

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

TUESDAY

10:00 a.m.

FEBRUARY 23, 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 10:15 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:

**10:20 a.m.** The Board convened briefly as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District with Commissioner Larkin absent.

**10:23 a.m.** The Board reconvened as the Board of County Commissioners with Commissioner Larkin absent.

**10-143      AGENDA ITEM 15 – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject:** “Recommendation to approve Amendment #2 to 2008 Contract between the County of Washoe (District Attorney’s Office, Family Support Division) and State of Nevada (Department of Health and Human Services, Division of Welfare and Supportive Services) for the provision of child support enforcement services to make funding adjustments which allow additional reimbursement to Washoe County of approximately \$300,000 and Washoe County’s surrender to the state of approximately \$600,000 in restricted incentive money from 2006 and 2007. (All Commission Districts)”

Dick Gammick, District Attorney, acknowledged it was unusual to surrender approximately \$617,000 and get \$300,000 back. He explained the \$617,000 fund was very restricted and there was not much use for it at the current time. He indicated the restricted funds could be returned to the State, where matching federal dollars could increase the amount to about \$1.8 million for improvements in the welfare system. The County would then receive \$300,000 in unrestricted funds from the State.

There was no response to the call for public comment.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 15 be approved. The Intrastate Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**10-144            AGENDA ITEM 3 – EXCELLENCE IN PUBLIC SERVICE**

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

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

Essentials of Management Development

Daryl Eric Spratley, Sergeant  
Jill Stevens-Combs, Principle Account Clerk  
Karen Stark, Kennel Supervisor

Essentials of Personal Effectiveness

Rose Gordon, Social Worker III  
Shannon Harmon, Animal Services Caretaker  
Karen Spotts, Warrants Clerk/Office Assistant III  
Karen Stark, Kennel Supervisor

Essentials of High Performing Teams

Jana MacMillan, Library Assistant III  
Julie Paholke, Human Resources Analyst

Essentials of Train the Trainer Program

Celeste Hexamer, Office Support Specialist

Essentials of Support Staff

Karen Spotts, Warrants Clerk/Office Assistant III  
Karen Stark, Kennel Supervisor

Sam Dehne responded to the call for public comment.

**10-145            AGENDA ITEM 4 – 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.”**

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

Robert Ackerman commented on the importance of public service and maintaining a sense of humor.

Steven Perez discussed the advantages of combining the Sierra Fire Protection District (SFPD) and the Truckee Meadows Fire Protection District (TMFPD) into one County fire department. He stated such action would erase jurisdictional boundaries, provide better coverage to all of the residents in the unincorporated areas, and ease budget constraints on both agencies. He noted it would also easily provide much needed funding to staff a newly proposed Arrowcreek fire station.

**10:41 a.m.** Commissioner Larkin arrived at the meeting.

Sam Dehne played the guitar and sang a song.

Michael Brown, Fire Chief of the North Lake Tahoe Fire Protection District, spoke on behalf of the Northern Nevada Fire Chiefs Association. He read a letter into the record concerning the Fire and Fire Based Emergency Services Master Plan and the role of the Regional Emergency Medical Services Authority (REMSA). The letter, which advocated a comprehensive review of the Emergency Medical Services delivery system, was placed on file with the Clerk.

#### **10-146            AGENDA ITEM 5 – ANNOUNCEMENTS**

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

Katy Simon, County Manager, noted there was an increase from \$111,400 to \$122,000 in the amount donated for the National Association of Counties 2010 Conference sponsorship under Agenda Item 11. She indicated Agenda Item 6K3 was to be pulled from the agenda and brought back at a future meeting. She explained the item needed to be reworded to provide proper noticing for the creation of intermittently hourly

positions so that the Sheriff's Office could use some trained employees who had retired or had been laid off.

Commissioner Jung thanked Catholic Healthcare West for their generous donation of \$3,360 for the Washoe County Health District Immunization Program (Agenda Item 6I3). She thanked the various citizens and organizations who made cash donations totaling \$3,150 and juror fee donations of \$880 to the Social Services department. The donations would be used to benefit children in care and families who were clients (Agenda Item 6L1).

Commissioner Weber noted that Agenda Item 6J4 should be corrected to Commission District 5 rather than Commission District 1.

Commissioner Larkin indicated he and the mayors of Reno and Sparks conducted a press conference concerning the Special Legislative session, which was available on Washoe County Television at the County's website. He said the substance of the message was that the State Legislature needed to get its fiscal house in order and practice fiscal restraint before seeking additional opportunities at the local level. He noted the County had reduced its budget by millions of dollars and had about 195 fewer employees. Under Agenda Item 6K3, which was to come back at a later date, he requested the staff report indicate whether or not the requested positions were already a part of the adopted 2009-10 budget and how the request fit in with staffing requirements.

Commissioner Larkin talked about an incident involving Chief Joe Durosseau of the Truckee Meadows Fire Protection District, a fireman and long-time community leader. He explained Chief Durosseau used his own time and money to pilot an airplane and transport three nurses on a humanitarian mission serving indigent populations in Mexico. Through no fault of his own, he was forced to do an emergency landing of the aircraft on a busy highway in Reno. Commissioner Larkin expressed gratitude to Chief Durosseau for his heroic landing that saved four lives.

**DISCUSSION – CONSENT AGENDA (SEE MINUTE ITEMS 10-147 THROUGH 10-169 BELOW)**

Agenda items 6A through 6M were combined into a single vote under the consent agenda. Item 6K3 was pulled from the agenda so that it could be brought back at a future meeting.

**10-147      AGENDA ITEM 6A**

**Agenda Subject: “Cancel March 9 and March 16, 2010 Commission meetings.”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6A be approved.

**10-148            AGENDA ITEM 6B – ASSESSOR’S OFFICE**

**Agenda Subject:** “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2009/2010, 2008/2009, 2007/2008, 2006/2007 secured and unsecured tax rolls; and if approved, authorize Chairman to execute Order and direct the Washoe County Treasurer to correct the errors [cumulative amount of decrease \$28,944.32]. (Parcels are in various Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6B be approved, authorized, executed and directed.

**10-149            AGENDA ITEM 6C – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Affirm Incline Village General Improvement District (IVGID) Board of Trustees’ recommendation and appoint Bea Epstein as the IVGID Representative on the Incline Village/Crystal Bay Citizen Advisory Board with a term beginning February 23, 2010 and expiring when IVGID recommends a different representative from its Board. (Commission District 1)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6C be affirmed and approved.

**10-150            AGENDA ITEM 6D – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject:** “Acknowledge receipt of Truckee River Flood Management Project Status Report for January 2010--Truckee River Flood Management Project. (All Commission Districts)”

In response to the call for public comment, Sam Dehne suggested funding for the Flood Project was not coming in as expected.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6D be acknowledged.

**10-151            AGENDA ITEM 6E – E911 EMERGENCY RESPONSE ADVISORY COMMITTEE**

**Agenda Subject: “Approve non-County employee travel and registration for one employee from each of the three primary E911 Public Safety Answering Points (City of Reno, City of Sparks and Washoe County) to attend the National Association of Emergency Dispatch Navigator Conference (April 27-May 1, 2010 in Orlando, Florida), National Emergency Number Association Conference (June 6-11, 2010 in Indianapolis, Indiana) and the Association of Public-Safety Communications Officials Conference (July 31-August 4, 2010 in Houston, Texas) [total expenditures not to exceed \$17,000 - funded within the adopted Fiscal Year 2010 and proposed Fiscal Year 2011 operating budgets of the E911 Fund]. (All Commission Districts)”**

Chairman Humke requested clarification about funding travel for non-County employees. County Manager Katy Simon explained the County retained funds for the E911 Emergency Response Advisory Committee, which was formed by a joint agreement between all of the local government entities. She stated there was a County ordinance that required travel expenditures for non-County employees to be approved by the Commission.

Chairman Humke observed the history in the staff report showed the last travel expenditure had been in July 2006. He noted the \$17,000 expenditure was for attendance at three conferences by three people at each conference. He expressed concern about the perception in the eyes of the average citizen during a recession and wondered how valuable the training would be. Ms. Simon said she could not speak on the Committee’s behalf because she did not attend the meetings, but the expenditures were planned within the E911 budget. She indicated the Committee was evaluating some next generation acquisitions for the E911 service.

Chairman Humke said he was not sure if it was the Committee’s responsibility, but there were monumental problems with the dispatch of police, fire and emergency medical personnel. He wondered why they could not do a better job and stated he was looking for some return on investment. He stated he would vote “no” on the agenda item.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion carried on a four to one vote with Chairman Humke voting “no,” it was ordered that Agenda Item 6E be approved.

**10-152            AGENDA ITEM 6F – INTERNAL AUDIT**

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

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6F be acknowledged.

**10-153      AGENDA ITEM 6G – REGISTRAR OF VOTERS**

**Agenda Subject: “Approve releasing bid request for Absent Ballot Printing and Packaging for the 2010 Election Cycle [estimated cost - \$75,000]. (All Commission Districts)”**

In response to the call for public comment, Sam Dehne spoke in favor of the agenda item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6G be approved.

**10-154      AGENDA ITEM 6H1 – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject: “Accept renewed funding for a Deputy District Attorney for the provision of continuing prosecutor services related to the High Intensity Drug Trafficking Areas (HIDTA) Task Force [\$60,000 from HIDTA Grant Funds, \$20,000 in Forfeiture Funds from the Washoe County Sheriff’s Office, \$20,000 from the Reno Police Department and \$20,000 from the State of Nevada Department of Public Safety]; and if accepted, direct Finance to make the necessary budget adjustments. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6H1 be accepted and directed.

**10-155      AGENDA ITEM 6H2 – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject: “Approve payments [\$5,566] to vendors for assistance of 36 victims of sexual assault; and if approved, authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6H2 be approved and authorized.

**10-156            AGENDA ITEM 6I1 – DISTRICT HEALTH DEPARTMENT**

**Agenda Subject: “Approve amendments [increase of \$50,000 in both revenue and expense] to the Fiscal Year 2010 Maternal and Child Health (MCH) Federal Grant Program (Internal Order 10828) and approve amendments [increase of \$8,000 in both revenue and expense) to the MCH State Grant Program (Internal Order 10007) to bring the Fiscal Year 2010 adopted budget into alignment with the grant; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts)”**

Commissioner Weber said she would not support the agenda item. She acknowledged the program was grant funded but stated she had not been supportive of similar programs for quite some time.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion carried on a four to one vote with Commissioner Weber voting “no,” it was ordered that Agenda Item 6I1 be approved and directed.

**10-157            AGENDA ITEM 6I2 – DISTRICT HEALTH DEPARTMENT**

**Agenda Subject: “Approve amendments [increase of \$53,000 in both revenue and expense] to the Fiscal Year 2010 Assistant Secretary for Preparedness and Response H1N1 Grant Program budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I2 be approved and directed.

**10-158            AGENDA ITEM 6I3 – DISTRICT HEALTH DEPARTMENT**

**Agenda Subject: “Accept donation [\$3,360] from Catholic Healthcare West for the Washoe County Health District Immunization Program. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I3 be accepted.

10-159

**AGENDA ITEM 6I4 – DISTRICT HEALTH DEPARTMENT**

**Agenda Subject:** “Approve registration and travel expenses for a non-county employee to satisfy National Association of County and City Health Officials’ grant required attendance and participation March 2-4, 2010 in Washington, DC [approximate amount \$1,500 to \$2,000, but not to exceed \$3,000]. (All Commission Districts)”

Chairman Humke requested clarification about funding travel for non-County employees. Katy Simon, County Manager, indicated the grant project required the participation of a non-County representative as part of a community-based collaborative.

Dr. Mary Anderson, District Health Officer, indicated the grant was awarded by the National Association of County and City Health Officials (NACHO). She said it was a rare honor for the Health District to receive one of only ten grant awards in the country.

Chairman Humke asked how there would be a return on investment to benefit health in Washoe County. Mary Ann Brown, Division Director for Community and Clinical Health Services, explained the intent of the 2010 ACHIEVE program was to use a collaborative approach to create chronic disease prevention programs. A coalition within the community was to look at system and environmental policy changes, such as those related to food labeling and increased physical activity in the schools, to prevent obesity and chronic disease. She noted all of the travel expenses would come from the funds awarded by NACHO. She stated there would be travel for internal staff as well as for an outside coach from one of the community partners. Chairman Humke wondered if the grant was a one-time or a periodic award. Ms. Brown indicated the Health District would work within the limits of the grant and would certainly apply in the future if the funding continued to be available.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I4 be approved.

10-160

**AGENDA ITEM 6I5 – DISTRICT HEALTH DEPARTMENT**

**Agenda Subject:** “Approve Permit for Disinterment of Human Remains, as allowed under NRS 451.050, Subsection 2; and if approved, authorize Chairman to execute same. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I5 be approved, authorized and executed.

**10-161            AGENDA ITEM 6J1 – PUBLIC WORKS DEPARTMENT**

**Agenda Subject:** “Approve Revocable License Agreement and Memorandum of Revocable License Agreement between the County of Washoe and UbiquiTel Leasing Company, to allow wireless communication facilities on the County owned Spring Creek Water Tank located within APN 083-730-09; commencing retroactively to July 24, 2006 and terminating July 23, 2014, for an eight-year term [annual revenue \$22,802 - will be directed to Washoe County Department of Public Works]; and, if approved, authorize Chairman to execute License Agreement and Memorandum of Revocable License Agreement. (Commission District 4)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6J1 be approved, authorized and executed.

**10-162            AGENDA ITEM 6J2 – PUBLIC WORKS DEPARTMENT**

**Agenda Subject:** “Authorize staff to request \$80,738 from Washoe County’s Tahoe Regional Planning Agency Water Quality Mitigation Fund to finance a portion of the Nevada Tahoe Conservation District Hybrid Best Management Practices Retrofit of a primary roadway. (Commission District 1)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6J2 be authorized.

**10-163            AGENDA ITEM 6J3 – PUBLIC WORKS DEPARTMENT**

**Agenda Subject:** “Authorize staff to request \$50,000 of interest funds from Washoe County’s Tahoe Regional Planning Agency Water Quality Mitigation Fund to finance a portion of the Nevada Tahoe Conservation District Washoe County Stormwater Infrastructure Asset Survey and Assessment Project. (Commission District 1)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6J3 be authorized.

**10-164            AGENDA ITEM 6J4 – PUBLIC WORKS DEPARTMENT**

**Agenda Subject: “Approve Resolution accepting real property (APN 082-240-94 totaling 0.05 acres) for use as a public street right-of-way at the intersection of North Virginia Street and Seneca Drive; and if approved, authorize Chairman to execute Resolution and Public Works Director to record Resolution. (Commission District 1)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6J4 be approved, adopted, authorized, executed and recorded. The Resolution for same is attached hereto and made a part of the minutes thereof.

**10-165            AGENDA ITEM 6K1 – SHERIFF’S OFFICE**

**Agenda Subject: “Approve Interlocal Contract between the County of Washoe (Washoe County Sheriffs Office, Alternative to Incarceration Unit) and State of Nevada (Department of Public Safety, Division of Parole & Probation) to authorize Division of Parole and Probation to attach a community work service mandate to the terms of the release; and if approved, authorize Finance to make necessary budget adjustments and authorize Chairman to execute Contract. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6K1 be approved, authorized and executed. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

**10-166            AGENDA ITEM 6K2 – SHERIFF’S OFFICE**

**Agenda Subject: “Accept grant funds [\$68,962.34 - no cash County match] to the Washoe County Sheriff’s Office Alternatives to Incarceration Unit from the Community Foundation of Western Nevada, Truckee River Fund, to be used for inmate and community service work crews for re-vegetation and weed control; and if approved, authorize Finance to make necessary budget adjustments and authorize the creation of a grant funded Inmate Work Program Leader. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6K2 be accepted, approved and authorized.

**10-167            AGENDA ITEM 6L1 – SOCIAL SERVICES**

**Agenda Subject: “Accept cash donations [\$3,150] and Juror Fee donations [\$880]; and if accepted, authorize Department of Social Services to expend these funds to benefit children in care and families who are clients and direct Finance to make appropriate budget adjustments for Fiscal Year 2009/10. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6L1 be accepted and directed.

**10-168            AGENDA ITEM 6L2 – SOCIAL SERVICES**

**Agenda Subject: “Authorize Washoe County Department of Social Services through the Washoe County Purchasing Office, to solicit written proposals for the operation of the Emergency Child Protection Shelter Kids Kottage, Kids Kottage Too, Kids Kottage Modular and the Kids Kottage Activity Center and if necessary, approve 90 day extension of the current contract expiring June 30, 2010. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6L2 be authorized.

**10-169            AGENDA ITEM 6M – MANAGER’S OFFICE**

**Agenda Subject: “Approve Memorandum of Understanding between the County of Washoe and the Cities of Reno and Sparks concerning the process to be used for the allocation of the Recovery Zone Facility Bond Capacity and the issuance of said bonds; and if approved, authorize Chairman to execute Memorandum of Understanding. (All Commission Districts)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6M be approved, authorized and executed.

**DISCUSSION – BLOCK VOTE – AGENDA ITEMS 11, 12, 13, 14, 16, AND 17 (SEE MINUTE ITEMS 10-170 THROUGH 10-175)**

Agenda Items 11, 12, 13, 14, 16, and 17 were combined into a single block vote.

**10-170      AGENDA ITEM 11 – COMMUNITY RELATIONS**

**Agenda Subject:** “Recommendation to accept a donation [up to \$111,400] in National Association of Counties 2010 conference sponsorship funds from the Community Foundation of Western Nevada; and if accepted, direct Finance to make the same deposit within a restricted account within Community Relation’s budget. (All Commission Districts)”

Katy Simon, County Manager, noted an increase from \$111,400 to \$122,000 in the donation amount. She clarified the funds were donated by several counties, local governments, and private sector firms to sponsor the National Association of Counties 2010 Conference, which would be held in Reno during July 2010. She stated the Community Foundation of Western Nevada had been the repository for the funds and charged an administrative fee for that service. The agenda item was for the Board to accept the funds directly into the County. Ms. Simon expressed appreciation for the partnership with the Community Foundation and gratitude for all of the donations.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 11 be accepted and directed. It was further noted there was an increase from \$111,400 to \$122,000 in the amount donated.

**10-171      AGENDA ITEM 12 – PUBLIC WORKS DEPARTMENT**

**Agenda Subject:** “Recommendation to authorize staff to request up to \$950,133 from Washoe County’s Tahoe Regional Planning Agency Stream Environment Zone and Water Quality Mitigation Fund to finance a portion of the Nevada Tahoe Conservation District /Washoe County restoration of Rosewood Creek Area A. (Commission District 1)”

There was no response to the call for public comment.

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

**10-172            AGENDA ITEM 13 – PURCHASING**

**Agenda Subject: “Recommendation to award Invitation to Bid #2717-10 for Mosquito Abatement Products for the Environmental Health Division of the Washoe County Health District, on a multiple award basis, to the lowest, responsive, responsible bidders Adapco (bid items 3, 4, 5, and 9), B & G Chemical (bid items 1, 2, and 7), Clarke Mosquito Control (bid item 8) and Target Products (bid item 6), award recommendation is made on a requirements basis [estimated annual amount up to \$360,000], term of the award shall be from the date of bid approval through January 1, 2012 with Washoe County retaining the option for a one year extension. (All Commission Districts)”**

There was no response to the call for public comment.

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

**10-173            AGENDA ITEM 14 – RISK MANAGEMENT/FINANCE**

**Agenda Subject: “Recommendation to authorize the Finance Director to renew the excess liability insurance policy with Insurance Company of the State of Pennsylvania [\$133,789] and pay a broker fee of \$16,391 to Wells Fargo Insurance Services, funding from the Risk Management Fund source. (All Commission Districts)”**

Commissioner Weber said she noticed the provider had changed from an organization in Nevada to an out-of-state company. Katy Simon, County Manager, indicated the County had been with the same insurance company for several years. She stated proposals had been requested from qualified companies but no proposal that fit the County’s requirements was received from a Nevada corporation.

There was no response to the call for public comment.

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

**10-174            AGENDA ITEM 16 – DISTRICT COURT**

**Agenda Subject: “Recommendation to approve Fiscal Year 2009/10 purchase requisition to ACS Government Systems [not to exceed \$184,771.83] for the annual maintenance and support agreement for the Second Judicial District Court’s case management system retroactive from July 1, 2009 to June 30, 2010. (All Commission Districts)”**

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16 be approved.

**10-175            AGENDA ITEM 17 – SHERIFF’S OFFICE**

**Agenda Subject: “Recommendation to accept direct grant award from Nevada Division of Emergency Management Federal Fiscal Year 2009 Department of Homeland Security Grants (no County match required), Nevada Division of Emergency Management Project No. 97067HL9 [total of \$2,433,093] (State Homeland Security Program) and Nevada Division of Emergency Management Project No. 97067CL9 [total of \$40,832] (Citizen Corps Program funding), supporting the Northern Nevada Counter Terrorism Center, Silver Shield Program, Citizen Corps Program, Advanced Improvised Explosive Devices/Weapons of Mass Destruction (IED/WMD) for Nevada Bomb Squads and Advanced Chemical/Biological/ Radiological/ Nuclear/ Explosive Detection and Decontamination; and if accepted, authorize use of Fusion Center, Silver Shield, Citizen Corps and IED/WMD training and/or travel funds for non-county employees and authorize Finance to make necessary budget adjustments. (All Commission Districts)”**

There was no response to the call for public comment.

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

**10-176            AGENDA ITEM 10 – APPEARANCE**

**Agenda Subject: “Aaron Kenneston, Washoe County Emergency Manager, presentation on Washoe County Earthquake Hazards.”**

County Manager Katy Simon stated the presentation on earthquake hazards had been requested by Commissioner Weber prior to the massive earthquake that recently took place in Haiti.

Aaron Kenneston, Washoe County Emergency Manager, indicated it was Earthquake Awareness Week. He pointed out the three biggest hazards in Washoe County were wildland fires, floods and earthquakes. He stated the hazards related to living in earthquake country were always kept in mind, particularly with the recent tragedies that occurred in Haiti.

Dr. Jon Price, State Geologist and Director of the Nevada Bureau of Mines and Geology, conducted a PowerPoint presentation that was placed on file with the Clerk. He identified the Bureau as a research and public service unit of the University of Nevada Reno. He said there were earthquake faults located throughout the State and an earthquake with a magnitude of 6.0 was possible in any of those locations. He reviewed

some of the reports and information available at the website [www.nbmg.unr.edu](http://www.nbmg.unr.edu), including the ability to determine fault activity near a particular address. He observed Washoe County was one of the highest seismic hazard areas in the country based on fault activity.

Dr. Price described three basic ways of looking at earthquake hazards: fault areas where ground was broken from a past earthquake, data that showed where earthquakes had actually occurred, and geodetic data that used global positioning systems (GPS) to measure real-time motion of the earth's crust. He stated the three information sources were used to understand probabilities and to come up with seismic hazard maps that were primarily used to make recommendations for the International Building Code. He noted there had been recent activity in the west side of Reno near the Mogul/Somerset areas, which was preceded by a magnitude 6.0 earthquake near Wells, Nevada. He talked about hazards in the area related to motion on the San Andreas fault in California combined with motion along the California-Nevada border in what geologists called the Walker Lane. He displayed probability charts for the communities of Reno/Sparks, Incline Village, and Gerlach. He pointed out the probability of a magnitude 6.0 earthquake hitting Reno or Sparks within the next 50 years was about 67 percent, which was considered a pretty big number.

Dr. Price indicated the Federal Emergency Management Agency (FEMA) had a sophisticated loss estimation modeling program that estimated the kind of damage that could occur from an earthquake. He explained the program used census and other local data to estimate things like the numbers of buildings damaged, the total dollars lost, the number of fatalities, and the number of hospitalizations. He stated the data was used for emergency training exercises and also in the event of a real earthquake to recommend whether or not the governor should ask for federal assistance or declare a state disaster. Using the FEMA program to estimate damage from an earthquake with a magnitude of 6.0, he said the total economic loss could be about \$1.9 billion for Reno, \$1.8 billion for Sparks, \$0.5 billion for Incline, and about \$39 million for Gerlach.

Dr. Price commented there were many things that could be done to prepare for and respond to earthquakes. He pointed out emergency kits could be ready in advance. Structural risks were mitigated through proper building codes and by not building on fault lines or in areas of liquefaction. Nonstructural risks could be mitigated to keep big items from falling off of shelves and televisions from falling off the wall. He showed a short video designed to teach students to drop down under a desk or other cover and hold on in the event of an earthquake.

Commissioner Weber requested the video presentation be aired on Washoe County Television and that information be provided to the Citizen Advisory Boards and Neighborhood Advisory Boards. She remarked that more attention should be brought to the 67 percent probability of an earthquake in the area within 50 years.

There was no response to the call for public comment.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, the report under Agenda Item 10 was accepted.

**11:33 a.m.** The Board convened simultaneously as the Board of County Commissioners, the Board of Fire Commissioners for the Sierra Fire Protection District, and the Board of Fire Commissioners for the Truckee Meadows Fire Protection District with all members present.

**10-177            AGENDA ITEM 7 – FIRE SERVICES COORDINATOR/  
MANAGEMENT SERVICES**

**Agenda Subject: “Review and consideration of acceptance of final version of the January 2010 Fire and Fire Based Emergency Medical Services Master Plan and possible direction to staff to return to the March 23, 2010 meeting with a proposed implementation plan for the recommendations contained within the Master Plan. (All Commission Districts)”**

Chief Kurt Latipow, Fire Services Coordinator, noted there was an addendum to the staff report that contained various emails and documents submitted by stakeholders. He said the submissions were not in any particular order and most were consistent with testimony heard at the recent Board of County Commissioners’ Special Meeting on February 22, 2010. He stated the Diamante study was never intended to include an in-depth analysis or development plan for each recommendation. After carefully reviewing the original scope of work that commissioned five tasks (see pages 2 and 3 of the staff report), he indicated the consultant’s contract was completed after submission of the Diamante study.

Chief Latipow explained his staff report organized the issues into seven major themes, with the study’s key recommendations and staff comments provided under each theme. For example, under the theme of governance he emphasized the key recommendation was to consider the development of some type of new unified fire services agency. He pointed out the financial analysis had changed since the consultants first looked at it and was subsequently re-reviewed with the assistance of County Financial Consultant Mary Walker. He cautioned the review was not an in-depth analysis and suggested there should be an in-depth analysis of all of the finances of any interested parties before moving ahead with anything related to financing. He commented the County was fortunate to have a very active group of volunteer fire agencies involved in daily operations and it was his opinion the volunteer program would also benefit from a unified approach. He requested staff direction to draft an implementation plan and bring it back for the Board’s consideration at their March 23, 2010 meeting. He observed such a timeline would allow staff about a week and a half to finish drafting a report.

Commissioner Larkin requested a brief sketch of Chief Latipow’s vision for the implementation plan. Chief Latipow said he envisioned drafting a spreadsheet-type document. As an example, he noted the study’s first recommendation was to pursue a shared governance model. Although the consultants used the term Joint Powers

Agreement (JPA), he indicated the key recommendation was for some form of unified governance. He stated staff would work to identify the steps necessary to achieve each recommendation. The columns of the spreadsheet would identify such items as the length of time and associated costs for each item in the implementation plan. He anticipated working with the Board to determine a “yes or no” for each of the items. He observed some of the recommendations were already on the verge of being accomplished. For instance, he said he was very proud of the teamwork that had gone into updating the building code, the wildland-interface code, and the fire code. He pointed out the code project was currently in the hands of the County’s legal staff and the next steps would include meeting with the City of Reno’s legal staff and the County’s external partners before bringing it back to the Board for consideration.

Commissioner Larkin indicated there had been several suggestions regarding emergency medical services (EMS) in general and the Regional Emergency Medical Services Agency (REMSA) in particular. He commented EMS issues were clearly outside the scope of an implementation plan because they fell under the jurisdiction of the District Board of Health. He suggested one of the implementation items might be to make a recommendation to the District Board of Health that they consider and elaborate on those issues. He observed the agenda item provided a good forum to discuss specific items for the implementation plan and suggested that Chief Latipow remain open to additional comments and considerations. Chief Latipow acknowledged there were items within the recommendations that would drive meetings and committees. He characterized the implementation plan as a basic road map rather than a “down in the weeds” document. He requested the implementation plan be kept at a fairly high altitude that would allow staff to get down in the weeds as more information was presented to the Commission and decisions were made.

Commissioner Larkin said it was his perception the project was still a staff-driven process. Although the Board of Fire Commissioners was interacting with staff, he indicated the project would not really be the Board’s work product until the implementation plan came back to the Board for consideration. He stated it was his suggestion the Fire Services Coordinator still needed to be the point of contact for specific recommendations and concerns.

Commissioner Breternitz said he wanted to make sure the implementation plan included objective discussion about setting a direction. He questioned whether the plan would include things such as the discovery of information and the generation of financial reports, or would just identify how the recommendations could be taken care of. He emphasized he was not completely sold on all the items contained within the Diamante study. County Manager Katy Simon replied it absolutely was not the proposal for the implementation plan to become a map for implementing all of the study recommendations. She suggested a better choice of words might have been an action plan to identify the steps needed to bring all of the information needed by the Board to make informed decisions about any of the recommendations addressed in the Diamante report. She emphasized there was no assumption to endorse or approve anything in the Diamante study. She clarified the requested Board action under the agenda item was to accept the

report and give staff direction to spend more time bringing back each of the study recommendations, so the details of the financial analysis, operating impacts, and stakeholder input could be fully vetted and researched. She stated staff wanted the Board to have an opportunity to make individual decisions about any of the study recommendations and the discussion might generate other options that were not in the Diamante report. Chief Latipow commented there were many recommendations in the study that were totally separate from the formation of a JPA. He noted there were things the Board might wish to consider even if nothing was done about a governance model.

Commissioner Breternitz pointed out it was possible to predetermine some things by how an implementation plan was put together. He observed there were a large number of people in the community who were very interested in the process. He expressed concern that a few staff people sitting in a room coming up with an implementation plan would cut off the ability to really pose the issues and the plans in the most beneficial ways. He said he wanted to know that the people who shared different points of view would be included so the Commission could make the best educated decisions. Ms. Simon indicated it was always staff's preferred approach to involve affected stakeholders in the implementation of any major initiative in Washoe County. She suggested a project team might be one of the components that staff could bring back for the Board's review. She explained Chief Latipow had been working with a team that included volunteer fire chiefs, chiefs from other fire service entities, and other stakeholders. She stressed that the team members were not making policy decisions but would bring proposals back for the Board to say "yes," "no," or "bring us something different." Although the policy decisions would be vetted at properly noticed public meetings, she did not recommend a committee structure that had to follow open meeting law, take minutes, and post notices just to do the staff level work. Commissioner Breternitz agreed it would be great to describe it as a project team. He stated it was his belief there would be a better final product if the people who shared different points of view helped to formulate some of the pathways to be taken in getting to a conclusion. He suggested REMSA and other such stakeholders should be on the project team.

Commissioner Jung agreed with staff that high altitude in the implementation or action plan was necessary so that staff and other special interests did not set policy for the Board of County Commissioners. She said she believed it was the responsibility of the Commission to make sure the process was deliberative, and that it migrated toward efficiency in terms of the issues noted in the study as well as in terms of fairness to the taxpayers. She appreciated the participation of different stakeholders and indicated those stakeholders could better inform the Commission as to whether the process was working for them or not. She observed it was clearly not for staff to set policy, but to show the Board the positives, negatives, and pathways of any given course of action. She commented that is what she thought Chief Latipow had intended.

Commissioner Weber also agreed the Commission needed to make the final determinations. She related a suggestion made to her by an audience member that a representative from each of the stakeholder groups, as well as some financial specialists, be put together in a room to discuss all of the issues. She indicated the stakeholders had

the best knowledge of what could be done in the community. She expressed concern that a JPA would come out of the process, although Chief Latipow was not calling it that. She said she was afraid of a JPA. Commissioner Weber questioned why a report needed to be done by the meeting on March 23, 2010. Ms. Simon noted it did not need to be done by March 23rd and staff was only trying to keep the process moving forward. She pointed out the Board had given direction to advance the questions and to appropriately advance the resolution of the questions. She said staff was also being responsive to a June 30, 2010 deadline related to the Interlocal Agreement with Reno and wanted everyone to have a chance to comply with their contractual responsibilities. She indicated staff would follow whatever process was directed by the Board. Chief Latipow said staff would be more than happy to go beyond March 23rd.

Commissioner Weber asked if there had been any explanation or discussion about all of the steps involved in the Interlocal Agreement. Ms. Simon recalled there had been an agenda item about six weeks past. Chief Latipow observed there was an upcoming item on the Truckee Meadows Fire Protection District (TMFPD) agenda that would facilitate more discussion. Commissioner Weber said it would be helpful to have some sort of bulleted list showing what has to happen with the Interlocal Agreement by what date.

Chairman Humke summarized there had been discussion about starting the process at the 40,000-foot level and progressing toward ultimate solutions, as well as having a team confer with stakeholders who would provide input to staff. He observed the commissioners all seemed to agree the process should be a staff effort that was not under the Open Meeting Law, but would include meetings without the elected officials present. He noted staff would periodically report back for Board direction concerning policy. He indicated the process would continue until the drop-dead date for the Interlocal Agreement, which might be renegotiated to alter the timelines. He urged that ordinary taxpaying citizens be brought into the process. Chief Latipow said he would refer to the plan as a draft action plan rather than a draft implementation plan.

Chief Latipow wondered if it was the Board's direction to have the plan put together by a committee. Commissioner Larkin said that was not the direction. In order to provide maximum flexibility, he indicated it would be a staff-driven process and Chief Latipow would employ the best practices that were necessary to get the job done. If that meant the formation of subcommittees or getting all the stakeholders in a room, then Chief Latipow should do what he felt was appropriate within the confines of what the Board had discussed. He stated those players who were relevant to moving forward with the process needed to be involved.

Chairman Humke agreed Chief Latipow was to be the staff point person who would determine when it was time to go before the Commission. He said he had previously described his vision in a private conversation with Chief Latipow. He listed the following agencies and stakeholders: North Lake Tahoe Fire Protection District, Sparks Fire Department, Sierra Fire Protection District, Reno Fire Department, Truckee Meadows Fire Protection District, Airport Authority Fire Department, REMSA, Washoe

County Volunteer Fire Association, dispatch personnel, and citizens. He described his concept as a huge table where the various agencies might or might not choose to take a chair. He stated it was not logical to exclude any agency that wished to adhere to the concept.

Commissioner Breternitz voiced concern about getting to the next Board presentation. He said he considered Chief Latipow to be like the CEO of the process and a good CEO took input from others. He agreed Chief Latipow would make the final decision as to what was presented to the Board but encouraged him to take advantage of the people around him in formulating the action plan. Chairman Humke observed there were no Commissioner objections to casting the process in that manner.

In response to the call for public comment, Robert Ackerman applauded the Diamante report's recommendations for a JPA as well as the construction and staffing of a new fire station in Arrowcreek. He said he was disappointed to see little or no discussion about the Joy Lake Fire Station. He observed the County agreed to pay Reno the cost of operating six fire stations in 2001, but had annexed a large portion of the County since that time. He wondered how many of the County stations had either been annexed or were surrounded by the City and should be sold to them. He supported termination of the current Interlocal Agreement with the City of Reno and the creation of a JPA that would ensure equal fire and paramedic protection for all of the citizens.

Steven Perez indicated whatever the County decided to do in the future would be different from the current Interlocal Agreement with the City of Reno, so the Board should make a separate decision concerning cancelation of the Agreement. He stated that he and other individuals in the Mt. Rose area thought it should be canceled. He advocated combining the Sierra Fire Protection District (SFPD) and the TMFPD, but allowing them to retain their autonomy as a County fire service.

Donna Peterson, a resident of St. James Village, talked about the importance of having a voice. She pointed out the SFPD was currently the only fire service that was accountable to the Commission. She observed the citizens had no voice as long as the Commission had no voice, and wondered how such governance could be in the citizens' best interests.

Dr. Bob Parker stated he was a Galena resident who previously supported an increase in his taxes to improve the SFPD. He indicated SFPD Fire Chief Michael Greene and his staff involved the residents, and the residents volunteered to help with data analysis, project management, and assistance with emergency evacuations. He discussed the contrasting difficulties in getting data from the TMFPD and EMS contractors. He noted that transparency, openness, respect, and trust were required for agencies to partner with the community. He suggested the Board had an opportunity to change the community's perception and to improve services.

Klark Staffan, representing the management staff at REMSA, reminded everyone that REMSA was a not-for-profit organization that operated with no tax support

or other subsidy. He stated REMSA was heavily regulated and independently monitored on a regular basis by the District Board of Health. He indicated the dispatch inefficiencies observed in the Diamante report were very fixable with a dispatch center link that REMSA had been suggesting for quite some time. He pointed out there was nothing in the federal privacy regulations that prevented such a dispatch link and there were no REMSA-created delays in getting resources to the scene. He said the recommendations previously submitted to the Board were based on scientific medical research on EMS systems and patient care. He encouraged the Board to continue an open dialogue among all the stakeholders to ensure that decisions were based on factual information and indicated REMSA was ready to participate in such a process.

Dr. Mary Anderson, Washoe County District Health Officer, provided a brief overview of the REMSA agreement and the oversight that was in place. She explained the well-regulated medical model that was currently in place evolved from a 1994 cooperative study by participants from all the governmental entities, fire services, and hospitals in Washoe County. She stated the oversight was provided through the District Board of Health, which was composed of elected and appointed officials from all three governing bodies and one member elected by other Board members. While no system was perfect and every system required ongoing evaluation to improve, she said it was her opinion the EMS system functioned with a high standard of professionalism and in the best interests of those who were served.

Marty Scheuerman identified himself as a resident within the SFPD who retired after 35 years with the TMFPD and Reno Fire Department. He noted he had been the last Fire Chief of the TMFPD before it merged with Reno. He applauded the Commission for their regional approach. He characterized the Interlocal Agreement with Reno as the first step in an evolutionary process. He stated the next step in the evolution of the region's emergency services would take the political will of the Commission and its partners to make it happen. He said he thought the Agreement with Reno had been good for the TMFPD as well as for the residents and visitors, and should be used as a bridge to the next step. He suggested it was extremely important for the Board to continue its due diligence and to look at everything. He pointed out the REMSA system would stand on its own and the decisions would be evident if the system was really that good. He emphasized the Commission owed it to the stakeholders and the public to make things better if they could.

Lee Leighton, a resident of Spanish Springs Valley, stated he had been a participant in public safety for a number of years before retiring. He agreed with former Chief Scheuerman's comments. He stated the scope of what the staff was being asked to do was a little overwhelming, and recommended the Board narrow the scope down. He observed governance seemed to be the number one issue and the rest of the issues in the report would come around if governance was dealt with. He noted it was important for the Commission and the citizens to have an equal say so. He thanked the Board for the work they were doing and for taking the opportunity to try to make some great changes.

Chairman Humke referenced the remarks of one citizen who suggested staff was being asked to do too much. He expressed confidence that Chief Latipow would be able to get it done and to prioritize the important stuff so that other items could fall into place.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the final version of the January 2010 Fire and Fire Based EMS Services Master Plan Analysis be accepted. Staff was directed to begin the development of an Action Plan to be completed by March 31, 2010 and to be brought back for consideration at the Board's first meeting in April 2010. It was further noted that the Action Plan was to contain a suggested timeline for each item.

**12:34 p.m.** The Board reconvened as the Board of Fire Commissioners for the Sierra Fire Protection District with all members present.

**12:38 p.m.** The Board reconvened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District with all members present.

**1:54 p.m.** Chairman Humke declared a brief recess.

**2:35 p.m.** The Board reconvened as the Board of County Commissioners with all members present.

**10-178      AGENDA ITEM 18**

**Agenda Subject:** "Discussion and possible direction to staff regarding the content of, and all duties, responsibilities and obligations arising or flowing from, Bill No. 1599, Ordinance No. 1420 (Washoe County Code Chapter 54, Section 3 - an Ordinance amending the Washoe County Code by repealing provisions in Chapter 54 concerning Alarm Businesses, Alarm Systems and False Alarms, and by enacting new provisions relating to Alarm Businesses, Alarm Systems and False Alarms), enacted on September 22, 2009, and as amended on October 13, 2009 (only as to delaying the Ordinance's implementation date to January 4, 2010)--requested by Commissioner Breternitz. (All Commission Districts)"

Commissioner Breternitz indicated he requested the agenda item to reconsider the alarm Ordinance. Melanie Foster, Legal Counsel, explained the Board's options and processes for repealing the Ordinance, amending the Ordinance, or directing staff to bring back future action if the Commissioners wished to do something different with the contractor's agreement.

Commissioner Breternitz said he received calls after voting in support of the Ordinance, thought more about it, and sent correspondence to the Sheriff about his perspective. He stated it was his belief the program costs, including registration and administration fees, should be borne by the people who were actually having false alarms. He did not support the idea that every resident with an alarm system in the

unincorporated area should pay an annual fee. He expressed additional concerns about an out-of-state company being contracted to do the work and the need for an outreach program to educate the public. He suggested there should be a formal Request for Proposal (RFP), distributed locally and beyond, to secure the best possible administrator for the program.

Chairman Humke recalled previous discussion about harmonizing County ordinances with those of Reno and Sparks but said he was no longer convinced there should be harmony for this particular Ordinance. Commissioner Breternitz acknowledged administration was easier if the Ordinance matched those of Reno and Sparks, but said he was not sure if it was the right way to administer the program. He stated he did not see how the County could be in conformance with the other entities while still going through an RFP process and passing costs to the people who were actually causing the problem.

Chairman Humke observed the responsibility for a false alarm could be assigned to the alarm company or to the subscriber but he was not sure it was feasible to hold the alarm companies responsible.

Undersheriff Todd Vinger stated the program had been instituted as part of the Sheriff's budget reduction and sustainability plan. He noted the Sheriff's Office did not create laws and ordinances, but simply enforced them equally and fairly. He pointed out the Sheriff's Office had been billing those who set off false alarms for a number of years. He indicated two full time positions were required to administer the program in-house and approximately \$96,000 in fees were generated each year. The current contract allowed the Sheriff's Office to cut its administrative costs in half. He observed the contractor, ATB Services, was also used by the City of Reno and common software was used between the agencies. He was not sure who would put in for an RFP if the fees were reduced. He described the services provided by ATB Services, noting the company was connected to about 80 different alarm maintenance and monitoring companies in and out of Nevada. He did not believe there were other companies providing the same range of services but said the Sheriff's Office would be happy to send out an RFP if that was what the Board wished to do.

Undersheriff Vinger clarified for Commissioner Breternitz that there were approximately 7,000 alarm systems throughout Washoe County but only about 3,000 to 4,000 in the unincorporated areas. Commissioner Breternitz said it was a great idea to privatize delivery of the services but he thought it would be worth the effort to give people in the community an opportunity to participate in the contracting process.

Commissioner Jung said she received numerous phone calls and emails about the Ordinance from people who had no idea the law would be going into effect. She wondered what kind of public outreach had been done or was planned for the future. Undersheriff Vinger indicated ATB Services was responsible for providing alarm training, free online schools, the statistical collection of data, and processing false alarm remittances and fees. Although the Sheriff's Office would be happy to take on the responsibility for outreach, he observed they had not created the Ordinance and had

expected outreach would be done by another department. Commissioner Jung wondered how alarm subscribers and the Commission would know there was a website available for education. Katy Simon, County Manager, indicated the Commission would not know because the contract had been below the dollar amount threshold for contracts that were brought to the Board for approval. Commissioner Jung asked if the County received a discount for sole sourcing the contract to the same organization used by the City. Undersheriff Vinger clarified there had not been a discount and the County was not joining in on Reno's contract. He stated the County's fees were less than Reno's fees and the Sheriff's Office did not charge a false alarm fee until a deputy arrived on the scene, which gave subscribers a longer period of time to cancel a false alarm.

Marshall Emerson, Assistant Sheriff, explained mailers had been sent out to alarm subscribers by ATB Services. He stated the Sheriff's Office received several phone calls from citizens who received the notifications and wanted to know if there was a scam of some sort going on. He observed there were several fees attached to the Ordinance, including a \$24 annual fee that was consistent with fees charged by the Cities of Reno and Sparks. He noted the City assessed a fee upon receiving an alarm call but the County only charged if deputies responded. He emphasized the intent of the Ordinance had been to minimize the number of false alarms.

Commissioner Weber asked if the \$24 annual fee was automatically assessed to all subscribers. Undersheriff Vinger replied that it was. He noted about 98 to 99 percent of all alarms were false and required a minimum of two deputies to respond for at least one hour per call. He estimated a cost of more than \$250,000 for false alarm response. Commissioner Weber said she understood the necessity to charge for false alarms but thought there had been poor community outreach on the Ordinance.

Commissioner Larkin said the calls he received were also related to public outreach. He pointed out an alarm administrator under the Sheriff was vested with responsibility for administration of the Ordinance but it was not clear who was vested with ensuring public safety meetings. He wondered what the Board could do to facilitate public outreach. Undersheriff Vinger said it was within the guidelines of the contract to set up and post public safety meetings. He stated the Sheriff's Office would be happy to attend Citizen Advisory Board meetings and to have ATB representatives attend as well. Commissioner Larkin asked if public safety announcements could be made on Channel 217. Undersheriff Vinger indicated a segment on *Inside the Sheriff's Office* was being created to talk about the impact of false alarms on the community, and the Sheriff's office could work with County management to create a public service announcement for any of the public access channels.

Chairman Humke stated one of his constituents had scanned in the letter received from ATB Services. He expressed concern about use of the County logo on ATB letterhead. Undersheriff Vinger said the logo came from the County through Community Relations. Chairman Humke acknowledged a contractor would want to use the County logo to show the customer they were legitimate, but noted the typographical errors in the letter were below the County's standards.

Chairman Humke asked the Board if there was a desire to retool the Ordinance. Undersheriff Vinger noted taking away the fees would make it hard to find a vendor. Commissioner Breternitz emphasized the cost of program administration should be added to the false alarm fine and community outreach should be a part of the program.

Commissioner Weber questioned what steps were necessary to redo the Ordinance. Ms. Foster explained staff would need very specific direction about any parts of the Ordinance the Board wanted to amend. If it was the Board's desire to terminate the contractor's agreement, she indicated staff could come back at the first reading of an amended Ordinance, at which time the Board could choose to give 90 days notice to terminate the agreement and termination could be timed to coincide with the effective date of a new Ordinance. She noted the Purchasing and Contracts Administrator would need very specific direction if the Board wished to amend the contractor's agreement in some way.

Commissioner Weber read a letter she received from Cathy Kettler, which was placed on file with the Clerk. The letter objected to the Ordinance as "an invasion of privacy and an unconstitutional attempt on the part of the Washoe County Commissioners and Washoe County Sheriff's Department and a third party administrator..." Ms. Kettler suggested it would have been better to collect the registration fee through the alarm companies.

In response to the call for public comment, Elaine Steiner related an incident where she had been on the phone trying to cancel a false alarm when the Sheriff's Office showed up at her home. She noted she was billed \$75 for the false alarm. She indicated the Sheriff's Office previously allowed three mistakes per year before assessing a fee and suggested alarm subscribers should have some leeway for mistakes.

**3:33 p.m.** Commissioner Weber temporarily left the meeting.

Commissioner Breternitz put forward a motion that was seconded by Commissioner Larkin. A discussion ensued about the legality of the motion. Ms. Foster said it was necessary for the Board to separate its action concerning the Ordinance from its action pertaining to contractual provisions. She indicated it was appropriate to create an agenda item to end the current contractual relationship before taking any Board action to issue an RFP or create a different kind of contractual relationship. Following discussion, an amended motion was passed.

Additional discussion ensued about public outreach, the contractor's agreement and the RFP process. Mike Sullens, Purchasing and Contracts Administrator, asked if there was any interest in modifying the terms of the agreement so that the current contractor would be paid from actual false alarm fees as opposed to annual registration fees. Commissioner Breternitz indicated the current contractor as well as businesses in the community should have the ability to submit a proposal. Mr. Sullens explained he had checked to see if there were firms in Nevada that might be able to handle the contract. He

noted it was a very specialized field with only four or five companies providing the service in the U.S. and Canada. He stated someone local might respond to an RFP but they were not likely to have the necessary experience, background and software. Commissioner Breternitz observed that proposers typically identified their experience during the RFP process. Although he had not personally been approached by anyone interested in the contract, he said he had a difficult time telling business people in the community that the County had not sought their qualifications.

Commissioner Larkin suggested there should be discussion under a future agenda item about the broader policy issues surrounding the RFP process, the established contract levels and thresholds, and general policy guidelines.

Ms. Simon summarized the Board's direction. She stated the District Attorney's Office would work on a modification of the Ordinance that wrapped the costs of administration into the false alarm fee. She indicated the Sheriff's Office would work with Community Relations to get discussion on the Citizen Advisory Board agendas, develop some public service announcements, and come up with other outreach strategies. She stated the Manager's Office would bring back an agenda item for the Board to have general discussion about policies regarding contracts and RFP's, to specifically include discussion of a possible Nevada preference in bidding as well as sole source versus competitive bid thresholds and guidance.

Commissioner Breternitz said he was not talking about a Nevada preference but was concerned about an outreach program to secure local participation. Ms. Foster cautioned that no action could be taken on an RFP unless the current agreement was terminated. She indicated an ancillary agenda item could be brought back at the first reading of the amended ordinance that would allow the Board to direct further action on the contract.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that Bill No. 1599, Ordinance No. 1420 be amended to ensure the costs of administering the false alarm program were rolled into penalty fees for false alarms rather than into annual registration fees.

**10-179            AGENDA ITEM 19 – 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, reports and possible bill draft requests as may be deemed by the Chair or the Board to be of critical significance to Washoe County. (All Commission Districts)”**

County Manager Katy Simon indicated there was no formal presentation under the agenda item.

Commissioner Jung referenced Agenda Item 15 that had already been heard by the Board. She hoped it would be communicated to State legislators that the County was giving \$617,000 back to the State, which could result in three times that amount when the funds were leveraged with federal funds. She stated such action showed good faith on the part of Washoe County and the District Attorney's Office to help with the State's budget shortage.

**10-180            AGENDA ITEM 23 – REPORTS AND UPDATES**

**Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).”**

Commissioner Larkin indicated the Regional Transportation Commission (RTC) recently voted to move forward with the Moana Lane extension project. He announced recent and upcoming meetings of the Joint Fire Advisory Board (JFAB).

Commissioner Jung said a State and local government panel for renewable energy and energy efficiency for public buildings recently held its first meeting in Carson City. She noted the group could apply for grants and she had asked that clear criteria be established to identify the best projects since there were so many jurisdictions represented on the committee. She stated there was a task force made up of industry specific representatives and joint meetings were suggested so the two groups could educate each other on the issues.

Chairman Humke announced an upcoming board meeting for the Reno-Sparks Convention and Visitors Authority.

Katy Simon, County Manager, discussed her plans to visit Louisiana with a church group to help rehabilitate houses that were devastated by Hurricane Katrina.

**10-181            AGENDA ITEM 21 – WORK CARD PERMIT APPEAL**

**Agenda Subject: “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 February 23, 2010 Board Agenda.”**

**4:03 p.m.** On motion by Chairman Humke, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, the Board adjourned from the Commission Chambers and convened in Closed Session in the Caucus Room to consider the work card permit appeal under Agenda Item 24 per NRS 241.030(1).

**5:58 p.m.** The Board reconvened in open session in the Caucus Room with all members present to take action on the work card permit appeal.

Commissioner Larkin discussed the high standards required of those responsible for childcare. He said he had difficulty granting a work card permit to the appellant because of one substantiated case against her in 2005. Commissioner Breternitz agreed.

Commissioner Weber disagreed and noted she could see how circumstances could have occurred for the standpoint of a single mother. She pointed out the appellant would be under the supervision of her employer.

Commissioner Jung said it was a tough decision but she would err on the side of caution and go with the staff recommendation to deny the permit. Chairman Humke talked about the level of childcare responsibility. He indicated he was not comfortable with placing special conditions in order to allow a work card permit.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber voting “no,” the work card permit appeal under Agenda Item 21 was denied on the basis of the appellant’s prior record.

**10-182            AGENDA ITEM 24 – CLOSED SESSION**

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

**6:00 p.m.** On motion by Chairman Humke, seconded by Commissioner Breternitz, which motion duly carried, the Board adjourned from the work card permit appeal under Agenda Item 24 and went into Closed Session in the Caucus Room for the purpose of discussing negotiations with employee organizations per NRS 288.220.

**7:37 p.m.** The Board reconvened in Chambers with all members present.

**10-183            AGENDA ITEM 22 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Second reading and adoption of an Ordinance amending Washoe County Code Chapter 110, Development Code, Article 302, Article 304 and Article**

**410: Table 302.05.1 by allowing attached accessory dwellings in the General Rural regulatory zone; Table 302.05.3 to require special use permits instead of administrative permits to approve commercial stables in the Low, Medium and High Density Rural, Low Density Suburban, Parks and Recreation, and General Rural regulatory zones; Table 302.05.3 and Section 304.25 to create a new use for senior continuum of care facilities; Table 302.05.5 to allow Agricultural Sales subject to a special use permit in the Medium and High Density Rural and the Low Density Suburban regulatory zones; Section 304.35(c) to add “aquaculture” to the definition of “Animal Production”; Section 304.25(d)(5) and 304.30(d)(3) and 304.30(f) to add storage of manufactured homes to the typical uses of “Equipment Repair and Sales,” “General Industrial – Heavy” and “Inoperable Vehicle Storage”; Section 304.20(k) to add “private not for profit” ownership to the definition of “Parks and Recreation” use type; Section 304.05(c) to include a reference to the North American Industry Classification System when a use type is not clearly identified in Code; Section 304.25(d)(7) to remove “car and truck rental lots” from the typical uses specified for Automotive and Equipment, Storage of Operable Vehicles” use type; Section 304.25 to require all permanent commercial uses to construct a commercial structure; Section 304.25 to include convention facilities and wedding chapels as typical uses under the Convention and Meeting Facilities use type; Table 302.05.5 and Section 304.35 to create a new use type Commercial Animal Slaughtering, Mobile; and Section 304.35 to allow small scale Produce Sales, for a maximum duration of 30 days in any one calendar year in all regulatory zones; Table 302.05.2 to change Public Service Yards from a special use permit reviewed by the Planning Commission to one reviewed by the Board of Adjustment; Table 302.05.5 to change Commercial Animal Slaughtering from a special use permit reviewed by the Planning Commission to one reviewed by the Board of Adjustment; Table 410.10.3 to add parking standards for senior continuum of care facilities; Table 410.10.5 to add parking standards for Commercial Animal Slaughtering, Mobile; and providing for other matters properly relating thereto. (Bill No. 1612). (All Commission Districts)”**

**7:37 p.m.** Chairman Humke opened the public hearing.

Amy Harvey, County Clerk, read the title for Ordinance No. 1433 (Bill No. 1612).

Commissioner Weber said she had raised some questions related to the agricultural part of the Ordinance during its first reading on behalf of a constituent. She requested an explanation of the constituent’s subsequent discussions with Community Development. Roger Pelham, Planner, explained there had been one constituent who came to the process too late to get an amendment into the Ordinance. He stated Adrian Freund, Director of Community Development, was willing to bring forward a future amendment request in order to allow additional types of produce production in medium density suburban areas. He noted such production would probably be subject to a special use permit because of the more intense residential location. He indicated the Ordinance had already been through the public process by the time the constituent came forward.

Commissioner Weber wondered when the future amendment would take place. Mr. Pelham estimated six months or less. Commissioner Weber hoped it would take place in time for the next growing season.

In response to the call for public comment, Todd Smith talked about his proposal for an aquaponics program that would produce some fish and plants. He referred to the section on agricultural use types on page 9 of the staff report, which limited temporary sales to a maximum of 30 days. Unlike traditional produce sales that were seasonal in nature, he explained the aquaponics environment allowed for year-round fresh produce. He requested the temporary sales be extended to at least 52 days, which would allow one sale day per week to distribute the produce.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Ordinance No. 1433, Bill No. 1612, be approved, adopted, and published in accordance with NRS 244.100. Adoption was based on findings (1) through (6), as shown on page 6 of the staff report, for the Ordinance entitled: **"AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110, DEVELOPMENT CODE, ARTICLE 302, ARTICLE 304 AND ARTICLE 410: TABLE 302.05.1 BY ALLOWING ATTACHED ACCESSORY DWELLINGS IN THE GENERAL RURAL REGULATORY ZONE; TABLE 302.05.3 TO REQUIRE SPECIAL USE PERMITS INSTEAD OF ADMINISTRATIVE PERMITS TO APPROVE COMMERCIAL STABLES IN THE LOW, MEDIUM AND HIGH DENSITY RURAL, LOW DENSITY SUBURBAN, PARKS AND RECREATION, AND GENERAL RURAL REGULATORY ZONES; TABLE 302.05.3 AND SECTION 304.25 TO CREATE A NEW USE FOR SENIOR CONTINUUM OF CARE FACILITIES; TABLE 302.05.5 TO ALLOW AGRICULTURAL SALES SUBJECT TO A SPECIAL USE PERMIT IN THE MEDIUM AND HIGH DENSITY RURAL AND THE LOW DENSITY SUBURBAN REGULATORY ZONES; SECTION 304.35(C) TO ADD "AQUACULTURE" TO THE DEFINITION OF "ANIMAL PRODUCTION"; SECTION 304.25(D)(5) AND 304.30(D)(3) AND 304.30(F) TO ADD STORAGE OF MANUFACTURED HOMES TO THE TYPICAL USES OF "EQUIPMENT REPAIR AND SALES, GENERAL INDUSTRIAL – HEAVY" AND "INOPERABLE VEHICLE STORAGE"; SECTION 304.20(K) TO ADD "PRIVATE NOT FOR PROFIT" OWNERSHIP TO THE DEFINITION OF "PARKS AND RECREATION" USE TYPE; SECTION 304.05(C) TO INCLUDE A REFERENCE TO THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM WHEN A USE TYPE IS NOT CLEARLY IDENTIFIED IN CODE; SECTION 304.25(D)(7) TO REMOVE "CAR AND TRUCK RENTAL LOTS" FROM THE TYPICAL USES SPECIFIED FOR AUTOMOTIVE AND EQUIPMENT, STORAGE OF OPERABLE VEHICLES" USE TYPE; SECTION 304.25 TO REQUIRE ALL PERMANENT COMMERCIAL USES TO CONSTRUCT A COMMERCIAL STRUCTURE; SECTION 304.25 TO INCLUDE CONVENTION FACILITIES AND WEDDING CHAPELS AS TYPICAL USES UNDER THE CONVENTION AND MEETING FACILITIES USE TYPE; TABLE 302.05.5 AND SECTION 304.35 TO CREATE A NEW USE TYPE**

**COMMERCIAL ANIMAL SLAUGHTERING, MOBILE; AND SECTION 304.35 TO ALLOW SMALL SCALE PRODUCE SALES, FOR A MAXIMUM DURATION OF 30 DAYS IN ANY ONE CALENDAR YEAR IN ALL REGULATORY ZONES; TABLE 302.05.2 TO CHANGE PUBLIC SERVICE YARDS FROM A SPECIAL USE PERMIT REVIEWED BY THE PLANNING COMMISSION TO ONE REVIEWED BY THE BOARD OF ADJUSTMENT; TABLE 302.05.5 TO CHANGE COMMERCIAL ANIMAL SLAUGHTERING FROM A SPECIAL USE PERMIT REVIEWED BY THE PLANNING COMMISSION TO ONE REVIEWED BY THE BOARD OF ADJUSTMENT; TABLE 410.10.3 TO ADD PARKING STANDARDS FOR SENIOR CONTINUUM OF CARE FACILITIES; TABLE 410.10.5 TO ADD PARKING STANDARDS FOR COMMERCIAL ANIMAL SLAUGHTERING, MOBILE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO."**

\* \* \* \* \*

**7:49 p.m.** There being no further business to discuss, the meeting was adjourned.

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

**ATTEST:**

---

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

*Minutes Prepared by  
Lisa McNeill, Deputy County Clerk*

RECEIVED

APR 01 2010

DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE DIRECTOR  
BUDGET AND PLANNING DIVISION

AMENDMENT #2 TO CONTRACT

Between the State of Nevada  
Acting By and Through Its

Department of Health and Human Services  
Division of Welfare and Supportive Services  
1470 College Parkway  
Carson City NV 89706

and

Washoe County  
On behalf of its  
District Attorney's Office  
Family Support Division  
1 South Sierra St.  
Reno, NV 89520

1. AMENDMENTS. All provisions of the original contract dated July 1, 2008 attached hereto as Exhibit A, remain in full force and effect with the exception of the following: added language is in ***bold italics***, deleted language has been [stricken].

6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments:

*Addition of Attachment H: Agreement on Funding Adjustments to the original contract,*

*Addition of Attachment I: DWSS Letter of Intent on Funding Adjustments dated 1/11/2010 to the original contract.*

7. CONSIDERATION. The County through the DA's office agrees to provide the services set forth in paragraph (6) at a cost to be determined per Attachment B with installments payable monthly, not exceeding the approved annual budget. Total expenditures for this contract shall not exceed the following amounts: [~~\$22,594,825~~] ***\$22,894,825***; \$4,868,525 for State Fiscal Year (SFY) 09; \$5,355,378 for SFY10; [~~\$5,890,915~~] ***\$6,190,915*** for SFY11, and \$6,480,007 for SFY12.

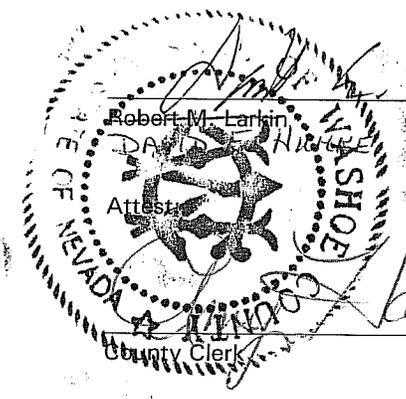
2. INCORPORATED DOCUMENTS. Exhibit A (Original Contract and amendments) is attached hereto, incorporated by reference herein and made a part of this amended contract.

3. REQUIRED APPROVAL. This amendment to the original contract shall not become effective until and unless approved by the Nevada State Board of Examiners.

*This section blank intentionally*

10-143

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

 Robert M. Larkin  
Attest:  
County Clerk  
*John* 2/23/10  
Date

Chairman  
Title

On *February 23, 2010*  
Date

*Romaine Gilliland*  
Romaine Gilliland  
Date *3/10/10*

Administrator,  
Division of Welfare and Supportive Services  
Title

*Michael J. Willden*  
Michael J. Willden  
Date *3/31/10*

Director,  
Department of Health and Human Services  
Title

*[Signature]*  
Signature - Board of Examiners

APPROVED BY BOARD OF EXAMINERS  
On *5-11-10*  
Date

Approved as to form by:  
*[Signature]*  
Deputy Attorney General for Attorney General

On *3/5/10*  
Date

10-143

**FUNDING ADJUSTMENTS**

- I. The County Agrees:
  - A. To surrender the remaining portion of available incentive funds from Federal Fiscal Years 2006 and 2007 in the amount of \$617,716 to the State of Nevada; Division of Welfare and Supportive Services.
  - B. Maintain appropriate records pertaining to expenditures.
  - C. That whether expressly prohibited by federal law, or otherwise, that no funding associated with this contract will be used for any purpose associated with or related to lobbying or influencing or attempting to lobby or influence for any purpose the following:
    - 1. Any federal, state, county or local agency, legislature, commission, counsel or board;
    - 2. Any federal, state, county or local legislator, commission member, counsel member, board member, or other elected official; or
    - 3. Any officer or employee of any federal, state, county or local agency; legislature, commission, counsel or board.
  
- II. The DIVISION Agrees:
  - A. That in addition to the Federal Financial Participation (FFP) provided at the applicable matching rate, which is currently 66% for approved IV-D activities, The State of Nevada, Division of Welfare and Supportive Services will reimburse Washoe County for the 34% not reimbursable by FFP (county responsibility) up to \$300,000. This will be paid from the State Share of Retained Collections (SSC).
  
- III. All PARTIES mutually agree:
  - A. The Division will reimburse the 34%, county responsibility on a monthly basis as part of the normal monthly reimbursement schedule.
  - B. The Division will cease reimbursement of Washoe County's responsibility once the threshold of \$300,000 has been met.
  - C. This will commence July 1, 2010.

10-143

APN: 082-240-94

*When recorded return to:  
Washoe County Engineering Division  
PO Box 11130  
Reno, NV 89520*

**RESOLUTION ACCEPTING REAL PROPERTY**  
**FOR USE AS A PUBLIC STREET**  
**(SENECA DRIVE AT THE INTERSECTION**  
**OF NORTH VIRGINIA STREET)**

Irrevocable Offer of Dedication, Seneca Drive, South ¼ of Section 9, Township 20 North, Range 19 East as described and shown in Exhibit "A" (a copy is attached and is incorporated by reference), DOCUMENT #3577730 RECORDED September 24, 2007.

WHEREAS, it is a function of the County of Washoe to operate and maintain public streets; and

WHEREAS, certain real property as described in Exhibit "A" (a copy is attached and is incorporated by reference) to be used as a public street was offered for dedication by Irrevocable Offer of Dedication, Document No. 3577730 recorded on September 24, 2007; and

WHEREAS, said offer of dedication was rejected by the Director of Community Development because said street improvements on real property to be used as a public street were not constructed to Washoe County standards; and

WHEREAS, NRS 278.390 specifically provides that if the real property as described in Irrevocable Offer of Dedication Document No. 3577730 is rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution

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at any later date, and without further action by the property owner, rescind its action and accept the real property for public use; and

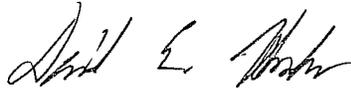
WHEREAS, street improvements on portions of said real property being used as a public street right-of-way have been recently constructed and now meet current County standards; and

WHEREAS, said real property is necessary for public access; and

WHEREAS, the Washoe County Board of Commissioners finds that it is in the best interest of the public to accept said real property.

NOW, THEREFORE, BE IT RESOLVED, by the Washoe County Board of Commissioners, pursuant to NRS 244.270, that the real property offered by Irrevocable Offer of Dedication Document No. 3577730 Recorded September 24, 2007, is hereby accepted.

**WASHOE COUNTY BOARD OF COMMISSIONERS**



DAVID E. HUMKE, CHAIRMAN

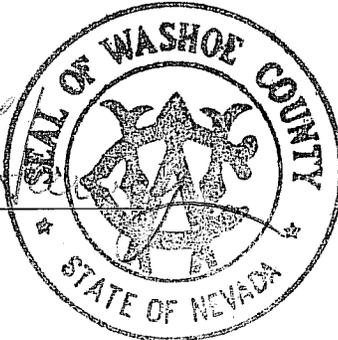
2-23

, 2010

ATTEST:



AMY HARVEY  
County Clerk



10-164

1-1-11

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**SENECA DRIVE RIGHT OF WAY DEDICATION**  
**APN 082-240-94**

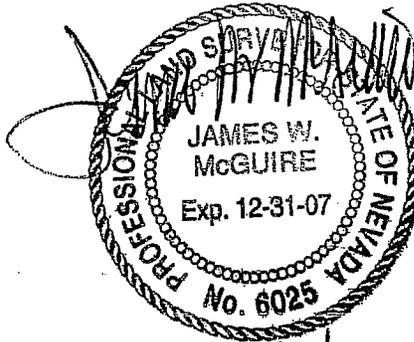
A parcel situate within the Southwest 1/4 of Section 9, Township 20 North, Range 19 East, MDM, Washoe County, Nevada, being more particularly described as follows:

BEGINNING at a point on the West line of the Southwest 1/4 of said Section 9 from which the Southwest corner of said Section 9 South 00°11'01" West a distance of 261.48 feet;  
thence along said line North 00°11'01" East a distance of 137.97 feet to the southerly right of way line of North Virginia Street (Old U.S.Highway 395);  
thence along said line South 61°11'30" East a distance of 69.31 feet;  
thence leaving said line from a tangent which bears North 61°11'30" West, along a circular curve to the left with a radius of 24.00 feet and a central angle of 89°48'38" an arc length of 37.62 feet;  
thence South 28°59'52" West a distance of 14.94 feet;  
thence along a tangent circular curve to the left with a radius of 170.50 feet and a central angle of 28°48'51" an arc length of 85.74 feet to the Point of Beginning.

Said parcel contains an area of approximately 2157 square feet.

Basis of Bearings: Nevada State Plane Coordinate System, West Zone (NAD 83/94),  
i.e. West line of SW 1/4 of Section 9, T20N, R19E, MDM taken as North 00°11'01" East.

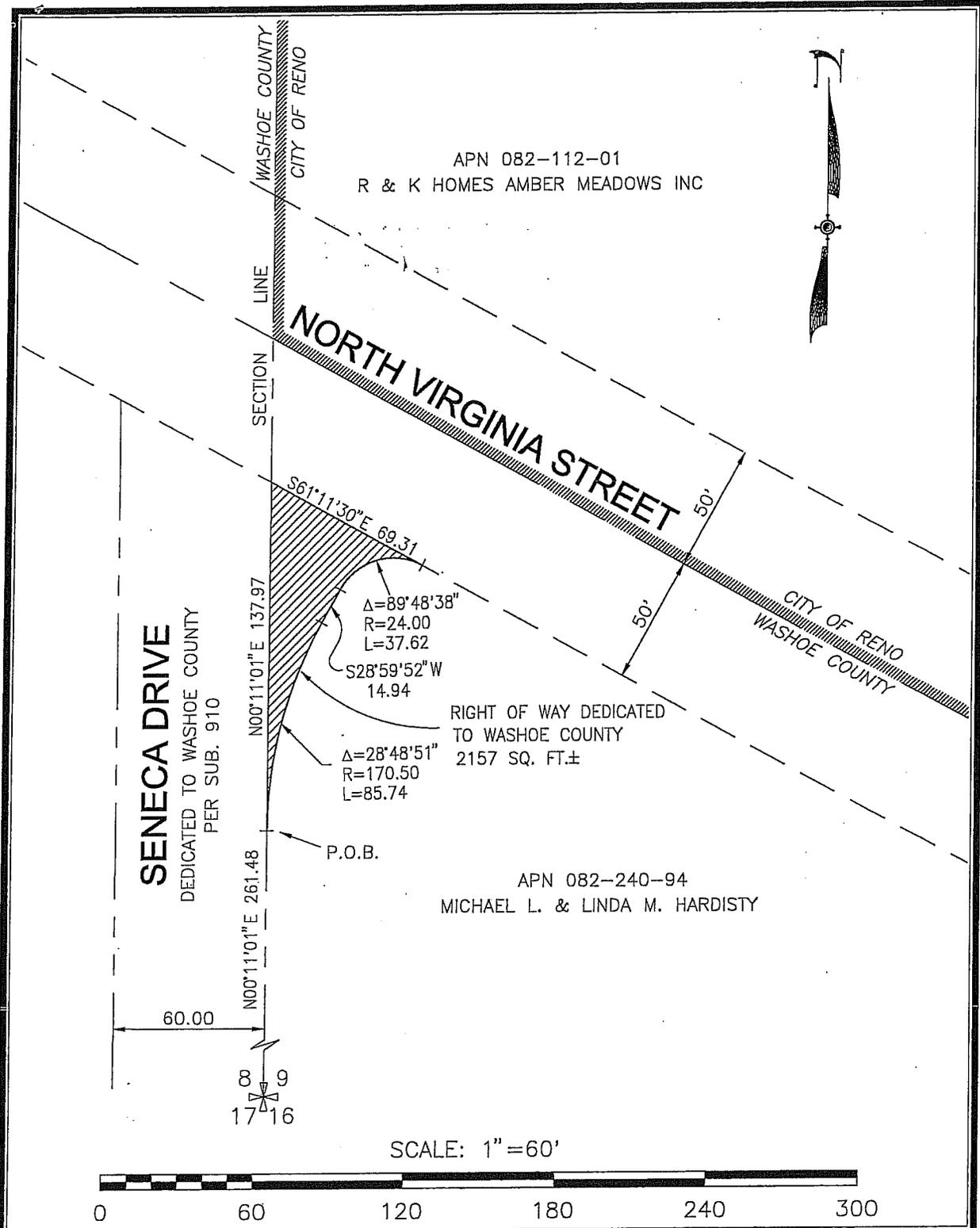
Description Prepared By:  
James W. McGuire, P.L.S. 6025  
Summit Engineering Corp.  
5405 Mae Anne Ave.  
Reno, NV 89523



12/13/06

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EXHIBIT "A"



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SENECA DRIVE  
R.O.W. DEDICATION  
APN 082-240-94

SW 1/4 SECTION 9  
T20N, R19E, MDM  
WASHOE COUNTY, NEVADA  
2:48 PM \* 13-DEC-2006



SHEET  
1  
OF  
1

**INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES**

A Contract Between the State of Nevada  
Acting By and Through Its  
Department of Public Safety, Division of Parole & Probation  
1445 Old Hot Springs Road  
Carson City, Nevada 89706  
(775) 684-4698 Fax (775) 684-4809  
And

Washoe County  
Acting by and through its Washoe County Sheriff's Office  
(Referred to collectively herein as "WCSO")  
911 Parr Boulevard  
Reno, Nevada 89512-1000  
(775) 325-6496 Fax (775) 328-8728

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

WHEREAS, it is deemed that the services of Washoe County Sheriff's Office hereinafter set forth are both necessary to Department of Public Safety, Division of Parole and Probation and in the best interests of the State of Nevada;

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

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective upon approval of the Board of Examiners to June 30, 2011, unless sooner terminated by either party as set forth in this Contract.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until thirty days (30) after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason federal and/or State Legislature funding ability to satisfy this Contract is withdrawn, limited, or impaired.
5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.
6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:  
ATTACHMENT A: SCOPE OF WORK
7. CONSIDERATION. Washoe County Sheriff's Office agrees to provide the services set forth in paragraph (6) **at a cost of ten thousand dollars and no cents (\$10,000.00) for fiscal year 2010 from July 1, 2009 to June 30, 2010 and ten thousand dollars and no cents (\$10,000.00) for fiscal year 2011 from July 1, 2010 to June 30, 2011** with the total Contract or installments payable not exceeding **twenty thousand dollars and no cents (\$20,000.00)**. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

10-165

10/10

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

9. INSPECTION & AUDIT.

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

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

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

10. BREACH; REMEDIES. Failure of either party to perform any obligation of this Contract shall be deemed a breach. Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but not limited to actual damages, and to a prevailing party reasonable attorneys' fees and costs. It is specifically agreed that reasonable attorneys' fees shall include without limitation \$125 per hour for State-employed attorneys.

11. LIMITED LIABILITY. The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. Actual damages for any State breach shall never exceed the amount of funds which have been appropriated for payment under this Contract, but not yet paid, for the fiscal year budget in existence at the time of the breach.

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

13. INDEMNIFICATION.

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

b. The indemnification obligation under this paragraph is conditioned upon receipt of written notice by the indemnifying party within 30 days of the indemnified party's actual notice of any actual or pending claim or cause of action. The indemnifying party shall not be liable to hold harmless any attorneys' fees and costs for the indemnified party's chosen right to participate with legal counsel.

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

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

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

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

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

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

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

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

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

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

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

**Washoe County Sheriff's Office**

Michael Haley  
Public Agency #1 Signature

\_\_\_\_\_  
Date Title

Print Name: Michael Haley

**Washoe County**

By: David Humke  
Chairman, Washoe County Board of County Commissioners

Print Name: DAVID HUMKE 2/23/10

Attest: Emily Harvey  
Washoe County Clerk

**Department of Public Safety**

\_\_\_\_\_  
Bernard Curtis Chief, Division of Parole & Probation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mark Teska, Chief Administrator, Administrative Services Division

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature - Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

Approved as to form by:

On \_\_\_\_\_ (Date)

\_\_\_\_\_  
Deputy Attorney General for Attorney General, State of Nevada

On \_\_\_\_\_ (Date)

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## ATTACHMENT A

The Washoe County Sheriff's Office (WCSO) will receive probationers referred from the Division of Parole and Probation (P&P) and place them into the Alternatives to Incarceration Program for the performance of community service.

1. Through the Sheriff's Community Work Program (SCWP), the WCSO provides an alternative to incarceration program.
2. The WCSO will conduct initial interviews and input data into the computer for all personal information.
3. The WCSO will screen offenders to ascertain special skills, talents and work experience for agency referrals.
4. The WCSO will maintain a timesheet, contract and agreement with offenders, for completing in a timely manner, their community service hours designated by the court and/or the supervising Parole and Probation officer.
5. P&P will be responsible to forward referrals to the WCSO SCWP unit. The SCWP unit will interview and render services to only those individuals who have been formally referred by P&P.
6. The WCSO will arrange with the agency utilizing the community service worker for on-site supervision and training.
7. P&P will ensure that SCWP is advised of any referral who is a convicted sex offender.
8. P&P will be responsible for providing State Industrial Insurance coverage for each community service worker.
9. The WCSO operates the SCWP and shall be responsible for all persons assigned under the terms of this agreement.
10. It is expressly understood and agreed that enforcement of the terms and conditions of this agreement, and all rights of action relating to such enforcement, shall be strictly reserved to P&P and WCSO, and nothing contained in this agreement shall give or allow any claim or right of action whatsoever by any other person on this agreement. It is the expressed intention of P&P and WCSO that any entity, other than P&P and WCSO which receives services or benefits under this agreement shall be deemed an incidental beneficiary only.
11. This agreement is not intended to create and does not create any rights, liberty interest or entitlements in favor of any inmate. This agreement is intended only to set forth contractual rights and responsibilities of the parties. Inmates shall have only those entitlements created by Federal or State constitutions, statutes, regulations or case law.

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