

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

TUESDAY

10:00 A.M.

JANUARY 12, 2010

PRESENT:

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

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

The Washoe County Board of Commissioners convened at 10:05 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

County Manager Katy Simon stated: "The Chairman and 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."

**10-01            AGENDA ITEM 3 – ELECTION OF CHAIRMAN**

**Agenda Subject: "Election of Chairman of the Washoe County Board of Commissioners."**

Commissioner Weber nominated David Humke to continue as Chairman.

In response to the call for public comment, Sam Dehne addressed why he felt he was the most qualified person to be Chairman.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Commissioner Humke be reelected as the Chairman of the Washoe County Board of Commissioners.

**10-02            AGENDA ITEM 4 – ELECTION OF VICE CHAIRMAN**

**Agenda Subject: “Election of Vice Chairman of the Washoe County Board of Commissioners.”**

Commissioner Larkin nominated Bonnie Weber to continue as Vice Chairperson.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Bonnie Weber be reelected as the Vice Chairperson of the Washoe County Board of Commissioners.

**10-03            AGENDA ITEM 5 – COOPERATIVE EXTENSION**

**Agenda Subject: “Proclamation--January 2010 as National Radon Action Month in Washoe County--Cooperative Extension. (All Commission Districts.)”**

Commissioner Jung read and presented the Proclamation to Frank Flavin, University of Nevada Cooperative Extension Western Area Director. Mr. Flavin explained the Cooperative Extension wanted to bring to the public’s attention the dangers of Radon gas. He said over 2,000 free home-test kits had been distributed to Washoe County citizens in 2009, so they could test to see if their homes had elevated Radon gas levels. He discussed how the location of a home affected its Radon levels during the winter months. He stated alleviating the Radon gas levels was one way to protect one’s health. He said the test kits distributed to the Board were available for free at the Cooperative Extension Office at 5305 Mill Street or by calling 784-4848 for further information.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5 be approved.

**10-04            AGENDA ITEM 6 – PUBLIC WORKS**

**Agenda Subject: “Accept “2009 Wendell McCurry Excellence in Water Quality Award” for the Lake Tahoe Basin Roadway Sweeping Program from the Nevada Division of Environmental Protection--Public Works. (Commission District 1.)”**

Katy Simon, County Manager, stated this item was being deferred to the February 9, 2010 Commission meeting.

In response to the call for public comment, Sam Dehne defended the supposed lousy water quality in Northern Nevada. He advised he drank water right out of the tap, so the water was good.

**10-05            AGENDA ITEM 7 – PUBLIC COMMENT**

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

Sam Dehne congratulated the Chair and Vice Chairperson on their reelection. He discussed the layoffs that had been happening throughout the community and the money the City of Reno spent buying its current City Hall. He suggested raising taxes to cancel some of the layoffs.

**10-06            AGENDA ITEM 8**

**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, noted Agenda Item 20, Senior Services and Adult Services integration, was being pulled. She noted that would be brought back to the Board after additional employee meetings were held. She noted there would be a special meeting of the Truckee Meadows Fire Protection District Board of Fire Commissioners on January 19, 2010 at 3:30 p.m. to inform the Board of possible fire service impacts.

Commissioner Breternitz thanked Commissioner Jung for attending the Regional Planning Governing Board (RPGB) meeting in his stead, so he could attend the Incline Village housing study discussion. He advised he would be attending the Verdi Township/West Truckee Meadows Citizen Advisory Board (CAB) meeting tomorrow night and the Incline Village/Crystal Bay CAB meeting on the 4th Monday of the month. He noted he would be available for anyone wishing to talk with him starting at 5:30 p.m. prior to the CAB meeting.

Commissioner Weber stated the National Association of Counties (NACo) 2010 Conference would be held in Reno this July, and she requested an agenda item once a month to provide updates for the public. She advised a new Nevada Association of Counties (NACO) president, Robin Williamson, Carson City Supervisor for Ward 1, was sworn in yesterday. She stated it had been a pleasure serving as the past president of NACO, and she would continue going out to other counties to talk with the Commissioners about their issues. She noted she would be holding her “Coffee and Conversation with Your Commissioner” this Saturday at the Sierra Sage Golf Course at 10:00 a.m., which was a good opportunity for people to talk with her and make requests.

Chairman Humke discussed the January 7, 2010 memorandum by Lieutenant Frank Schumann of the Washoe County Sheriff's Office regarding dispatching a K9 team, consisting of Sergeant John Hamilton and K9 Cartouche, to the downtown court complex to provide additional security. A copy of the memorandum was placed on file with the Clerk. Chairman Humke thanked the Sheriff for devoting this resource to the courts.

### **CONSENT AGENDA - AGENDA ITEMS 9A THROUGH 9L**

Regarding 9H(3), 9H(4), and 9H(5), Commissioner Weber asked that future agenda items identify when the use of a property was donated to an organization. She also asked if the Board received any recognition from the organizations for such donations. Ms. Simon explained the County provided leases at no cost to non-profit agencies and the Board of County Commissioners was acknowledged for doing that. She felt it was important for the public to know how important these partners were in helping the County in meeting its mission.

#### **10-07            AGENDA ITEM 9A**

**Agenda Subject: "Approve minutes for the Board of County Commissioners' meetings of November 10 and December 8, 2009."**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9A be approved.

#### **10-08            AGENDA ITEM 9B – COMMUNITY DEVELOPMENT**

**Agenda Subject: "Appoint David A. Heuss as a Verdi/Mogul (District 5) member to fill an unexpired term (June 30, 2011) on the Verdi Township/West Truckee Meadows Citizen Advisory Board--Community Development. (Commission District 5.)"**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that David A. Heuss be appointed as a Verdi/Mogul (District 5) member to fill an unexpired term ending June 30, 2011 on the Verdi Township/West Truckee Meadows Citizen Advisory Board (CAB).

**10-09            AGENDA ITEM 9C – JUVENILE SERVICES**

**Agenda Subject: “Accept Fiscal Year 2006 OJJDP Juvenile Accountability Block Grant accrued interest [\$4,500.88] from Nevada Juvenile Justice Commission; and if accepted, direct Finance to make necessary budget adjustments--Juvenile Services. (All Commission Districts.)”**

Chairman Humke congratulated Carey Stewart on his appointment as Juvenile Services Division Director. He disclosed he served on the Nevada Juvenile Justice Commission, which was a pass-through agency for these federal funds that benefited Juvenile Services. He did not consider serving on that Commission conflicted with accepting these funds.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9C be accepted and directed.

**10-10            AGENDA ITEM 9D – PURCHASING**

**Agenda Subject: “Authorize Purchasing Office to release an Invitation to Bid for outsourcing the printing and mailing of the Washoe County Property Tax Billing, on behalf of the Washoe County Treasurer and Technology Services, for a term of one year commencing July 1, 2010 with the provision for two successive annual renewal options--Purchasing. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9D be authorized.

**10-11            AGENDA ITEM 9E – SENIOR SERVICES**

**Agenda Subject: “Accept Interest On Lawyers’ Trust Account grant award from the Nevada Law Foundation for the Department’s Senior Law Project [\$22,500 - no County match] retroactively for the period January 1, 2010 through June 30, 2010; and if accepted, direct Finance to make appropriate budget adjustments--Senior Services. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9E be accepted and directed.

**10-12            AGENDA ITEM 9F(1) – HUMAN RESOURCES**

**Agenda Subject: “Reappoint Ms. Susan DeBoer as the Public Guardian effective retroactively to December 13, 2009, at an annual salary of \$99,132.80 [no incremental fiscal impact], for the position as recommended by the County Manager pursuant to Chapter 5.475 of the County Code. (All Commission Districts.)”**

Commissioner Weber said during the budget hearings last year, there was discussion regarding the possibility of combining the Public Administrator, the Public Guardian, and the Medical Examiner; and she asked where that stood. Katy Simon, County Manager, said no specific actions had been taken yet, but she acknowledged all three departments had staff shortages that made their work very challenging. She said staff would continue to work on that possibility. Commissioner Weber felt that discussion needed to happen again prior to the budget hearings.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ms. Susan DeBoer be reappointed as the Public Guardian effective retroactively to December 13, 2009, at an annual salary of \$99,132.80 pursuant to Chapter 5.475 of the County Code.

**10-13            AGENDA ITEM 9F(2) – HUMAN RESOURCES**

**Agenda Subject: “Approve mid-year reclassification requests submitted through the job evaluation and classification process [annual cost savings approximately \$76,600]. (All Commission Districts.)”**

Katy. Simon, County Manager, advised the requested classifications would generate an annual cost savings of \$76,000.

Ms. Simon said she had a discussion with Commissioner Larkin regarding the Board’s intent towards reclassifications that were not in a department’s budget plan. She said staff was asking for clarification on whether or not it was appropriate to bring reclassification requests before the Board mid-year if there were changes in circumstances that would allow Department Heads to better manage their staffing. Commissioner Larkin said the issue arose during last year’s budget negotiations when the Manager indicated there would be many reclassifications coming to the Board as part of those negotiations. He stated the request was to bring all of the reclassifications to the Board in one group instead of piece-meal. He asked if it was the intent of the Board to review every reclassification before they went to the Job Evaluation Committee (JEC) or after. He said he did not want to stifle innovation, but he did not want positions moved around so the Board would not understand what was happening.

Commissioner Breternitz supported maintaining flexibility and being open to creative solutions. He believed there would be no way for the Board to know the costs

and impacts of a reclassification until after it went to the JEC, and he would support the Board making its decision after the JEC made a ruling regarding a specific reclassification request.

Commissioner Jung asked if these requests were effective only after the Board had a chance to evaluate them. Ms. Simon replied it was the Board's job to approve every reclassification request.

Commissioner Larkin asked if the savings forecast in the report provided to the Board was real savings and, if the savings were real, would those savings go back into the General Fund or would the department benefit from them. Ms. Simon advised regarding the Animal Services Division request, that Division had a separate fund. She said because it was a vacant position being reclassified, those savings would immediately accrue to the Animal Services Fund. She explained the Juvenile Services Maintenance Technician position had an incumbent in that position and, according to the County's labor agreements and policies, salaries were not reduced for incumbents; so immediate savings would not be realized. She advised that technically a department did not retain the savings when the department was part of the General Fund, but those dollars would be part of Juvenile Services resources to work with for the year if the position was vacated.

Commissioner Larkin stated the Department Heads would be taking into account any savings in their plans. He said the Manager had swept those accounts for good reason in the past, and he asked if the Manager was intending to do that this time or would let the department achieve that benefit. Ms. Simon replied that decision was being made on a case-by-case basis by each department and their budget analyst depending on the needs of the department. She advised the vacancy pool in the Sheriff's Office was part of the budget process.

Commissioner Larkin asked if the Board could get an estimate on what the departmental changes might be as these requests would start to firm up, so the Board could have an understanding before they were brought before the Board as part of a staff report requesting action. Ms. Simon said staff would work on finding a way to alert the Board sooner, while avoiding making the process too bureaucratic and inefficient.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9F(2) be approved.

**10-14            AGENDA ITEM 9G(1) – MANAGEMENT SERVICES**

**Agenda Subject: “Approve Interlocal Agreement between the County of Washoe and City of Reno [\$15,000] to sub-grant Homeless Prevention and Rapid Re-housing Program (HPRP) funds to support data entry into the Homeless Management Information System for Washoe County's HPRP community based non-profit**

**HPRP sub grantees providing legal assistance services; and if approved, authorize Chairman to sign Interlocal Agreement--Community Support Administrator. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9G(1) be approved, authorized, and executed. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**10-15            AGENDA ITEM 9G(2) – MANAGEMENT SERVICES**

**Agenda Subject: “Accept 2010 Waste Isolation Pilot Plant Emergency Preparedness Grant [\$10,000, no County match required]; and if accepted, direct Finance to make appropriate budget adjustments--Grants Coordinator. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9G(2) be accepted and directed.

**10-0016        AGENDA ITEM 9H(1) – PUBLIC WORKS**

**Agenda Subject: “Accept monetary donations to Washoe County Regional Animal Services [\$3,343.09] used for the humane care and treatment of sick and/or injured, stray or abandoned animals received during the period July 1-November 30, 2009; and if accepted, that the Commission express their appreciation for these thoughtful contributions, approve budget amendment acknowledging these donations and direct Finance to make appropriate budget adjustments--Animal Services. (All Commission Districts.)”**

Commissioner Weber expressed her appreciation for the donations by the public. Katy Simon, County Manager, said a personal acknowledgement was sent to every donor whose donation was over \$100.

Commissioner Weber felt it was important for people to know that there were a lot of people who supported Regional Animal Services. Ms. Simon advised every donation was important no matter how large or small because Regional Animal Services could not survive without those donations.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9H(1) be accepted, approved, and directed.

**10-17            AGENDA ITEM 9H(2) – PUBLIC WORKS**

**Agenda Subject: “Approve request to proceed with obtaining bid proposals on behalf of Equipment Services Division of the Public Works Department for the purchase of a used replacement dozer to be used by the Roads Division in Gerlach, Nevada; and if approved, direct Purchasing to begin procurement process. (Commission District 5.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9H(2) be approved and directed.

**10-18            AGENDA ITEM 9H(3) – PUBLIC WORKS**

**Agenda Subject: “Approve Lease Application for Keep Truckee Meadows Beautiful for lease of space in the Jesch property at Anderson Park, 2000 Del Monte Lane, for a 36-month term with two renewal terms of one year each; and if approved, authorize Chairman to execute Lease Agreement between the County of Washoe and Keep Truckee Meadows Beautiful retroactive January 1, 2009 through December 31, 2012, as authorized within NRS 244.2835. (Commission District 2.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9H(3) be approved, authorized, and executed.

**10-19            AGENDA ITEM 9H(4) – PUBLIC WORKS**

**Agenda Subject: “Approve Lease Application for Nevada Land Conservancy for lease of space in the Jesch property at Anderson Park, 2000 Del Monte Lane, for a 36-month term with two renewal terms of one year each; and if approved, authorize Chairman to execute Lease Agreement between the County of Washoe and Nevada Land Conservancy retroactive January 1, 2009 through December 31, 2012, as authorized within NRS 244.2835. (Commission District 2.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9H(4) be approved, authorized, and executed.

**10-20            AGENDA ITEM 9H(5) – PUBLIC WORKS**

**Agenda Subject: “Approve Lease Application for Truckee Meadows Trails Association for use of space in the Jesch property at Anderson Park, 2000 Del Monte Lane, for a 36-month term with two renewal terms of one year each; and if approved, authorize the Chairman to execute Lease Agreement between the County of Washoe and Truckee Meadows Trails Association retroactive January 1, 2009 through December 31, 2012, as authorized within NRS 244.2835. (Commission District 2.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9H(5) be approved, authorized, and executed.

**10-21            AGENDA ITEM 9H(6) – PUBLIC WORKS**

**Agenda Subject: “Authorize Public Works Department to bid Phase II of structural rehabilitation and seismic retrofit of Bowers Mansion. (Commission District 2.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9H(6) be authorized.

**10-22            AGENDA ITEM 9H(7) – PUBLIC WORKS**

**Agenda Subject: “Approve request for a proposed Grant of Easement between Washoe County (Grantor) and Reno-Sparks Convention and Visitors Authority (RSCVA)(Grantee), allowing RSVCA to install and maintain an onsite storm water treatment system on a portion of APN 008-030-05; and if approved authorize Public Works Director to execute Easement Agreement upon presentation of the final approved design. (Commission District 3.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9H(7) be approved, authorized, and executed.

**10-23            AGENDA ITEM 9I(1) – REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: “Acknowledge receipt of Washoe County Regional Parks and Open Space quarterly update report on the status of the American Recovery and Reinvestment Act 2009 (Stimulus) Wildland Fire Ecosystem Restoration projects. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9I(1) be acknowledged.

**10-24            AGENDA ITEM 9I(2) – REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: “Direct Regional Parks and Open Space staff to coordinate with Bureau of Land Management in development of a Cooperative Management Agreement for Spanish Springs Open Space APN 089-169-04 (portion)--requested by Commissioner Larkin. (Commission District 4.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9I(2) be directed.

**10-25            AGENDA ITEM 9I(3) – REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: “Approve Interlocal Agreement between Washoe County, City of Reno and City of Sparks for General Park Maintenance Resource Sharing; and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”**

Commissioner Weber asked how sharing park services with the Cities of Reno and Sparks were already being done. Doug Doolittle, Regional Parks and Open Space Director, replied there was a long history of sharing resources for those facilities, such as using workers from another agency to get a job done. He explained for example, because the County could not provide programming for the North Valleys Regional Park, the County would offer the City of Reno the opportunity to provide programs that would benefit that particular community. He said the same thing would apply if the County could operate a program at one parks in the City of Sparks. He noted the City of Sparks currently helped with the maintenance of the trailhead at Golden Eagle Park. He said even though there was not a lot of maintenance, it saved staff the travel time necessary to get to the park.

Commissioner Weber asked if sharing the maintenance facilities at the North Valleys Regional Park and the Lazy 5 Regional Park had been looked at. Mr. Doolittle replied the North Valleys and the South Valleys facilities had been offered to

the City of Reno to house staff when it was convenient and efficient for them to do so, but they had not taken advantage of that offer yet. Commissioner Weber encouraged the Shared Services Committee members to consider that option because the maintenance facilities were rather large and could accommodate the City of Reno's equipment.

Commissioner Breternitz stated this level of cooperative effort was commendable and needed to occur more often. He believed the Commission wanted to find ways to be as efficient as possible and to expand that efficiency versus maintaining the status quo. He commended the Parks Departments for working together and felt ways should be found to expand that cooperation.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9I(3) be approved, authorized, and executed. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**10-26            AGENDA ITEM 9I(4) – REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: “Accept reimbursable grant [\$80,000 - no match required] from Nevada Department of Conservation and Natural Resources, Division of Forestry Urban and Community Forestry Program, as part of an urban forestry revitalization program funded by the American Recovery and Reinvestment Act for Washoe County Regional Parks and Open Space; and if accepted, authorize Regional Parks and Open Space Director to sign all necessary documents associated with the grant and authorize Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9I(4) be accepted, authorized, and executed.

**10-27            AGENDA ITEM 9J(1) – SOCIAL SERVICES**

**Agenda Subject: “Authorize Director of Social Services to accept \$13,310 in additional Victim of Crime Act funds for Fiscal Year 2010 from the State Division of Child and Family Services to provide direct services to victims of child abuse and/or domestic violence; 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 Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9J(1) be authorized and directed.

**10-28            AGENDA ITEM 9J(2) – SOCIAL SERVICES**

**Agenda Subject: “Authorize Director of Social Services to accept 2010 Community Access to Child Health Planning Grant awarded by the American Academy of Pediatrics [up to a maximum of \$12,000]; to be utilized to identify barriers to medical care for foster children and the understanding and practice of the Medical Home model of care in the community medical providers; and if accepted, authorize the purchase of incentives for participation (to include gift cards or gift certificates), authorize purchase of refreshments for the focus groups and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9J(2) be accepted, authorized, and directed.

**10-29            AGENDA ITEM 9J(3) – SOCIAL SERVICES**

**Agenda Subject: “Authorize Director of Social Services to accept \$38,206 in additional Federal Chafee funds for Fiscal Year 2010 from the State Division of Child and Family Services to assist youth in making the transition from foster care to economic self-sufficiency; and if accepted, direct Finance to make appropriate budget adjustments, including \$2,500 for staff travel to attend CASEY Independent Living Program workshop to develop consistent program and policy for our independent living youth. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9J(3) be accepted, authorized, and directed.

**10-30            AGENDA ITEM 9K(1) – TREASURER**

**Agenda Subject: “Increase change fund from \$200 to \$500 for Regional Animal Services; and if approved, authorize Chairman to execute Resolution for same. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9K(1) be approved, authorized, and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**10-31            AGENDA ITEM 9K(2) – TREASURER**

**Agenda Subject: “Adopt and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: Washoe County Assessment District (WCAD) 21 (Cold Springs Sewer), WCAD 23 (Arrowcreek Water), WCAD 30 (Antelope Valley Road), WCAD 37 (Spanish Springs Sewer Phase 1A), WCAD 39 (Lightning W Water System Supply Imp). (Commission Districts 2, 4 and 5.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9K(1) be adopted, executed, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**10-32            AGENDA ITEM 9L – WATER RESOURCES**

**Agenda Subject: “Approve Water Rights Lease between the County of Washoe and South Truckee Meadows General Improvement District to lease 30.0 acre-feet of water rights from the South Truckee Meadows General Improvement District to Washoe County [\$2,835] for a period of no more than 90 days for use in the Golden Valley Recharge Project; and if approved, authorize Chairman to execute the Lease--Water Resources. (Commission Districts 2, 3 and 5.)”**

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9L be approved, authorized, and executed.

**10-33            AGENDA ITEM 10 – TREASURER**

**Agenda Subject: “Appearance: Bill Berrum, Washoe County Treasurer. Notice of resignation/retirement from Office of Washoe County Treasurer.”**

Bill Berrum, Washoe County Treasurer, was given a standing ovation.

Mr. Berrum said his past 15 years as Treasurer had been an incredible experience; and one of the high points was working alongside the Board, their

predecessors, and the outstanding Department Heads. He explained why he chose to resign.

Mr. Berrum stated appointing Tammy Davis, Chief Deputy Treasurer, to fulfill the remainder of his term as Treasurer would ensure a smooth transition because she ran the Office's day-to-day operations. He said she rose up through the ranks, which culminated with her being appointed two years ago as Chief Deputy Treasurer. He stated she was the project manager for the new tax system and was named Project Manager of the Year by the software provider. He noted he sent Ms. Davis to every committee meeting since 2005 and every tax-cap legislation workshop. He said she was thought of as an expert by himself and many people in the State regarding the application of the abatement formula. He stated Ms. Davis played a big role in the running of the Office and was the most qualified individual to fulfill the Treasurer's duties.

Mr. Berrum thanked his family for their support, the voters that voted for him during his four campaigns, and the taxpayers for their understanding of the process. He also thanked the Board and the Manager's and the Finance Department's staff for their support, because he felt they worked as an amazing team.

Mr. Berrum said his biggest thanks went to his staff. He stated he was proud the Treasurer's Office had the reputation of providing excellent customer service. He indicated he nicknamed the department the "can-do" department because staff met the challenges of diminishing staff and the increasing demands and responsibilities brought on by the Legislature and the courts every single time. He stated staff identified a problem and took care of it, which was why they were the "can-do" department.

Mr. Berrum felt it was the time for youth and new technology to meet future challenges.

In response to the call for public comment, Josh Wilson, Assessor, expressed his gratitude and thanks to Mr. Berrum. He stated Mr. Berrum had acted as his mentor in the political process and was always available to discuss any issue on a personal or professional level. He stated he wished Mr. Berrum the best in his retirement.

John Sherman, Finance Director, stated Mr. Berrum always focused on customer service and was an integral part of the finance team. He noted Mr. Berrum was always willing to step up to the plate and lend his experience to help deal with County-wide issues. He said it was an honor and a privilege to have served with Mr. Berrum.

Katy Simon, Manager, thanked Mr. Berrum for his example of compassionate leadership over the years.

Commissioner Larkin commented he had the honor of working with Mr. Berrum on the Investment Committee, which did its work efficiently and led to one of the highest bond ratings attained by any municipality in the United States. He stated the

Committee had made millions of dollars for the taxpayers of Washoe County. He thanked Mr. Berrum for his service.

Chairman Humke said he would regrettably vote for accepting Mr. Berrum's resignation. He stated Mr. Berrum took customer service personally, and he thanked Mr. Berrum for his great work.

Commissioner Weber said he had been a wonderful person to work with and was a wonderful team player and leader. She indicated he would be missed.

Commissioner Breternitz said he had observed Mr. Berrum was a compassionate leader, and he would be missed.

Commissioner Jung noted a lot could be determined about a leader by seeing how their staff felt about them, and his staff adored Mr. Berrum. She noted an indication of how the public felt about him was the amount of voter support he received for a not so popular position. She said she appreciated his planning would not leave the County high and dry, and she stated he would be missed.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the resignation of Bill Berrum as Washoe County Treasurer be accepted.

**10-34            AGENDA ITEM 11 – TREASURER**

**Agenda Subject: “Possible appointment of Washoe County Treasurer. (Requested by Commission Chairman Humke.)”**

Bill Berrum, former Washoe County Treasurer, recommended Tammy Davis, Chief Deputy Treasurer.

Chairman Humke said former Treasurer, Mr. Berrum, indicated it was a good idea to question anyone nominated as Treasurer. He asked Ms. Davis to describe the workings of the Treasurer's Office and how it impacted citizens, staff, and the County's functions. Ms. Davis explained the job done by the Treasurer's Office was not a popular job, but could be done in a helpful manner. She said there was an amazing staff that was willing to help even if the question had nothing to do with the Treasurer's Office. She asked everyone to remember that the collected taxes were used for the benefit of the County's citizens. She advised the Treasurer's Office also served as the checkbook for the County, and it was the Treasurer's job to make sure the monies coming in were held safely and were handled prudently. She noted there were many processes in place to make sure that was accomplished

Commissioner Jung asked about Ms. Davis' educational background and how long she had been with the Treasurer's Office. Ms. Davis replied she had been with the Treasurer's Office for 12 years and, prior to working for the County, she worked for a

city Treasurer for six years. She stated her educational experience consisted of general studies and accounting courses in college. She advised she did not hold a degree, but she felt her experience in the Treasurer's Office compensated for that lack; and she believed she was truly qualified to hold the position of Treasurer.

Commissioner Weber asked why Ms. Davis wanted the job. Ms. Davis said the Treasurer's Office was an awesome place to work. She explained she wanted to continue working with the Office's great staff and to continue offering exceptional customer service as was offered under Mr. Berrum's tenure.

In response to the call for Public Comment, Josh Wilson, Assessor, emphasized he supported Mr. Berrum's recommendation for Ms. Davis' appointment. He noted his staff and the staff of the Treasurer's Office worked well together, and he personally had a good working relationship with Ms. Davis. He supported the recommendation and looked forward to working with her.

On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Tammy Davis be appointed as the Washoe County Treasurer.

**11:26 a.m.** The Board recessed for photos to be taken and for legal business.

**11:34 a.m.** Board reconvened with all members present.

Bill Berrum read and Ms. Davis recited the Official Oath for the Office of the Washoe County Treasurer.

**BLOCK VOTE - AGENDA ITEMS 13, 14, 15, 16, 17, 18, 19, 21, AND 22**

Katy Simon, County Manager, said Washoe County was making a total community investment of \$3,554,000 through the Board's actions regarding the items on this agenda, which would help the region's economy.

**10-35 AGENDA ITEM 13 – PUBLIC WORKS**

**Agenda Subject: "Recommendation to award bid for the E. 5th Avenue Pedestrian Path Congestion Mitigation and Air Quality Project in Sun Valley to the lowest responsive and responsible bidder (staff recommends Atlas Contractors [\$519,006]); and if awarded, authorize the Chairman to execute the contract documents--Public Works. (Commission District 5.)"**

There was no response to the call for public comment.

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

**10-36            AGENDA ITEM 14 – PUBLIC WORKS**

**Agenda Subject: “Recommendation to authorize Equipment Services to purchase 25 replacement vehicles for the Sheriff’s Department using Nevada State Joinder Bid Contract Pricing in conjunction with the previously approved 2009/10 Capital Purchases Budget for the Equipment Services Fund [estimated cost for Fiscal Year 2009/10, including emergency equipment outfitting, \$902,000]--Public Works. (All Commission Districts.)”**

There was no response to the call for public comment.

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

**10-37            AGENDA ITEM 15 – PUBLIC WORKS**

**Agenda Subject: “Recommendation to authorize Equipment Services to purchase 8 replacement motorcycles, assigned to the Sheriff’s Patrol Division, using the City of Reno’s Bid Contract #1417 in conjunction with the previously approved 2009/10 Capital Purchases Budget for the Equipment Services Fund [estimated cost for Fiscal Year 2009/10 \$160,000]--Public Works. (All Commission Districts.)”**

There was no response to the call for public comment.

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

**10-38            AGENDA ITEM 16 – PUBLIC WORKS**

**Agenda Subject: “Recommendation to award Base Bid (and alternates) for the Washoe County Photovoltaic Project to the lowest responsive and responsible bidder (staff recommends Frank Lepori Construction [\$722,460--Funding Source – Capital Improvement Fund with full reimbursements from an Energy Efficiency Conservation Block Grant [\$401,200] and NV Energy SolarGenerations Rebates [amounts exceeding \$321,269]); and if awarded, authorize Chairman to execute contract documents--Public Works. (Commission Districts 1 and 3.)”**

There was no response to the call for public comment.

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

**10-39                    AGENDA ITEM 17 – WATER RESOURCES**

**Agenda Subject: “Recommendation to approve an Agreement for Consulting Engineering Services between the County of Washoe and Kennedy/Jenks Consultants for consulting engineering services in support of the Central Truckee Meadows Remediation District program [\$275,000]; and if approved, authorize Chairman to execute Agreement--Water Resources. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 17 be approved, authorized, and executed.

**10-40                    AGENDA ITEM 18 – TECHNOLOGY SERVICES**

**Agenda Subject: “Recommendation to approve four, three-year T-1 Services Agreements between the County of Washoe and Integra Telecom, for Integrated Services Digital Network Primary Rate Interface communication to four Washoe County buildings; and if approved, authorize Purchasing and Contracts Manager to execute agreements in Fiscal Year 2009/2010 for a three year cost [\$206,601.84]-- Technology Services. (All Commission Districts.)”**

There was no response to the call for public comment.

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

**10-41                    AGENDA ITEM 19 – MANAGEMENT SERVICES/FIRE SERVICES COORDINATOR**

**Agenda Subject: “Recommendation to accept proposal from Resource Concepts, Inc. to assist Washoe County with implementation and management of American Resource Recovery Act (ARRA) Hazardous Fuels Reduction Grant Program; and if approved, authorize Chairman to execute Independent Contractor Agreement between the County of Washoe and Resource Concepts, Inc. for same [\$135,000]-- Management Services/Fire Services Coordinator. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 19 be accepted, authorized, and executed.

**10-42            AGENDA ITEM 21 – FINANCE**

**Agenda Subject: “Recommendation that the Board authorize the restructure of restricted funds including fund balances from the General Fund to the Other Restricted Revenue Fund in the amount of \$27.05 million; and direct Finance to make the necessary adjustments to budget authority effective July 1, 2009, including any restricted funds received fiscal year to date; this restructuring is necessary to be consistent with the County financial policy and accounting standards; it is not an expense of funds or increase in expenditure authorization, and it has no net fiscal impact nor will it effect the operations of the organization. In addition, accept notification of cross-function budget adjustments made in the General Fund pursuant to NRS 354.598005--Finance. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 21 be authorized, directed, and accepted.

**10-43            AGENDA ITEM 22 – FINANCE**

**Agenda Subject: “Discussion and possible direction to staff to create a Recovery Zone Facility Bond intergovernmental subcommittee, comprised of two representatives from the City of Reno, City of Sparks and Washoe County so that Recovery Zone Facility Bond decision-making can be coordinated in a timely and joint manner; and that a letter-of-understanding between the City of Reno and Washoe County be developed, allowing the jurisdictions to pool authorizations, if necessary, and accept Recovery Zone Facility Bond applications in common--Finance. (All Commission Districts.)”**

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 22 be directed and developed.

**10-44            AGENDA ITEM 12 – REGIONAL PARKS AND OPEN SPACE**

**Agenda Subject: “Recommendation to consider and possibly approve up to two refundable option extension payments of \$33,000 per month for February-March 2010 (totaling \$66,000); and if approved, authorize Chairman to execute the extension of the Option Agreement and direct Finance to make appropriate account adjustments; or, consider allowing the expiration of the termination of Option Agreement between RJB Development, Inc. and Washoe County for potential acquisition of approximately 228 acres of property commonly known as Northgate Golf Course and if expiration of Agreement is approved, authorize Chairman to**

**provide written notice to RJB Development, Inc. and Escrow Holder and acknowledge the Reversion Right of RJB and authorize Chairman to convey to RJB by quitclaim deed all of the County's right, title and interest in the property which is subject to the Right of Reverter--Regional Parks and Open Space. (Commission Districts 1 and 5.)”**

Dave Childs, Assistant County Manager, said this item was to consider cancelling the option agreement between Washoe County and RJB Development, Inc. (RJB) for the acquisition of the 228 acres commonly known as the Northgate Golf Course or continuing it for another month. He advised the advocates of creating a Special Improvement District (SAD) had approximately 39 percent of the signatures out of the 67 percent required. He said without the January 6, 2010 letter from McDonald-Carano-Wilson on behalf of RJB, staff would have recommended terminating the agreement. However, he read from the letter, which outlined the reasons RJB was offering a 90-day extension without any additional compensation from the County. A copy of the letter was placed on file with the Clerk. He explained the letter was received after the agenda was prepared, and the agenda was not styled to allow action on the extension of the Option Agreement. He suggested placing the offer of the 90-day extension on the agenda for the next Board meeting.

Commissioner Breternitz commented he supported continuing this action until the next Board meeting, which would give the citizens as much time as possible to make the SAD work.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that consideration of the proposal from RJB Development, Inc. be continued to the January 26, 2010 Board of County Commissioners meeting.

**10-45            AGENDA ITEM 23 – FINANCE**

**Agenda Subject: “Discussion and possible approval authorizing the Chairman to execute a Resolution allocating all or a portion of the County’s remaining \$24,766,000 Volume Cap for Recovery Zone Economic Development Bonds to other governmental entities pursuant to the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof--Finance. (Continued from November 10, 2009 Commission meeting.) (All Commission Districts.)”**

John Sherman, Finance Director, explained staff continued to do due diligence on the American Recovery and Reinvestment Act (ARRA) of 2009 bond programs extended to local governments. He said staff looked at a number of different projects, which was summarized on page 2 of the staff report dated December 23, 2009. He noted the Washoe County School District requested an additional \$10,518,000 and the Regional Transportation Commission (RTC) requested at least \$10 million. He advised

the two entities had a current revenue stream with which to pay off the bonds. He stated time was of the essence for the School Board and RTC projects. He said the RTC staff indicated they needed to get the bonds included in this round of debt issuance, because further debt would not be issued for the remainder of the year.

Commissioner Breternitz asked if formally directing the money would happen at the next Commission meeting. Mr. Sherman advised the Board could reallocate some or all of the remaining money today because of the Resolution attached to this item. He advised the RTC needed to bring a formal resolution before this Board to issue their debt. He said if the Board chose not to allocate any of those bond monies to the RTC, they could do their debt issuance without including any of the Recovery Zone Bonds.

Katy Simon, County Manager, suggested one of the options the Board might consider would be setting aside \$4-\$5 million to be used for the County's energy retrofit projects if negotiations with the proposers made it worthwhile to move forward with those projects.

Commissioner Jung asked if this money was related to Agenda Item 22. Mr. Sherman said it was not, as there were two different bond financing facilities approved as part of the Recovery Act. He said Item 22 dealt with private-sector financing and this item dealt with public-sector financing. Commissioner Jung asked if this was essentially an enabling resolution and then the real dollars would be brought back to be looked at. Mr. Sherman this item dealt with allocating the capacity to issue these bonds. Ms. Simon said the two entities were anxious for this to move forward because they wanted to get the bonds moving through the economy. She stated the Board would not approve the issuance of bonds for the School District, but would approve the issuance of bonds for the RTC. She advised based on what the School District and RTC were requesting, approximately \$4.2 million in bonds would remain.

Commissioner Breternitz asked if the \$4.2 million would cover the County's costs for the energy projects. Mr. Sherman replied the amount to finance the project was currently approximately \$5 million, but he would go back and see if a better deal could be worked out with the vendor. He agreed with Commissioner Jung that it was important to get this money out working in the community. He felt allocating \$10 million to the School District, \$10 million to the RTC, and the balance to the County made a great deal of sense.

Commissioner Weber asked if the new Sparks Justice Court project could be considered. Mr. Sherman said that was an eligible project but, during the last legislative session, the Legislature diverted the property taxes that would have funded the Sparks Justice Court to help solve the State's budget problems. He explained that left no identified revenue stream with which to pay off the debt.

Commissioner Weber noted the staff report indicated that Special Assessment District 32, the Spanish Springs Valley Ranches Road project, should not be considered because of the ongoing litigation. Mr. Sherman advised the problem was there

was no way of knowing when the litigation would be resolved and any debt had to be issued before December 31, 2010.

Chairman Humke asked if the Legislature's taking the money dedicated to Capital Improvement Projects was for the fiscal year ending in 18 months. Mr. Sherman replied it was for this fiscal year and the next. Chairman Humke said there was no way the pledged revenue could be in place by December 31, 2010 from that source. Mr. Sherman confirmed that was correct. Ms. Simon added the State had already swept the revenue source for the bonds the County had already issued for the Sparks Justice Court, which meant the County had to offset that loss.

Commissioner Larkin said there was still money in the bank for the Sparks Justice Court. Mr. Sherman stated there was approximately \$13 million set aside to build the Sparks Justice Court and the interest on the \$13 million was being used to pay the outstanding debt. Commissioner Larkin advised the cost of the Sparks Justice Court was priced at the peak of the construction cycle, and he wondered if current bids might be closer to the \$13 million in the bank. Mr. Sherman said the Legislature diverted \$.04 of the County's operating rate besides diverting the portion of the property tax used for capital projects, which reduced the County's capacity to take on additional debt.

Commissioner Breternitz said he recalled last year there was at least one attempt at restructuring the design of the Sparks Justice Court to bring the price down. He believed it did not make any sense to build a project that fell within the budget, but did not serve the required purpose. He felt this money should be allocated to someone with the ability to use it and pay it back.

Commissioner Weber said the Sparks Justice Court was necessary now, and she asked if there was something else that could help with the bonding if any of this money was designated for the Sparks Justice Court. Mr. Sherman advised he believed any additional allocation of resources to pay off debt would decrease the County's operating resource capacity. He felt the choice was straightforward, but difficult.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 23 be approved and executed with \$10.5 million being allocated to the Washoe County School District, \$10 million being allocated to the Regional Transportation Commission, and the balance of the \$24,766,000 being held for Washoe County to use for any appropriate projects. The Resolution for same is attached hereto and made a part of the minutes thereof.

**12:11 p.m.** The Board recessed.

**12:50 p.m.** The Board reconvened with all members present.

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

Katy Simon, County Manager, said a table was provided with the staff report that summarized the appointments and showed the term for each appointment.

Commissioner Jung asked what “term of office” as shown under the Term heading in the table meant. Ms. Simon replied it meant the term of that particular appointment to a board or commission. She indicated sometimes it was coterminous with a Commissioner’s term of office, which meant it was for as long as a Commissioner held office.

Commissioner Jung asked what the term was for the District Board of Health. Melanie Foster, Legal Counsel, replied the District Board of Health appointment was for a four year term and was limited to three terms. Commissioner Jung stated showing that information for each board or committee would be helpful. Ms. Simon said she would make sure the information was clearer. Ms. Foster said because of the way the Board did its appointments, it more often than not ended up being consistent with a Commissioner’s term of office; such as the Commissioner’s term being limited to 12 years and the District Board of Health being term limited to 12 years. Ms. Simon said this Board’s voluntary rules regarding terms could be different than the terms set by a board or commission for its members. She noted the Board set a limitation of two terms and a semi-annual review of the appointments.

Commissioner Weber indicated she was happy with the committees and boards she served on.

Commissioner Larkin believed what was provided in the table was not exactly what Commissioner Jung requested. He stated the request included a self-evaluation form for the Commissioners to fill out. Ms. Simon said her notes indicated the request was for the Commissioners to revisit their participation in the boards and commissions every six months. She explained this format of the table was provided so all of the information would be in one place. Commissioner Larkin said part of the conversation in July was to develop that form and to bring it forward to be used for “self-evaluation.” He stated that “self-evaluation” information could then be shared amongst the Commissioners to see how it was felt the Commissioners were doing on each board or committee. Commissioner Jung said there was a form available the last time the appointments were looked at, but the decision was made not to use it. Commissioner Larkin did not recall having a form. Commissioner Breternitz asked if a form was really needed. Commissioner Larkin felt the form would create a more systematic approach and would make it easier to share information about the job with the other Commissioners. He felt the discussion in July was for some kind of a form to be developed. Ms. Simon reminded the Commissioners that a form would be a matter of public record.

Commissioner Breternitz stated he was recently appointed to the Truckee Meadows Water Authority (TMWA) Board and, with that addition, he was happy with his assignments.

Chairman Humke stated he was pleased with his Board assignments, but he wanted to relinquish his assignment to the Nevada Association of Counties (NACO) to Commissioner Jung who wanted the assignment. He explained there was one representative to NACO instead of the two indicated on the spreadsheet. Commissioner Weber indicated the NACO block should show a second Commissioner could be appointed to NACO if the first Commissioner was appointed to the Executive Board or as a Board of Director to the National Board.

There was no response to the call for public comment.

On motion by Chairman Humke, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Commissioner Jung be appointed to replace Chairman Humke as Washoe County's Nevada Association of Counties representative.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the remaining Commissioner appointments as shown in the spreadsheet be reaffirmed.

**10-47            AGENDA ITEM 25 – COMMISSION'S RULES AND PROCESURES**

**Agenda Subject: "Discussion and possible action with regard to the Rules and Procedures for the Washoe County Board of Commissioners pertaining to the 2010 Washoe County Board of Commissioners."**

Commissioner Larkin said it appeared the language in Item 3 was inconsistent with the actual behavior. He asked if the behavior should be changed or the wording should be changed to better agree with actual behavior. Chairman Humke felt Item 3 said what the Commissioners wanted with a two term limit placed on appointments except for those terms that were modified by regulation or statute.

Commissioner Larkin wondered if a process should be enumerated to take into account if a member had been on a board or commission for a long time and there was an individual who wanted to serve on that board or commission. Commissioner Breternitz stated as he understood the spreadsheet with the information about commission and board appointments, there were certain term limits imposed by the structure of an organization that were outside of the Commission's own rules. He said Item 3 was accurate, and he was in agreement with Item 3's wording.

Chairman Humke suggested deleting the phrase, “(evaluation form being developed).” Commissioner Larkin said the self-evaluation would still be done every six months, but would not be done using a form. Chairman Humke stated that was correct.

There was no response to the call for public comment.

On motion by Chairman Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered the “Rules and Procedures for the Washoe County Board of Commissioners” be approved with the deletion from Rule 3 of the phrase, “(evaluation form being developed)”.

Commissioner Weber felt it would be helpful to get more detailed quarterly reports from the Commissioners on what was happening on their various boards and commissions.

**10-48                    AGENDA ITEM 26 – GOVERNMENT AFFAIRS**

**Agenda Subject: “Discussion and possible direction to staff regarding legislative interim committees, studies and reports of the Nevada Legislature, including but not limited to the Legislative Review of Nevada's Revenue Structure, the Legislative Interim Study on Powers Delegated to Local Governments, the Legislative requirement that certain local governmental entities submit a report to the Legislature concerning the consolidation or reorganization of certain functions, and such other legislative committees, studies and reports as may be deemed by the Chair or the board to be of critical significance to Washoe County--Government Affairs. (All Commission Districts.)”**

John Slaughter, Management Services Director, distributed a handout, which was placed on file with the Clerk, regarding the interim committees, interim studies, and statutory committees. He stated many of the committees were meeting for the first time this month. He said some of these studies and/or committees were being tracked by various County departments. He noted he was closely watching the review of Nevada’s revenue structure, the Nevada Vision Stakeholders Group, the interim study related to the powers delegated to local governments, and the Advisory Commission on Intergovernmental Relations (ACIR).

Mr. Slaughter reported he met twice with Senator Lee, Powers Delegated to Local Governments Committee Chair, and most of yesterday with local government lobbyists and Senator Lee. He said the Committee was researching making the ACIR a permanent statutory committee and was also researching the issue of “home rule.” Mr. Slaughter explained there were a lot of ideas regarding “home rule” and a lot of misconceptions regarding what it would and would not be. He stated local governments and lobbyists were helping with that research. He advised Senator Lee was focusing on establishing “parity among city and counties” because the cities had the ability to do charters and had a number of other powers where they could make decisions on their own where the counties could not.

Mr. Slaughter said Senator Lee was also looking at fiscal authority for local governments. He noted some bills related to local governments being allowed to raise revenue without going to the Legislature did not survive the last legislative session. He advised Senator Lee was also interested in discussing tax abatements and a local governments' authority relating to them. He wanted this discussion because the Legislature often authorized tax abatements with little or no input from local government even though their revenue was impacted. He stated Senator Lee was additionally looking at implementing a two-thirds vote in the Legislature when voting on revenue diversions. He said Senator Lee was also examining turning the authority to determine the salaries of elected officials over to local governments. He advised the committee's first meeting was scheduled for February 18, 2010.

Mr. Slaughter advised most of the interim committees had a limit of four meetings, so they could make swift decisions on developing their list of bill draft requests (BDR's). He said there was a long list of committees staff was monitoring and staff would provide updates on any of the committees the Commissioners were interested in. He said many of the committees and studies were being closely monitored by those departments affected by their actions, but Government Affairs was the central tracking point.

Katy Simon, County Manager, said the Nevada Vision Stakeholders Group reviewed a series of tables from the consultant at its first meeting and most of those indicators were things the Commissioners were very familiar with such as economic, household income, housing affordability, health insurance rates, educational attainment, and so on. She said the participants were invited to suggest other indicators, and she provided them with a copy of the *Truckee Meadows Tomorrow Quality of Life* Indicators document and described Washoe County's involvement in quality of life indicator processes. She advised she was appointed as a representative for Public Safety along with two representatives from Southern Nevada. She said she was convening a group of public safety key stakeholders in Northern Nevada to obtain their input on what they saw as the Nevada's public safety vision. She felt that process would be lively because there were 11 meetings scheduled between now and May. She welcomed the Board's input and she would keep the Board posted on what was happening.

Chairman Humke explained the ACIR was a onetime interim committee, which immediately had a BDR generated that would make it permanent, and he explained how the ACIR Committee was conceived. He said the ACIR Committee was a government affairs oriented committee, which met for the first time last Thursday. He stated "Dillon's rule" and "home rule" were discussed and Senator Lee felt there was some capacity in the Legislature to move the needle from "Dillon's rule" (anti "home rule") to a spot that would give local governments more authority. He discussed the makeup of the Committee.

Commissioner Larkin commented he and Ms. Simon had been discussing Nevada Revised Statute (NRS) 287.023, Section 4, which he read aloud. He said that

NRS specifically had to do with reducing the unit cost per employee for health benefits. He asked if the Manager would entertain directing some resources to Mr. Slaughter to see if there was any appetite to modify that language to make a differential between current and former employees. Ms. Simon responded that was one of an array of legislative proposals that the County would want to discuss with colleagues at NACO, the cities, the County's employee associations, and other interested parties.

Mr. Slaughter said there had not been an ongoing agenda item in the past to discuss interim studies, but he now felt it was important to make it a regular Board item for possible discussion and direction. Chairman Humke felt many of the interim studies were important to the key issues, and he agreed it was important to do this now. He also felt it would be beneficial to bring in two of the Department Heads to discuss the workings of the Legislative Committee on Child Welfare and Juvenile Justice and the Legislative Committee on Health Care. He noted the Interim Retirements and Benefits Committee could be of interest to employees.

Commissioner Breternitz said it was none to soon to begin working on these items that related to interim committees, but everyone should remember the next legislative session was not far off. He suggested having an agenda item that would contain potential BDR items or items of interest, which would be helpful to have when having this discussion.

Chairman Humke felt he had been too far removed from Washoe County's BDR process as a Commissioner and there was no reason the Commissioners could not be part of that process on an ongoing basis. He said a list could be made and culled to what would be manageable. Commissioner Breternitz stated senior staff had a finger on the pulse of what was necessary from a legislative standpoint, but he wanted to make sure the Commissioners were all on board. He said having a format where the issues could be listed so they could be discussed on a regular basis would allow the Commissioner to be better prepared and hopefully more successful.

Mr. Slaughter said Commissioner Breternitz's suggestion of having an agenda item to discuss BDR's was a wonderful idea. He stated Washoe County had the ability to bring forward four BDR's and the BDR deadline was August 30, 2010.

Commissioner Breternitz felt by beginning discussions now, the County might have the time to influence some of the representatives to sponsor BDR's. Chairman Humke felt it helped to have bills sponsored by a wide geographic representation.

Chairman Humke reminded everyone there would be a retirement function in the cafeteria from 4:00 to 6:00 p.m. for retiring Treasurer Bill Berrum.

**1:40 p.m.** The Board recessed into a Closed Session for a Work Card Permit Appeal and also into a Closed Session for the purpose of negotiations with Employee Organizations per NRS 288.220.

**6:02 p.m.** The Board reconvened in open session with all members present. It was noted Janet Sutton's Work Card Permit Appeal was cancelled.

## **PUBLIC HEARINGS**

### **10-49 AGENDA ITEM 28 – PUBLIC WORKS/COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Second reading and adoption of an Ordinance to amend Washoe County Code, Chapter 110, Development Code, Article 420, to establish options for the use of Low Impact Development (LID) storm drainage techniques for new development; adding guidelines for enforcement; providing a list of projects that require or may require a drainage report; referencing newly completed regional standards manuals and other development codes within the County which relate to drainage; adding sections on erosion and sediment control, omitting sections 110.420.25, drainage report contents and 110.420.30, site drainage and grading plans; removing design requirements, clarifying lot line drainage design standards; clarifying drainage easements for maintaining access; not allowing public storm water drainage to discharge into water supply ditches. In addition, a number of standards manuals have been updated, including the Truckee Meadows Regional Drainage Manual, which was completed in April of 2009, and these standards must be reflected in the current code requirements. Also, the proposed amendments have reorganized Article 420 by omitting many of the drainage standards, and keeping or adding County procedures, policies and processes; and other matters relating thereto (Bill No. 1605)--Public Works/Community Development. (All Commission Districts.)”

**6:04 p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There was no response to the call for public comment and the Chairman closed the public hearing.

Amy Harvey, County Clerk, read the title for Ordinance No. 1425, Bill No. 1605.

Commissioner Breternitz asked why the word “adequate” in paragraph C, page 12 of 27, was being deleted. He felt it made a difference whether or not storm drainage was being piped to an existing public storm drain or an existing “adequate” public storm drain.

Kimble Corbridge, Assistant Public Works Director, explained the regional manual would require looking at downstream drainages to show downstream facilities were adequate. He indicated removing “adequate” would not change how staff would look at the drainage manuals and reports.

Commissioner Weber asked if the Board could make a change to the Ordinance. Melanie Foster, Legal Counsel, replied the Board could as long it was not such a substantive change that it meant it fell outside the noticing of the Ordinance.

Commissioner Breternitz indicated he would like to restore the word “adequate.” Ms. Foster confirmed the hearing would not have to be renoticed for that one word.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Ordinance No. 1425, Bill No. 1605, entitled, “**AN ORDINANCE TO AMEND WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 420, TO ESTABLISH OPTIONS FOR THE USE OF LOW IMPACT DEVELOPMENT (LID) STORM DRAINAGE TECHNIQUES FOR NEW DEVELOPMENT; ADDING GUIDELINES FOR ENFORCEMENT; PROVIDING A LIST OF PROJECTS THAT REQUIRE OR MAY REQUIRE A DRAINAGE REPORT; REFERENCING NEWLY COMPLETED REGIONAL STANDARDS MANUALS AND OTHER DEVELOPMENT CODES WITHIN THE COUNTY WHICH RELATE TO DRAINAGE; ADDING SECTIONS ON EROSION AND SEDIMENT CONTROL; OMITTING SECTIONS 110.420.25, DRAINAGE REPORT CONTENTS AND 110.420.30, SITE DRAINAGE AND GRADING PLANS; REMOVING DESIGN REQUIREMENTS; CLARIFYING LOT LINE DRAINAGE DESIGN STANDARDS; CLARIFYING DRAINAGE EASEMENTS FOR MAINTAINING ACCESS; NOT ALLOWING PUBLIC STORM WATER DRAINAGE TO DISCHARGE INTO WATER SUPPLY DITCHES. IN ADDITION, A NUMBER OF STANDARDS MANUALS HAVE BEEN UPDATED, INCLUDING THE TRUCKEE MEADOWS REGIONAL DRAINAGE MANUAL, WHICH WAS COMPLETED IN APRIL OF 2009, AND THESE STANDARDS MUST BE REFLECTED IN THE CURRENT CODE REQUIREMENTS. ALSO, THE PROPOSED AMENDMENTS HAVE REORGANIZED ARTICLE 420 BY OMITTING MANY OF THE DRAINAGE STANDARDS, AND KEEPING OR ADDING COUNTY PROCEDURES, POLICIES AND PROCESSES; AND OTHER MATTERS RELATING THERETO,**” be approved as amended, adopted and published in accordance with NRS 244.100.

**10-50            AGENDA ITEM 29 – PUBLIC WORKS/COMMUNITY DEVELOPMENT**

**Agenda Subject: “Second reading and adoption of an Ordinance amending the Washoe County Code at Chapter 50 by revising provisions relating to unlawful riding of a vehicle off road, and by adding a public nuisance code that prohibits certain activities and conditions and requires certain property maintenance, all pertaining to structures, property and residential foreclosures in disrepair, existence of garbage, weeds, junk vehicles, attractive nuisances, pollutants, hazardous waste or criminal gangs, storage, grading of land, obstruction of public roads, off-road vehicle restrictions, animals, parking, and graffiti; and providing other matters properly relating thereto (Bill 1606); AND, acknowledge receipt of a supplemental staff report concerning matters raised during the December 8, 2009 County Commission first reading of an Ordinance amending the Washoe County Code at Chapter 50, and containing staff responses to these matters--Community Development. (All Commission Districts.)”**

**6:12 p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Amy Harvey, County Clerk, read the title for Ordinance No. 1426, Bill No. 1606.

Commissioner Weber requested a discussion regarding the responses to the questions posed during the last public hearing.

Adrian Freund, Community Development Director, noted the staff report contained the suggestions received from the public at the December 8, 2009 Board meeting. He said Sun Valley residents suggested limiting outdoor storage to 25 percent of a residential parcel and that junk vehicle storage should be limited to no more than 40 percent of the allowed storage area. He said staff foresaw enforcement issues with the suggestions because, without an owner's permission or a warrant, staff could not enter onto a property to determine if the dimensional standards had been met; and it could be difficult to take the measurements. He believed they were good suggestions and, after gaining some experience with the Ordinance, staff might want to come back and revisit them.

Mr. Freund said there was a suggestion to allow up to two unregistered vehicles in public view if they were capable of immediate registration. He stated there was an issue regarding how that would be determined by the County because the County did not have access to that paperwork and did not have smog-testing equipment. He said the Board left the registration issue and the junk vehicle definition in the Ordinance during the October 27, 2009 meeting. He indicated staff would like to study the registration issue further after gaining some experience under the Ordinance.

Mr. Freund said it was suggested that tractors, backhoes, and other construction equipment be added to non-highway vehicles; but that change was not needed because they were not defined as a vehicle in the current Ordinance. He noted building materials could be stored in a visible storage area with a valid building permit, which generally was good for 18 months, but the materials needed to be stored out of public view without a permit. He said the Board confirmed that position on October 27, 2009.

Mr. Freund said it was suggested junk vehicles be limited by the parcel size, but the Board did not put a limit on the number of junk vehicles. He stated the Board reaffirmed at the December 8, 2009 meeting that vehicles over six feet high would be lawfully screened even if the screening was only six feet high.

Mr. Freund said an issue was raised regarding equal protection under the law, and the supplement to the staff report has, as Attachments A and B, documents showing the *NRS Foundation for Proposed Enforcement Ordinance* and the *Legal Basis for Proposed Nuisance Modifiers*. He said there was a question on the meaning of public

welfare and a definition for welfare was added to the Ordinance on October 27, 2009 and was in first reading conducted on December 8, 2009.

Mr. Freund said the decision and direction from the Board had to be balanced with the work of the Citizen Committee, the enforceability of suggestions, and the ideas and changes that would be appropriate for a second reading without having to go back and conduct another first reading. He said the Board provided direction, which staff believed provided flexibility on issues of concern to citizens; but also allowed the focus to be on new issues for new neighborhoods and as conditions continued to deteriorate in foreclosed neighborhoods with overgrown properties. He stated staff was committed to returning to the Board regularly with suggestions for improvements as the impacts of the Ordinance's implementation were understood. He thanked the Citizen Committee, the involved public, and the Board for the time it took to address this Ordinance.

In response to the call for public comment, Marvin Mattson said he opposed the Ordinance in its revised format. He said Section 5, the junk vehicle definition, would prohibit him from building a hotrod or working on his son's 1974 pickup because both would be dismantled and unregistered during the building process. He stated Hot August Nights enthusiasts would be limited in their ability to rebuild old cars. He advised he would rather have his son working on rebuilding a car than engaging in other pursuits. He proposed relaxing the Department of Motor Vehicles (DMV) regulations for disposing of non-titled vehicles and re-imposing the clause regarding the screening of vehicles behind a six-foot fence.

Jay Allen discussed the cost of the cars sold at the Barrett-Jackson Auto Company car auctions and why the cars were collected. He said quite a few local businesses depended on the process of building or restoring cars. He requested striking the junk cars provision from the Ordinance because there were other ways of removing the cars and cleaning up a property for gross offenders.

Garth Elliott congratulated Chairman Humke and Commissioner Weber for continuing as Chairman and Vice Chairperson. He hoped the three year saga of this Ordinance would be ended tonight. He said the citizen involvement was a great idea, and he hoped things were learned from the process. He addressed the good and bad points of the three year saga. He said he had small issues with the Ordinance, but he felt it could take off and fly quite well. He believed the use of volunteers could be feasible in this case.

Susan Severt thanked the Board for the opportunity of working on the Ordinance because she learned a lot during the 30 months. She advised she was not completely happy with the Ordinance, but she hoped the Board would listen if it was found to need tweaking.

Katherine Snedigar said the Palomino Valley was not an urban or suburban residential zone, but Community Development decided it was called Rural

Residential. She indicated the Nuisance Ordinance was entirely inappropriate for the area because her Palomino Valley home was far away from other homes and her barking dog would not bother those residents. She noted it appeared having a cow was prohibited by the Ordinance, but who would the cows bother if she decided to get come cows.

Sharalyn Barney stated she was on the Citizen Committee for 1.5 years. She said the amount of minutia in the Ordinance was turning the County into a virtual homeowners association (HOA), but without the controls placed on HOA's. She was concerned that staff would add more things to the Ordinance, which would make it bigger and more intrusive. She said there was some concern that not all provisions in the Ordinance were appropriate for all areas. She felt this Ordinance was a mess and it would be a shame if it passed.

Gary Schmidt discussed his involvement with the creation of the Ordinance. He said the County failed to use the tools it already had to deal with the most abusive violations. He said he filed an Open Meeting Law violation regarding Bob Webb, Planning Manager, and Blaine Cartledge, Deputy District Attorney, activities with the Citizen Committee. He said the violation was affirmed by the Attorney General Office. He requested the Clerk attach his submittals in the minutes and place on the record his comments in detail. He said the Ordinance ignored all of the substantive comments of the Citizen Committee two months ago, but the Ordinance was currently 90 percent successful. He did not believe the Citizen Committee recommended screening on all four sides and the members present tonight agreed with him. He felt screening on all four sides would be overkill.

Charles Marshall stated he opposed the Ordinance because it looked over everyone's back fences and would inhibit a homeowner's ability to do what they saw fit on their own property. He said the District Attorney and the Sheriff's Offices did not want to get involved because the Ordinance would tread on people's rights. He said to highjack the Ordinance at the end and to disregard what the Citizen Committee did was wrong, and he opposed the Ordinance.

Chairman Humke closed public comment.

Commissioner Larkin asked if the Ordinance would prohibit building hotrods. Mr. Freund said there was nothing that would prohibit restoring vehicles or building hotrods, but the vehicle would have to be screened from public view while stored. Mr. Freund said the Ordinance did not affect businesses operating under a business license.

Commissioner Weber said she hoped Mr. Freund's and Mr. Webb's responses helped Mr. Mattson's situation. Mr. Mattson stated one thing left out was the terms dismantled, inoperable and did not possess current vehicle registration. He advised the problem was when a hotrod was being built it was not running or registered and not everyone had a shed or a garage in which to work on a vehicle. He reiterated he was against passage of the Ordinance.

Commissioner Weber said this Ordinance had been worked on for years and it was a much better Ordinance than it would have been three years ago without the public's input. She believed in the process and felt things could be remedied. She proposed having quarterly meetings to provide an opportunity for citizens to ask questions and make recommendations regarding anything they felt was not working.

Commissioner Larkin said Mr. Mattson was addressing Section 5, Paragraph 11, which specifically addressed the definition of a junk vehicle. He asked if the specific activity Mr. Mattson indicated was prohibited within the Ordinance. Mr. Freund replied his previous answer stood regarding working on hotrods and there was no change with respect to the restoration of vehicles from the Code that had been in place for years. He said in at least the last seven years, there were almost no complaints regarding vehicles that were actively being restored. He stated the complaints were about vehicles that had been sitting and deteriorating for years. He said he would expect no different action would be taking place out in the field.

Mr. Webb said Section 7, which was Code Section 50.308, Item 8, stated "Outdoor storage of any building materials, appliances, debris, refuse, rubbish, junk vehicles, or garbage in public view, except otherwise permitted by this Nuisance Code or as otherwise authorized pursuant to Code, Chapter 110, Article 306," which was the Development Code. Commissioner Larkin said the operative term was "in public view." He said individuals were being asked to block the "public view" by installing screening. He stated the Code would not be necessary if these issues did not exist. He said if the Ordinance was passed, it would indicate the standard of being a good neighbor was blocking from view those items not consistent with the Code. He said a lady asked who would set the standard, and he replied the standard would be set by the Board as elected public officials while taking into account public input.

Commissioner Jung asked if the Code Enforcement Officers went looking for violations or were the work orders based on complaints. Mr. Freund replied they were generated based solely on complaints. Commissioner Jung said if Mr. Mattson had not had a complaint filed, the likelihood was under the new Ordinance he would not have one filed either. She acknowledged the Civil Libertarians were concerned this would creep, and she said there needed to be reports to the Board on what was working or not. She stated this issue was belabored and aired very publicly to get to a point that was fair.

Commissioner Breternitz said the Ordinance was modified since the last time there was a public hearing. He said he was fine with the screening from public view, and he was concerned the screening on all four sides could be overkill. He did not know why public view was left in if the requirement was screening on all four sides. Mr. Freund replied item 20 was screening, and he did not see any amendment made to the definition of screening. It said, "to provide physical separation and visual obscuration of one area from another on all sides and in all seasons," which he did not believe had changed. Commissioner Breternitz asked when did it say, "screened from public view." Mr. Webb replied a key point identified early on was the screening. He stated citizens

were concerned about looking into the back or side yards of adjacent properties from their house and being able to see nuisances. He said screening on all four sides early on was one of the themes and was the result of the Citizen Committee's recommendation. He advised public view and screening were two distinct thoughts. He said an item was no longer considered to be in public view if it was behind a screen, which was what the Code Enforcement Officers would be looking at in determining if there was a nuisance.

Commissioner Breternitz acknowledged public view would include the view by an adjacent property owner and the view from public-access streets. He asked why someone should be forced to build a fence when no one could see the item besides the people who owned the property. Mr. Webb replied the definition of public view was very clear because it had to be from a regularly used location on public or private property. He said through the process, the Citizen Committee came up with the screening on all sides requirement, which staff supported, and this was the result.

Commissioner Weber stated there were comments from one or two citizens that they did not agree that the Citizen Committee wanted the screening to be on all four sides. Mr. Webb said there was a vote on each section of the Ordinance and what was presented to the Board was the majority opinion, which was the democratic process.

Commissioner Weber said if she was on an acre of property and wanted to work on a vehicle without putting up screening, she could do so until a complaint was filed. That would then require the installation of a screen. Mr. Freund replied that was correct but, even with a complaint, there was a long time available in which to correct the violation. He said staff was seeing around 97 percent voluntary compliance, so few cases continued to the point where a correction notice was issued. He indicated most problems got resolved neighbor-to neighbor early on.

Mr. Freund said some experience with the Ordinance was needed and staff would bring back to the Board any problems with the screening requirement.

Commissioner Weber noted the two Code Enforcement Officers would enforce complaints in all of unincorporated Washoe County. Mr. Freund explained some complaints came under other jurisdictions, such as the Health Department, Animal Control, or the Sheriff's Office. He said staff was in the process of identifying which officials would deal with which nuisances.

Commissioner Larkin stated the idea was for neighbors to work issues out without government involvement. He said government was here to mediate and not to tell people what to do. Mr. Freund stated the first point of resolution was neighbor-to-neighbor or with an individual coming into voluntary compliance. He said because violations were taken largely out of the criminal system, there was the opportunity for someone that did not come into voluntary compliance to have a hearing officer decide the case. Furthermore, there were several steps in the process that involved mediation.

Chairman Humke discussed Nancyann Leeder's letter dated January 8, 2010, which was placed on file with the Clerk. Chairman Humke said Jim Byers was concerned with drainage issues and Sarah Tone, Community Outreach Coordinator, responded to him by writing, "To clarify the October 27, 2009 BCC meeting, the language in Section 7, Item 12, was altered to remove the words "adjacent," "property," "several," and "properties," and the new language read, "Land that has been altered so as to cause or contribute to erosion, subsidence, or surface water drainage impacting public or private property." This new language should address the concern that the previous proposed text limited such impacts only to adjacent properties." He said Mr. Freund noted the existing County Development Code section on drainage was just overhauled and would be coming before the Board soon. He advised it established a drainage standards manual and cleaned up the Code regarding drainage going across several properties. He hoped that was a satisfactory answer to Mr. Byer's concerns.

Chairman Humke said he believed the citizens wanted someone to discuss with the property owner the complaint and to provide ample time for the property owner to make changes. He felt the Board tried to listen to everyone and to pay attention to the Citizen Committee, and he thanked the Citizen Committee for all of the work they did.

Commissioner Breternitz said he supported passing the Ordinance even though it was not perfect, but it could be refined if needed. Commissioner Weber agreed the Ordinance was not perfect, but there would be opportunities down the road to address any issues that might come up. She said the citizens had complained over the years about how long it took to get a violation remedied and that was something that needed to be worked on. She said she appreciated the dedication and work of the Citizen Committee members. She stated it was a good start and it remained a work in progress.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Ordinance No. 1426, Bill No. 1606, entitled, **"AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 50 BY REVISING PROVISIONS RELATING TO UNLAWFUL RIDING OF A VEHICLE OFF ROAD, AND BY ADDING A PUBLIC NUISANCE CODE THAT PROHIBITS CERTAIN ACTIVITIES AND CONDITIONS AND REQUIRES CERTAIN PROPERTY MAINTENANCE, ALL PERTAINING TO STRUCTURES, PROPERTY AND RESIDENTIAL FORECLOSURES IN DISREPAIR, EXISTENCE OF GARBAGE, WEEDS, JUNK VEHICLES, ATTRACTIVE NUISANCES, POLLUTANTS, HAZARDOUS WASTE OR CRIMINAL GANGS, STORAGE, GRADING OF LAND, OBSTRUCTION OF PUBLIC ROADS, OFF-ROAD VEHICLE RESTRICTIONS, ANIMALS, PARKING, AND GRAFFITI; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO,"** be approved, adopted and published in accordance with NRS 244.100 and the January 12, 2010 supplemental staff report be acknowledged.

**10-51            AGENDA ITEM 30 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Amendment of Conditions Case Number AC09-003, which would extend the previous approval, by the Board of County Commissioners of Development Agreement Case Number DA08-004 for Eagle Canyon IV, Tentative Subdivision Map Case Number TM03-006, which was previously approved by the Washoe County Planning Commission. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until May 20, 2012 with a possible extension until May 20, 2014; AND IF APPROVED, introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC09-003 to extend Development Agreement Case Number DA08-004 for Tentative Subdivision Map Case Number TM03-006 for the Eagle Canyon IV Subdivision as previously approved by the Washoe County Planning Commission, the purpose of the agreement being to extend map approval until May 20, 2012 with a possible second extension until May 20, 2014--Community Development. (Commission District 4.)”**

**7:11 p.m.**        The Chairman opened the public hearing by calling on anyone wishing to speak. There was no response to the call for public comment and the Chairman closed the public hearing.

Amy Harvey, County Clerk, read the title for Bill No. 1607.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that the Amendment of Conditions Case Number AC09-003 for Agenda Item 31 be approved.

Bill No. 1607, entitled, “**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING AMENDMENT OF CONDITIONS CASE NUMBER AC09-003 TO EXTEND DEVELOPMENT AGREEMENT CASE NUMBER DA08-004 FOR TENTATIVE SUBDIVISION MAP CASE NUMBER TM03-006 FOR THE EAGLE CANYON IV SUBDIVISION AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION, THE PURPOSE OF THE AGREEMENT BEING TO EXTEND MAP APPROVAL UNTIL MAY 20, 2012 WITH A POSSIBLE SECOND EXTENSION UNTIL MAY 20, 2014,**” was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed. It was further ordered the public hearing and second reading would be conducted on January 26, 2010.

**10-52            AGENDA ITEM 31 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Amendment of Conditions Case Number AC09-004, which would extend the previous approval, by the Board of County Commissioners, of Development Agreement Case Number DA07-004 for the Pebble Creek Subdivision, Tentative Subdivision Map Case Number TM0009-004, which was previously**

approved by the Washoe County Planning Commission. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until July 26, 2012 with the possibility of an additional two year extension to July 26, 2014, at the discretion of the Director of Community Development; AND IF APPROVED, introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC09-004 to extend Development Agreement Case Number DA07-004 for Tentative Subdivision Map Case Number TM0009-004 for Pebble Creek Subdivision as previously approved by the Washoe County Planning Commission, the purpose of the agreement being to extend map approval until July 26, 2012 with a possible second extension until July 26, 2014-- Community Development. (Commission District 4.)”

**7:14 p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak. There was no response to the call for public comment and the Chairman closed the public hearing.

Amy Harvey, County Clerk, read the title for Bill No. 1608.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that the Amendment of Conditions Case Number AC09-004 for Agenda Item 31 be approved.

Bill No. 1608, entitled, “**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING AMENDMENT OF CONDITIONS CASE NUMBER AC09-004 TO EXTEND DEVELOPMENT AGREEMENT CASE NUMBER DA07-004 FOR TENTATIVE SUBDIVISION MAP CASE NUMBER TM0009-004 FOR PEBBLE CREEK SUBDIVISION AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION, THE PURPOSE OF THE AGREEMENT BEING TO EXTEND MAP APPROVAL UNTIL JULY 26, 2012 WITH A POSSIBLE SECOND EXTENSION UNTIL JULY 26, 2014,**” was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed. It was further ordered the public hearing and second reading would be conducted on January 26, 2010.

**10-53            AGENDA ITEM 32 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Amendment of Conditions Case Number AC09-005, which would extend the previous approval by the Board of County Commissioners of Development Agreement Case Number DA08-007 for the Eagle Canyon VI Subdivision, Tentative Subdivision Map Case Number TM06-008, which was previously approved by the Board of County Commissioners. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until February 24, 2012 with a possible second extension until February 24, 2014; AND IF APPROVED, introduction and first reading of an**

**Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving amendment of Conditions Case Number AC09-005 to extend Development Agreement Case No. DA08-007 for Tentative Subdivision Map Case Number TM06-008 for Eagle Canyon VI as previously approved by the Board of County Commissioners, the purpose of the Agreement to extend map approval until February 24, 2012, with a possible second extension until February 24, 2014--Community Development. (Commission District 4.)”**

**7:16 p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak. There was no response to the call for public comment and the Chairman closed the public hearing.

Amy Harvey, County Clerk, read the title for Bill No. 1609.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Amendment of Conditions Case Number AC09-005 for Agenda Item 32 be approved.

Bill No. 1609, entitled, **“AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING AMENDMENT OF CONDITIONS CASE NUMBER AC09-005 TO EXTEND DEVELOPMENT AGREEMENT CASE NO. DA08-007 FOR TENTATIVE SUBDIVISION MAP CASE NUMBER TM06-008 FOR EAGLE CANYON VI AS PREVIOUSLY APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, THE PURPOSE OF THE AGREEMENT TO EXTEND MAP APPROVAL UNTIL FEBRUARY 24, 2012, WITH A POSSIBLE SECOND EXTENSION UNTIL FEBRUARY 24, 2014,”** was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed. It was further ordered the public hearing and second reading would be conducted on January 26, 2010.

**10-54            AGENDA ITEM 33 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Amendment of Conditions Case Number AC09-006, which would extend the previous approval, by the Board of County Commissioners of Development Agreement Case Number DA07-001 for the Eagle Canyon V Subdivision, Tentative Subdivision Map Case Number TM05-017, which was previously approved by the Washoe County Planning Commission. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until February 24, 2012 with a possible extension until February 24, 2014; AND IF APPROVED, introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC09 006 to extend Development Agreement Case Number DA07-001 for Tentative Subdivision Map Case Number TM05-017 for Eagle Canyon V as previously approved by the Washoe County Planning Commission, the purpose of the agreement being to extend map**

**approval until February 24, 2012 with a possible second extension until February 24, 2014--Community Development. (Commission District 4.)”**

**7:18s p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak. There was no response to the call for public comment and the Chairman closed the public hearing.

Amy Harvey, County Clerk, read the title for Bill No. 1610.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Amendment of Conditions Case Number AC09-006 for Agenda Item 33 be approved.

Bill No. 1610, entitled, **“AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING AMENDMENT OF CONDITIONS CASE NUMBER AC09-006 TO EXTEND DEVELOPMENT AGREEMENT CASE NUMBER DA07-001 FOR TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-017 FOR EAGLE CANYON V AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION, THE PURPOSE OF THE AGREEMENT BEING TO EXTEND MAP APPROVAL UNTIL FEBRUARY 24, 2012 WITH A POSSIBLE SECOND EXTENSION UNTIL FEBRUARY 24, 2014,”** was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed. It was further ordered the public hearing and second reading would be conducted on January 26, 2010.

**10-55            AGENDA ITEM 34 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Amend the Spanish Springs Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change Policy SS.17.2 (c), by increasing the percentage of commercial and industrial zoning within the Suburban Character Management Area from 9.10% to 9.86%; and the amendment request would redesignate three parcels totaling + 109.63 acres from the land use categories of General Rural (GR) and Low Density Suburban (LDS) to Industrial (I), Neighborhood Commercial (NC), Medium Density Suburban (MDS) and Open Space (OS). The subject property is located east of the Pyramid Highway (SR 445) and Campo Rico Drive, and is adjacent to Calle de la Plata to the north. The subject property is within the Truckee Meadows Service Area (TMSA) and City of Sparks Area of Interest as identified on Map 7 of the 2007 Truckee Meadows Regional Plan and is located within Sections 23 and 24, T21N, R20E, MDM, Washoe County, Nevada and is within the Spanish Springs Suburban Character Management Area, the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District 4. (APN’s: 534-562-07; 535-571-01 and 02). To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes include a revised map series with an updated parcel base;**

**and if approved, authorize the Chair of the Board of County Commissioners to sign the Resolution Adopting the Amended Spanish Springs Area Plan (CP09-006), 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.”**

**7:20 p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak.

Grace Sannazzaro, Planner, conducted a PowerPoint presentation, which was placed on file with the Clerk. She noted the Spanish Springs Citizen Advisory Board (CAB) recommended approval of Parts A and B of the Comprehensive Plan Amendment proposed for the Spanish Springs Area Plan. She stated the key topics at the CAB meeting were getting a traffic signal at the intersection of Pyramid Highway and Calle de la Plata, commercial industrial uses on the east side of Pyramid Highway, and to keep a rural environment. She noted the warrants needed to be met to have a traffic signal installed at the intersection, which she believed would happen as projects were developed. She said that intersection was identified in the Spanish Springs Streets and Highway System plan as a proposed lighted intersection. She advised the Planning Commission adopted parts A and B of the proposed amendments on December 1, 2009.

Commissioner Weber thanked Ms. Sannazzaro for a good presentation.

Melissa Lindell, Wood Rodgers, Inc., stated she represented the applicants and Ms. Sannazzaro did a great job of summarizing their request. She stated the owners worked with the neighbors and the community on this amendment to come to a great resolution of the issues. She said at the first of two CAB meetings, it was evident there needed to be a separate meeting to work on the citizen’s issues regarding the traffic light and the land use capability. She said over 75 residents were invited to a meeting held at the Spanish Springs Library, which was well above the County’s noticing requirements. She noted approximately 10 people attended, which lead to working with the Theiss family to arrive at a compromise. She said it was a great process.

Garrett Gordon, Lewis and Rocha, LLP, also representing the applicants, agreed Ms. Sannazzaro did a great job. He thanked the Theiss family for working towards an agreement to mitigate the impacts of the intensity of land uses next to their homes. He said the Area Plan already required a 50 foot buffer between the applicant’s property and the Theiss homes. He stated the applicant and the property owner immediately to the east agreed to a dirt berm approximately two to three feet high and the planting of 30 evergreen trees to mitigate some of the visual impacts of the project. He said the applicant agreed to a 70 foot setback from the property line immediately adjacent to the Theiss homes. He stated there would be no structure within 120 feet of the Theiss properties and a maximum building height of 28 feet was agreed to in a specific area. He said the prohibited uses agreed to include a pet cemetery, a full service recycling center, and a residential hazardous recycling center. He discussed the two Letter of Agreements

that were struck with various property owners, including the Theiss family. He felt the project was something everyone could live with.

There was no response to the call for public comment. Chairman Humke closed the public hearing.

Chairman Humke disclosed he had discussions with Don Reese, Ms. Lindell and Mr. Gordon. Commissioner Breternitz disclosed he had conversations with Mr. Gordon. Commissioner Jung disclosed she had met with Ms. Lindell and Mr. Gordon. Commissioner Larkin said he had discussed this specifically with Mr. Gordon. Commissioner Weber said she had no disclosures to make.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that the Comprehensive Plan Amendment request in Agenda Item 34 be approved, having made findings 1 through 9 as shown on pages 4 of 7 in the staff report. In addition it was ordered that the Chairman be authorized to sign the Resolution after a determination of conformance with the 2007 Regional Plan by the Truckee Meadows Regional Planning Commission.

**10-56            AGENDA ITEM 35**

**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 he would be attending the Thursday meeting of the Regional Planning Governing Board (RPGB) and the Friday meeting of the Regional Transportation Commission (RTC). He advised he attended last week’s Western Regional Water Commission meeting where he was elected Vice Chair. He said there would be a finance meeting of the Flood Project Coordinating Committee on January 19, 2010, and he would be attending the annual RTC retreat on January 22, 2010. He said under consideration was the Pyramid Boulevard and McCarran Boulevard intersection, the Southeast Connector, and any other long-term needs. He stated the RTC had approved loaning RTC-5 funds to the State of Nevada for the widening of Moana Lane from South Virginia up to the 395 Freeway and the widening of Highway 395 from Moana Lane to the Spaghetti Bowl. He said they would also be looking at the transportation system.

Chairman Humke said the Reno-Sparks Convention and Visitors Authority (RSCVA) Finance Committee would meet on Thursday, January 19, 2010. He indicated the RSCVA was planning a press announcement regarding the Safari Club. He stated tomorrow he would attend an economic forecasting session put on by the Builders Association of Northern Nevada along with Commissioner’s Larkin and Jung. He said he

would also be attending the RTC and Flood Project Coordinating Committee meetings and the Criminal Justice Advisory Committee (CJAC) meeting on Thursday.

Commissioner Jung said she attended the Truckee Meadows Water Authority (TMWA) regular meeting on Commissioner Weber's behalf. She advised watering would be allowed three-days a week. She advised the data supported watering three times a week lead to using less water, and she had requested that message go out to the community. She noted water got progressively more expensive as use increased.

Commissioner Jung said Commissioner Weber spearheaded, and she helped, with the Angel Tree the Sun Valley General Improvement District hosted. She noted a gift was received by every child that placed a request for a gift. She said she and Commissioner Weber's vehicles were filled to the brim with gifts, and it was heart warming to see staff's generosity. Commissioner Weber said last year there were 50 requests and this year there were over 400 requests and many of those requests were for clothes. She stated with Washoe County's help, 42 children were provided for. She thanked everyone who participated.

Commissioner Jung said at the last Open Space and Regional Park Commission meeting, staff came up with the idea of having people mark maps with the trails they had taken and they would be given some sort of plaque as a way to get people to use the trails. She challenged the Commissioners to earn that plaque.

Commissioner Jung said the Senior Services Advisory Board's January meeting was cancelled due to the lack of a quorum. She stated she attended the Green-Up Panel forecast event by the Builders Association last week that had over 100 attendees.

Commissioner Jung said on January 25th there would be a Joint Fire Advisory Board (JFAB) meeting.

Commissioner Breternitz said he would be attending a public forum on Thursday in Incline Village regarding the study prepared by Washoe County on Workforce Housing in the Tahoe Basin, which stirred a great deal of interest. He stated he would be attending his first meeting as a member of the TMWA Board next Wednesday. He said he would be attending the Strategic Planning Task Force meeting on Friday and a Board retreat on January 21st.

### **COMMUNICATIONS:**

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

### **COMMUNICATIONS:**

**10-57** State of Nevada, Department of Transportation, executed contract documents, plans and specifications for Contract No. 3384, Project No.

STP-0445(010), on SR 445, Pyramid Way, from “C” Street to North McCarran Boulevard (SR 651), Washoe County, Q & D Construction, Inc., Contractor. (Documents forwarded to Engineering on December 14, 2009.)

**10-58** Letter dated November 24, 2009 from State of Nevada, Public Utilities Commission, regarding Nevada Power Company and Sierra Pacific Power Company, Docket Number 06-06008, acknowledging the letter received by the Commission on June 15, 2009 and withdrawing the referenced filing.

**10-59** Letter from the Washoe County School District dated December 16, 2009 with an attached Resolution to Amend the 2009-10 Budget of the Washoe County School District.

### **REPORTS – MONTHLY**

**10-60** Clerk of the Court, Report of Fee Collections for the month ending November 30, 2009.

### **REPORTS – ANNUAL**

**10-61** Palomino Valley General Improvement District, Financial Statements for fiscal year ending June 30, 2009.

**10-62** Regional Transportation Commission, Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009.

**10-63** Reno-Tahoe International Airport Authority, Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009. Copy of report is available at [www.renoairport.com/about\\_the\\_airport/financial\\_information.php](http://www.renoairport.com/about_the_airport/financial_information.php).

**10-64** Report of Local Government Indebtedness for fiscal year June 30, 2009 from the State of Nevada, Department of Taxation.

**10-65** Sun Valley General Improvement District, Financial Statements and Supplementary Information for the fiscal years ended June 30, 2009 and 2008.

**10-66** Washoe County School District, Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009.

\* \* \* \* \*

**7:45 p.m.** There being no further business to discuss, Chairman Humke adjourned the meeting.

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**DAVID E. HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jan Frazzetta, Deputy County Clerk*

RESOLUTION          Increase Change Fund from \$200 to \$500 for Regional Animal Services

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change and petty cash fund accounts; and

WHEREAS, Regional Animal Services has requested an increase in their change fund from \$200.00 to \$500.00 to assist in the administration of that office; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$300.00 increase in the change fund (for a total of \$500) for Regional Animal Services.
2. That the above additional \$300.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said change fund be used exclusively for transactions related to the Regional Animal Services.
4. That the Court Administrator shall henceforth be held accountable for the change fund authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, Regional Animal Services and the Nevada Department of Taxation.

ADOPTED this 12<sup>th</sup> day of January, 2010.

WASHOE COUNTY COMMISSION

By:   
Chairman

ATTEST  
  
Washoe County Clerk  


RESOLUTION NO. \_\_\_\_

A RESOLUTION DIRECTING THE COUNTY TREASURER TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; RATIFYING ALL ACTIONS PREVIOUSLY TAKEN; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board of Commissioners (the "Board") of the County of Washoe (the "County"), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A attached hereto and incorporated herein (the "Districts"), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land ("properties") in the respective Districts; and

WHEREAS, the Board has by their respective ordinances levied assessments against the properties; and

WHEREAS, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada's Consolidated Local Improvements Law, NRS Chapter 271; and

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A attached hereto ("delinquent properties"), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

WHEREAS, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

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(initials)

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

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 11:00 a.m. on February 23, 2010, in the Washoe County Central Conference room, 1001 E 9<sup>th</sup> St Building C, Reno Nevada**, which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. 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 and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or

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her last-known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

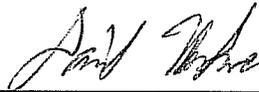
ADOPTED this 12th Day of January 2010, by the following vote:

AYES: Hunke - Weber - Larkin - Jung - Breternitz

NAYS: 0

ABSENT: 0

ABSTAIN: 0



Chairman  
Washoe County Commission

ATTEST:

  
County Clerk

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AKIN

EXHIBIT A

Delinquent Parcels – by Assessment District - as of 12/23/2009

WCAD #21 Cold Springs Sewer—**District 5**  
10 parcels

556-041-07  
556-052-02  
556-061-03  
556-222-07  
556-224-05  
556-321-11  
556-321-19  
556-322-01  
566-091-07  
566-091-19

WCAD #23 Arrowcreek Water—**District 2**  
19 parcels

152-071-06  
152-141-09  
152-142-16  
152-280-22  
152-302-06  
152-351-16  
152-401-05  
152-462-16  
152-462-21  
152-462-22  
152-480-03  
152-571-09  
152-601-21  
152-672-01  
152-681-06  
152-863-07  
152-911-21  
152-911-24  
152-911-30

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WCAD #30 Antelope Valley Road—**District 5**  
8 parcels

079-470-35  
079-470-36  
079-470-45  
079-470-84  
079-481-02  
079-481-28  
079-500-36  
079-530-10

WCAD #37 Spanish Springs Sewer Phase 1A—**District 4**  
3 parcels

089-243-21  
089-274-13  
089-344-02

WCAD #39 Lightning W Water System Supply Imp—**District 2**  
3 parcels

055-391-07  
055-421-01  
055-421-10

Total Parcels 43

**A RESOLUTION ALLOCATING ALL OR A PORTION OF THE COUNTY'S REMAINING \$24,766,000 VOLUME CAP FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS TO OTHER GOVERNMENTAL ENTITIES PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

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

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

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

**WHEREAS**, the County has, by resolution previously adopted, allocated \$15,000,000 of its Volume Cap to the Washoe County School District and has \$24,766,000 remaining to allocate, and

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

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

Section 1. This resolution shall be known as, and may be cited by, the short title "<sup>2010</sup>~~2009~~ Recovery Zone Volume Cap Allocation Resolution" (the "Resolution").

Section 2. The County hereby allocates  
\$ 10,518,000 of its Volume Cap to Washoe Co. School District and  
\$ 10,000,000 of its Volume Cap to D.C. Reg'l Transportation Comm and  
\$ \_\_\_\_\_ of its Volume Cap to \_\_\_\_\_ and  
\$ \_\_\_\_\_ of its Volume Cap to \_\_\_\_\_ and  
\$ \_\_\_\_\_ of its Volume Cap to \_\_\_\_\_

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to issue "recovery zone economic development bonds" in the respective amounts allocated in order to finance "eligible costs" for "qualified economic development purposes" that are located within, or attributable to, the respective areas overlapping both the Recovery Zone and the jurisdiction of the issuing entity.

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

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

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

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

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

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

PASSED AND ADOPTED ON JANUARY 12, 2010.

WASHOE COUNTY COMMISSION

*David W. ...*  
\_\_\_\_\_  
Chairman

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(SEAL)





The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meeting held on ~~November 10, 2009~~ <sup>JANUARY 12, 2010</sup>.

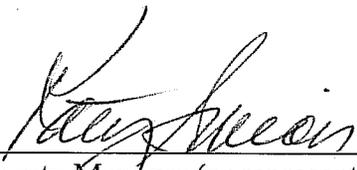
2. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted not later than 9:00 a.m. on the third working day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

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

is attached as Exhibit A.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this ~~September 22,~~ <sup>JANUARY 12, 2010</sup> ~~2009~~.

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

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EXHIBIT A

(Attach Notice of Meeting)

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**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**

**January 12, 2010**

**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 January 12, 2010 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"**.

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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. 9<sup>th</sup> 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 ½ hours.

- 10:00 a.m.**
- \*1. Salute to the flag.
  - \*2. Roll call.
  3. Election of Chairman for the Washoe County Board of Commissioners.
  4. Election of Vice-Chairman for the Washoe County Board of Commissioners.
  5. Proclamation--January 2010 as National Radon Action Month in Washoe County-- Cooperative Extension. (All Commission Districts.)
  6. Accept "2009 Wendell McCurry Excellence in Water Quality Award" for the Lake Tahoe Basin Roadway Sweeping Program from the Nevada Division of Environmental Protection-- Public Works. (Commission District 1.)
  - \*7. 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.
  - \*8. 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.

9. A. Approve minutes for the Board of County Commissioners' meetings of November 10 and December 8, 2009.
9. B. Appoint David A. Heuss as a Verdi/Mogul (District 5) member to fill an unexpired term (June 30, 2011) on the Verdi Township/West Truckee Meadows Citizen Advisory Board --Community Development. (Commission District 5.)

10-45

9. C. Accept Fiscal Year 2006 OJJDP Juvenile Accountability Block Grant accrued interest [\$4,500.88] from Nevada Juvenile Justice Commission; and if accepted, direct Finance to make necessary budget adjustments--Juvenile Services. (All Commission Districts.)
9. D. Authorize Purchasing Office to release an Invitation to Bid for outsourcing the printing and mailing of the Washoe County Property Tax Billing, on behalf of the Washoe County Treasurer and Technology Services, for a term of one year commencing July 1, 2010 with the provision for two successive annual renewal options--Purchasing. (All Commission Districts.)
9. E. Accept Interest On Lawyers' Trust Account grant award from the Nevada Law Foundation for the Department's Senior Law Project [\$22,500 - no County match] retroactively for the period January 1, 2010 through June 30, 2010; and if accepted, direct Finance to make appropriate budget adjustments--Senior Services. (All Commission Districts.)

Human Resources.

9. F. 1. Reappoint Ms. Susan DeBoer as the Public Guardian effective retroactively to December 13, 2009, at an annual salary of \$99,132.80 [no incremental fiscal impact], for the position as recommended by the County Manager pursuant to Chapter 5.475 of the County Code. (All Commission Districts.)
9. F. 2. Approve mid-year reclassification requests submitted through the job evaluation and classification process [annual cost savings approximately \$76,600]. (All Commission Districts.)

10-45

Management Services.

9. G. 1. Approve Interlocal Agreement between the County of Washoe and City of Reno [\$15,000] to sub-grant Homeless Prevention and Rapid Re-housing Program (HPRP) funds to support data entry into the Homeless Management Information System for Washoe County's HPRP community based non-profit HPRP sub grantees providing legal assistance services; and if approved, authorize Chairman to sign Interlocal Agreement--Community Support Administrator. (All Commission Districts.)
9. G. 2. Accept 2010 Waste Isolation Pilot Plant Emergency Preparedness Grant [\$10,000, no County match required]; and if accepted, direct Finance to make appropriate budget adjustments--Grants Coordinator. (All Commission Districts.)

Public Works.

9. H. 1. Accept monetary donations to Washoe County Regional Animal Services [\$3,343.09] used for the humane care and treatment of sick and/or injured, stray or abandoned animals received during the period July 1-November 30, 2009; and if accepted, that the Commission express their appreciation for these thoughtful contributions, approve budget amendment acknowledging these donations and direct Finance to make appropriate budget adjustments--Animal Services. (All Commission Districts.)
9. H. 2. Approve request to proceed with obtaining bid proposals on behalf of Equipment Services Division of the Public Works Department for the purchase of a used replacement dozer to be used by the Roads Division in Gerlach, Nevada; and if approved, direct Purchasing to begin procurement process. (Commission District 5.)
9. H. 3. Approve Lease Application for Keep Truckee Meadows Beautiful for lease of space in the Jesch property at Anderson Park, 2000 Del Monte Lane, for a 36-month term with two renewal terms of one year each; and if approved, authorize Chairman to execute Lease Agreement between the County of Washoe and Keep Truckee Meadows Beautiful retroactive January 1, 2009 through December 31, 2012, as authorized within NRS 244.2835. (Commission District 2.)
9. H. 4. Approve Lease Application for Nevada Land Conservancy for lease of space in the Jesch property at Anderson Park, 2000 Del Monte Lane, for a 36-month term with two renewal terms of one year each; and if approved, authorize Chairman to execute Lease Agreement between the County of Washoe and Nevada Land Conservancy retroactive January 1, 2009 through December 31, 2012, as authorized within NRS 244.2835. (Commission District 2.)
9. H. 5. Approve Lease Application for Truckee Meadows Trails Association for use of space in the Jesch property at Anderson Park, 2000 Del Monte Lane, for a 36-month term with two renewal terms of one year each; and if approved, authorize the Chairman to execute Lease Agreement between the County of Washoe and Truckee Meadows Trails Association retroactive January 1, 2009 through December 31, 2012, as authorized within NRS 244.2835. (Commission District 2.)
9. H. 6. Authorize Public Works Department to bid Phase II of structural rehabilitation and seismic retrofit of Bowers Mansion. (Commission District 2.)
9. H. 7. Approve request for a proposed Grant of Easement between Washoe County (Grantor) and Reno-Sparks Convention Visitors Authority (RSCVA)(Grantee), allowing RSVCA to install and maintain an onsite storm water treatment system on a portion of APN 008-030-05; and if approved authorize Public Works Director to execute Easement Agreement upon presentation of the final approved design. (Commission District 3.)

Regional Parks and Open Space.

9. I. 1. Acknowledge receipt of Washoe County Regional Parks and Open Space quarterly update report on the status of the American Recovery and Reinvestment Act 2009 (Stimulus) Wildland Fire Ecosystem Restoration projects. (All Commission Districts.)
9. I. 2. Direct Regional Parks and Open Space staff to coordinate with Bureau of Land Management in development of a Cooperative Management Agreement for Spanish Springs Open Space APN 089-169-04 (portion)--requested by Commissioner Larkin. (Commission District 4.)
9. I. 3. Approve Interlocal Agreement between Washoe County, City of Reno and City of Sparks for General Park Maintenance Resource Sharing; and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)
9. I. 4. Accept reimbursable grant [\$80,000 - no match required] from Nevada Department of Conservation and Natural Resources, Division of Forestry Urban and Community Forestry Program, as part of an urban forestry revitalization program funded by the American Recovery and Reinvestment Act for Washoe County Regional Parks and Open Space; and if accepted, authorize Regional Parks and Open Space Director to sign all necessary documents associated with the grant and authorize Finance to make appropriate budget adjustments. (All Commission Districts.)

Social Services.

9. J. 1. Authorize Director of Social Services to accept \$13,310 in additional Victim of Crime Act funds for Fiscal Year 2010 from the State Division of Child and Family Services to provide direct services to victims of child abuse and/or domestic violence; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)
9. J. 2. Authorize Director of Social Services to accept 2010 Community Access to Child Health Planning Grant awarded by the American Academy of Pediatrics [up to a maximum of \$12,000]; to be utilized to identify barriers to medical care for foster children and the understanding and practice of the Medical Home model of care in the community medical providers; and if accepted, authorize the purchase of incentives for participation (to include gift cards or gift certificates), authorize purchase of refreshments for the focus groups and direct Finance to make appropriate budget adjustments. (All Commission Districts.)
9. J. 3. Authorize Director of Social Services to accept \$38,206 in additional Federal Chafee funds for Fiscal Year 2010 from the State Division of Child and Family Services to assist youth in making the transition from foster care to economic self-sufficiency; and if accepted, direct Finance to make appropriate budget adjustments, including \$2,500 for staff travel to attend CASEY Independent Living Program workshop to develop consistent program and policy for our independent living youth. (All Commission Districts.)

10-45

Treasurer.

9. K. 1. Increase change fund from \$200 to \$500 for Regional Animal Services; and if approved, authorize Chairman to execute Resolution for same. (All Commission Districts.)
9. K. 2. Adopt and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: Washoe County Assessment District (WCAD) 21 (Cold Springs Sewer), WCAD 23 (Arrowcreek Water), WCAD 30 (Antelope Valley Road), WCAD 37 (Spanish Springs Sewer Phase 1A), WCAD 39 (Lightning W Water System Supply Imp). (Commission Districts 2, 4 and 5.)
9. L. Approve Water Rights Lease between the County of Washoe and South Truckee Meadows General Improvement District to lease 30.0 acre-feet of water rights from the South Truckee Meadows General Improvement District to Washoe County [\$2,835] for a period of no more than 90 days for use in the Golden Valley Recharge Project; and if approved, authorize Chairman to execute the Lease--Water Resources. (Commission Districts 2, 3 and 5.)
10. Appearance: Bill Berrum, Washoe County Treasurer  
  
Notice of resignation/retirement from Office of Washoe County Treasurer.
11. Possible appointment of Washoe County Treasurer. (Requested by Commission Chairman Humke.)
12. Recommendation to consider and possibly approve up to two refundable option extension payments of \$33,000 per month for February-March 2010 (totaling \$66,000); and if approved, authorize Chairman to execute the extension of the Option Agreement and direct Finance to make appropriate account adjustments; **or**, consider allowing the expiration of the termination of Option Agreement between RJB Development, Inc. and Washoe County for potential acquisition of approximately 228 acres of property commonly known as Northgate Golf Course and if expiration of Agreement is approved, authorize Chairman to provide written notice to RJB Development, Inc. and Escrow Holder and acknowledge the Reversion Right of RJB and authorize Chairman to convey to RJB by quitclaim deed all of the County's right, title and interest in the property which is subject to the Right of Reverter--Regional Parks and Open Space. (Commission Districts 1 and 5.)
13. Recommendation to award bid for the E. 5th Avenue Pedestrian Path Congestion Mitigation and Air Quality Project in Sun Valley to the lowest responsive and responsible bidder (staff recommends Atlas Contractors [\$519,006]); and if awarded, authorize the Chairman to execute the contract documents--Public Works. (Commission District 5.)

10-45

14. Recommendation to authorize Equipment Services to purchase 25 replacement vehicles for the Sheriff's Department using Nevada State Joinder Bid Contract Pricing in conjunction with the previously approved 2009/10 Capital Purchases Budget for the Equipment Services Fund [estimated cost for Fiscal Year 2009/10, including emergency equipment outfitting, \$902,000]--Public Works. (All Commission Districts.)
15. Recommendation to authorize Equipment Services to purchase 8 replacement motorcycles, assigned to the Sheriff's Patrol Division, using the City of Reno's Bid Contract #1417 in conjunction with the previously approved 2009/10 Capital Purchases Budget for the Equipment Services Fund [estimated cost for Fiscal Year 2009/10 \$160,000]--Public Works. (All Commission Districts.)
16. Recommendation to award Base Bid (and alternates) for the Washoe County Photovoltaic Project to the lowest responsive and responsible bidder (staff recommends Frank Lepori Construction [\$722,460--Funding Source – Capital Improvement Fund with full reimbursements from an Energy Efficiency Conservation Block Grant [\$401,200] and NV Energy SolarGenerations Rebates [amounts exceeding \$321,269]); and if awarded, authorize Chairman to execute contract documents--Public Works. (Commission Districts 1 and 3.)
17. Recommendation to approve an Agreement for Consulting Engineering Services between the County of Washoe and Kennedy/Jenks Consultants for consulting engineering services in support of the Central Truckee Meadows Remediation District program [\$275,000]; and if approved, authorize Chairman to execute Agreement--Water Resources. (All Commission Districts.)
18. Recommendation to approve four, three-year T-1 Services Agreements between the County of Washoe and Integra Telecom, for Integrated Services Digital Network Primary Rate Interface communication to four Washoe County buildings; and if approved, authorize Purchasing and Contracts Manager to execute agreements in Fiscal Year 2009/2010 for a three year cost [\$206,601.84]--Technology Services. (All Commission Districts.)
19. Recommendation to accept proposal from Resource Concepts, Inc. to assist Washoe County with implementation and management of American Resource Recovery Act (ARRA) Hazardous Fuels Reduction Grant Program; and if approved, authorize Chairman to execute Independent Contractor Agreement between the County of Washoe and Resource Concepts, Inc. for same [\$135,000]--Management Services/Fire Services Coordinator. (All Commission Districts.)
20. Recommendation to accept staff report to integrate the Department of Senior Services and the Adult Services Division of the Department of Social Services, creating a single comprehensive and coordinated County Department; authorize the Finance Department to realign the Adult Services Division from the Department of Social Services to the newly formed Department during the Fiscal Year 2011 budget planning process; and notification of the change in function for the new department from culture and recreation to welfare--Senior Services. (All Commission Districts.)

18-45

21. Recommendation that the Board authorize the restructure of restricted funds including fund balances from the General Fund to the Other Restricted Revenue Fund in the amount of \$27.05 million; and direct Finance to make the necessary adjustments to budget authority effective July 1, 2009, including any restricted funds received fiscal year to date; this restructuring is necessary to be consistent with the County financial policy and accounting standards; it is not an expense of funds or increase in expenditure authorization, and it has no net fiscal impact nor will it effect the operations of the organization. In addition, accept notification of cross-function budget adjustments made in the General Fund pursuant to NRS 354.598005--Finance. (All Commission Districts.)
22. Discussion and possible direction to staff to create a Recovery Zone Facility Bond intergovernmental subcommittee, comprised of two representatives from the City of Reno, City of Sparks and Washoe County so that Recovery Zone Facility Bond decision-making can be coordinated in a timely and joint manner; and that a letter-of-understanding between the City of Reno and Washoe County be developed, allowing the jurisdictions to pool authorizations, if necessary, and accept Recovery Zone Facility Bond applications in common--Finance. (All Commission Districts.)
23. Discussion and possible approval authorizing the Chairman to execute a Resolution allocating all or a portion of the County's remaining \$24,766,000 Volume Cap for Recovery Zone Economic Development Bonds to other governmental entities pursuant to the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof--Finance. (Continued from November 10, 2009 Commission meeting.) (All Commission Districts.)
24. Discussion and possible action with regard to the Washoe County Commissioners serving on various boards/commissions--Manager. (All Commission Districts.)
25. Discussion and possible action with regard to the Rules and Procedures for the Washoe County Board of Commissioners pertaining to the 2010 Washoe County Board of Commissioners.
26. Discussion and possible direction to staff regarding legislative interim committees, studies and reports of the Nevada Legislature, including but not limited to the Legislative Review of Nevada's Revenue Structure, the Legislative Interim Study on Powers Delegated to Local Governments, the Legislative requirement that certain local governmental entities submit a report to the Legislature concerning the consolidation or reorganization of certain functions, and such other legislative committees, studies and reports as may be deemed by the Chair or the board to be of critical significance to Washoe County--Government Affairs. (All Commission Districts.)

10-45

**4:30 p.m.** 27. **WORK CARD PERMIT APPEAL - JANET SUTTON.**

The Washoe County Commission will adjourn from the Commission Chambers and reconvene in the County Commission Caucus Room (1001 E. 9<sup>th</sup> Street, Building A, 2<sup>nd</sup> Floor, Reno) to consider the work card permit appeal for Janet Sutton. The **HEARING** will be a **CLOSED SESSION** to discuss the applicant's character or other matters under NRS 241.030(1). Following the Closed Session, the Commission will return to open session in the Commission Chambers to take action on the appeal and finish the remainder of the January 12, 2010 Board Agenda.

**6:00 p.m.** **Public Hearings.** *(Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.)*

28. Second reading and adoption of an Ordinance to amend Washoe County Code, Chapter 110, Development Code, Article 420, to establish options for the use of Low Impact Development (LID) storm drainage techniques for new development; adding guidelines for enforcement; providing a list of projects that require or may require a drainage report; referencing newly completed regional standards manuals and other development codes within the County which relate to drainage; adding sections on erosion and sediment control, omitting sections 110.420.25, drainage report contents and 110.420.30, site drainage and grading plans; removing design requirements, clarifying lot line drainage design standards; clarifying drainage easements for maintaining access; not allowing public storm water drainage to discharge into water supply ditches. In addition, a number of standards manuals have been updated, including the Truckee Meadows Regional Drainage Manual, which was completed in April of 2009, and these standards must be reflected in the current code requirements. Also, the proposed amendments have reorganized Article 420 by omitting many of the drainage standards, and keeping or adding County procedures, policies and processes; and other matters relating thereto (Bill No. 1605)--Public Works/Community Development. (All Commission Districts.)
29. Second reading and adoption of an Ordinance amending the Washoe County Code at Chapter 50 by revising provisions relating to unlawful riding of a vehicle off road, and by adding a public nuisance code that prohibits certain activities and conditions and requires certain property maintenance, all pertaining to structures, property and residential foreclosures in disrepair, existence of garbage, weeds, junk vehicles, attractive nuisances, pollutants, hazardous waste or criminal gangs, storage, grading of land, obstruction of public roads, off-road vehicle restrictions, animals, parking, and graffiti; and providing other matters properly relating thereto (Bill 1606); **AND**, acknowledge receipt of a supplemental staff report concerning matters raised during the December 8, 2009 County Commission first reading of an Ordinance amending the Washoe County Code at Chapter 50, and containing staff responses to these matters--Community Development. (All Commission Districts.)

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- 6:00 p.m.**
30. **Amendment of Conditions Case Number AC09-003**, which would extend the previous approval, by the Board of County Commissioners of Development Agreement Case Number DA08-004 for Eagle Canyon IV, Tentative Subdivision Map Case Number TM03-006, which was previously approved by the Washoe County Planning Commission. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until May 20, 2012 with a possible extension until May 20, 2014; **AND IF APPROVED**, introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC09-003 to extend Development Agreement Case Number DA08-004 for Tentative Subdivision Map Case Number TM03-006 for the Eagle Canyon IV Subdivision as previously approved by the Washoe County Planning Commission, the purpose of the agreement being to extend map approval until May 20, 2012 with a possible second extension until May 20, 2014--Community Development. (Commission District 4.)
31. **Amendment of Conditions Case Number AC09-004**, which would extend the previous approval, by the Board of County Commissioners, of Development Agreement Case Number DA07-004 for the Pebble Creek Subdivision, Tentative Subdivision Map Case Number TM0009-004, which was previously approved by the Washoe County Planning Commission. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until July 26, 2012 with the possibility of an additional two year extension to July 26, 2014, at the discretion of the Director of Community Development; **AND IF APPROVED**, introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC09-004 to extend Development Agreement Case Number DA07-004 for Tentative Subdivision Map Case Number TM0009-004 for Pebble Creek Subdivision as previously approved by the Washoe County Planning Commission, the purpose of the agreement being to extend map approval until July 26, 2012 with a possible second extension until July 26, 2014--Community Development. (Commission District 4.)
32. **Amendment of Conditions Case Number AC09-005**, which would extend the previous approval by the Board of County Commissioners of Development Agreement Case Number DA08-007 for the Eagle Canyon VI Subdivision, Tentative Subdivision Map Case Number TM06-008, which was previously approved by the Board of County Commissioners. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until February 24, 2012 with a possible second extension until February 24, 2014; **AND IF APPROVED**, introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving amendment of Conditions Case Number AC09-005 to extend Development Agreement Case No. DA08-007 for Tentative Subdivision Map Case Number TM06-008 for Eagle Canyon VI as previously approved by the Board of County Commissioners, the purpose of the Agreement to extend map approval until February 24, 2012, with a possible second extension until February 24, 2014--Community Development. (Commission District 4.)

10-45

- 6:00 p.m.** 33. Amendment of Conditions Case Number AC09-006, which would extend the previous approval, by the Board of County Commissioners of Development Agreement Case Number DA07-001 for the Eagle Canyon V Subdivision, Tentative Subdivision Map Case Number TM05-017, which was previously approved by the Washoe County Planning Commission. The sole purpose of the amendment to the Development Agreement is to extend the expiration of the Tentative Subdivision Map until February 24, 2012 with a possible extension until February 24, 2014; **AND IF APPROVED**, introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC09 006 to extend Development Agreement Case Number DA07-001 for Tentative Subdivision Map Case Number TM05-017 for Eagle Canyon V as previously approved by the Washoe County Planning Commission, the purpose of the agreement being to extend map approval until February 24, 2012 with a possible second extension until February 24, 2014--Community Development. (Commission District 4.)
34. Comprehensive Plan Amendment Case Number CP09-006 (Village at the Peak)--Community Development. (Commission District 4.)

Amend the Spanish Springs Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change Policy SS.17.2 (c), by increasing the percentage of commercial and industrial zoning within the Suburban Character Management Area from 9.10% to 9.86%; and the amendment request would redesignate three parcels totaling ± 109.63 acres from the land use categories of General Rural (GR) and Low Density Suburban (LDS) to Industrial (I), Neighborhood Commercial (NC), Medium Density Suburban (MDS) and Open Space (OS). The subject property is located east of the Pyramid Highway (SR 445) and Campo Rico Drive, and is adjacent to Calle de la Plata to the north. The subject property is within the Truckee Meadows Service Area (TMSA) and City of Sparks Area of Interest as identified on Map 7 of the 2007 Truckee Meadows Regional Plan and is located within Sections 23 and 24, T21N, R20E, MDM, Washoe County, Nevada and is within the Spanish Springs Suburban Character Management Area, the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District 4. (APN's: 534-562-07; 535-571-01 and 02). To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes include a revised map series with an updated parcel base; and if approved, authorize the Chair of the Board of County Commissioners to sign the Resolution Adopting the Amended Spanish Springs Area Plan (CP09-006), 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.

10-4

End Of Scheduled Public Hearings

- \*35. 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).
- 36. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.
- 37. Emergency Items.
- 38. Adjournment.

SH-01

**INTERLOCAL AGREEMENT BETWEEN WASHOE COUNTY, CITY OF RENO, AND  
CITY OF SPARKS FOR GENERAL PARK MAINTENANCE RESOURCE SHARING**

THIS INTERLOCAL AGREEMENT FOR GENERAL PARK MAINTENANCE RESOURCE SHARING (“**Agreement**”) is dated this 12<sup>th</sup> day of ~~February, 2009~~ (“**Effective Date**”), and is entered into by and between, Washoe County, a political subdivision of the State of Nevada (hereinafter “**County**”), the City of Reno, a Nevada municipal corporation (hereinafter “**Reno**”), and the City of Sparks, a Nevada municipal corporation (hereinafter “**Sparks**”).

*January, 2010*

**RECITALS**

This Agreement is entered into based upon the following:

A. WHEREAS, NRS 277.180 provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, including but not limited to, the joint use of general vehicle maintenance and repair, and such other facilities or services as may and can be reasonably used for the promotion and protection of the health and welfare of the inhabitants of this state<sup>1</sup>;

B. WHEREAS, the parties hereto are charged with the responsibility for general park maintenance and maintaining staff, equipment and materials to perform the necessary work;

C. WHEREAS, it is the purpose of this Agreement to enable the parties to make the most efficient use of their resources by providing a cooperative framework for furnishing each other labor, equipment and materials when available on an in-kind exchange basis for general park maintenance.

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

**ARTICLE 1. DEFINITIONS**

1.1 “**Provider**” means any employee of City of Sparks, City of Reno, or Washoe County hereto supplying labor, equipment and/or materials.

1.2 “**Labor, Equipment and/or Materials**” means the labor, equipment and/or materials relating to general park maintenance that may be requested by User and supplied by Provider as set forth in this Agreement.

1.3 “**Park**” means any area designated by any party hereto as a public park, playground or recreational facility.

1.3 “**User**” means any party hereto receiving general park maintenance.

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<sup>1</sup> NRS 277.180(4) further requires that each public agency which has entered into an agreement pursuant to this section to annually at the time of preparing its budget include an estimate of the expenses necessary to carry out such agreement, the funds for which are not made available through grant, gift or other source, and provide for such expense as other items are provided in its budget. Each public agency may furnish property, personnel or services as necessary to carry out the agreement.

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1.4 **“Work Orders”** means those written agreements that the parties enter into to govern the specific details of any general park maintenance provided in accordance with the terms and conditions of this Agreement.

1.5 **“Vehicles”** means any automotive (including cars, vans, trucks, buses, and off-highway construction equipment) owned by the parties entered into this agreement.

## **ARTICLE 2. GENERAL**

2.1 **Term.** The parties agree that this Agreement will take effect upon its execution and be for a term of one (1) year from the date signed by the last signator. In addition, the parties shall have one (1) successive option to renew this Agreement under the same terms and conditions. Said options shall be exercised automatically unless any party submits a written notice to terminate this Agreement to the other parties 30 days or more prior to the end of the then term.

2.2 **Care and Maintenance of Parks.** The parties agree that any time a request is made for general park maintenance, that the Provider shall be responsible for the proper care and maintenance consistent with the standard of care provided by the User. The Provider shall permit the maintenance of the park only by properly trained and supervised park maintenance employees. Any damage will be the responsibility of the party responsible for such action. At its sole discretion, Provider shall be deemed a public agency and Provider's employees shall not be deemed employees of the User. The Provider's park maintenance staff shall perform under the general direction and control of the Provider.

## **ARTICLE 3. WORK ORDERS**

3.1 **Request for Labor, Equipment and/or Materials.** Request for mutual aid from the other party shall be defined in a written or electronic format in the form of a Shared Services Work Order. The Work Order shall incorporate the terms of this Agreement. Each Work Order shall specify the particular amounts and types of Labor, Equipment and/or Materials required, the location of the work, staffing required, the timing required for completion of the work and any other information pertinent to the request. Upon receipt of the request, the Provider shall indicate their acceptance or rejection of the request, have it signed by the Maintenance Supervisor, or designee, and return one copy to the User. Electronic copies and approvals are deemed acceptable, as long as they are received prior to the completion of the work. Neither party shall be bound by any Work Order until execution thereof by that party.

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3.2 **Conflict.** In the event a conflict exists between this Agreement and any Work Order, this Agreement shall prevail. In addition, any act or event affecting any particular Work Order, such as its completion, termination, acceptance, non-acceptance, continuation or modification, shall not affect any other Work Order or this Agreement unless agreed to in writing by the parties.

## **ARTICLE 4. PAYMENT IN-KIND FOR EQUIPMENT AND MATERIALS; REIMBURSEMENT**

4.1 **In-Kind Exchange Schedules.** On an annual basis or more frequently as needed, the Directors of the respective Providers shall meet and discuss known In-Kind Exchange Schedules for the furnishing of Labor, Equipment and/or Materials between the Providers pursuant to this Agreement.

4.2 **In-Kind Exchange.** On an ongoing basis, and in lieu of cash payments, parties may exchange and trade Labor, Equipment and/or Materials listed in their respective In-Kind Exchange Schedules.

4.3 **Annual Statements.** No later than fifteen (15) days after the end of each fiscal year, each party shall submit to every other party a statement detailing the type and value of Labor, Equipment and Materials that was exchanged during the prior year.

#### **ARTICLE 5. INDEMNIFICATION**

Subject to the limitations of Chapter 41 of NRS and any other applicable laws, and without waiving its statutory protections, User will defend, save and hold harmless Provider and their officers, agents, and employees from all third party claims, actions, damages, or expenses of any nature, including costs and reasonable attorney's fees, by reason of the negligent acts or omissions of User their assigns, agents, contractors, licensees, invitees, and/or employees arising out of or in connection with any acts or activities done pursuant to this Agreement. The obligation to defend and indemnify shall not include such claims, costs, damages or expenses which may be caused by the negligent acts or omissions of the Provider or their authorized agents or employees; provided, however, that if the claims or damages are determined to be caused by or result from the concurrent negligence of

- (1) Provider and their agents or employees; and,
- (2) the User, its agents or employees,

this indemnity provision shall be limited to the extent of the negligence of the User or its officers, employees and agents.

#### **ARTICLE 6. DISPUTE RESOLUTION**

6.1 **Mediation.** The parties shall submit any matter or action contemplated or arising hereunder or under any agreement executed pursuant hereto, including any claim based on or arising from an alleged tort relating to the subject matter of this Agreement and any dispute seeking equitable relief (collectively, "**Dispute**") for resolution on an informal basis to a mediator mutually agreed upon by the parties. Any Dispute which is not resolved informally through the mediation process shall be submitted to arbitration.

6.2 **Arbitration.** Any Dispute arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the Uniform Arbitration Act of 2000, as subsequently amended, and judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

#### **ARTICLE 7. MISCELLANEOUS PROVISIONS**

7.1 **Further Assurances.** The parties shall execute and deliver such further documents, agreements, instruments and notices and shall take such other actions as may be necessary or appropriate to effectuate the intent and purpose of this Agreement

7.2 **Notices.** All notices, requests, demands and other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given 3 days after mailing in the United States mail, using first class mail, postage prepaid thereon as follows:

10-25

**COUNTY**

Attn: Doug Doolittle  
Regional Parks & Open Space Director  
2601 Plumas St.  
Reno, NV 89509  
Tel. No.: (775) 823-6529  
Fax No.: (775) 829-8014

**RENO**

Attn: Julee Conway  
Parks, Recreation and Community Services Director  
P.O. Box 1900  
Reno, NV 89505  
Tel. No.: (775) 334-2350  
Fax No.: (775) 334-2490

**SPARKS**

Attn: Stan Sherer  
Parks & Recreation Director  
P.O. Box 857  
Sparks, NV 89432-0857  
Tel. No.: (775) 353-2330  
Fax No.: (775) 353-1635

7.3 **Assignment; Binding Effect.** This Agreement shall not be assigned without the written approval of the governing boards of all parties.

7.4 **Waiver.** The failure of any party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver by any party of any condition, or of any breach of any term, covenant, representation, or warranty contained herein, in any one or more instances, shall be deemed to be or construed as a further or continuing waiver of any such condition or breach or waiver of any other condition or of any breach of any other term, covenant, representation or warranty.

7.5 **Entire Agreement; Modification.** This Agreement contains the entire agreement of the parties with respect to the matters addressed herein. This Agreement may not be amended, nor may any of the terms, covenants, representations, warranties or conditions hereof be waived, except by a written instrument executed by the party against which such amendment is to be charged. The terms of this Agreement shall govern with respect to any conflict with the terms of any Work Order issued pursuant to Article 3.

7.6 **Governing Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Nevada.

7.7 **Gender and Tense.** As used in this Agreement, the masculine, feminine and neuter genders, and the singular and plural numbers shall each be deemed to include the other or others whenever the context so indicates.

7.8 **Headings.** The headings which appear at the commencement of each section are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between any heading and the section itself, the section itself and not the heading shall control as to construction.

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7.9 **Force Majeure.** No party shall be held liable for any loss or damage due to delay or failure in performance of any part of this Agreement from any cause beyond its control and without its fault or negligence, such as acts of God, acts of civil or military authority, third party or governmental challenges or lawsuits, government regulations, refusal or delay by a governmental entity to issue any needed permit despite Provider's best efforts to get it, strikes, work stoppages, labor unrest, embargoes, epidemics, war, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, strikes, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

7.10 **Retention of Records.** All records pertaining to work carried out under this Agreement shall be retained for a period of not less than five (5) years after final payment is made for the Labor, Equipment and/or Materials, and in accordance with the Nevada Public Records Act, NRS 239.010, *et. seq.* All such material shall be available to the other party and their respective auditors at any reasonable time and upon reasonable notice for purposes of auditing, inspecting and copying. The parties shall mutually agree to any financial adjustment found necessary by any audit. If the parties are unable to agree on such adjustment, then the matter shall be resolved pursuant to Article 6. Provider shall insert into any contracts entered into by Provider for the provision of Equipment and/or Materials hereunder the above requirements and also a clause requiring their respective contractors to include the above requirements in any subcontracts or purchase orders.

7.11 **Survival.** The representations, warranties, indemnities and waivers set forth in this Agreement, and provisions relating to payments and record retention, shall survive the termination, for any reason whatsoever, of this Agreement.

7.12 **Termination.** Any party may terminate its participation in this Agreement at any time by giving 30 days written notice to the other parties, with or without cause. Within 30 days from the date of termination, the terminating party shall reimburse the remaining parties to the Agreement for Labor, Equipment and/or Materials received but not offset by in-kind exchange. The remaining parties to the Agreement shall have one (1) year from the date of termination to repay the terminating party for Labor, Equipment and/or Materials received.

7.13 **Time of the Essence.** Time is of the essence in this Agreement.

7.14 **No Third-Party Rights.** Except for the parties indemnified pursuant to Article 5, 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 parties who may enforce this Agreement and any of the rights under this Agreement are the parties hereto.

7.15 **Legal Relations.** No liability shall attach to the parties by reason of entering into this Agreement except as expressly provided herein.

7.16 **Days.** All references to "days" herein shall mean calendar days, unless otherwise indicated.

7.17 **Severability.** If any section, paragraph, sentence or clause of this Agreement or any Work Order executed pursuant hereto is declared by a court of competent jurisdiction to be unenforceable or void by reason of public policy or otherwise, then the remaining provisions of such agreement shall nonetheless remain in force to the fullest extent permitted by law.

[SIGNATURE PAGE FOLLOWING]

10-25

IN WITNESS WHEREOF, the parties hereto have duly executed this Interlocal Agreement for the General Vehicle Maintenance and Repair Resource Sharing as of the Effective Date first written above.

WASHOE COUNTY  
a political subdivision of the State of  
Nevada

CITY OF SPARKS  
a Nevada municipal corporation

By: *David E. Humke*  
David E. Humke ~~Robert Barker~~, Chairman 1/12/10  
Washoe County Commission

By: \_\_\_\_\_  
Geno Martini  
Mayor

By: *Amy Harvey*  
Amy Harvey  
County Clerk

Attest: \_\_\_\_\_  
By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: *Paul Lipparelli*  
Paul Lipparelli,  
Deputy D.A., Civil Division

By: \_\_\_\_\_  
Chet Adams  
City Attorney's Office

CITY OF RENO  
a Nevada municipal corporation

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

*Dwight Dortch*  
Dwight Dortch  
Assistant Mayor

Attest: \_\_\_\_\_  
By: *Lynnette R. Jones*  
Lynnette R. Jones  
City Clerk



10-25

APPROVED AS TO FORM:

By: *Creig Skau*  
Creig Skau  
City Attorney's Office

AT (2)

IN WITNESS WHEREOF, the parties hereto have duly executed this Interlocal Agreement for the General Vehicle Maintenance and Repair Resource Sharing as of the Effective Date first written above.

WASHOE COUNTY  
a political subdivision of the State of Nevada

CITY OF SPARKS  
a Nevada municipal corporation

By: \_\_\_\_\_  
Robert Larkin, Chairman  
Washoe County Commission

By: Geno R. Martini  
Geno Martini  
Mayor

Attest:  
By: \_\_\_\_\_  
Amy Harvey  
County Clerk

Attest:  
By: Jude K. Patterson  
City Clerk



APPROVED AS TO FORM:  
By: \_\_\_\_\_  
Paul Lipparelli,  
Deputy D.A., Civil Division

APPROVED AS TO FORM:  
By: Chet Adams  
Chet Adams  
City Attorney's Office

CITY OF RENO  
a Nevada municipal corporation

By: Robert A. Cashell, Sr. Dwight Dortch  
Mayor Assistant Mayor

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



APPROVED AS TO FORM:  
By: Craig Skau  
Craig Skau  
City Attorney's Office

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**INTERLOCAL AGREEMENT  
HOMELESS PREVENTION AND RAPID REHOUSING**

This Interlocal Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between WASHOE COUNTY, a political subdivision of the State of Nevada and the City of Reno hereinafter referred to as COUNTY and CITY respectively.

**WHEREAS**, County received grant funds from the U.S. Department of Housing and Urban Development, Homeless Prevention and Rapid Re-housing Program (HPRP) CFDA #14.257, federal award number HPRP-2009-0031, that will provide homeless prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house persons who are homeless; and

**WHEREAS**, the Programs outlined in this Agreement have been designated by the County and are consistent with HPRP guidelines; and

**WHEREAS**, the Interlocal Cooperation Act authorizes public agencies to enter into cooperative agreements allowing the joint exercise of any power, privilege or authority capable of exercise by one of them, see, NRS 277.180, et. seq.; and

**WHEREAS**, COUNTY and CITY are public agencies within the meaning of the Interlocal Cooperation Act.

It is hereby agreed as follows:

**1. Services** With the funds made available from County to City pursuant to this Agreement, City will use the funds to provide data entry for HPRP requirements including the following:

Legal Aid Providers HMIS Data Entry:

- Complete HMIS data entry for County sub-recipient legal assistance providers (Washoe Legal Services, Nevada Legal Services and the Senior Law Project). Including initial intake forms, assessment forms, and exit forms.

**2. Reporting** City staff will provide County with a quarterly report of expenditures by the 25th day of the final month in each quarter. HPRP assistance provided between the 15<sup>th</sup> day and the final day of the final month in a quarter should be reported on the following quarterly report.

**3. Compensation** With compliance to the requirements in this Agreement, City shall be paid the dollar amounts outlined in the following budget requirements to provide for as provided herein:

Salary and Fringe	\$15,000
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The funds made available for these services are categorized as Data Collection and Evaluation under the HPRP guidelines. All HPRP rules and regulation regarding Data Collection and Evaluation funds shall be complied with.

Requests for reimbursement, and backup documentation should be submitted monthly by the 15<sup>th</sup> day of the following month, using the Monthly Report Forms. Form of financial backup agency will provide: City shall be reimbursed after eligible expenses have been incurred and expended under this agreement in conformance with the terms and conditions of said agreement. City agrees, that all costs of any activity receiving funds pursuant to this agreement, shall be recorded by HPRP budget line item and be supported by time and activity reports, invoices and other accounting documents evidencing in proper detail the nature and propriety of the respective charges, and that all time records, invoices, or other accounting documents which pertain, in whole or in part, to the activity shall be thoroughly identified and readily accessible to County.

**4. Method of Payment**

For services to be provided under this Agreement by City, County agrees to pay City a total of, FIFTEEN THOUSAND DOLLARS (\$15,000) for the fiscal year which begins January 1, 2010 and ends December 31, 2011.

**5. Term** This Agreement shall be in effect for two (2) years, from January 1, 2010 to December 31, 2011, or until such time as the county's HPRP program is completed whichever is sooner. This Agreement shall become effective once approved by appropriate official action of the governing body of each party.

**6. Amendment- Assignment** This Agreement may be amended at any time there is a need, provided both parties agree to the amendment(s) in writing. Any amendment is subject to approval by the governing bodies of the parties as a condition precedent to its entry into force. Neither party may assign this Agreement without the express written consent of the other party.

**7. Termination** Either party may terminate this Agreement by giving the other party written notice of the intent to terminate. The notice must specify a date upon which the termination will be effective, which date may not be less than 30 calendar days from the date of the mailing notice. In addition, the County may terminate this Agreement upon seven days written notice in the event the County fails to appropriate or budget funds sufficient to pay for the activities listed herein.

**8. Notices** All written notices required under this Agreement shall be addressed to the designated representative of the respective parties.

Gabrielle Enfield  
Community Support Administrator  
Washoe County Manager's Office  
P.O. Box 11130  
Reno, NV 89520  
775-328-2009

Jodi Royal-Goodwin  
Community Reinvestment Manager  
City of Reno  
PO Box 1900  
Reno, NV 89505  
775-334-2305

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**9. Governing Law** This Agreement shall be governed by the laws of the State of Nevada. In the event litigation ensues arising out of this Agreement, it shall be filed in the Second Judicial District Court, Washoe County, Nevada.

This Agreement, including any Exhibits, constitutes the entire agreement between the parties with regard to the subject matter herein, and supersedes all prior agreements, both written and oral and all other written and oral communications between the parties.

**WASHOE COUNTY**

**CITY OF RENO**

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\_\_\_\_\_  
David E. Humke, Chairman

\_\_\_\_\_  
Robert Cashell, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy District Attorney

\_\_\_\_\_  
Deputy City Attorney

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