

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

APRIL 13, 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 10:07 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

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

Katy Simon, County Manager, noted Agenda Item 13, train horn use, would be heard after 10:30 a.m. and Agenda Item 14, an appearance by the Reno-Tahoe Airport Authority, was requested to be heard after 11:45 a.m. She advised Item 8A, appointment to Verdi Township/West Truckee Meadows Citizen Advisory Board (CAB), was being pulled. She stated Agenda Item 30, regarding animal traps, would be heard after 5:45 p.m. and a closed session for the purpose of employee negotiations would be held at approximately 4:00 p.m. after which the Board would discuss Agenda Item 31, the budget update.

10-266 AGENDA ITEM 3 – PROCLAMATION

Agenda Subject: "Proclamation--April 11-17, 2010 as National Library Week--Library. (All Commission Districts.)"

Commissioner Jung read and presented the Proclamation to Dianne Varnon, Associate Library Director. Ms. Varnon thanked the Commission for recognizing National Library Week, and she invited all citizens to visit their libraries during this week.

In response to the call for public comment, Sam Dehne stated he was a lifelong fan of libraries, and he felt they were one of the 10 greatest resources in America. He said he was glad a solution to shutting down any of the libraries was found.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried it was ordered that Agenda Item 3 be adopted.

10-267 AGENDA ITEM 4 – PROCLAMATION

Agenda Subject: “Proclamation--April 18-24, 2010 as National Crime Victims’ Rights Week--Emergency Management/Management Services. (All Commission Districts.)”

Commissioner Weber read and presented the Proclamation to Christina Conte, Alliance for Victims Rights Chair and Washoe County Emergency Management and Homeland Security Program Assistant, and Vicky Maltman, Alliance for Victims Rights Vice Chair. Ms. Conte thanked the Commission for the Proclamation and extended the Alliance’s gratitude for the Commission’s support throughout the years. She invited everyone to come to the annual candlelight vigil, which would be held on April 21, 2010 at 5:30 p.m. at the Mills B. Lane Justice Center. She said the Alliance’s web site was www.allianceforvictimsrights.com.

In response to the call for public comment, Sam Dehne said it bothered him the Proclamation was only for a week, because he felt people should pay attention to victims’ rights all the time. He said more attention should be paid to the victims of crimes who were relatively ignored in the media, while the perpetrators of the crimes were highlighted.

Garth Elliott, noted he had been a victim of a crime while trying to stop illegal dumping. He commented the Sheriff felt there would be an increase in crime due to the economy, and he hoped volunteers could be sent into areas to help mitigate what the Sheriff foresaw happening.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 4 be adopted.

10-268 AGENDA ITEM 5 – RESOLUTION

Agenda Subject: “Resolution--Supporting May 1-8, 2010 as Wildfire Awareness Week--Fire Services Coordinator/Management Services. (All Commission Districts.)”

Kurt Latipow, Fire Services Coordinator, introduced Sonya Sistare, University of Nevada Cooperative Extension Living with Fire Program Coordinator. Commissioner Breternitz read and presented the Resolution to Ms. Sistare. Ms. Sistare invited all of the Fire Chiefs and Fire Representatives to come forward to accept the Resolution with her, because this statewide event could not happen without their support. She said wildfire was an important issue here and throughout Nevada. She stated everyone's support was important in reaching people with the message they needed to be prepared for the upcoming fire season, and this year's message was "Be Ember Aware." She stated the kickoff event would be held at the Redfield Campus on May 1, 2010 from 10:00 a.m. to 2:00 p.m. A copy of the Living with Fire packet was placed on file with the Clerk.

Chairman Humke requested the volunteer firefighters also come forward to accept the Resolution and to participate in a group photograph.

There was no response to the call for public comment.

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

10-269 AGENDA ITEM 6 – PUBLIC COMMENT

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

Garth Elliott said he had been watching the budget hearings, and he was impressed with what the departments were trying to do with what they had to do it with. He said he was amazed that reorganizing the deputies' shifts would save \$700,000, and he wondered how many more savings like that were lurking out there. He said he learned there was a move to consolidate the area's law enforcement agencies, and he felt the Sheriff should be on the Shared Services Committee. He believed a tremendous amount of money could be saved with consolidating the area's law enforcement agencies. He felt band-aids were being put on problems; while it would take a substantive change from the ground up to fix them.

Patricia Simpson, The Arch of Reno Wedding Chapel co-owner, indicated she supported changing the Marriage License Bureau's (MLB) hours, Agenda Item 26, but she suggested there should be some flexibility in the hours during the busier summer months. She said 75 percent of the licenses sold in Washoe County were sold to out-of-state couples and there was a long-standing expectation that their license could be obtained in the evening, they could get married, and then return home the same evening.

She indicated some couples stayed overnight and last summer her chapel found it profitable to stay open until 11:00 p.m. Monday through Thursday and until midnight on Friday and Saturday. She asked the Board to consider keeping the MLB open until 10:00 p.m. on weeknights through the summer's special events season.

Kathleen Marino, The Arch of Reno Wedding Chapel co-owner, agreed that the MLB needed to be open until 10:00 p.m. on weeknights. She said 90 percent of the out-of-state couples had their ceremonies performed at the local wedding chapels. She stated the extended hours gave Reno a big advantage over the neighboring California counties. She felt closing early could also have a huge impact on other things such as gaming, room taxes, and restaurant and bar sales. She advised she did not have a problem with closing at 8:00 p.m. in the winter. She said closing at 6:00 p.m. on Sunday was too early because her chapel generally stayed open until 9:00 p.m. and often did business later than that, especially when a holiday was on the following Monday. She stated closing on Thanksgiving Day and Christmas Day was also a bad idea.

George Flint, Chapel of the Bells owner, commented several area chapels had closed. He said Nevada's wedding industry accounted for 15 percent of its tourist economy. He stated his concern was how the MLB change in hours that had existed for 40 years would impact the tourist industry. He suggested the MLB's hours should be determined by a committee made up of Ms. Harvey and representatives from the chapels with review and approval by the Board. He said he understood the County's financial crunch, but he felt the hours should be looked at and tweaked.

Sam Dehne stated he supported the wedding chapel's request. He discussed his lack of campaign signs, billboards, and mailings; and he advised he could be seen on Utube.

10-270 AGENDA ITEM 7

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

Katy Simon, County Manager, said she had already announced the changes to the agenda.

Commissioner Larkin announced with great sadness that Rex, a canine police officer with the Airport Authority, was laid to rest at 10:30 a.m. today after succumbing to cancer. He requested a moment of silence in honor of Rex.

Commissioner Jung requested the County Manager expedite a joint meeting agenda item regarding creating a regional approach to job growth and job creation by utilizing the stimulus money received. She said a strategic way should be looked at to get shovels in the ground and people back to being employed. Commissioner

Larkin made the same request, but he felt it should be a special joint meeting of the local governing bodies.

Commissioner Breternitz advised the Verdi/West Truckee Meadows Citizens Advisory Board (CAB) would meet Wednesday at 6:30 p.m., the Regional Planning Governing Board (RPGGB) would meet Thursday at 2:00 p.m., and on April 26, 2010 at 6:00 p.m. there would be a Workforce Housing Forum in Incline Village to discuss and take citizen comments on the housing study to determine whether or not it would be pursued in the planning efforts.

Chairman Humke announced on April 16, 2010 at 3:30 p.m. the Children's Cabinet would commemorate Child Abuse Prevention Month on the Courthouse grounds by placing a pinwheel in the ground for each victim of child abuse.

CONSENT AGENDA - AGENDA ITEMS 8B THROUGH 8J

10-271 AGENDA ITEM 8B – HUMAN RESOURCES

Agenda Subject: “Approve mid-year reclassification requests submitted through the job evaluation and classification process [\$5,089 for Juvenile Services reclassification funded by reducing the pooled position budget and annual cost savings to Animal Services Fund for Animal Services reclassifications approximately \$7,416--Human Resources. (All Commission Districts.)”

There was no response to the call for public comment.

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

10-272 AGENDA ITEM 8C – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve Agreement between the County of Washoe (Regional Parks and Open Space Department) and Legion Riders for an event (Vietnam Memorial “Moving Wall”) to be held at Rancho San Rafael Regional Park June 15-22, 2010; and if approved, authorize Chairman to execute Agreement--Regional Parks and Open Space. (Commission Districts 3 and 5.)”

In response to the call for public comment, Sam Dehne noted several of his Air Force Academy classmates' names were on the Vietnam Memorial Wall. He supported approving the Agreement to have the “Moving Wall” come to this community. He felt it was great to have the “Moving Wall” touring the nation, so the warriors who lost their lives during the Vietnam War would not be forgotten.

Commissioner Jung noted she was delighted to have the American Legion bring the “Moving Wall” to Rancho San Rafael Regional Park. She hoped every citizen

would get to walk along the “Moving Wall,” and it was a very sobering event for her when she walked along it.

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

10-273 AGENDA ITEM 8D – ANIMAL SERVICES/PUBLIC WORKS

Agenda Subject: “Approve reappointment of Linda Church (District 3 Representative) and Elaine Carrick (representative from a society for the prevention of cruelty to animals) to the Animal Control Board for an additional 4-year term (May 15, 2014)--Animal Services/Public Works. (All Commission Districts.)”

Commissioner Jung thanked Linda Church and Elaine Carrick for their service.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8D be approved.

10-274 AGENDA ITEM 8E – SENIOR SERVICES

Agenda Subject: “Accept grant award from State of Nevada Aging and Disability Services Division for the Nutrition Services Incentive Program [\$90,435 - no County match] retroactive October 1, 2009 through June 30, 2010; and if accepted, authorize Chairman to sign the Notification of Grant Award and direct Finance to make appropriate budget adjustments--Senior Services. (All Commission Districts.)”

Commissioner Jung acknowledged the grant award from the State of Nevada Aging and Disability Services Division for the Nutrition Services Incentive Program on behalf of the Board.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8E be accepted, authorized, and executed.

10-0275 AGENDA ITEM 8F(1) – MANAGER

Agenda Subject: “Reappoint Mr. Jim Shaffer (term would expire June 30, 2012) to the Washoe-Storey Conservation District. Manager (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Jim Shaffer be appointed to the Washoe-Storey Conservation District with a term expiring on June 30, 2012.

**10-276 AGENDA ITEM 8F(2) – COMMUNITY SUPPORT
ADMINISTRATOR/MANAGEMENT SERVICES**

Agenda Subject: “Accept Community Development Block Grant (CDBG) Program income received by Washoe County through repayment of CDBG housing rehabilitation projects [\$31,198]; and if accepted, approve the use of these funds to support the Heppner Well Abandonment and Community Water Service Connection housing rehabilitation project as needed (not to exceed \$31,198) and authorize Finance to make necessary budget adjustments--Community Support Administrator/Management Services. (All Commission Districts.)”

Commissioner Jung acknowledged the Community Development Block Grant Program income through repayment of CDBG housing rehabilitation projects on behalf of the Board.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8F(2) be accepted, approved, and authorized.

**10-277 AGENDA ITEM 8F(3) – FIRE SERVICES COORDINATOR/
MANAGEMENT SERVICES**

Agenda Subject: “Accept United States Department of Agriculture Rural Development Award [\$50,000 - no cash match] to support purchase of an Ambulance for Gerlach Nevada; and if accepted, direct Finance to make appropriate budget adjustments and authorize Chairman to sign grant documents--Fire Services Coordinator/Management Services. (Commission District 5.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8F(3) be accepted, directed, authorized, and executed.

10-278 **AGENDA ITEM 8F(4) – FIRE SERVICES COORDINATOR/
MANAGEMENT SERVICES**

Agenda Subject: “Approve direction to staff to post Fire Based Emergency Medical Services Master Plan related Draft Action Plan at www.washoecounty.us/mgrsoff/fireplan.html on the Washoe County web site, make copies of the draft action plan available to interested parties, receive public comment and return to the Board/s’ no later than June 22, 2010 with a presentation of the Draft Action Plan inclusive of staff recommendations—Fire Services Coordinator/Management Services. (All Commission Districts.)”

Jane Countryman, encouraged the Board to hold the Fire Based Emergency Medical Services Master Plan meeting during the evening hours so the residents could participate, because it was an important issue for the citizens of unincorporated Washoe County.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8F(4) be approved and directed.

10-279 **AGENDA ITEM 8G(1) – SHERIFF**

Agenda Subject: “Accept Supplemental Grant Award [\$8,500 - no County Match] from Join Together of Northern Nevada to cover overtime costs related to enforcing underage drinking laws activities; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

Commissioner Jung acknowledged the Supplemental Grant Award from Join Together of Northern Nevada on behalf of the Board.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8G(1) be accepted and directed.

10-280 **AGENDA ITEM 8G(2) – SHERIFF**

Agenda Subject: “Approve Amendment #2 to Intrastate Interlocal Contract Between Public Agencies: the County of Washoe (Sheriff’s Office-Forensic Science Division) and State of Nevada (State Gaming Control Board) to reduce the State’s contracted forensic fees from \$1,698 to \$1,443 [\$255] for the second year of Amendment #1 to the Interlocal Contract; and if approved, direct Finance to make necessary budget adjustments and authorize Chairman to execute Amendment #2. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8G(2) be approved, directed, authorized, and executed. The Amendment #2 to Intrastate Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

10-281 AGENDA ITEM 8G(3) – SHERIFF

Agenda Subject: “Accept Weed and Seed Grant Award [\$3,000 - no cash match] awarded by the Office of Justice Programs through the Reno Police Department Regional Gang Unit Task Force to cover overtime costs for the Washoe County Sheriff’s Office Deputy associated with the Weed and Seed project; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

Commissioner Jung acknowledged the Weed and Seed Grant Award from the Office of Justice Programs on behalf of the Board. She said the project was predicated on weeding out the bad influences in young people’s lives and hopefully providing them with positive alternatives to becoming involved in gang activities.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8G(3) be accepted and directed.

10-282 AGENDA ITEM 8H(1) – WATER RESOURCES

Agenda Subject: “Approve Water Rights Deed to convey 3.89 acre-feet of water rights from Sun Valley General Improvement District (SVGID) to Washoe County and approve Water Sale Agreement to lease said water rights back to SVGID in support of the Church of Jesus Christ of Latter Day Saints located in the Sun Valley area; and if both approved, authorize Chairman to execute the Water Rights Deed and the Water Sale Agreement. (Commission District 5.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8H(1) be approved, authorized, and executed.

10-283 AGENDA ITEM 8H(2) – WATER RESOURCES

Agenda Subject: “Approve Resolution calling a hearing (to be set for May 11, 2010) on the amendment of the boundaries of District No. 24 (Groundwater

Remediation/Central Truckee Meadows Remediation District) in Washoe County, Nevada; providing for a notice of hearing, and providing other matters properly related thereto; and if approved, authorize Chairman to execute the Resolution. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8H(2) be approved, authorized, and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-284 AGENDA ITEM 8I – DISTRICT ATTORNEY

Agenda Subject: “Approve Resolution requesting the assistance of the Attorney General in the possible prosecution of a male over the age of 18 for possible unlawful sexual contact with persons under the age of 18 and other matters properly related thereto; and if approved, authorize Chairman to execute same-- District Attorney. (All Commission Districts.)”

There was no response to the call for public comment.

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

10-285 AGENDA ITEM 8J – HUMAN RESOURCES

Agenda Subject: “Approve revised Pro Tem Justice of the Peace Panel for the Justice Courts pursuant to NRS 4.032; and, approve same to serve as a list of potential Administrative Enforcement Code hearing officers pursuant to Washoe County Code, Section 125.225--Human Resources.”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8J be approved.

BLOCK VOTE – AGENDA ITEMS 15, 17, 19, 22, 24, AND 25

10-286 AGENDA ITEM 15 – TRUCKEE MEADOWS REGIONAL PLANNING AGENCY

Agenda Subject: “Recommendation to approve Addendum to the Interlocal Agreement for sharing costs to support the activities of the Truckee Meadows

Regional Planning Agency for 1990-1991 to designate the Truckee Meadows Regional Planning Agency instead of the City of Sparks as the Depository Manager; and if approved, authorize Chairman to execute Addendum--Truckee Meadows Regional Planning Agency.”

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 15 be approved, authorized, and executed. The Addendum to the Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

10-287 AGENDA ITEM 17 – JUVENILE SERVICES

Agenda Subject: “Recommendation to approve Interlocal Contract Between Public Agencies: the County of Washoe (Department of Juvenile Services) and State of Nevada (Nevada Commission on Peace Officers’ Standards and Training (P.O.S.T.)) to provide our agency cadet(s) with Peace Officer training so as to meet the minimum standards for basic P.O.S.T. certification (training is conducted at the Nevada POST academy in which the cadet is enrolled); and if approved, authorize Chairman to execute Interlocal Contact (continued from March 2, 2010 Commission Meeting)--Juvenile Services. (All Commission Districts.)”

There was no response to the call for public comment.

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

10-288 AGENDA ITEM 19 – MANAGEMENT SERVICES/MANAGER

Agenda Subject: “Consideration and possible approval of a request for sponsorship of Artown 2010, including waiver of park facility rental fees, sponsoring ticket sales and other promotional services [not to exceed \$12,850 of in-kind costs]--Management Services/Manager. (All Commission Districts.)”

Commissioner Breternitz advised he served on the Artown Board and asked if it would be appropriate for him to vote on this item. Melanie Foster, Legal Counsel, asked if Commissioner Breternitz served as a volunteer. Commissioner Breternitz relied he did. Ms. Foster advised he could vote.

In response to the call for public comment, Sam Dehne said he disliked the wasteful amount of money Artown had spent on its marketing, for example, the fancy schedules. He believed eight out of ten schedules ended up in the garbage.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 19 be approved.

10-289 AGENDA ITEM 22 – MANAGER

Agenda Subject: “Recommendation to approve a professional services engagement with Matrix Consulting Group to perform a feasibility analysis and study for integrating or sharing Purchasing, Human Resources and Technology Services between the City of Reno and Washoe County [\$88,329 to be paid 50/50 by the respective agencies]; and if approved, direct Finance to transfer authority from Contingency in the General Fund to County Manager’s Administration in the General Fund to provide budget in support of 50% of the cost for the feasibility study [\$44,164.50] - this approval is contingent on the Reno City Council also approving the engagement and funding one-half of the feasibility analysis and study--Manager. (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 22 be approved, directed. It was noted this approval was contingent on the Reno City Council also approving the engagement and funding one-half of the feasibility analysis and study.

10-0290 AGENDA ITEM 24 – MANAGER

Agenda Subject: “Recommendation to possibly reappoint (Mr. John Krolick and Ms. Linda Woodland as regular members (terms would expire June 30, 2014) and Mr. Philip Horan as an alternate member (term would expire June 30, 2011)); and possible appointment of Mr. Thomas Krompetz as a regular member replacing either Mr. Krolick or Ms. Woodland (term would expire June 30, 2014) or as an alternate member (term would expire June 30, 2011) to the Washoe County Board of Equalization--Manager. (All Commission Districts.)”

Commissioner Weber clarified the intent was to reappoint Mr. Krolick and Ms. Woodland. Melanie Foster, Legal Counsel, asked if the Board wanted to appoint an additional alternate at this time because there could be as many alternates as the Board chose. She said if Mr. Krolick and Ms. Woodland were reappointed as regular members and Mr. Horan as an alternate, the Board could appoint Thomas Krompetz as an alternate also. Commissioner Weber suggested appointing Mr. Horan as the first alternate and Mr. Krompetz as the second alternate.

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 John Krolick and Linda Woodland be reappointed as regular members with terms expiring on June 30, 2014 and

Philip Horan be appointed as the first alternate member and Thomas Krompetz be appointed as the seconded alternate member with terms expiring on June 30, 2011 to the Washoe County Board of Equalization.

10-0291 AGENDA ITEM 25 – MANAGER

Agenda Subject: “Recommendation to appoint an individual to the Airport Noise Advisory Panel, with a term to expire May 31, 2012--Manager. (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 John Howitt be appointed to the Airport Noise Advisory Panel with a term expiring on May 31, 2012.

10-292 AGENDA ITEM 13 – COMMUNITY DEVELOPMENT

Agenda Subject: “Update, possible direction to staff and consideration of possible abatement options for train horn use by the Union Pacific Railroad and Amtrak in the West Truckee Meadows, Mogul and Verdi Areas and unincorporated Washoe County and other matters properly related thereto, possibly including the consideration of taking steps to explore creation of so-called “quiet zones” authorized under federal law--Community Development. (Commission Districts 1 and 5; All Commission Districts Possibly Impacted.)”

Adrian Freund, Community Development Director, said the use of train horns was first brought before the Board in 2007 due to citizen concerns in the West Truckee Meadows and their desire to have “quiet zones” established at approximately 13 railroad crossings. Since then the residents had expressed additional concerns where development was concentrated. He noted the staff report from July 24, 2007 was attached to the current staff report. He said the issues and options before the Board were related to a 2005 Federal Railroad Administration (FRA) rule regarding the use of train horns. He explained the rule required the uniform use of horns by trains at railroad crossings and specified the number of times a horn had to be blown. He said it also provided an opportunity for communities to establish “quiet zones.” He stated “quiet zones” required supplemental safety measures be installed to ensure people did not go through the railroad crossings.

Mr. Freund said staff conducted an analysis of the Threshold Index for establishing a “quiet zone” in 2007, which took into account the traffic level and the national accident data at railroad crossings. He stated the railroad crossings looked at in 2007 were under the Threshold Index, but supplemental safety measures could be needed at them. He stated that would be determined by a diagnostic team.

Mr. Freund noted Jim Smith, Union Pacific Railroad Industry and Public Projects Manager; Wesley Lujan, Union Pacific Railroad Director of Public Affairs; LeeAnn Dixon, FRA; and Laurie Campbell, Nevada Department of Transportation (NDOT) were present. He explained the Public Utilities Commission (PUC) and NDOT both played an important role in authorizing crossings with NDOT dealing with crossing safety.

Mr. Freund stated page 4 of the staff report provided some options for going forward with this item. He noted the Reno City Council had this same discussion and concluded there were concerns regarding the City's potential liability. He said the Nevada Revised Statute (NRS) regarding the blowing of train horns was a complicating factor. He stated the District Attorney's Office had investigated and the preemption of the federal train horn rule was only partial.

Ms. Dixon, FRA Grade Crossing Manager, conducted a PowerPoint presentation regarding the federal train horn rule, why an engineer would blow a train's horn, "quiet zones," and horn volumes.

Mr. Lujan indicated it was important the rules be applied the same way in all of the states, because a locomotive could travel through many states over a 60-day period. He conducted a PowerPoint presentation with some Union Pacific fast facts, rail traffic versus capacity, Union Pacific spending versus state highway spending, enhancing capacity, the Donner Pass project, and the benefits of freight railroads. A copy of the presentation was placed on file with the Clerk.

Mr. Lujan said the central route was a premium route, and Union Pacific was doing everything it could to increase the route's capacity. He stated the route could accommodate a lot of trains at full build-out. He said regarding operations in this corridor, Union Pacific had been aggressive in making sure the locomotive engineers knew what the horn rules were and that there were no exceptions to the practice.

Commissioner Weber asked if NRS would make creating a "quiet zone" more expensive. Mr. Freund replied that would not be known until the County processed an application for a potential "quiet zone," which would trigger a local, State, and federal diagnostic team to look at every railroad crossing to determine what types of supplemental safety measures would be needed. He said that option was available even though there was the potential complication of the underlying State law, which confused the picture regarding what would normally be considered a private railroad crossing. He said a driveway leading to a house would be a private railroad crossing because the State Law used the term "crossing or roadway" customarily used by the public for travel. He advised a lot of the so-called private railroad crossings along much of this stretch of tracks and many others, which were currently unprotected, were used by the public. He stated people used the private railroad crossings to access the river to go fishing around Verdi and that was where the State Law became complicated.

Mr. Freund said until the Board authorized moving forward with having the diagnostic team to look at the railroad crossings, there were no hard costs available. He felt it had been assumed that if a designated “quiet zone” fell below the federal threshold index for safety no supplemental safety measures would be needed. He said that was not true because the potential liability would have to be looked at when using the existing gates and controls. He noted he had observed three cars driving around the Crystal Peak crossing while the gates were down. He explained supplemental safety measures would put a median down the middle of that railroad crossing, so cars could not drive around it. He said people bypassing the gates were where the safety and liability issues came into play.

Mr. Freund advised Ms. Dixon believed there would be a potential benefit in having a “quiet zone” railroad crossing bookended by public railroad crossings. He said in this case it would create a “quiet zone” that would run from Crystal Peak Road to the Belli Ranch, thereby making the entire corridor a “quiet zone.” He noted 12 to 13 railroad crossings were within the County’s jurisdiction.

Mr. Freund said the City of Reno conducted a study regarding some of their railroad crossings and found improvements to the Woodland crossing, which was above the Federal Threshold Index, would cost in the hundreds of thousands of dollars.

Commissioner Breternitz asked if it made sense to see if the City of Reno wanted to join the County in considering establishing “quiet zones.” Mr. Freund stated he had been in contact with the person overseeing this effort. He advised the City of Reno had run into the same roadblocks that the County had. He said the City also had concerns regarding the railroad crossing improvement costs, particularly since the City had many more high-traffic railroad crossings, and the liability issues. He said experiences and notes were being shared, and he would be happy to make more direct contact so the City of Reno and the County could proceed together. Commissioner Breternitz believed it was evident both entities shared the same problems. Mr. Freund advised the City limits did not encompass the track rights-of-ways. Commissioner Breternitz stated noise made by the train horns did not stop at the right-of-ways.

Commissioner Jung asked who would bear the cost of the safety improvements. Mr. Freund replied the assumption was the government sponsoring the “quiet zone.” However, the City of Reno was discussing creating a special assessment district (SAD) to pay for the “quiet zone” costs. He noted a SAD was formed in the Sacramento, California area to raise funds. Commissioner Jung asked if alternatives to the 13 railroad crossings had been looked at and were all of them necessary. Mr. Freund advised one option was to work with the landowners to consolidate the private railroad crossings. He stated if the landowners were amenable to doing so, someone would have to provide alternate access to cross the tracks. He said the Old River Inn was a fully gated crossing that was only used by construction workers to access the site, but it was the only legal access for the property owner. He said the concern from the standpoint of NRS and the railroad was there were people parking there and walking across the tracks to access the river. Commissioner Jung asked who would be liable. Mr. Freund replied the concern

expressed when this Board looked at “quiet zones” in 2007 was the liability might fall back on Washoe County as a result of that action. He said liability could fall to the railroad and criminal activities could accrue to an engineer, so liability could potentially head in all directions regarding railroad crossing safety issues.

Commissioner Jung asked who enforced how a horn was blown. Ms. Dixon replied the Union Pacific Railroad managers were responsible for enforcement. Commissioner Jung asked what would happen if neighbors indicated the horn blowing was excessive. Ms. Dixon explained after receiving a complaint that the horn was blown for longer than 15 to 20 seconds, she would ask the railroad to talk with the engineer to see what happened. She noted the information on the black box could also be downloaded if the horn use was egregious. She said usually the public was not clear on what the horn use should be, and 99 percent of the time the horn use was appropriate. Commissioner Jung asked about testing. Ms. Dixon said the locomotive horns were tested every year. Commissioner Jung asked what would happen if an area was designated a “quiet zone” and an engineer still blew the horn. Ms. Dixon replied in communities with “quiet zones,” the reporting system was web based and the engineer would be tracked down to determine why the horn was blown.

Commissioner Larkin asked how many “quiet zones” there were in Nevada. Mr. Freund replied none. Commissioner Larkin said he did not see any differences between 2007 and now, and he questioned what had changed. Mr. Freund stated the difference was staff had not been fully aware of the involvement of the NRS and there had been additional citizen concern regarding train horn noise expressed since then. Commissioner Larkin asked why the Legislature criminalized the failure to blow a train’s horn. Mr. Freund explained it was an old statute from around the 1920’s, and he had no evidence there had been attempts to repeal the statute. He said today there was more traffic and heavier vehicles on the railroads and the potential for danger and exposure to liability had multiplied since then.

Commissioner Larkin asked if the liability issue had changed. Mr. Freund replied it had not. Commissioner Larkin asked if there had been any tort reform at the national level that would shift the liability to the railroads. Mr. Freund said not that he was aware of.

Commissioner Weber said some people did not have a problem with the sound of the horns, but people new to the area might not like it. She stated the Commissioners all had constituents who were impacted by the horn noise but, even if there were “quiet zones,” Ms. Dixon indicated the engineers would still blow the horns for safety reasons. Commissioner Weber asked Mr. Lujan to confirm he had indicated this particular route would see an increase in traffic. Mr. Lujan described Union Pacific’s long-term plans, which would dramatically increase the capacity. Commissioner Weber asked if Union Pacific had any ability or responsibility to help decrease the impacts to the community. Mr. Lujan stated his job was to educate the Board as elected officials why the railroad had to do what it did to comply with federal law. He said if there was an

issue, he would come at any time to hear the complaints of the Board's constituents. He stated that was what he could offer as a response.

Mr. Lujan introduced Sara D'Lima, Manager of Public Safety, who was the contact if there was an issue with trespassing or people getting hurt. He stated she would also be getting word out to the community regarding the public safety issues related to a particular crossing or section of the track. He advised Mr. Smith was tasked with working with the County's Public Works or Community Development Departments and, if there was a request for a "quiet zone," he would represent the railroad from an engineering perspective. Mr. Smith would do the site diagnostic to determine what would be required to implement the "quiet zone."

Commissioner Breternitz said it seemed to be a disservice to many people, including those subjected to the train noise, to harbor hopes of making any adjustments if the liability and cost issues of implementing safety measures and the NRS complication could not be resolved. He asked how long it would take to determine if anything could be done. Mr. Freund said one issue was not knowing the cost of pursuing a "quiet zone." He stated he was willing to talk with the County's State and Federal partners regarding estimating what some of the supplemental safety measures would be without formally initiating the process. He admitted he had not spent lot of time looking into the liability issue with the District Attorney's Office. He stated he would be happy to have the District Attorney's Office take a more in depth look at what the liability was currently, what it might be under a "quiet zone," and any potential measures that might diffuse that liability. He sensed the liability would always be there once a governmental body stepped in and took some action.

Mr. Freund stated the NRS issue was tricky. He said it was not on the list of options, but it could be looked at for the next Legislative Session. He noted Ms. Dixon had informed him there was some interest in a "quiet zone" in the downtown Las Vegas area, but he felt it was curious Nevada currently did not have any "quiet zones" because of the amount of traffic going through the State's urban areas. He noted California had 15 plus "quiet zones," as did a number of other states.

Mr. Freund said Florida had a statute like Nevada's and the FRA General Counsel responded to an inquiry regarding their state statute by concluding the federal law might be only partially preemptory based on the nature of the particular state's statute and how directly it dealt with crossing safety, which Nevada's statute did. He felt the NRS issue had been fleshed out as much as possible without taking an action that would cause some test of the Statute in the courts. He acknowledged there could be more discussion with the FRA about the NRS, but testing laws usually happened in the courts.

Commissioner Weber asked if there was the staff to pursue this and could getting it to the next point happen quickly and inexpensively. Mr. Freund replied he was the staff pursuing it at this point.

Chairman Humke asked if Counsel had examined NRS 705.430, which was enacted in 1911. Melanie Foster, Legal Counsel, replied she had examined it. Chairman Humke asked if it had been tested in the courts. Ms. Foster replied its validity had never been taken to the level of Nevada's single appellant court, the Nevada Supreme Court, and there had never been a published decision construing it. Chairman Humke asked if it was an antiquated Statute. Ms. Foster stated the language was somewhat antiquated, but being old did not make it invalid. She noted there was nothing Washoe County could do to immunize someone from prosecution and it did not have the standing to test the Statute's validity. She said if there was a desire to go forward and clarify the Statute, the best place to do that would be during the next Legislative Session. She pointed out there was a parenthetical in the Statute that relieved the application of the law in the cities where different regulations applied, but it did not say the same thing about within the counties. Chairman Humke said the parenthetical statement seemed to provide some opportunity.

Chairman Humke asked if there was any agreement, stated or implied, with the City of Reno and the Union Pacific Railroad to build the trench in exchange for not sounding the horn. Mr. Smith stated he was not aware of any verbiage in the agreement regarding not sounding the horn, but there was less likelihood there would be a need to sound the horn in the trench, even though Amtrak trains sounded their horn as they started to pull away from the station. Mr. Lujan explained typically when there was a grade separation, the engineers and conductors were notified via a bulletin so they would be aware of the change in the operating practice for that segment of the track. He believed because the trench was grade separated, the operating practice was changed.

Chairman Humke felt based on the double-stacking of trains, notching out tunnels and changing shipping from the Feather River route to this shorter route, the Union Pacific Railroad bore some responsibility for there being more noise than there was in the past. Mr. Lujan disagreed. Chairman Humke asked about properly allocating the costs regarding the study or any mitigation. Mr. Lujan replied all costs were borne by the party requesting the change. Mr. Smith said the Union Pacific Railroad operated under federal law and any thing specific to a "quiet zone" would be a relation between the FRA and the County. He noted Ms. Dixon cited that rule in her presentation.

Mr. Lujan pointed out there were 30 trains a day using the Donner route in 1967 and currently there were 20-25 trains a day using it with the potential for 40 trains a day. He advised the Union Pacific Railroad would resist being held for anymore liability than what was already there.

In response to the call for public comment, Lynne Savinski said she was speaking on behalf of Edward Savinski, Marilyn Hacker, Dennis Hacker, and Bruce Specter, a small group of active local citizens from Somersett, Verdi and Mogul who could not be present. She said there were no "quiet zones" in Nevada although there were 610 railroad crossings. She noted the figures for other states and the details on the 20 crossings between Woodland Avenue and the state line were provided in their written comments, which were placed on file with the Clerk. She stated since the 2005

implementation of the train horn rule, there had been no improvement in the accident rates at those railroad crossings.

Barbara Colgin proposed private crossing 740721S as a “quiet zone,” which was bookended by two public crossings. She explained there was no public access to this railroad crossing and it already had two locked gates, which were only accessed by workers going to the Chalk Bluffs Water Treatment Facility. She believed there would be no additional costs because of the existing two gates.

Phillip Huddleston said the irrigation ditch along Interstate 80 east of the I-80 Bridge and east of Boomtown was upgraded and the railroad crossing was blocked with large boulders and a locked gate. He stated even though no one could use the railroad crossing, the trains still honked their horns. He said he moved to Belli Ranch knowing the railroad was in his backyard and he enjoyed the trains. He said the change that occurred since 2007 was the double-stacked trains started coming through and railroad crossings were added behind Belli Ranch. He said since the Railroad planned to increase the train traffic, he asked the County to look at creating some “quiet zones” and that a study be approved.

Charles Sass said the people who said they liked the trains were probably not talking about one train an hour at 3:00 a.m., and even so he believed a lot of those people had changed their minds. He felt the trains were decreasing property values, which also decreased property tax revenues for the County. He indicated there was also a health and safety issue at the Woodland Avenue crossing because an ambulance or a fire truck could not get through the railroad crossing if a train was going by. He explained the only other way in was via a narrow one-way street.

Barry Breslow said he was not sure if there was enough money to determine whether a “quiet zone” would be effective or if there was enough money to create them. He suggested having the engineers blow their horns at the low end of the federally recommended decibels, schedule the routes so the trains would not go through the area between 2:00 a.m. and 5:00 a.m. during the summer when people were sleeping with their windows open, and attempt to get exemptions from the federal regulations through the proper requests.

Chairman Humke said Ms. Savinski had provided a great deal of information in her handout and in the packet sent to the Board by Ms. Hacker. He asked Ms. Savinski to discuss the two most important points she did not have time to discuss during public comment. Ms. Savinski said she talked with Ms. Dixon’s counterpart in the mid-west regarding the liability issue and it was explained the liability was decided by a judge at their sole discretion and usually involved joint liability between the railroad, the community, and so on. She said money could be spent to make the railroad crossing as safe as possible, but stupidity would never be prevented because stupid people would still go around the safety measures.

Commissioner Weber asked Ms. Dixon to comment. Ms. Dixon said the rule was silent regarding liability issues, but the Board would be asking the Railroad to take away their train horn warning.

Commissioner Jung asked if there was any way to have the train horns blown at the lower end of decibel range. Ms. Dixon replied the horns were set between 96 and 110 decibels and there was no way an engineer could adjust the decibel level while on the train. Commissioner Jung asked if the Union Pacific Railroad had any scheduling flexibility in response to the scheduling impacts on communities. Mr. Lujan replied there was none, because the Railroad went through 7,300 communities and many probably wanted the trains rerouted around their community. He stated the trains ran 24/7 depending on the needs of the customer and the economy. He said it was not feasible to reschedule the trains because of the concerns of the adjacent communities.

Mr. Lujan explained the train horns were calibrated to fit within the federal mandate. Commissioner Jung asked if the horns could be calibrated at the lower end of the range. Mr. Lujan said he could check, but they were all calibrated a certain way and they were checked once a year.

Mr. Lujan said there was a change on the horizon with the approval in 2008 of the Federal Railroad Safety Act, which mandated the implementation of “positive train control” or predictive braking technology. He said the technology was being tested before being implemented, which must occur by 2015 and 2012 in the Los Angeles, California basin. He explained a satellite would know where the trains would be and would lock in the horn practices at that particular railroad crossing, which would mean a greater level of consistency. He stated he would verify that was the case and would bring that information back to the Board.

Commissioner Larkin made a motion that the staff report be accepted and Mr. Freund be directed to investigate the possible closure or consolidation of private railroad crossings and to bring the inventory back to the Board when completed. Melanie Foster, Legal Counsel, was also directed to further opine on NRS 705.430 and to bring that opinion back to the Board. Commissioner Breternitz seconded the motion.

Commissioner Weber said she supported the motion, but requested a specific time be set to bring it back before the Board. Commissioner Larkin said Mr. Freund was the only staff member working on this, and he encouraged Mr. Freund to bring it back for the 2010/11 budget. Commissioner Weber suggested bringing at least a report back in three months. Mr. Freund asked if the motion included an attempt to do a low cost assessment of what upgrades might be necessary to establish a “quiet zone.” Commissioner Larkin stated it did not. Commissioner Jung asked that the motion also include that staff prepare a brief on the best practices across the country, because she felt there had to be examples on how this was mitigated to the satisfaction of the federal government, private industry and the citizens. She suggested the citizens having issues with the train horns contact their state and federal representatives. She said she had heard reports that “quiet zones” did not work, which was why she wanted to know about

enforcement. Commissioner Larkin believed the motion did not require amendment because Mr. Freund did a similar analysis before, and he would not have a problem with the white paper being brought forward. Commissioner Larkin agreed the “quiet zones” were no guarantee and could actually increase the danger in some cases. Commissioner Jung said the report should be brought forward and anything new included.

Chairman Humke believed the clarification of NRS 705.430 held the greatest promise because the FRA and the Railroad indicated it was part of the problem due to it being overly broad and because it appeared to regulate private crossings, while it really regulated all crossings. He felt the Board was better served with the motion that was made.

On a call for the question, the vote was unanimous in favor of the motion.

12:43 p.m. The Board recessed.

1:27 p.m. The Board reconvened with all members present.

10-293 AGENDA ITEM 14 – APPEARANCE

Agenda Subject: “**Appearance: Randi Thompson and Mary Simmons Washoe County’s Appointees to the Reno-Tahoe Airport Authority Board of Trustees. Update on Airport activities (requested by Commissioner Larkin).**”

Randi Thompson, Airport Authority Board of Trustees, said staff had dropped off her PowerPoint for the Board’s review, and she would highlight a few items contained in the presentation. She advised the Reno-Tahoe International Airport did several projects in 2008 and 2009 that employed over a thousand people and 83 contractors. She stated the baggage control system came in on time and under budget. She noted air service had dropped dramatically throughout the country, but 17 new flights would be added over the next five months. She said the construction of the new control tower by the Federal Aviation Authority (FAA) was complete, but it would take a year to complete the wiring and the testing. She stated the testing would ensure there would be a smooth transition from the old to the new control tower, which would come online during the fall of 2010. She said there were also Requests for Proposals (RFP’s) out for fixed-base operators (FBO’s).

Commissioner Larkin thanked the Trustees for taking time out of their busy schedules to make their presentation. He congratulated the Trustees and the Airport’s management on the absolutely fantastic new check-in system.

Commissioner Larkin stated he was concerned about the lack of information related to the FBO’s. He said he operated his flight instruction business out of the Reno-Tahoe Airport and had served on the Noise Advisory Board, so he was familiar with it. He disclosed he was affiliated with the Aircraft Owners and Pilots Association (AOPA) that had a network of pilots who kept track of what was going on

around the country, and he was an Airport Support Network Volunteer for the Reno-Tahoe Airport. He advised he had received e-mails and phone calls regarding the non-renewal of the Jet West and the Sierra Air Center leases. He said that would affect many of the Board's constituents because they flew in and out of the airport and housed their aircraft there. He believed if they left the Reno-Tahoe Airport, the County would lose close to \$1 million in personal property taxes. Mary Simmons, Airport Authority Board of Trustees, said the information on FBO's was provided on page 11. She explained the two FBO's had decided not to extend their 50-year leases. She advised one RFP was for an interim-fuel operator, which would be in place until there was a new FBO, and one was for a new full-service FBO.

Commissioner Larkin said he understood the airport had taken over the management of 80 hangers and those leases would be honored for approximately the next 24 months, after which the tenants would have to find someplace else to go. Ms. Thompson said there was roughly two years to work out the issues and the Airport Authority Board was very aware of the concerns. She stated a public workshop would be held in May 2010, so there could be an open discussion with all interested parties regarding the FBO's. She said there were more rumors than facts going around in the community, and the Airport Authority would like to dispel the rumors. She stated it was truly a market driven process. She said the minimum standards set two years ago were pretty high for this economy, so they were being looked at in regards to the FPO's. She said the process would be very open and transparent and the Airport Authority Board of Trustees was subject to the Open Meeting Law. She stated this type of agreement would come before one or two committees before coming before the Commission. She stated during those meetings, the information would be open to public comment. She said as the schedule was developed on what the process would be that information would be given to the Commission.

Commissioner Larkin asked what the status was regarding the RFP for the hangers out at the Reno-Stead Airport. Ms. Thompson replied she would have to get back to the Commission with that status. Commissioner Larkin said there was a critical shortage of hangers in the area and the only hangers he knew of were in Carson City. He said because those hangers were outside of Washoe County, the County would lose a significant amount in personal property taxes. Ms. Thompson stated the Reno-Stead Airport was undergoing a master planning process, which included a new terminal and possibly a control tower. She said hangers at the Reno-Stead Airport were a big issue and the Trustees supported having more hangers located there.

Commissioner Weber asked if the air races were staying at the Reno-Stead Airport. Ms. Thompson replied she was not aware of any change and plans were moving forward for next year's air races. She said everyone was excited about the national press the air races were receiving.

Commissioner Weber asked if the FBO's were aware of what the airport was doing. Ms. Thompson said they were in contact with the people that managed the FPO's as well as FBO's nationwide. She stated there were several national FBO's that

were looking at the Reno-Tahoe Airport. Ms. Simmons advised the FBO's had been given the information regarding the interim-fuel operator. Ms. Thompson said the RFP's were on the Airport's web site in addition to it being mailed to all interested parties.

In response to the call for public comment, John Howitt stated he was the Vice President of the Reno-Tahoe Aviation Association. He said the situation at the Reno-Tahoe Airport would impact not only the pilots and aircraft owners, but the County's budget as well. He said there were three FBO's at the airport, which provided essential services for the pilots and aircraft. He indicated two of the FBO's contracts were up for renewal at 40 to 50 times the current rent. He said the increases were rejected and the businesses planned to close, which meant approximately 80 to 100 aircraft would leave the Reno-Tahoe Airport. He stated since there was no hanger space available at the Reno-Stead Airport, those aircraft would have to leave Washoe County. He said when the aircraft left, the County would lose approximately 1 percent in personal property taxes it currently received for those aircraft being housed at the Reno-Tahoe Airport. During this time of freezing County positions and layoffs, he wondered how many County positions could be saved by keeping these aircraft at the Reno-Tahoe Airport.

Perry Di Loreto said he was a pilot and aircraft owner and had been using the Reno-Tahoe Airport since 1972. He stated he was concerned about the perceived discretionary discrimination against general aviation aircraft at the Reno-Tahoe Airport. He said during Ms. Thompson's presentation a slide showed the number of airlines at the airport, but not the number of general aviation airplanes based at the Reno-Tahoe Airport. He advised he paid \$82,000 last year for the privilege of parking his airplane in Washoe County. He said there were alternatives and the Airport Authority should be fostering the business of being an airport and the FBO's that supported the aircraft located at there. He said he had heard that people had been told to move because the hangers were going away. He said ultimately the decision rested with the Commission, and he asked if this was the direction the Commission wanted to go. He did not believe the Reno-Stead Airport was the answer.

Commissioner Larkin asked what ideas Mr. Di Loreto had that he wanted the Commission to consider or to direct the Trustees to consider. Mr. Di Loreto felt the importance of the general aviation aircraft should be recognized. He said while living in the Bay area, he started flying to Reno in 1972 two and three times a week for work and, after moving to Reno in 1978, he commuted in the opposite direction. He stated he could not have done what he did in his business without his aircraft and the availability of the Reno-Tahoe Airport. He said the notion that the pilots could be told to go somewhere else would be denying them the opportunity to function in the same way he had, which was what really troubled him.

Mr. Di Loreto said he owned a 50-year land lease at the Carson City Airport where he was developing hangers, and removing the hangers at the Reno-Tahoe Airport would create more customers for him. He advised his personal property taxes would go down 12 percent, his rent was less than one third of what was at the Reno-Tahoe Airport, and fuel was cheaper if he moved his plane to Carson City. He said

Carson City did not have an Instrument Landing System (ILS), but Global Positioning System (GPS) approaches could meet the test of the cost and benefit ratio. He believed it had to be decided what the Reno-Tahoe Airport would be and what segments of the aviation community it would support.

Commissioner Breternitz felt maintaining a balance between general and commercial aviation was important to the community. He said he supported requesting the County's representatives on the Airport Authority Board maintain that position to the extent they could.

Chairman Humke asked if the Commission could direct the County's appointees to the Airport Authority by resolution to pursue a certain course of action. Melanie Foster, Legal Counsel, said the Commission could only hear the presentation today. She stated a resolution would have to be amended.

Commissioner Larkin inquired if a resolution would help in the quest for balance, because he had heard the Trustees say they were seeking balance. Ms. Simmons said the Commission's message was clear and she would like the opportunity to come back with accurate information, because she did not know what some of the numbers quoted here today entailed. She stated she heard what the Board's desires were, but did not feel they were any different than what they had tried to do as representatives on the Airport Authority.

Chairman Humke suggested sending a resolution to the City of Reno and the City of Sparks might have value. He said management staff could make inquiries to determine all of the issues so a resolution could be created with as broad direction as possible. Commissioner Larkin replied that would be the correct course of action based on what he was hearing in the community. He asked if the Trustees would be willing to work with a local representative and Bill Dunn, National Aircraft Owners and Pilots Association, Local Airport Advocacy Vice President. He asked if an invitation was extended to Mr. Dunn to come from Washington in June, would that be sufficient time to work with the Airport Authority's staff to pull together the information. Ms. Thompson replied it would be.

Commissioner Breternitz felt how the message was delivered was important to getting things done. He asked if a resolution was necessary or would it be better for the Trustees to bring back information so the Commission could see if things were off kilter or not. Ms. Simmons replied she had been taking notes and would take back to the Airport Authority Trustees what the concerns were. She said she also needed to make staff and the Airport Authority Board aware of the concerns regarding personal property taxes and on the balance between commercial and general aviation.

Commissioner Breternitz asked if the general-aviation complaint had been heard by the Airport Authority Board. Ms. Thompson replied it was a new issue and there was information from the Reno-Tahoe Airport, general aviation, City and County governments, and the Airport Authority's Board that came out. She felt the issues needed

to be better understood. She said the Airport Authority Board had seen letters, but had taken no formal action. She stated the public workshop in May 2010 would be the start of the public process. Ms. Thompson replied the Commission's message was loud and clear, but it was up to the Commission on whether or not they wanted a resolution. She said this was a big issue for the Reno-Tahoe Airport and the Board of Trustees and they wanted to build better relationships with everybody, get the facts out, and find common ground and a happy resolution for everyone.

Commissioner Larkin requested the Manager extend an invitation to Mr. Dunn to present to the Board of County Commissioners on this item in concert with the Airport Authority Board of Trustees. Commissioner Larkin said there should also be a resolution. Chairman Humke believed it was satisfactory there was consensus on that item.

2:01 p.m. The Board convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District (TMFPD).

4:10 p.m. The Board adjourned as the TMFPD Board of Fire Commissioners and convened as the Board of Fire Commissioners for the Sierra Fire Protection District (SFPD).

4:34 p.m. The Board adjourned as the SFPD Board of Fire Commissioners and convened as the Board of Trustees for the Truckee Meadows General Improvement District (STMGID).

4:40 p.m. The Board adjourned as the STMGID Board of Trustees and reconvened as the Board of County Commissioners.

10-294 AGENDA ITEM 10 – WATER RESOURCES

Agenda Subject: “Recommendation to approve Water Rights Lease between the County of Washoe and South Truckee Meadows General Improvement District to lease 120.0 acre-feet of water rights from the South Truckee Meadows General Improvement District (STMGID) to Washoe County [\$47,205.60 - annual revenue for STMGID] for use in the Golden Valley Recharge Project; and if approved, authorize Chairman to execute the Lease--Water Resources. (Commission Districts 2, 3 and 5.) *To be heard after Agenda Item No. 9.*”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10 be approved, authorized, and executed.

Agenda Subject: “Consideration and possible approval of up to two refundable option extension payments of \$33,000 per month for May and June 2010 [totaling \$66,000]; and if approved, authorize Chairman to execute the extension of the Option Agreement and direct Finance to make appropriate account adjustments; or consider allowing the expiration of the termination of Option Agreement between RJB Development, Inc. and Washoe County for potential acquisition of approximately 228 acres of property commonly known as Northgate Golf Course; and if expiration of Agreement is approved, authorize the Chairman to provide written notice to RJB Development, Inc. and Escrow Holder and acknowledge the Reversion Right of RJB and authorize Chairman to convey to RJB by quitclaim deed all of the County's right, title and interest in the property which is subject to the Right of Reverter--Regional Parks & Open Space. (Commission Districts 1 and 5.)”

Commissioner Breternitz said the only reason the County was involved in this issue was because of a Legislative quirk that required the County to hold title to land the Reno-Sparks Convention and Visitors Authority (RSCVA) operated. He stated he felt it was important enough for the County to get the land tied up, from the standpoint of an option, to allow the citizens the time to initiate the Special Improvement District (SAD) process and to see if the City of Reno would be a participant. He stated it was one year since the Board had directed staff to negotiate an option and the SAD proponents had been given a minimum of ten months, including four months of extensions, to obtain the necessary commitments. He said it did not appear those commitments had been secured nor did it appear the SAD was getting anywhere with its current configuration. He said he favored preserving the land as open space, but the real question was how to accomplish that.

Commissioner Breternitz stated he was told this morning by RJB's representative, John Frankovich, that RJB was willing to extend the option for 60 days at no cost to the County. He felt that offer was very reluctant on their part, but ultimately it was in the best interests of all parties. He proposed accepting the offer of a 60-day extension with the condition that during the 60 days the City of Reno had to step up and make a formal financial commitment. He also proposed the proponents of the SAD restructure it based on the City of Reno's requirements.

Commissioner Weber thanked the County's and the City of Reno's staff for working through this issue. She appreciated the public was given the opportunity to make decisions and that RJB was willing to go two more months without any additional cost to the County. She said during the last few weeks, she had talked with some people who were willing to support the County through this process. She suggested when restructuring the SAD, the citizens come up with the entire \$2.8 million. She was aware there were some people who were not going for it and some were working hard to get there, and the County was trying to work with the City of Reno and with the citizens. She

believed allowing the citizens to work towards making this decision themselves was a very positive approach to government.

In response to the call for public comment, Jeff McCutcheon said two weeks ago it was determined the SAD did not meet Nevada Revised Statutes (NRS) standards because the SAD had to cover 90 percent of the Northgate Golf Course's purchase costs. He stated if the SAD was shrunk down to include only the homes that abutted the Northgate Golf Course property and all of the homeowners who had signed up did so again, the numbers would be at 70 percent. He said if the funding was kept at what the homeowners had already agreed to pay, it would only raise \$1.2 million. He stated that was why other options were being considered that would bring the funding to around \$2 million. He explained an option being considered was creating the SAD by carving out a section of the center of the golf course, which local government would then purchase, and the SAD would purchase the outside section to satisfy the 90 percent requirement. He advised it would take the cooperation of RJB to allow that to happen.

Mr. Frankovich said RJB had been supportive of this acquisition because it would be good for the community, and they hoped it could be accomplished. He said RJB was disappointed the SAD could not be finalized and in the lack of communication between the County and the City of Reno. He advised his clients had a fiduciary obligation as trustees to make this asset productive, but they had agreed to a 60-day extension at no cost to the County. He stated there would be an additional 60-day extension at the end of this one if the County was willing to pay \$33,000.

Commissioner Weber said the County could go for the extension, but the County had said all along that the community needed to come up with the money. Mr. McCutcheon said it would cost several hundred dollars a month per household if the SAD was shrunk down, and he would be surprised to get a fraction of the needed support. He said the 70 percent could be reached with the current dollar amount and shrinking the SAD, but doubling that dollar amount would lose support. He believed \$1.2 million could be reached, but there was a big gap that would take some negotiation with RJB regarding the \$2.8 million.

Commissioner Breternitz noted the SAD's purchase price of \$1.2 million was considerably below RJB's \$2.8 million price. Mr. McCutcheon said that was why City of Reno Councilmember Aiazzi was suggesting that RJB carve out a section of the center the property, which could be purchased with other funds, while the SAD would purchase the outside ring. He said moving those boundaries around would allow the SAD to meet the NRS requirement. Commissioner Breternitz noted the figures he received last night showed Washoe County raising \$400,000, but it was never envisioned the County would come up with \$400,000 for this purchase. He agreed with Mr. Frankovich that there was a breakdown in communications between the City of Reno and the County. He said he believed it would be a City of Reno facility, and he welcomed the City taking the lead on the negotiations and making a commitment on funding. He advised he would work towards that happening in any way he could. He stated if this issue was in the same position in two months, he could not support a further option payment.

Chairman Humke commented the 60 days started May 1, 2010, and he asked if a SAD could be formed and finalized in 10 weeks. Doug Doolittle, Regional Parks and Open Space Director, said formulating the SAD would be up to the City of Reno. Katy Simon, County Manager added the County did not have the jurisdiction to have a SAD within the City of Reno. Mr. Doolittle stated this morning was the first time he had heard about the issue with the SAD, and he had not had a chance to talk with City of Reno staff to determine where they were in establishing a new SAD.

Commissioner Weber said she had talked with people who said the second SAD was written and ready to go tomorrow if the County chose to move forward. She felt it would be unfortunate if everything stopped today. She suggested allowing the additional two months.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the offer by RJB Development, Inc. of a no cost 60-day extension be accepted with the condition that during that time period the City of Reno would need to implement a funding plan for assisting in the acquisition of the Northgate Golf Course property and to deal with the cost of any extensions beyond this 60 day extension. He noted the 60-day extension would also give the citizens the time to reconfigure the Special Assessment District (SAD) formally with the City of Reno, so the County would know the SAD process was underway.

10-296 AGENDA ITEM 26 – COUNTY CLERK

Agenda Subject: “Discussion and possible action and approval of plan to reduce hours of operation for the issuance of marriage licenses as authorized by AB2 of the 26th (2010) Special Session of the Nevada Legislature as submitted and recommended by the Washoe County Clerk’s Office effective June 28, 2010--County Clerk. (All Commission Districts.)”

5:23 p.m. Commissioner Larkin left the meeting.

Amy Harvey, County Clerk, said AB 2 authorized the Board of County Commissioners to deviate from the statutorily mandated hours for issuing marriage licenses if the change would result in a cost savings or would be fiscally neutral.

Ms. Harvey stated the issuance of marriage licenses had been declining for the last 20 years and could be attributed to any number of reasons, such as gaming being allowed in other states, society accepting couples living together outside of marriage, and California no longer requiring a waiting period or a blood test. She said October, November, December, and January had the lowest percentage of licenses issued for the year at about 7 percent. She stated Fridays and Saturdays represented 50 percent of the licenses issued throughout 2009. She explained the bulk of the marriage licenses, 71 percent, were issued Monday through Saturday between the hours of 10:00 a.m. and 6:00 p.m. She stated the bulk of the licenses issued after 8:00 p.m. were on Fridays and

Saturdays. She advised June, July and August were traditionally the busiest months, but the data regarding the dates and times of issuance were virtually the same as the annual data. She said there was a large variation of licenses issued on the different County observed holidays from 2007-2009 and the most popular holidays were New Year's Day, the 4th of July, and the day after Thanksgiving. She noted Valentine's Day and New Year's Eve were traditionally busy for issuing marriage licenses. She said 75 to 150 licenses were issued on Valentine's Day and 80-115 on New Year's Eve over the last five years.

Ms. Harvey noted the data compiled was evidence the Marriage License Bureau was frequented by tourists and local citizens outside of normal business hours and it was important it remain assessable after those hours. She said based on the evaluation of the data, it was recommended the Marriage License Bureau's hours be changed to Monday through Thursday 8:00 a.m. to 8:00 p.m., Friday and Saturday 8:00 a.m. to Midnight, and Sunday 10:00 a.m. to 6:00 p.m. She stated the holiday hours for Valentine's Day would be 8:00 a.m. to Midnight, New Year's Eve would be 8:00 a.m. to Midnight, and County Observed Holidays would be 10:00 a.m. to 6:00 p.m. except for Christmas and Thanksgiving days when the Marriage License Bureau would be closed. She said the savings in energy, court security, and the Clerk's staff would total approximately \$100,000.

Ms. Harvey said 17 chapels/casinos were contacted regarding the change in Marriage License Bureau's hours and eight responses were received: 4 positive and 4 suggested changes. She advised the new hours would start on June 28, 2010 and were set to sunset on June 30, 2011 unless modified or extended by the 2011 Legislature. A copy the Clerk's PowerPoint presentation was placed on file.

Commissioner Breternitz asked if the suggestions made during public comment about tweaking the hours was still possible or was there no flexibility at all. Ms. Harvey believed there was room for discussion, but the staff that issued marriage licenses also issued fictitious names and notary bonds and those hours of 8:00 a.m. to 5:00 p.m. were set by statute. She said there could be some flexibility, but it would have to be looked at as far as staffing and having to pay a shift differential. Commissioner Breternitz said Ms. Harvey's proposal looked like it was a fine proposal, but some people felt some tweaking could be done while using the same number of hours. He asked if that would have a big effect. Ms. Harvey said she would rely on her staff to answer that question because they understood how many hours had to be provided for an FTE. She stated her other concern was she did not want to speak for the Sheriff on what his costs were for providing security. Commissioner Breternitz clarified he was not talking about changing the number of hours. Ms. Harvey replied she understood, but changing times could make a difference.

Nancy Parent, Chief Deputy Clerk, explained the energy savings and the costs for court security were based on the courthouse's normal business hours and going outside those hours would lessen the savings. Ms. Harvey said she could have Finance look at if the savings would still be realized, and she was not opposed to looking at any of

the suggestions. She said she brought her business plan to the Commissioners but, if the Commissioners wanted to deviate from the plan, there was no reason why she could not come back.

Ms. Harvey said she recently learned there were a number of special dates coming up, such as 10/10/10, and she was glad AB 2 gave herself and the community a chance to come talk with the Commissioners regarding a change rather than having to wait for every two years to go to the Legislature. She noted one of the suggestions was regarding 10/10/10, which was a Sunday. She said being open 10:00 a.m. to 6:00 p.m. might not be enough open hours for that date, and she proposed coming back to the Board with the cost of being open longer on that day.

5:37 p.m. Commissioner Larkin returned to the meeting.

Commissioner Weber said it was mentioned that the Sunday night before a holiday might be busier. Mr. Harvey agreed three-day weekends, especially during some of the special events, were usually pretty big if the weather was good coming over the hill from Sacramento, California. She said those dates might warrant coming before the Board with the cost of staying open longer.

Commissioner Weber said a lot of work had been done and this needed to move forward. She asked if Ms. Harvey had an appetite to meet with the chapels before the next Board meeting. Ms. Harvey replied she could look at the hours but, based on her target for her budget, the only way she could meet her target was to reduce hours. Commissioner Weber asked if Ms. Harvey was willing work with the chapels knowing what her financial target was. Katy Simon, County Manager, advised the final decision needed to be made by May 11, 2010 and the final budget hearing was on May 17, 2010. She said that left the April 27th and May 11th Board meetings to discuss these issues. Ms. Harvey said the people at the chapels and the casinos were contacted, but unfortunately the statistics were what they were and the people responded the way they did. She said her office had reached out every way it could to get more input.

Commissioner Jung asked if the fees could be raised to pay for staffing on special days. Ms. Harvey said the District Attorney's Office had advised there was not that ability if it was not provided for in Statute. Commissioner Jung asked how much of the marriage license fees paid for staffing. Ms. Harvey said the County's General Fund only received \$21 of the \$60 in marriage license fees with the rest going to the State, the County Recorder's Office, and domestic violence groups. Commissioner Jung stated the fees collected were not even close to being an enterprise fund. Ms. Harvey explained she had created the Business Division since taking office, and that division issued other business documents besides marriage licenses.

Commissioner Jung asked about the civil marriages. Ms. Harvey replied she had authority over the Commissioner of Civil Marriages office, which performed marriage ceremonies Monday through Friday from 1:00 p.m. to 4:00 p.m. by

appointment. She noted since those hours changed, 60 percent of the customers were locals.

Ms. Harvey advised she would get the word out to the chapels and the casinos to let people know what the Marriage License Bureau's new hours were. She stated she could work with the Manager's Public Relations staff to get the word out and the hours would be updated on the Clerk's web site. Commissioner Jung felt that would be a good idea because of the Marriage License Bureau's hours being the same for so many years.

Chairman Humke disclosed he met with Ms. Harvey, Ms. Parent, and George Flint, Chapel of the Bells owner. He said after the meeting, he asked Ms. Harvey about the appointment of Deputy Clerks. Ms. Harvey understood a Deputy Clerk was under the bond and the oath of the elected official. She said the Incline Village General Improvement District (IVGID) issued marriage licenses through the County Clerk's Office and only accepted payment by credit card. She explained they did not handle any money for the County because that would be an issue with Internal Audit. Chairman Humke asked if people could obtain a license through the Sheriff's Office, because the Sheriff's Office was open 24 hours a day and had County employees. Ms. Harvey replied she would look at that option if it would help the chapels and the people in the community, but she had talked with the Sheriff's Office a long time ago and they were not crazy about that idea. She said she could talk with them again, because it was a good option.

Chairman Humke advised Ms. Harvey was trying to save money. He felt with the outreach Ms. Harvey had engaged in, no more outreach was needed.

Commissioner Larkin stated Ms. Harvey's recommendation would save money and alternatives to the recommended hours could be worked out over the next year, even though it appeared what Ms. Harvey presented was the best answer. He said he appreciated people were being impacted, and he applauded the County Clerk for her efforts. Ms. Harvey replied the changes were not taken lightly; but she lost 30 percent of her staff during the last budget cuts and further cuts were not an option, so she looked at other ways of doing business. Commissioner Larkin said if budget cuts were made based on a particular industry, the Board would be looking at the budget for a long time because industry after industry would come before the Board to plead their specific case. He believed the Clerk had done the best she could based on her target.

In response to the call for public comment, Mr. Flint said there was no way he could adequately address the issue in two minutes, because it was a dramatic change for an industry that had worked under particular hours for over 40 years. He stated the representatives of the five chapels, who had been present all day, represented 80 percent of weddings performed in town. He asked the Board to consider Margaret Flint's proposal.

Ronald Fisk, Agape Love Wedding Chapel, stated the wedding chapel business was still the number one biggest draw to the city.

Margaret Flint, agreed with her father, Mr. Flint, that 80 percent of the marriages were performed by five wedding chapels. She said she was representing the owners of the Antique Angel Wedding Chapel and the Silver Bells Wedding Chapel who could not be present. She stressed the marriage industry was a unique business due to its dependency on the availability of the Marriage License Bureau to conduct business. She asked the Board for an opportunity to work with the Clerk in the next 30 days, so they could come back with something everyone agreed with that would help the Clerk's Office fiscally. She said the representatives of the chapels had not been able to sit down collectively with the Clerk. She advised the Clerk wanted to close on Christmas Day, which fell on a Saturday this year. She said Saturdays were traditionally the busiest day of the week. She said closing at 6:00 p.m. was too early to close on the 4th of July. She felt even 8:00 p.m. was too early to close on a Sunday during the summer. She believed there were alternatives that could be agreed upon and could be brought back to the Board within 30 days.

Patricia Simpson, Arch of Reno Wedding Chapel co-owner, stated she concurred with Ms. Flint's comments about wanting the opportunity to meet with Ms. Harvey and her staff to see if the chapels could contribute some suggestions that would help their business and the other businesses that benefited from their industry. She said Christmas and New Year's Days this year fell on the weekend and they depended on the weekends, especially three-day weekends during the winter, to boost revenues.

Kathleen Marino, Arch of Reno Wedding Chapel co-owner, stated she agreed with Ms. Flint that it would be beneficial and at least easier for everyone to live with, if everyone had an opportunity to sit down and discuss the hours.

Ms. Harvey read a note written by Sharon Harvey, Silver Bells Wedding Chapel owner. A copy of the note was placed on file with the Clerk.

Commissioner Jung said she understood both sides of the issue and she had compassion for both sides. She stated she supported Ms. Harvey's recommendation, but encouraged her to meet with the chapel representatives and Finance staff to discuss if there was a way to modify the hours. Commissioner Jung said she would help in any way possible.

Commissioner Breternitz stated he supported Ms. Harvey because she had to meet her budget target, which had to be established in the near term. He said he would grant Ms. Harvey the flexibility to meet with the people regarding the hours, as long as the budget stayed the same.

Commissioner Weber stated she believed the Clerk had looked at all of the possible options regarding her budget. She felt the Board should support the Clerk's recommendation regarding the Marriage License Bureau's hours.

Commissioner Breternitz asked if it would be beneficial to fix the budget, but leave the hours for the Marriage License Bureau flexible. Ms. Harvey stated she would like to think that everyone could sit down and arrive at an answer that would still keep her on target, but she was confident her staff had looked at everything possible. However, if her plan was approved, there was nothing that would preclude everyone from sitting down so she could explain her choices. She said she would like Commissioner Jung and someone from Finance to participate in the meeting.

Chairman Humke suggested the motion grant as much flexibility as possible. He indicated he did not favor putting this off because the industry was motivated in going to the Legislature to seek modification to AB 2 and it was important to have as much time as possible under AB 2. Ms. Harvey said her staff would continue to track the issuance of marriage licenses. Chairman Humke believed that would be important to prove Ms. Harvey's point.

Commissioner Larkin asked what would happen if Ms. Harvey wanted to make a change to her plan of operation. Melanie Foster, Legal Counsel, replied if it was the Commissioner's desire to grant Ms. Harvey the ability to make an alteration, for example for 10/10/10 which would be a de minimis change to the plan, the motion could say that. She said the Clerk would have to come back to the Board if the change would be to the daily hours of operation.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that the plan of operation to reduce hours for the issuance of marriage licenses as authorized by AB 2 of the 26th (2010) Special Session of the Nevada Legislature as submitted and recommended by the Washoe County Clerk's Office effective June 28, 2010 be approved. It was noted it the Clerk was authorized the maximum flexibility in that plan of operations to the maximum di minimis and whatever help the Commission could offer, such as Commissioner Jung's offer of assistance, was also authorized.

6:10 p.m. A comment was made from the audience and the Board recessed.

6:35 p.m. The Board reconvened with all members present.

PUBLIC HEARINGS

10-297 AGENDA ITEM 35 – BUILDING AND SAFETY

Agenda Subject: “Appeal of the Board of Adjustment’s Action Denying Appeal Case No. AX09-005--Will Sauer Road--Building & Safety. (Commission District 2.) Appeal of the decision of the County Building Official to place a stop work order (“Red-Tag”) on building permit number 07-4383. The permit is to construct a new gate across Will Sauer Road on Assessors’ Parcel Numbers 005-092-23 and 055-041-17. Based upon the staff analysis, comments received, and site inspections, the

Building Official recommends that the Board of County Commissioners deny the appeal and affirm the Board of Adjustment’s denial of Appeal Case No. AX09-005.”

6:35 p.m. Chairman Humke opened the public hearing.

Stewart Harington, Will Sauer Road Association President, asked for an indefinite postponement, so the lawyers for the County and the Association could resolve this issue. Melanie Foster, Legal Counsel, requested this item be postponed to a time certain. Mr. Harington said a six month postponement would be adequate.

Don Jeppson, Building Official, stated he disagreed with granting any continuance. He said this item had to do with the authority of the Building Official to issue a Stop Work Order. He explained the issues that needed to be resolved could be resolved at a later date, and he would work with the Association to get the project permitted if possible. He advised the issue before the Board and the issue the Association appealed had to do with the Stop Work Order.

Chairman Humke said he understood Mr. Jeppson’s concern because it took a lot of work to process an agenda item. Chairman Humke advised he was at the site of this building permit where he saw the Stop Work Order was still in place and the gate was wired shut and without a motor. He also could not see any detriment to the travelling public, because the gate was recessed and out of the way. He believed it was reasonable to allow the citizens the right to use their counsel to resolve this matter.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 35 be continued for six months.

Commissioner Larkin asked if the Stop Work Order would stay in effect for the next six months. Chairman Humke replied it would.

10-298 AGENDA ITEM 33 – WATER RESOURCES

Agenda Subject: “Second reading and adoption of an Ordinance amending Chapter 40 of the Washoe County Code (Water and Sewage) to ensure consistency with Truckee Meadows Water Authority rules and provide for a change from twice-per-week watering to three-times-per-week watering; and providing other matters properly relating thereto (Bill No. 1614)--Water Resources. (All Commission Districts.)”

6:38 p.m. The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Amy Harvey, County Clerk, read the title for Ordinance No. 1434, Bill No. 1614.

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

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1434, Bill No. 1614, entitled, “**AN ORDINANCE AMENDING CHAPTER 40 OF THE WASHOE COUNTY CODE (WATER AND SEWAGE) TO ENSURE CONSISTENCY WITH TRUCKEE MEADOWS WATER AUTHORITY RULES AND PROVIDE FOR A CHANGE FROM TWICE-PER-WEEK WATERING TO THREE-TIMES-PER-WEEK WATERING; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO (BILL NO. 1614),**” be approved, adopted and published in accordance with NRS 244.100.

10-299 AGENDA ITEM 34 – COMMUNITY DEVELOPMENT

Agenda Subject: “Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC10-002 to amend Development Agreement Case No. DA08-005 for Tentative Subdivision Map Case Number TM06-004, as previously approved by the Washoe County Planning Commission on June 6, 2006 (Bill No. 1615)--Community Development. (Commission District 2.)”

6:40 p.m. The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Amy Harvey, County Clerk, read the title for Ordinance No. 1435, Bill No. 1615.

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

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Ordinance No. 1435, Bill No. 1615, entitled, “**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING AMENDMENT OF CONDITIONS CASE NUMBER AC10-002 TO AMEND DEVELOPMENT AGREEMENT CASE NO. DA08-005 FOR TENTATIVE SUBDIVISION MAP CASE NUMBER TM06-004, AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON JUNE 6, 2006 (BILL NO. 1615),**” be approved, adopted and published in accordance with NRS 244.100.

10-300 AGENDA ITEM 20– COMMUNITY DEVELOPMENT

Agenda Subject: “Autumn Wood Subdivision - northwest corner of Zolezzi and Jeppson Lanes--Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case No. DA08-001 for Tentative Subdivision Map Case No. TM06-002 for Autumn Wood Subdivision as previously approved by the Washoe County Planning Commission, which will extend the time for final mapping of the Autumn Wood Subdivision (the proposed amendments to the Development Agreement will extend approval of the Tentative Subdivision Map until March 7, 2012 and the Director of Community Development, at his sole discretion, may grant up to two additional one year extensions, resulting in a possible final expiration date of March 7, 2014) - set public hearing and second reading of the Ordinance for April 27, 2010, at 6:30 p.m.-Community Development. (Commission District 2.)”

Amy Harvey, County Clerk, read the title for Bill No. 1616.

There was no response to the call for public comment.

Bill No. 1616, entitled, “AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA08-001 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM06-002 FOR AUTUMN WOOD SUBDIVISION AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION, WHICH WILL EXTEND THE TIME FOR FINAL MAPPING OF THE AUTUMN WOOD SUBDIVISION,” was introduced by Commissioner Larkin and legal notice for final action of adoption directed. It was further ordered the public hearing and second reading would be conducted on April 27, 2010.

10-301 AGENDA ITEM 21 – COMMUNITY DEVELOPMENT

Agenda Subject: “Sierra Reflections - Pleasant Valley Area (north by Pagni Lane, east by U.S. Highway 395 South and south is Little Washoe Lake)--Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC10-004 to amend Development Agreement Case No. DA08-003 for Tentative Subdivision Map Case Number TM06-001, as previously approved by the Washoe County Planning Commission on May 2, 2006 and found to be in conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission on June 14, 2006 (the proposed amendment to the Development Agreement will extend approval of the Tentative Subdivision Map until June 14, 2012 and the Director of Community Development, at his sole discretion, may grant up to two additional years, resulting in a possible final expiration date of June 14, 2014) - set public hearing and second reading of the Ordinance for April 27, 2010 at 6:30 p.m.--Community Development. (Commission District 2.)”

Amy Harvey, County Clerk, read the title for Bill No. 1617.

There was no response to the call for public comment.

Bill No. 1617, entitled, “**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING AMENDMENT OF CONDITIONS CASE NUMBER AC10-004 TO AMEND DEVELOPMENT AGREEMENT CASE NO. DA08-003 FOR TENTATIVE SUBDIVISION MAP CASE NUMBER TM06-001, AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON MAY 2, 2006 AND FOUND TO BE IN CONFORMANCE WITH THE TRUCKEE MEADOWS REGIONAL PLAN BY THE TRUCKEE MEADOWS REGIONAL PLANNING COMMISSION ON JUNE 14, 2006. THE PROPOSED AMENDMENT TO THE DEVELOPMENT AGREEMENT WILL EXTEND APPROVAL OF TENTATIVE SUBDIVISION MAP CASE NUMBER TM06-001, AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION, UNTIL JUNE 14, 2012, AND THE DIRECTOR OF COMMUNITY DEVELOPMENT AT HIS SOLE DISCRETION MAY GRANT UP TO TWO ADDITIONAL YEARS, RESULTING IN A POSSIBLE FINAL EXPIRATION DATE OF JUNE 14, 2014,**” was introduced by Commissioner Breternitz and legal notice for final action of adoption directed. It was further ordered the public hearing and second reading would be conducted on April 27, 2010.

10-302 AGENDA ITEM 30 – ANIMAL SERVICES/PUBLIC WORKS

Agenda Subject: “Discussion and possible direction to staff regarding the use of animal traps (leg holds, snares and conibears) in Washoe County (requested by Commissioner Jung)--Animal Services/Public Works. (All Commission Districts.)”

Dan St. John, Public Works Director, advised the Nevada Trappers Association (NTA) and Trail Safe had committed to working together on language that would then be proposed to the Nevada Wildlife Commission (NWC) and, if the NWC agreed, it could create trapping congested areas in Washoe County within Section 504 of Nevada Administrative Code (NAC). He said staff was suggesting that was the best way for this issue to be dealt with, but they were here tonight to obtain public input on this matter at the request of Commissioner Jung.

Commissioner Jung requested an overview on who statutorily had jurisdiction over trapping, because she had received conflicting information. Melanie Foster, Legal Counsel, replied State Law empowered the Nevada Department of Wildlife (NDOW) with the authority to regulate trapping. She stated there was no delegation of authority to the local governments to deal with these issues. She said Nevada was what was called a Dillon’s Rule state, which meant the County had the authority that was clearly expressed in law and that which was necessary and essential to carrying out its established functions. She stated the County’s functions in dealing with animals and wildlife was very limited, such as having the authority to deal with rabies. She explained

NAC 504.340 was a list developed by NDOW, which stated the areas where trapping was prohibited. She stated staff was recommending the Board support the effort to develop a description of the areas within Washoe County that the State would be asked to implement through regulation as areas excluded from trapping. She advised the County did not have the authority to regulate trapping. Commissioner Jung asked if it lacked the authority even on its own property. Ms. Foster replied she did not know if the County could exclude what would otherwise be lawful activities allowed by State law on public property the County held an easement on or owned, but she would be happy to look at that particular detail.

Ms. Foster stated she had looked at whether a business license would be required if people were trapping on public lands belonging to the County. She said generally speaking business licenses were issued for a business' principal place of business. She felt the business license laws were not that restrictive, but she could not speak for how the Business License staff construed their own regulations.

In response to the call for public comment, Geraldine Rueger, Humane Society of the United States member, felt in her heart animals suffered pain. She said she had talked to some former trappers who told her there was no such thing as a humane trap and non-targeted animals were not reported by trappers, so there was no estimate on their numbers. She stated she did not understand how trappers could use public lands for their own commercial businesses because, as a taxpayer, she did not want see traps on public lands. She said she wanted to be able to walk safely with her children and her animals on public lands without having to worry about traps. She advised 88 countries and eight states had already banned leg-hold traps and Washoe County should follow their example.

Beverlee McGrath, Humane Society of the United States Nevada State Director, noted they were the largest animal protection organization in the United States with 11 million members nationwide and 92,890 members in Nevada. She asked the Commission to consider adopting an ordinance banning specific traps in congested areas. She stated Nevada had no law that gave trappers the absolute right to use particular types of traps. She stated this was a safety issue and there were no accurate numbers on how many domestic pets were caught in traps because they were only reported if they needed veterinary care. She said the American Veterinary Medical Association said up to 67 percent of all animals trapped were non-target animals and there was little chance of a trapped animal surviving. She advised after much researching, the Humane Society of the United States' legal opinion indicated it was acceptable to have a County ordinance and the County did not have to go before NDOW. She stated there was a similar ban in Storey County, which she read aloud.

Diane Blankenburg, Nevada Humane Society Community Programs Director, said the Society had over 35,000 supporters and was not affiliated with the Humane Society of the United States. She said the Society believed the use of leg-hold, body crushing, or snare traps were cruel and inhumane and encouraged banning the use of the traps in congested areas. She stated the use of traps in congested areas posed a

severe threat to the safety of children and pets. She said there were local precedents for restricting the use of the traps and eight states had bans. She conducted a PowerPoint presentation, which showed pictures of animals that had been trapped, and she discussed the animals' suffering. A copy of the presentation was placed on file with the Clerk.

Elaine Carrick said this issue had come to the attention of the community because of the pictures in the *Reno Gazette-Journal* of an animal caught in a trap at Cottonwood Park. She felt it was time for Washoe County to join the other states and countries that had outlawed the steel-jawed traps, and it was time the County led the State in outlawing this barbaric practice.

Ruby Schwerin asked when we, as a society, would become conscious of how the animals we shared this planet with were treated. She said it was shocking that in 2010 any form of leg-hold trapping or snares were still legal anywhere.

Chris Schwamberger thanked Commissioner Jung for placing this item on the agenda. She said she supported the Trail Safe position on prohibiting trapping in congested areas through regulation, which she believed could be done. She felt there was no safe manner of trapping in an urban area with a large population of people and animals. She believed trappers were not regulated because they were not required to put their names on their traps, warnings were not required to be posted, and trappers self-reported on the animals they trapped. She said trapping was indiscriminate and cruel. She said the only requirement regarding non-targeted animals was they were released, but most were injured and were unlikely to survive, while the target animals languished in the traps for long periods and were then clubbed to death to preserve the pelt.

Patricia Swain, Trail Safe Director and founder, stated she was surprised that there was an opinion that the County did not have jurisdiction over trapping in congested areas, because she was led to believe the opposite was the case due to the County having congested areas for the purpose of protecting public safety. She believed this was the same type of issue as shooting a gun off in the middle of a subdivision, which would be nonsense. She said she had previously supplied the Commissioners with packets, which contained descriptions of several incidents that happened within the County, and she understood there was a tremendous amount of mail to the Commission from people who were outraged over the trapping. She urged the Commission to look into the legality of the Commission adopting such an ordinance before a child was caught in a trap.

Rex Flowers said the regulation of trapping should be left to the State. He said Trail Safe and the Nevada Trappers Association should work toward what congested areas should be recognized and submit that information to NDOW. He said this was agendized as a discussion regarding public safety, but the testimony had been about cruelty to animals. He stated there had been no incidents of people being injured, and trappers should have the same opportunity to enjoy recreation as hikers.

Joel Blakeslee, Nevada Trappers Association President, said at an Animal Control meeting several weeks ago, he agreed to take the congested area matter to the Association's Board of Directors and then to take it through the proper channels to the NWC. He stated in 2007, the Sierra Club and the Association managed to arrive at a successful resolution that benefited all parties in the Whites Creek and Thomas Creek area, and he believed that could be accomplished again.

Connie Douglas felt trapping should not be allowed in congested areas. She urged the Commission to affect this issue any way they could.

Keith Ingram commented most cats or dogs caught in traps were running wild. He said a dog running without a lease could possibly get caught in a trap. He felt the agenda item was to stop trapping within all of Washoe County, which was not necessary or feasible. He also felt it was not that big of a problem, and he doubted traps around parks would catch anything. He believed it might have been something made up by the Humane Society. He felt NDOW and the Nevada Trapping Association could handle things.

Commissioner Jung responded to Ms. McGrath's request that she be called up to answer a question by saying that was not usually how the Commission handled public comment. She stated many people disagreed with what the District Attorney's Office had advised regarding what the Commission could do legally. She advised the Commission was bound by that legal advice, which was the Board of County Commissioners had no jurisdiction to create an ordinance for this issue. However, she stated Washoe County could affect this issue. She believed the Commission should encourage the interested parties to continue working to resolve this issue, which would ultimately go before the NWC.

Chairman Humke recalled the 2007 incident in the parks, and he noted NDOW responded positively at that time and it sounded like they would again. He agreed with Counsel that this was a State issue, and he believed Storey County's ordinance would someday be unenforceable.

Ms. Foster commented that Washoe County's ability to create congested areas and prohibit the discharge of fire arms was granted by NRS 244.364(2). She noted it was the only area of authority the counties had regarding the regulation of fire arms. She said it was a specific granting of authority that did not carry to the issue before the Commission.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the staff report be accepted and that the Commission encourage continuing the negotiations. It was further ordered that the Commission be provided updates on the process and on the decision by the Nevada Department of Wildlife regarding congested areas.

10-303 AGENDA ITEM 23 – PURCHASING

Agenda Subject: “Recommendation to award Bid No. 2729-10 for a New or Used 190 HP Class Track Type Tractor to the lowest, responsive, responsible bidder, Cashman Equipment, on behalf of the Equipment Services Division of the Washoe County Public Works Department - award recommendation is made for a used 2005 D6R Series II Caterpillar Dozer [\$132,561]--Purchasing. (All Commission Districts.)”

There was no response to the call for public comment.

Commissioner Larkin said he supported this item because the equipment would be used in Vya and Gerlach and because the opportunity for shared services in those areas was unlikely.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 23 be awarded.

10-304 AGENDA ITEM 27 – ROADS/PUBLIC WORKS

Agenda Subject: “Recommendation to approve request for the Roads Division of Public Works to procure road and drainage maintenance materials for Fiscal Year 2010/11 [based on past purchasing activities materials will exceed \$100,000 annually]; and if approved, direct Purchasing Department to begin procurement process--Roads/Public Works. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 27 be approved and directed.

10-305 AGENDA ITEM 28 – ROADS/PUBLIC WORKS

Agenda Subject: “Recommendation to approve request to obtain bid proposals on behalf of the Roads Division of the Public Works Department for the purchase of a new asphalt grinder and a new skid steer loader with an asphalt planer attachment to be used by the Roads Division to replace two existing grinders that have been fully depreciated with 100% of the replacement funds collected from the General Fund; and if approved, direct Purchasing Department to begin procurement process - purchase of this essential equipment will be charged to the Equipment Services Fund with no impact to the County’s General Fund--Roads/Public Works. (All Commission Districts.)”

Commissioner Weber asked if employees would require training on operating the new equipment. Dan St. John, Public Works Director, replied no new training was needed because the equipment would be replacing existing equipment.

Commissioner Weber asked if the equipment came with maintenance agreements. Mr. St. John replied they would, but the County's equipment staff maintained what was not covered, such as the grinding of the teeth. Commissioner Weber said her constituent's point was outside people in the business were better equipped to perform the maintenance than the County's staff. Mr. St. John explained most of the work done on County roads was outsourced. He said staff performed a relatively small amount of the work because they did some work more efficiently. He said most of the work requiring grinding and patching was outsourced and, in the last six years, nearly \$27 million in road maintenance had been outsourced with a partnership with the Regional Transportation Commission (RTC).

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 28 be approved and directed.

10-306 AGENDA ITEM 18 – HUMAN RESOURCES

Agenda Subject: “Recommendation to defer the Board of County Commissioners Fiscal Year 2010/11 salary increase pursuant to the authorization granted by Senate Bill 516; approve a wage reduction of 3.7% for the Board of County Commissioners for Fiscal Year 2010/11 effective July 1, 2010; and, share the employee cost of health insurance by paying \$25 per pay period effective July 1, 2010 (savings from the reduction is estimated at \$31,877.56--Human Resources. (All Commission Districts.)”

Katy Simon, County Manager, said the Board requested this issue be discussed with the County's management employees, which would be taking place tomorrow and would be brought to the Board on a future agenda. She suggested the Board consider that their action would be reconciled with whatever action the employee associations and non-represented employees took. Commissioner Larkin replied that could be done on a subsequent motion, but it was important for the Board to set the standard.

Commissioner Jung felt this set the bar for the rest of the County's staff and made the Board the leaders they truly should be in this situation. She said this action said everyone was in this together and it was the most compassionate thing to do. She urged the collective bargaining units to share that same philosophy and to recognize that laying off people to save jobs was not a sustainable way to run any business or government entity.

There was no response to the call for public comment.

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

10-307 AGENDA ITEM 29 – FINANCE

Agenda Subject: “Possible additional follow-up from Fiscal Year 2010/11 Departmental budget presentations and possible direction to staff.”

There was no follow-up from the Fiscal Year 2010/11 Departmental budget presentations.

10-308 AGENDA ITEM 32 – 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--Government Affairs. (All Commission Districts.)”

Katy Simon, County Manager, said the Interim Committee to study the Powers Delegated to Local Governments would be holding a meeting on April 22, 2010, which would have the salaries of local elected officials on the agenda. She said local elected officials would be asked for their comments regarding having the county commissions setting those salaries, having a Salary Commission set the salaries of local government’s elected officials, or continuing the practice of having the Legislature set the salaries by building in a Consumer Price Index (CPI) trigger.

Ms. Simon said also on the agenda was the naming rights for public facilities because Clark County wanted to charge a fee for naming rights for parks, buildings and so on. She stated in addition, they would be discussing “home rule” and abolishing “Dillon’s Rule.” She said the last item on the agenda was the notion of charter counties and the Legislative Counsel Bureau (LCB) would be making a presentation on whether charter counties would require a constitutional amendment.

Ms. Simon stated she continued to serve on the Nevada Vision Stakeholders group and the next meeting would be held on April 21, 2010 and the group would be finishing up its work in early May.

10-309 AGENDA ITEM 36 – REPORT/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 Weber advised 900 people had already registered for the 2010 National Association of Counties (NACo) Conference in July with the expectation 3,000 to 4,000 people would register. She said she would ask NACo’s Executive Director, Jeff Fontaine, to develop an idea for contacting the alumni and creating a program for the alumni, because she felt the 75th Annual Conference was something to highlight.

Commissioner Weber said the Regional Planning Governing Board (RPGB) would be meeting on April 15, 2010 and the Verdi/West Truckee Meadows Citizen Advisory Board (CAB) would be meeting April 14, 2010 at Reno Fire Station 11 at 6:30 p.m. She stated the Nevada Association of Counties (NACO) would be meeting on April 16, 2010 and there would be an Executive Board meeting prior to the NACO meeting starting at 10:00 a.m. in Carson City.

Commissioner Jung stated the next Joint Fire Advisory Board (JFAB) meeting would be April 19, 2010 at 3:30 p.m. in the District Board of Health’s Conference Room.

Commissioner Larkin said he would be attending the RPGB meeting on April 15, 2010 and the Northern Nevada Law Enforcement Academy graduation would be held at John Ascuaga’s Nugget at 10:00 a.m. on April 15, 2010. He stated he would be attending the Regional Transportation Commission (RTC) meeting on April 16, 2010 and the JFAB meeting on April 19, 2010.

Chairman Humke said the Reno-Sparks Convention and Visitors Authority (RSCVA) Finance Committee would be meeting tomorrow morning.

10-310 AGENDA ITEM 37

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

7:53 p.m. On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, the Board recessed into a Closed Session in the Caucus Room for the purpose of negotiations with Employee Organizations per NRS 288.220. It was further ordered that at the end of the Closed Session, the Board would reconvene in Open Session in the Caucus Room to hear Agenda Item 31 and would adjourn from the Caucus Room.

8:45 p.m. The Board reconvened in Open Session with all members present.

10-311 AGENDA ITEM 31 – FINANCE

Agenda Subject: “Fiscal Year 2010/11 budget update and direction on the alternative plan should the \$11.4 million in sustainable labor costs not be attained--Finance. (All Commission Districts.)”

John Sherman, Finance Director, reiterated it was the Board’s direction that all labor concessions be applied consistently for all represented and non-represented employees. He said staff was seeking direction from the Board to develop an alternative plan to further reduce department budgets based on the reductions that would have been achieved if labor concessions had been applied consistently among all of the employee groups. He stated Plan B would be used if \$11.4 million in employee concessions were not achieved. He said if given that direction, staff would come back to the Board on April 27, 2010 with a more specific planning approach to achieve those additional reductions.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that staff be directed to develop the alternative plan should the \$11.4 million in sustainable labor costs be obtained and for it to be brought back to the Board on April 27, 2010.

COMMUNICATIONS AND REPORTS
April 13, 2010

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

COMMUNICATIONS:

- 10-312** Nevada Department of Transportation (NDOT) Letter of Completion dated March 3, 2010 for Contract No. 3399, Project No. STP-0651(005), on SR 651, North and West McCarran Boulevard from North Virginia Street (SR 430) to Seventh Street, Washoe County, Granite Construction Company, Contractor. Maps forwarded to Engineering on March 23, 2010.

- 10-313** Letter dated February 22, 2010 from Brian Ferebee, Forest Supervisor, Uinta-Wasatch-Cache National Forest regarding the Record of Decision that amends the Wasatch-Cache Forest Plan to allow for the Ruby Pipeline.

REPORTS – MONTHLY

10-314 Clerk of the Court, monthly report of fee collections for February 2010.

* * * * *

9:48 p.m. On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, the meeting was ordered adjourned from the Caucus Room.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

Minutes Prepared by Jan Frazzetta, Deputy County Clerk

RESOLUTION

WHEREAS, The trend in Washoe County and throughout Nevada indicates that acres burned each year by wildfire has increased dramatically in recent decades; and

WHEREAS, Wildfire has had significant impacts to Washoe County's environmental, economic and social well-being; and

WHEREAS, It is evident that most homes destroyed during a wildfire are due to embers landing on or near an area of the home that can be easily ignited; and

WHEREAS, Ember-ignited fires can spread from home to home, destroying entire communities; and

WHEREAS, Homeowners throughout Washoe County could substantially reduce the wildfire threat to their homes and communities if they are proactive and prepare in advance; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners supports the week of May 1-8, 2010 as Nevada Wildfire Awareness Week as a means for education and a call to action for residents throughout Washoe County to reduce the ember threat to their homes and communities.

ADOPTED this 13th day of April 2010.

David E. Humke, Chairman

10-268
A-4/13/10
5

AMENDMENT #2 TO INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

Between the State of Nevada
Acting By and Through Its

State Gaming Control Board
P O Box 8003, 1919 College PKWY
Carson City, NV 89702-8003
Telephone: 775-684-7714
FAX: 775-684-7723

and

Washoe County
Acting By and Through its
Washoe County Sheriff's Office
Forensic Science Division
911 Parr Blvd.
Reno, Nevada 89512
Telephone: 775-328-2800
FAX: 775-328-2831

1. AMENDMENTS. For and in consideration of mutual promises and/or their valuable consideration, all provisions of the original contract, dated January 30, 2008 attached hereto as Exhibit A, remain in full force and effect with the exception of the following:

A. This amendment reduces the cost of the contract for FY 2011 by 15%, from \$1,698.00 to \$1,443.00, and reduces the maximum consideration of the contract from \$2,779.00 to \$2,524.00.

Current Contract Language:

7. CONSIDERATION. WASHOE COUNTY SHERIFF'S OFFICE, FORENSIC SCIENCE DIVISION agrees to provide the services set forth in paragraph (6) at a cost of not more than \$ 1,081.00 in Fiscal Year 2010 and not more than \$ 1,698.00 in Fiscal Year 2011 with the total Contract or installments payable upon receipt of invoice(s) not exceeding \$ 2,779.00. Any intervening end to an annual or biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require."

Amended Contract Language:

7. CONSIDERATION. WASHOE COUNTY SHERIFF'S OFFICE, FORENSIC SCIENCE DIVISION agrees to provide the services set forth in paragraph (6) at a cost of not more than \$ 1,081.00 in Fiscal Year 2010 and not more than \$ 1,443.00 in Fiscal Year 2011 with the total Contract or installments payable upon receipt of invoice(s) not exceeding \$ 2,524.00. Any intervening end to an annual or biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require."

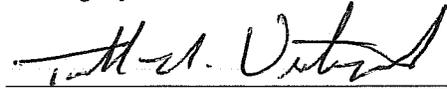
2. INCORPORATED DOCUMENTS. Exhibit A (Original Contract and Amendment #1 to Contract) is attached hereto, incorporated by reference herein and made a part of this amended contract.

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

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

State Gaming Control Board

Public Agency #1


Public Agency #1 Signature

5/3/10 Chief, Administration Division
Date Title

Washoe County

Public Agency #2

Public Agency #2 Signature

3-24-10 Michael Haley
Date Title - Sheriff

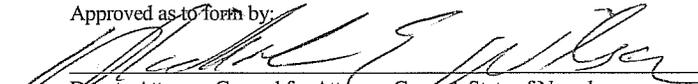
APPROVED BY WASHOE COUNTY BOARD OF COMMISSIONERS

Public Agency #2 Signature

4/13/10 David Bisher
Date Title - Chairman

Signature - Nevada State Board of Examiners

Approved as to form by:


Deputy Attorney General for Attorney General, State of Nevada

APPROVED BY BOARD OF EXAMINERS

On _____ (Date)
On 4/27/10 (Date)

Summary - a Resolution calling a hearing on the amendment of the boundaries of District No. 24 (Groundwater Remediation).

RESOLUTION NO.

(of Washoe County, Nevada)

A RESOLUTION CALLING A HEARING ON THE AMENDMENT OF THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION/CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT) IN WASHOE COUNTY, NEVADA; PROVIDING FOR A NOTICE OF HEARING, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

1. **WHEREAS**, the Board of County Commissioners (the "Board") of the County of Washoe (the "County") in the State of Nevada has created a district for the remediation of the quality of water (the "District" or "District No. 24") pursuant to NRS 540A.250 through 540A.285; and

2. **WHEREAS**, subsection 3 of NRS 540A.250 provides that:

"The District created pursuant to this section must include, without limitation:

- a. the area where the condition which requires remediation is determined by the Board to be present, or for which remediation is determined by the Board to be necessary, including any area to which the condition is expected to migrate unless remediation is carried out; and
- b. if the Board determines that the condition which requires remediation affects the quantity or quality of drinking water within the region, the wholesale and retail service area of any provider of water that has used or uses for any portion of its supply wells located in the area described in paragraph (a)"; and

3. **WHEREAS**, pursuant to NRS 540A.250 of the Board has had prepared for it a plan for remediation designated the "Central Truckee Meadows Remediation District Final Work Plan February 22, 1996" as updated by the "Central Truckee Meadows Remediation District Remediation Management Plan" dated October 28, 2002 (as updated, the "Plan for Remediation"); and

10-28-5

4. **WHEREAS**, the Plan for Remediation has been submitted to the Division of Environmental Protection of the State of Nevada (the "Division") and approved by the Division pursuant to Subsection 1 of NRS 540A.260; and

5. **WHEREAS**, the Plan for Remediation indicates that, and based upon such plan the Board has determined that, the condition which requires remediation affects the quality of drinking water within the region; and

6. **WHEREAS**, the boundaries of the District therefore are to include the wholesale and retail water service area of the Truckee Meadows Water Authority ("TMWA"), which is a provider of water service that has used and uses for a portion of its water supply, wells located in the area in which the condition that requires remediation is present; and

7. **WHEREAS**, the boundaries of the District were originally filed in the office of the County Clerk on September 16, 1997, and as so filed, were made the boundaries of the District (the "Original Boundaries") by Ordinance No. 1000, duly adopted by the Board on November 12, 1997; and

8. **WHEREAS**, the Original Boundaries have been amended; and

9. **WHEREAS**, the Board has determined and hereby determines to propose to further amend the boundaries of the District with respect to the fee collected in 2009 to exclude from the District certain properties, included in the Original Boundaries of the District as amended through July 1, 2009 (the "2009 Boundaries"), which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during calendar year 2008; and

10. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2010, to add to and include such Original Boundaries new properties added to the wholesale and retail water service area of TMWA since December 31, 1997; and

11. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2010 to exclude from the District certain properties, which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during calendar year 2009; and

12. **WHEREAS**, each of the following will be filed with the County Clerk (the "Clerk") prior to the publication of a notice of hearing as hereinafter described

(i) a list of the properties proposed to be excluded from the 2009 Boundaries with respect to the fees collected in 2009 as described in the 9th preamble hereto entitled "Second List of Properties to be excluded from 2009 Boundaries of District No. 24" (the "Second 2009 Exclusion List"),

(ii) a description of the areas proposed to be added to the District as described in the 10th preamble hereto, entitled "2010 Description of Areas to be Added to District No. 24" (the "2010 Addition List"), and

(iii) a list of the properties proposed to be excluded with respect to the fee imposed in 2010 as described in the 11th preamble hereto, entitled "First List of Properties to Be Excluded from the 2010 Boundaries of District No. 24" (the "First 2010 Exclusion List"); and

13. **WHEREAS**, pursuant to NRS 540A.262, the Board is required to hold a hearing before amending the boundaries of the District; and

14. **WHEREAS**, the Board desires to authorize publication of a notice of the hearing in accordance with NRS 540A.262.

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

Section 1. A hearing is hereby called on the proposed amendment to the boundaries of the District. The hearing shall be held not less than 15 days after the notice of hearing described herein is published. The Manager is authorized to schedule the hearing and request that the Clerk publish the Notice described below after materials described in preamble 11 (the "Amendments") are filed in the office of the Clerk.

Section 2. Upon receipt of request from the Manager as provided in Section 1, the Clerk is hereby authorized and directed to publish a notice of hearing not less than 15 days prior to the hearing in a display advertisement which is at least 3" x 5" in size in a newspaper of general circulation in the County. The notice shall state that the description of the boundaries and the amendment to those boundaries is on file at the office of the Clerk for public examination. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING
WASHOE COUNTY, NEVADA
DISTRICT NUMBER 24
(GROUNDWATER REMEDIATION)**

NOTICE is hereby given that the Board of County Commissioners of Washoe County, Nevada will hold a public hearing on May 11, 2010 at the hour of 6:00 p.m. at the Commission Chambers, Washoe County Administrative Complex, 1001 East Ninth Street, Reno, Nevada on a proposed amendment to the boundaries of Washoe County Nevada District No. 24 (Groundwater Remediation), which is a district for remediation of groundwater (the "District").

At the hearing all persons who desire to appear may appear and be heard concerning a proposed amendment to the boundaries of the District, and after the hearing the Board shall make such adjustments to the proposed boundary amendment as appear to be necessary, but the boundaries may not be expanded to include any property not included either in the proposed amendment as filed in the office of the County Clerk on April 19, 2009, or the original boundaries (the "Original Boundaries") of the District specified in Ordinance No. 1000, adopted and approved on November 12, 1997 (the "Ordinance").

It is proposed that the boundaries of the District would be amended as follows:

1. The boundaries of the District with respect to the fee collected in 2009 shall be as they already exist as further amended by exclusion of the properties listed in the list entitled "Second List of Properties to be Excluded from the 2009 Boundaries of District No. 24" (the "Second 2009 Exclusion List"), now on file with the County Clerk, and

2. The boundaries of the District with respect to the fee collected in 2010 shall be the Original Boundaries of the District as established by the Ordinance adopted by the Board of County Commissioners on November 12, 1997, amended as follows:

(a) amended by the addition to the Original Boundaries of the District of the areas described in the "2010 Description of Areas to be added to District No. 24" (the "2010 Addition List"), now on file in the office of the County Clerk, and,

(b) amended by excluding those properties (whether included in the Original Boundaries, or in the additions described in clause (a)) listed in the "First List of

Properties to be Excluded from the 2010 Boundaries of District No. 24" (the "First 2010 Exclusion List"), now on file in the office of the County Clerk.

The Original Boundaries of the District, the Second 2009 Exclusion List, and the 2010 Addition List and the First 2010 Exclusion List, are on file in the office of the County Clerk for public examination.

The boundaries of the District are those specified by Subsection 3 of NRS 540A.250, which consist of the area where the condition which requires remediation is determined by the Board to be present or for which remediation is determined by the Board to be necessary, including any area to which the condition is expected to migrate unless remediation is carried out, and the wholesale and retail water service area of the Truckee Meadows Water Authority ("TMWA"). The District generally consists of TMWA's wholesale and retail water service area. This general description is, however, for the convenience of the readers of this notice only. A specific description of the boundaries of the District and the proposed amendments thereto are on file in the office of the County Clerk and reference is made to those descriptions to determine whether or not a property is or is not included or proposed to be included within the boundaries of the District.

Reference is made to the Plan for Remediation, the boundaries of the District and the proposed amendments to those boundaries on file in the office of the County Clerk for further information concerning the District and its boundaries. All owners of property within the boundaries of the District and all other persons interested are encouraged to appear at the hearing and present their views. Written testimony and comments may be filed at or before the hearing with the County Clerk.

IN WITNESS WHEREOF, the Board of County Commissioners have caused this notice to be published not less than 15 days prior to the hearing referred to above.

Dated this April 19, 2010.

BOARD OF COUNTY COMMISSIONERS OF
WASHOE COUNTY, NEVADA

(SEAL)

By David Humke
Chair

ATTEST:

/s/ Amy Harvey
County Clerk

Section 3. The Officers of the County are directed to effectuate the provisions of this resolution.

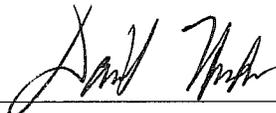
Section 4. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 5. The invalidity of any provisions of this resolution shall not affect any remaining provisions hereof.

Section 6. This resolution may be amended in any manner, at any time by the Board. This resolution does not obligate the Board to proceed with the District or issue bonds.

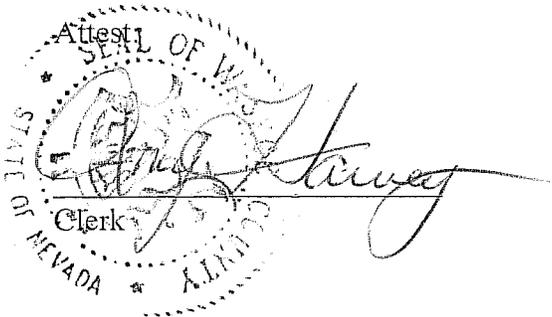
Section 7. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

PASSED, ADOPTED AND APPROVED this April 13, 2010.



Chair

(SEAL)



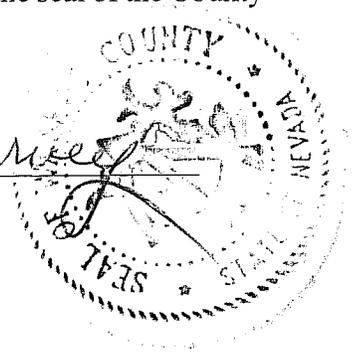
- (i) Washoe County Administration Complex
1001 East Ninth Street
Reno, Nevada
- (ii) Washoe County Clerk's Office
Washoe County Courthouse
Virginia and Court Streets
Reno, Nevada
- (iii) Washoe County Library
301 South Center Street
Reno, Nevada
- (iv) Justice Court
630 Greenbrae Drive
Sparks, Nevada

is attached as Exhibit "A".

5. No later than 9:00 a.m. at least 3 working days before such meeting, such notice was provided to each person, if any, who has requested notice of meetings of the Board in the manner required by Ch 241 of NRS.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this April 13, 2010.


County Clerk

The seal of Washoe County, Nevada, is circular with a double-line border. The outer ring contains the text "WASHOE COUNTY, NEVADA" at the top and "SEAL OF" at the bottom. The center of the seal features a landscape scene with a mountain range, a river, and a sun or moon in the sky.

(SEAL)

RESOLUTION

A RESOLUTION REQUESTING THE ASSISTANCE OF THE ATTORNEY GENERAL IN THE POSSIBLE PROSECUTION OF A MALE OVER THE AGE OF 18 FOR POSSIBLE UNLAWFUL SEXUAL CONTACT WITH PERSONS UNDER THE AGE OF 18 AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently been contacted by the Sparks Police Department to review and possibly prosecute a case involving alleged sexual contact between an 18 year old male and two females under the age of 18; and

WHEREAS, it is essential in our judicial system that prosecutors remain free of any appearance of conflict of interest or impropriety;

WHEREAS, the person being accused is the son of an employee of the district attorney's office; and

WHEREAS, if the Washoe County District Attorney's Office proceeds with the prosecution there may be some question as to whether the prosecution decisions are being fairly made and therefore some suggestion of impropriety or conflict of interest.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of a case sent to the district attorney in March of 2010 involving an 18-year old male who may have had unlawful sexual contact with 2 females under the age of 18 about March of 2008.

10-284

RI

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

[Business Impact Note: The Board of County Commissioners hereby finds that this resolution does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

ADOPTED this 13th day of April, 2010 by the following vote:

AYES: LARKIN, Weber, Breternitz, Jung, Humke
NAYS: none
ABSENT: none
ABSTAIN: none



David Humke, Chairman

ATTEST:

Amy Harvey, County Clerk



10-284

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**ADDENDUM TO INTERLOCAL AGREEMENT
FOR SHARING COSTS TO SUPPORT THE ACTIVITIES OF THE TRUCKEE
MEADOWS REGIONAL PLANNING AGENCY FOR 1990-1991**

WHEREAS, the City of Reno, City of Sparks and Washoe County executed an Interlocal Agreement in August, 1990, to fund the Truckee Meadows Regional Planning Agency attached as Exhibit 1 hereto;

WHEREAS, certain events have occurred over the passage of time which makes all parties desirous of amending paragraphs C and H of the Interlocal Agreement executed in August, 1990;

WHEREAS, the parties agree that the remainder of the provisions in the 1990-1991 Interlocal Agreement shall remain in effect;

WHEREAS, each of these members is a "public agency" within the meaning of NRS 277.100 and is capable of entering into an Interlocal Agreement executed in accordance with the Interlocal Corporation Act (NRS 277.080 to 277.180, inclusive);

NOW, THEREFORE, IT IS HEREBY AGREED by each of the parties hereto as follows:

Paragraph C is deleted in its entirety and substituted with the following paragraph:

C. The Executive Director of the Truckee Meadows Regional Planning Agency is hereby designated as the Depository Manager for funds provided by the parties to this agreement. The Depository Manager shall provide for proper accounting for all revenues and expenditures associated with the regional planning agency activities; is authorized to apply reasonable common service charges to recover the costs of providing accounting and administrative services; and shall provide interest revenues for funds held on deposit by the Truckee Meadows Regional Planning Agency.

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Paragraph H is deleted in its entirety and substituted with the following paragraph:

H. The Executive Director of the Truckee Meadows Regional Planning Agency, shall arrange for an annual independent audit of the regional planning funds and accounts and shall present the results of such audit to the parties signatory to this agreement.

The 1990-1991 Interlocal Agreement is in full force and effect, modified only to the extent of the above- referenced paragraphs.

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**ADDENDUM TO INTERLOCAL AGREEMENT
FOR SHARING COSTS TO SUPPORT THE ACTIVITIES OF THE TRUCKEE
MEADOWS REGIONAL PLANNING AGENCY FOR 1990-1991
PAGE TWO**

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year appearing by the signatures below:

REGIONAL PLANNING GOVERNING BOARD,

By and through the Governing Board

By: [Signature] Date: 4/15/10

Chair-person

Attest: R. J. Ches, Secretary

CITY OF RENO,

By and through its City Council

By: [Signature] Date: 4/14/10

Mayor

Attest: Symmett R. Jones

CITY OF SPARKS,

By and through its City Council



By: Gene R. Martin Date: 04/12/10

Mayor

Attest: Judith Patterson

COUNTY OF WASHOE,

By and through its Board of County Commissioners

Clerk



By: [Signature] Date: 4/13/10

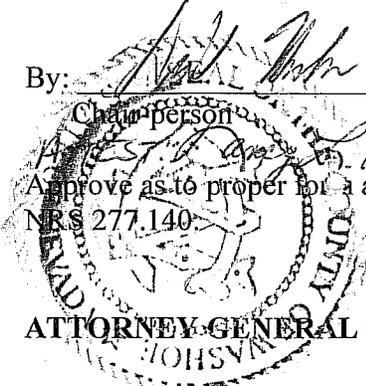
Chair-person

Attest: [Signature] R.A. Chief Deputy Washoe County Clerk
Approve as to proper form and compatibility with the laws of the State of Nevada, pursuant to NRS 277.140

ATTORNEY GENERAL OF THE STATE OF NEVADA

By: [Signature] Date: 13 May 2010

Senior Deputy Attorney General



INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

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

Nevada Commission on Peace Officers' Standards and Training (P.O.S.T.)
5587 Wa Pai Shone Ave.
Carson City, Nevada 89701
775.687.7678
775.687.4911 (FAX)
And

Washoe County Department of Juvenile Services
650 Ferrari-McLeod Blvd
Reno, NV 89512
775.325.7801
FAX 775.325.7923

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 P.O.S.T. hereinafter set forth are both necessary to the Washoe County Department of Juvenile Services 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 to further notice, 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 be effective immediately after a party has served written or verbal 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. P.O.S.T. agrees to provide the services set forth in paragraph (6) at a cost of \$500 per Category I cadet and \$350 for Category II cadets with the total non-refundable contract of \$500 or \$350 respectively per cadet payable within 30 days of the beginning of each academy, not exceeding \$500 or \$350 per cadet. The fee may be reduced or waived at the sole discretion of the Executive Director of P.O.S.T. based on the agency providing free instructor(s) for the academy. 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.

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. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

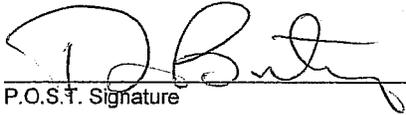
20. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract and that the parties are authorized by law to perform the services set forth in paragraph (6).

21. 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.

22. 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.

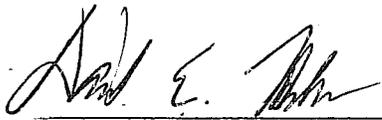
IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

P.O.S.T. _____


P.O.S.T. Signature

12/30/09 Deputy Director
Date Title

~~Washoe County Department of Juvenile Services~~ _____


~~Washoe County Department of Juvenile Services~~ Signature
DAVID E. HUNKE, CHAIRMAN

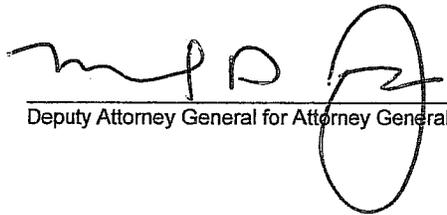
4/13/10 Chairman
Date Title

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 12-31-09 (Date)

ATTACHMENT A

SCOPE OF WORK FOR P.O.S.T. BASIC TRAINING BUREAU

In return for the fee set out in paragraph 7 of the Contract, P.O.S.T. agrees to provide the agency's cadet(s) with training which meets the minimum standards for basic certification for the training category of the academy in which the cadet is enrolled. The training will meet the minimum standards of training for Category I or Category II Basic Certification as established by Nevada Revised Statutes (NRS) Chapter 289 and Nevada Administrative Code (NAC) Chapter 289.

While enrolled in the academy, the cadets are still considered employees of the agency that sponsors them to the academy. However, the cadet(s) are required to comply with all of the rules applicable to the particular academy, and cadet(s) are subject to dismissal from the academy, at the sole discretion of P.O.S.T., for violations of those rules. The agency is not entitled to a refund of any portion of the fee when a cadet is dismissed from the academy prior completion.

If P.O.S.T. requires the agency's cadet(s) to live at the academy, P.O.S.T. will provide the cadet with dormitory space and a meal allowance at a rate determine by P.O.S.T.

This contract does not guarantee the agency a space(s) for the agency's cadet(s) in any particular academy class. P.O.S.T. has the sole discretion as to whether an agency's cadet(s) will be selected for a particular academy class.