHEREAS, Peace Corps Volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation; and

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

PROCLAIMED, By the Washoe County Board of Commissioners, that February 23 through March 2, 2009 is Peace Corps Week in Washoe County, Nevada.

ADOPTED this 17<sup>th</sup> day of February, 2009.



  
\_\_\_\_\_  
David E. Humke, Chairman  
Washoe County Commission

09-150

**RESOLUTION RATIFYING THE ASSESSMENT ROLL AND  
CALLING A PUBLIC HEARING ON THE ASSESSMENT ROLL**

Summary - A resolution ratifying the assessment roll for Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) and calling a public hearing thereon.

**RESOLUTION NO. \_\_\_\_  
(of Washoe County, Nevada)**

**A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT); DETERMINING THE COST TO BE ASSESSED AND RATIFYING THE ASSESSMENT ROLL FOR THE DISTRICT; FIXING THE TIME AND PLACE WHEN COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE ASSESSMENT ROLL WILL BE HEARD; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," the "County" and the "State," respectively), pursuant to an ordinance adopted on February 26, 2008 (the "Creation Ordinance"), created Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) (the "District") and ordered the acquisition and construction pursuant to Chapter 271, Nevada Revised Statutes ("NRS"), of a water project as defined in NRS 271.250 and as hereinafter more specifically described (the "Project"); and

**WHEREAS**, the Board has authorized the proper officers of the County to execute the appropriate documents for a construction contract on behalf of the County for the Project, all as provided by law; and

**WHEREAS**, such construction contracts have been executed; and

**WHEREAS**, the Board has determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

**WHEREAS**, NRS 271.360 provides that the Board may determine the cost of the Project to be paid by the assessable property in the District after making the construction contract, or

after determining the net cost to the County, but not necessarily after the completion of the Project;  
and

**WHEREAS**, in accordance with NRS 271.360, the Board hereby determines and declares that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District and the Project) is \$1,478,641.78 of which \$1,478,641.78 is to be assessed upon the benefited lots, tracts and parcels of land in the District for the Project and \$-0- will be paid from other sources; and

**WHEREAS**, on February 12, 2008, the Board considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and did not approve any applications for hardship determination; and

**WHEREAS**, the Engineering Division of the Washoe County Department of Water Resources, as engineer for the County (the "Engineer"), has reported an assessment roll (the "Assessment Roll") to the Board and the Assessment Roll has been filed in the office of the County Clerk and numbered, and the Engineer has submitted an executed certificate in the form provided in NRS 271.375(3), which certificate, duly executed, accompanied the Assessment Roll and was in the following form:

(Form of Certificate)

**STATE OF NEVADA**     )  
                                  ) **ss.**  
**COUNTY OF WASHOE**    )

To the Board of County Commissioners of Washoe County, Nevada:

I hereby certify and report that the foregoing is the assessment roll and assessments made by me for the purpose of paying that part of the cost which you decided should be paid and borne by special assessments for Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); that in making such assessments, I have, as near as may be, and according to my best judgment, conformed in all things to the provisions of Chapter 271 of the Nevada Revised Statutes.

---

Joe P. Howard, P.E.  
Senior Licensed Engineer  
Washoe County, Nevada  
Department of Water Resources

Dated at Reno, Nevada, this \_\_\_\_\_, 2009.

(End of Form of Certificate)

**WHEREAS**, the Board has determined, and does hereby determine, that all of the assessable property in the County which is specially benefited by the improvements to be acquired in the District, and only the property which is so specially benefited, is included on the Assessment Roll; and

**WHEREAS**, the Board has determined, and does hereby determine to issue and sell bonds to be hereafter issued by the County to pay for the cost of the Project; and

**WHEREAS**, the Board has determined, and does hereby determine, that the notice for a hearing on the Assessment Roll which is provided for herein is reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. This resolution shall be known as and may be cited by the short title "District No. 39 (Lightning W Water System Supply Improvement Project) Resolution Ratifying the Assessment Roll and Calling a Public Hearing" (the "Resolution").

Section 2. All action, proceedings, matters and things heretofore taken, had, and done by the County and the officers and employees thereof (not inconsistent with the provisions of this Resolution) concerning the District, be, and the same hereby are, ratified, approved and confirmed.

Section 3. The total cost of the Project in the District to the County (including all necessary incidentals which either have been or will be incurred in connection with the District and the Project) has been and hereby is determined to be \$1,478,641.78, of which \$1,478,641.78 shall be paid by the assessable property in the District, as described and as provided in the Creation Ordinance.

Section 4. The Board hereby ratifies the Assessment Roll containing, among other things:

- (a) The name and address of each last-known owner of each lot, tract or parcel of land to be assessed, or if not known, that the name is "unknown".
- (b) A description of each lot, tract or parcel of land to be assessed,

and the amount of the proposed assessment thereon, apportioned upon the basis for assessments heretofore determined by the Board in the Creation Ordinance and as stated in the provisional order for the hearing on the Project.

Section 5. The Assessment Roll has been examined by the Board, is tentatively approved, and is ordered filed in the office of the County Clerk this February 17, 2009.

Section 6. Tuesday, March 24, 2009 at 6:00 p.m., at the County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, Reno, Nevada, be, and the same hereby is, fixed as the date, time, and place when the Board will hear and consider complaints, protests, and objections to the Assessment Roll, to the amount of each of the assessments, and to the regularity of the proceedings in making such assessments (whether made verbally or in writing), by the owners of the assessable property specially benefited by the improvements in the District and proposed to be assessed, or by any party or person interested, and by all parties or persons aggrieved by such assessments.

Section 7. The County Clerk shall give notice by publication in the Reno Gazette-Journal (a newspaper of general circulation in the County and published at least once a week) at least once a week for 3 consecutive weeks, by 3 weekly insertions, the first such publication to be at least 15 days prior to the date of the protest hearing. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication in each newspaper and the last publication in the same newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk. In accordance with NRS 271.380(2) and 271.135, the County Clerk, the Engineer or any deputy thereof shall also give notice by registered or certified mail by depositing a copy of such notice in the United States mails, postage prepaid, as first-class mail, at least 20 days prior to such hearing, to the last-known owner or owners of each tract being assessed at his or their last-known address or addresses. Proof of such mailing shall be made by the affidavit of the County Clerk, the Engineer or any deputy thereof and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and special assessment bonds issued (if such special

assessment bonds are hereafter issued) appertaining thereto, shall have been paid in full, both principal and interest, or any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by registered or certified mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests. Such notice shall be as provided in NRS 271.380 and shall be in substantially the following form:

(Form of Notice)

\*Amount of Assessment \$ \_\_\_\_\_

\*Description of Property Assessed:

APN \_\_\_\_\_

(\*include amount and description in mailed notice)

**NOTICE OF FILING OF ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT ROLL HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR A WATER PROJECT WITHIN THE WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT).**

**NOTICE IS HEREBY GIVEN**, that the assessment roll for the Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) (the "District") in and for the County of Washoe (the "County") in the State of Nevada, which has been ratified by the Board of County Commissioners of the County (the "Board"), and certified by the Engineering Division of the Washoe County Department of Water Resources, as engineer for the County (the "Engineer"), has been filed on February 17, 2009 in the office of the County Clerk and since such date the assessment roll has been, and now is available for examination by any interested person during regular office hours. The boundaries of the District are described in the ordinance creating the District, adopted on February 26, 2008, which include the location of the Project and the tracts to be assessed. Property within the District is to be assessed for the cost of a water project as defined in Nevada Revised Statutes ("NRS") 271.250 (the "Project"). The boundaries of the District include the location of the Project and the lots, tracts and parcels of land to be assessed.

The amount to be assessed for the Project will be levied upon all tracts in the District, i.e., upon all tracts in proportion to the special benefits derived and on a unit lot basis such that each lot will benefit by the Project as hereafter described (an equitable adjustment having been made for

any tract or parcel not specially benefited in proportion to the percentage applicable to that tract or parcel under the assessment method otherwise so used, so that assessments according to benefits will be equal and uniform). The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each lot, tract or parcel of land or property in the District is stated in the assessment roll.

The Board will meet to hear and consider all complaints, protests, and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, on Tuesday, March 24, 2009 at 6:00 p.m., at the County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, in Reno, Nevada.

Any person objecting to the assessment roll or to the proposed assessments is entitled to be represented by counsel at the hearing. Any evidence a person objecting to the assessment roll, or to the proposed assessments, desires to present on these issues must be presented at the hearing. Evidence on any objection to the assessment roll or to the proposed assessments that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.395, i.e., judicial review or appeal from an adverse determination by the Board.

Any complaints, protests, or objections to the regularity, validity, and correctness of the assessment roll, of each assessment, and of the amount of the assessment levied on each tract must be filed in writing with the County Clerk of Washoe County, Nevada, on or before Saturday, March 21, 2009, i.e., at least three days before the date set for the assessment hearing.

At the time and place designated by this Notice for the hearing, the Board shall hear and determine all complaints, protests, and objections to the regularity of the proceedings in making such assessments, the correctness of such assessments, land to be assessed, which have been so made in writing or verbally, and the Board shall have the power to adjourn such hearing from time to time, and by resolution, may revise, correct, confirm, or set aside any assessment and order that the assessment be made de novo. Any complaint, protest or objection to the assessment roll, the regularity, validity and correctness of each assessment, the amount of each assessment, or the

regularity, validity and correctness of any other proceedings occurring after the date of the hearing on the provisional order for the Project held on February 12, 2008, and before the date of the hearing announced by this Notice, to occur on March 24, 2009, shall be deemed waived unless filed in writing within the time and in the manner provided by this Notice.

Assessments shall be due and payable at the office of the County Treasurer without interest and without demand within 30 days after the ordinance levying the assessments becomes effective; or all or any part of such assessments may, at the election of the owner, be paid thereafter in forty (40) substantially equal semi-annual installments which will include both principal and interest. The Board shall also provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. A prepayment penalty not exceeding 5% of the principal of deferred installments so prepaid may be established by the Board. The Board shall fix or adjust, or authorize the County Manager or County Finance Director to fix or adjust, the rate of interest on unpaid installments of assessments which will not exceed by more than 1% the highest rate of interest payable on the District's assessment bonds at any maturity. Before assessment bonds are issued or if assessment bonds are not issued, the rate of interest on unpaid installments of assessments shall be 7% or otherwise established by resolution of the Board or as fixed or adjusted by the County Manager or County Finance Director. The effective interest rate on the District's assessment bonds will not exceed the then effective statutory maximum rate. Such limit currently states that the interest rate may not exceed by more than 3% the "Index of Twenty Bonds" which shall have been most recently published in The Bond Buyer before bids for the bonds are received, or before a negotiated offer for the sale of such bonds is accepted. In no event will the interest rate on assessment bonds or unpaid assessments exceed 14%.

Pursuant to NRS 271.395, within 15 days after the effective date of the assessment ordinance to be adopted following the hearing, any person who has filed a complaint, protest, or objection in writing, in the manner provided by this Notice and NRS 271.380, may commence an action or suit in any court of competent jurisdiction to correct or set aside the determination. Judicial review of the proceedings in any action brought pursuant to NRS 271.395 is limited to any complaint, protest or objection to the assessment roll, the regularity, validity and correctness of each assessment, the amount of each assessment, or the regularity, validity and correctness of any other

proceedings occurring after the date of the hearing on the provisional order for the Project held on February 12, 2008, and before the date of the hearing announced by this Notice, to occur on March 24, 2009. Any other issue, including, without limitation, the method used to estimate the special benefits to be derived from the Project, must not be considered by the court. Thereafter all actions or suits attacking the regularity, validity and correctness of the proceedings, of the assessment roll, of each assessment contained in the assessment roll, and of the amount of the assessment levied on each tract, including the defense of confiscation, are perpetually barred.

**DATED** this February 17, 2009.

/s/ David Humke  
Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)  
Attest:

/s/ Amy Harvey  
County Clerk

Publication Dates - February 27, March 6 and March 13.

(End of Form of Notice)

Section 8. The owner or owners of any lot, tract or parcel of land which is assessed in the Assessment Roll, whether named or not in such roll, or any person interested, or any parties aggrieved, may, at least three days prior to the date set for the hearing, file with the office of the County Clerk his or her complaints, protests, or objections in writing to the assessment.

Section 9. Whenever any notice is mailed as herein provided, the fact that the person to whom it was addressed does not receive it shall not in any manner invalidate or affect the legality of the notice thereby given.

Section 10. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 11. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 12. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provisions shall in no way affect any remaining provisions of this Resolution.

Section 13. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

**PASSED AND ADOPTED** this February 17, 2009.

*Bonnie Greber*

Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

County Clerk



STATE OF NEVADA     )  
                                  )ss.  
COUNTY OF WASHOE    )

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution of the Board of County Commissioners (the "Board") adopted at a meeting of the Board held on February 17, 2009 (the "Resolution").

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

Those Voting Aye:

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

Those Voting Nay:

none

Those Absent:

Robert Larkin

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

4. The District No. 39 Assessment Roll, including the Engineer's Certificate, was reported and filed in the office of the County Clerk and numbered prior to the February 17, 2009 meeting, and a copy is attached hereto as Exhibit B.

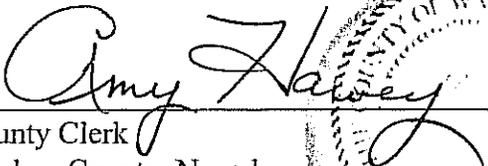
5. The District No. 39 Assessment Roll, as ratified by the Board, has been filed in the office of the County Clerk and is available for inspection.

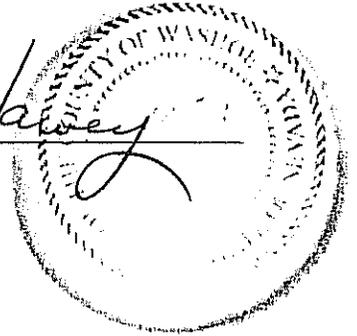
6. A copy of the Engineer's detailed total cost of the Project in the District, including incidental expenses, is attached hereto as Exhibit C.

7. An affidavit of publication of notice of the public hearing to be held on March 24, 2009, is attached hereto as Exhibit D.

7. A affidavit of the County Clerk, the Engineer or any deputy thereof evidencing mailing of the notice of the public hearing to be held on March 24, 2009, is attached hereto as Exhibit E.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the County this February 17, 2009.

  
\_\_\_\_\_  
County Clerk  
Washoe County, Nevada



(SEAL)

The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meeting held on February 17, 2009.

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

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

is attached as Exhibit A.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this February 17, 2009.

  
\_\_\_\_\_  
County Manager (or representative thereof)  
Washoe County, Nevada

**EXHIBIT A**

**(Attach Copy of Agenda Notice of February 17, 2009 Meeting)**

**COUNTY COMMISSIONERS**

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

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada**

**February 17, 2009  
10:00 a.m.**

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

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

**Public Comment** during the Commission Meeting on February 17, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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

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

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

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

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

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

- 10:00 a.m.**
- \*1. Salute to the flag.
  - \*2. Roll call.
  - \*3. Presentation of Excellence in Public Service Certificates honoring Washoe County employees who have completed essential employee development courses.
  - 4. Proclamation--February 23 - March 2, 2009 as Peace Corps Week (requested by Commissioner Humke).
  - \*5. 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.
  - \*6. Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda. (No discussion among Commissioners will take place on this item.)

Consent Items.

- 7. A. Approve and execute a Resolution concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); determining the cost to be assessed and ratifying the assessment roll for the district; fixing the time and place when complaints, protests, and objections to the assessment roll will be heard; providing other details in connection therewith--Finance. (Commission District 2.)
- 7. B. Approve waiving the optional one year renewal on the current Medical Services contract; and if approved, authorize the Washoe County Sheriff's Office and Purchasing Department to develop and administer a Request for Proposal for Pre-placement, Annual and Related Medical Services for Sheriff's Office Personnel--Sheriff. (All Commission Districts.)

**EXHIBIT B**

**(Attach Certified Copy of District No. 39 Assessment Roll  
Including Engineer's Certificate)**

**EXHIBIT C**

**(Attach Engineer's District No. 39 Detailed  
Total Cost of the Project Including Estimated Incidental Expenses)**

**EXHIBIT D**

**(Attach Affidavit of Publication of the District No. 39 Notice of  
the Assessment Hearing in a Newspaper of General Circulation  
in the County -- 3 times -- 1st Publication to be 15 Days  
Prior to Hearing -- Not Less than 14 Days to Lapse Between  
1st and 3rd Publications)**

**EXHIBIT E**

**(Attach Engineer's Affidavit of Mailing of Notice of Hearing)**