

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

APRIL 27, 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 10:03 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

10-316 AGENDA ITEM 4 – COMMUNITY RELATIONS

Agenda Subject: “Proclamation--April as National Volunteer Awareness Month. (All Commission Districts)”

Katy Simon, County Manager, read the Proclamation. She invited the numerous volunteers in the audience to introduce themselves and meet the Commissioners. The Board thanked all of the County’s volunteers for their service.

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

10-317 AGENDA ITEM 3 – EXCELLENCE IN PUBLIC SERVICE

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

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

Essentials of High Performing Teams
Jennifer Pierce, Account Clerk
Zulma Solano, Office Assistant II

Essentials of Personal Effectiveness
Leonor Warren, Account Clerk
Susan Kriner, Office Assistant II
Wanda Jackson, Office Assistant II

Essentials of Support Staff
Wanda Jackson, Office Assistant II

10-318 AGENDA ITEM 5 – BUILDING AND SAFETY

Agenda Subject: “Proclamation--May 1-31, 2010 as National Building & Safety Month. (All Commission Districts)”

Commissioner Breternitz read the proclamation and presented it to Don Jeppson, County Building Official. Mr. Jeppson discussed activities that were planned for the month.

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

10-319 AGENDA ITEM 6 – DISTRICT HEALTH DEPARTMENT

Agenda Subject: “Proclamation--April 24-May 1, 2010 as Give Kids a Boost Week. (All Commission Districts)”

Commissioner Jung read the proclamation and presented it to Melissa Krall, Coordinator for Safe Kids Washoe County; Heidi Hurst, Regional Director of the Northern Nevada Immunization Coalition; Joe McCallum, Safety Director for the Nevada Motor Transport Association and member of the Safe Kids Committee; and Mary-Ann Brown, Division Director for Community and Clinical Health Services.

Commissioner Jung announced the Sun Valley Health and Safety Fair on Saturday, May 1, 2010, where parents could take advantage of free booster seats and free vaccinations.

On motion by Commissioner Breternitz, seconded by Chairman Humke, which motion duly carried, it was ordered that Agenda Item 6 be adopted and approved.

10-320 AGENDA ITEM 7 – PROCLAMATION

Agenda Subject: “Proclamation--May 6, 2010 as National Day of Prayer (requested by Commissioners Larkin and Weber). (All Commission Districts)”

Commissioners Larkin and Weber read the proclamation and announced activities planned at the County Administration Complex on May 6, 2010 during the lunch hour.

In response to the call for public comment, Garth Elliott said he would pray for the safe return of all U.S. soldiers as well as the return of a three-minute public comment period.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7 be adopted and approved.

10-321 AGENDA ITEM 8 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Proclamation--May 8, 2010 as Great Truckee Meadows Community Cleanup Day. (All Commission Districts)”

Commissioner Weber and Commissioner Jung read the proclamation and presented it to Maia Dickerson, Program Director of Keep Truckee Meadows Beautiful (KTMB), and Lynda Nelson, Planning Manager for Regional Parks and Open Space. Ms. Nelson thanked KTMB for their efforts and support. Ms. Dickerson thanked the Commission. Commissioner Weber announced the Great Truckee Meadows Clean-Up scheduled throughout the community for Saturday, May 8, 2010.

In response to the call for public comment, Gary Schmidt applauded those involved in the community cleanup and expressed his support for free dump days.

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

10-322 AGENDA ITEM 9 – RESOLUTION

Agenda Subject: “Resolution--Recognizing Washoe County’s District Health Department’s outstanding efforts during the H1N1 outbreak. (All Commission Districts)”

Commissioner Jung read and presented the Resolution to Dr. Randall Todd, Director of the EPI Center, and Mary-Ann Brown, Division Director of Community and Clinical Health Services (CCHS). Dr. Todd thanked the Board. He stated almost 23,000 H1N1 immunizations had been administered. Medical Reserve Corp (MRC) and Community Emergency Response Team (CERT) volunteers had been

deployed and every division within the District Health Department participated, most notably the CCHS nurses.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 9 be adopted and approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-323 AGENDA ITEM 10 – RESOLUTION

Agenda Subject: “Resolution--Congratulating Lindsay Wilson, Editor-In-Chief, and students and staff of *The Meadow* for receiving the prestigious Columbia Scholastic Association Silver Crown for scholastic publications (requested by Commissioner Humke).”

Chairman Humke read the Resolution and presented it to Lindsay Wilson, Editor in Chief. Mr. Wilson thanked the Board and several individuals at Truckee Meadows Community College. Chairman Humke introduced and congratulated the following students and staff of *The Meadow*: Hank Sosnowski, Caren Franklin, Mark Maynard, Janice Huntoon, and Grant Dehne.

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 10 be adopted and approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-324 AGENDA ITEM 11 – PUBLIC WORKS

Agenda Subject: “Accept donation [\$5,000] from Wal-Mart for Washoe County winning the National Association of Counties (NACo) sponsored *Change the World, Start with ENERGY STAR Campaign*; and if accepted, direct Finance to make appropriate budget adjustments; and authorize the Washoe County Green Team to expend the funds on projects related to furthering energy efficiency at Washoe County. (All Commission Districts)”

Andy Goodrich, Green Team Leader and Air Quality Division Director, indicated the County won first place in the National Association of Counties (NACo) challenge. Nearly 800 County residents pledged their commitment to energy efficient practices. He thanked Wal-Mart for their support and sponsorship of the campaign. Amy Hill, Director of Public Affairs for Wal-Mart, congratulated the County for their leadership. Commissioner Weber, member of the NACo Board of Directors, said the campaign was wonderful for the County and the State.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 11 be accepted, directed and authorized.

10-325 AGENDA ITEM 12 – PUBLIC COMMENT

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

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

Garth Elliott talked about the importance of volunteerism. He said he hoped the County’s money problems would not make it necessary to close the Senior Center in Gerlach.

Gary Schmidt read a letter into the record concerning illegal campaign signs, which was placed on file with the Clerk.

Betty Hicks stated efforts were underway to mandate that all renewable energy in the County use existing utility corridors. She noted there were frequent power outages in east Washoe Valley and said such a mandate might not be the best way to take care of the County’s residents.

10-326 AGENDA ITEM 13 – ANNOUNCEMENTS

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

Katy Simon, County Manager, announced there had been a noticing issue related to Agenda Item 31. She stated the public hearing would be conducted but the Ordinance would be rejected and brought back for a new first reading on May 11, 2010. She indicated Item 23 had been pulled from the agenda and would also come back before the Board on May 11th.

Commissioner Weber said she attended a volunteer firefighters’ meeting where concern was expressed about the Interlocal Agreement with the City of Reno to

provide fire services. She attended the *Celebration of Scholars in Aging*, where Carson City resident and former commissioner Janice Ayers was honored. She indicated she obtained information for all of the commissioners from a renewable energy workshop sponsored by Nevada's National Association of Counties. She thanked Doug Doolittle, Director of Regional Parks and Open Space, and all of the Parks staff for their assistance with a community meeting in Black Springs. She noted she was looking forward to the submission of a Community Development Block Grant request for that community. Commissioner Weber referenced a study done by the University of Nevada, Reno that was discussed at an Illegal Dumping Task Force meeting. She said the study contained a lot of good information but left out the question of whether or not people would pay for curbside pickup of bulky items. She recently attended a meeting of the Reno-Sparks Convention and Visitors Authority, where budgeting was the primary issue. She again thanked the Parks staff for their support of Gepford Park in Sun Valley. She discussed a Sun Valley event for God's Hope Closet, which supported the food bank in Sun Valley run by the Hope Nazarene Church. Commissioner Weber stated the members of the Verdi-West Truckee Meadows Citizen Advisory Board had found the two communities were very different and recently voted to separate into two groups.

Commissioner Jung requested information and a possible future agenda item concerning the tendency for big construction projects receiving federal funds to be awarded to out-of-state contractors. She noted there were local workers who did not have the ability to apply for the jobs being created. She requested information as to what the County Commission could do to ensure new construction jobs supported the local economy.

Commissioner Jung said she attended a *Prepare Washoe* community meeting at the Regional Emergency Operations Center that included many business leaders in the preparation of mutual aid agreements and planning in the event of an emergency or disaster. She stated the engineers from the Truckee River Flood Project gave a terrific presentation. She went to a very emotional ceremony as part of National Crime Victims' Rights Week, where County Manager Katy Simon sang the National Anthem. She complimented Reno Disc Golf for their improvements at Rancho San Rafael Regional Park. She attended a recent workshop put on by Community Development where citizens could comment on a new ordinance related to secondary dwellings. She announced an upcoming meeting of the Washoe County School District Oversight Panel, a Latino Education Foundation Convocation March where she was slated to be a guest speaker, and a community E-waste recycling event scheduled on May 1, 2010.

Commissioner Larkin commented on a recent memo from County Clerk Amy Harvey, which reported to the Commission that the contingency funds approved by the Board for the 2010 Board of Equalization season had not been expended. He expressed appreciation that \$20,000 was returned to the General Fund and thanked the Clerk's staff for their handling of a large number of property tax appeals and hearings.

Chairman Humke discussed a recent reunion for the *Crystal Darkness* film event that promoted awareness of methamphetamine abuse. He indicated the program started in Reno and had spread across the country to other communities. He noted approximately 70 percent of voluntary relinquishments or court-ordered parental rights termination cases through Washoe County Social Services were related to methamphetamine abuse. Commissioner Larkin said he had also been an original participant in the making of *Crystal Darkness*. He talked about his granddaughter, who was a recovered methamphetamine user. He reported that she now had two healthy babies and recently graduated from a community college in Oregon.

Chairman Humke said he recently participated in *Run the Bases with the Aces* to benefit the Safe Embrace organization (www.SafeEmbrace.org). He acknowledged Program Coordinator Cindy Carol and Executive Director Deborah Armstrong for the organization's work helping victims of domestic violence. He requested a future agenda item to discuss the possibility of using the County parking structures to generate income.

10-327 AGENDA ITEM 14A

Agenda Subject: "Approve minutes for the Washoe County Commission and Truckee Meadows Water Authority Joint Board Meeting of December 9, 2009."

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14A be approved.

10-328 AGENDA ITEM 14B

Agenda Subject: "Cancel May 18, 2010 Commission meeting."

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14B be approved.

10-329 AGENDA ITEM 14C – ASSESSOR'S OFFICE

Agenda Subject: "Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765 for errors discovered for the 2006/2007, 2007/2008, 2008/2009, 2009/2010 secured and unsecured tax rolls as outlined; and if approved, authorize Chairman to execute order for same and direct the Washoe County Treasurer to correct the errors [cumulative amount of decrease \$12,040.76]. (Parcels are in various Commission districts.)"

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14C be approved, authorized, executed and directed.

10-330 AGENDA ITEM 14D – COMPTROLLER/FINANCE

Agenda Subject: “Acknowledge receipt of the Interim Financial Report for Washoe County Governmental Funds for the nine months ended March 31, 2010 - Unaudited. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14D be acknowledged.

10-331 AGENDA ITEM 14E – DISTRICT ATTORNEY’S OFFICE

Agenda Subject: “Approve payments [\$6,650] to vendors for assistance of 41 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts)”

There was no response to the call for public comment.

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

10-332 AGENDA ITEM 14F – HUMAN RESOURCES

Agenda Subject: “Approve 3.7% salary reduction and share the employee cost of health insurance by paying \$25 per pay period for Fiscal Year 2010/11, effective July 1, 2010, for County Manager, Assistant County Managers, appointed Department Heads and non-represented Division Managers [savings from the reduction and sharing the cost of health insurance is estimated at \$350,000]. (All Commission Districts)”

Chairman Humke acknowledged the managers for setting an example in achieving an estimated \$350,000 in cost savings.

Commissioner Larkin referenced discussion about the Hay Group methodology that was contained in the staff report. He commented it was more appropriate to look at the market median rather than the average during an economic downturn. He suggested a task force to look at alternative policies.

Commissioner Weber asked for clarification regarding the assistant county managers referenced in the staff report. County Manager Katy Simon indicated the reference was to job classes and there were two assistant county managers.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14F be approved.

10-333 AGENDA ITEM 14G – LIBRARY

Agenda Subject: “Accept Library Services and Technology Act Grant for Fiscal Years 2010 and 2011 [\$37,800 - no local match required] for eBook purchases; and if accepted, authorize Library Director to execute grant-award documents and direct Finance to make appropriate budget adjustments. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14G be accepted, authorized, executed and directed.

10-334 AGENDA ITEM 14H – MEDICAL EXAMINER/CORONER

Agenda Subject: “Accept Office of Criminal Justice Assistance American Reinvestment and Recovery Act Justice Assistance Grant [\$25,000 - no County match required] for data management through the National Missing and Unidentified Persons System (February 1, 2010 through March 31, 2011); and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts)”

Chairman Humke disclosed that he served on the Nevada Juvenile Justice Commission, which may have been a pass-through agency for the grant. He stated he did not benefit from the grant. He noted the grant funds would allow Dr. Ellen Clark, Medical Examiner, to attend a forensic anthropology training course in Virginia.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14H be accepted and directed.

10-335 AGENDA ITEM 14I – SENIOR SERVICES

Agenda Subject: “Accept cash donations [\$5,926.23] for the period January 1, 2010 through March 31, 2010 for the third quarter of Fiscal Year 2009/10; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts)”

On behalf of the Board, Commissioner Jung thanked the various individuals and organizations for their generous donations.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14I be accepted and directed.

10-336 AGENDA ITEM 14J – TREASURER’S OFFICE

Agenda Subject: “Approve request to increase petty cash fund from \$20 to \$100 for the Incline Village Sheriff’s substation; and if approved, authorize Chairman to execute Resolution for same. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14J be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-337 AGENDA ITEM 14K – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Agenda Subject: “Acknowledge receipt of Truckee River Flood Management Project status report for March 2010. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14K be acknowledged.

10-338 AGENDA ITEM 14L1 – COMMUNITY RELATIONS

Agenda Subject: “Accept donation [\$20,000] from Waste Management for sponsorship of the National Association of Counties (NACo) 2010 conference; and if accepted, direct Finance to deposit same within a restricted account within the Community Relations budget. (All Commission Districts)”

On behalf of the Board, Commissioner Jung thanked Waste Management for its generous donation.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14L1 be accepted and directed.

10-339 AGENDA ITEM 14L2 – COMMUNITY SUPPORT ADMINISTRATOR/MANAGEMENT SERVICES

Agenda Subject: “Acknowledge receipt of Washoe County quarterly update report on the status of the American Recovery and Reinvestment Act 2009 (Stimulus) projects. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14L2 be acknowledged.

10-340 AGENDA ITEM 14M1 – PUBLIC WORKS

Agenda Subject: “Authorize Roads Division of Public Works through Washoe County’s Purchasing Office to solicit bids for chemical supplies for Fiscal Year 2009/10 [costs anticipated to exceed \$50,000]. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14M1 be authorized.

10-341 AGENDA ITEM 14M2 – PUBLIC WORKS

Agenda Subject: “Accept grant from U. S. Forest Service [\$27,633.92 - no County match] for Fiscal Year 2009/10 for the benefit of public roads within Washoe County; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14M2 be accepted and directed.

10-342 AGENDA ITEM 14M3 – PUBLIC WORKS

Agenda Subject: “Approve Boundary Line Adjustment in exchange for 16 (+/-) acres of property adjacent to the Washoe County Air Race buffer property, known as a portion of APN 079-332-23; and if approved, authorize Chairman to execute all agreements, maps, notices, deeds, checks and warrants as may be necessary to accomplish the exchange in the name of and on behalf of Washoe County. (Commission District 5)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14M3 be approved, authorized and executed.

10-343 AGENDA ITEM 14N1 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Accept cash and in-kind donations (trees, shrubs and museum artifacts) [\$36,067.73] from various businesses, organizations and individuals for Department of Regional Parks and Open Space programs and facilities; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts)”

On behalf of the Board, Commissioner Jung thanked the numerous individuals and organizations for their generous donations.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14N1 be accepted and directed.

10-344 AGENDA ITEM 14N2 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve License between the County of Washoe and Washoe Little League to construct an equipment storage structure at South Valleys Regional Park, and approve Lease Agreement between the County of Washoe and Washoe Little League Baseball to use the storage structure once built; and if approved, authorize Chairman to execute the License and authorize the Director of Washoe County’s Regional Parks and Open Space Department to execute the Lease Agreement upon completion of the equipment storage structure. (Commission District 2)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14N2 be approved, authorized and executed.

10-345 AGENDA ITEM 1401 – SHERIFF’S OFFICE

Agenda Subject: “Approve Interstate Agreement For Cross Designation Of Law Enforcement Officers between the County of Washoe (Washoe County Sheriff’s Office) and Modoc County (Modoc County Sheriff’s Office) to assist each other in combating interstate criminal activities through the interchange of law enforcement personnel, services, equipment, facilities and through the expanded exercise of general law enforcement powers along the contiguous borders of Modoc County, California and Washoe County; and if approved, authorize Washoe County Sheriff Haley to sign on behalf of the Washoe County Sheriff’s Office. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14O1 be approved and authorized.

10-346 AGENDA ITEM 1402 – SHERIFF’S OFFICE

Agenda Subject: “Approve Sheriff’s Security Agreement between the County of Washoe (on behalf of the Washoe County Sheriff’s Office) and Ruby Pipeline LLC to provide Uniformed Deputy Sheriffs for additional law enforcement purposes during construction of the pipeline in Northern Washoe County [no fiscal impact to Washoe County - estimated total costs reimbursed for the anticipated 10-month construction timeframe \$256,454]; and if approved, authorize Chairman to execute Agreement. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 14O2 be approved, authorized and executed.

DISCUSSION – BLOCK VOTE – AGENDA ITEMS 15, 16, 17, 18, 19 AND 20 (SEE MINUTE ITEMS 10-347 THROUGH 10-352)

The Board combined Agenda Items 15, 16, 17, 18, 19 and 20 into a single block vote.

In response to the call for public comment, Gary Schmidt objected to allowing only two minutes of public comment for the combined items in the block vote.

He pointed out the agenda provided for a public comment period on each item and it was not appropriate under the Open Meeting Law to consolidate the comment period.

Chairman Humke suggested a recess so that Mr. Schmidt could fill out comment cards for each of the block vote items. Melanie Foster, Legal Counsel, recalled that a complaint was filed several years ago concerning public comment under the consent agenda items. She indicated there had been advice from the State Attorney General that consent was considered one agenda item. She opined that members of the public were entitled to sign up for two minutes of public comment on each item under the block vote. Ms. Foster said it did not sound like Mr. Garth Elliott was complaining of any Open Meeting Law violation when he commented under Agenda Item 15.

12:06 p.m. Chairman Humke declared a brief recess.

12:41 p.m. The Board reconvened with all members present.

10-347 AGENDA ITEM 15 – PUBLIC WORKS

Agenda Subject: “Recommendation to award Base Bid and Alternate No. 1 for the Leon Drive Pedestrian Path Community Development Block Grant Project in Sun Valley to the lowest responsive and responsible bidder (staff recommends Q & D Construction) [\$298,000]; and if awarded, authorize Chairman to execute Agreement for same. (Commission District 5)”

In response to the call for public comment, Garth Elliott indicated the installation of pedestrian sidewalks would have a profoundly positive impact on the community.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 15 be awarded, authorized and executed.

10-348 AGENDA ITEM 16 – PURCHASING DEPARTMENT

Agenda Subject: “Recommendation to approve continuing joinder with Oakland County, Michigan Contract 001260 “America Saves” for office supplies and copy paper with OfficeMax for the current contract period through May 31, 2011 and any periods of extensions [estimated annual amount \$250,000]. (All Commission Districts)”

Commissioner Weber asked if it was possible to consider the recommendation of the National Association of Counties to contract with Office Depot on a future agenda. She said she was not sure if Office Depot had the same items. County Manager Katy Simon said the agenda item could be brought back. She noted the Purchasing Department had done an item-by-item analysis and determined the joinder bid was less expensive to the County taxpayers.

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 16 be approved.

10-349 AGENDA ITEM 17 – PURCHASING DEPARTMENT

Agenda Subject: “Recommendation to award Bid #2670-10 Janitorial Services for Washoe County’s various libraries to the lowest, responsive, responsible bidder, J&L Janitorial, [estimated amount \$12,731 per month [estimated annual value \$152,772] for 7 library buildings]; and if awarded, authorize Purchasing and Contracts Manager to execute a one-year agreement with two single year renewal options. (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 17 be awarded, authorized and executed.

10-350 AGENDA ITEM 18 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to award Base Bid for construction of Sun Valley Swimming Pool Rehabilitation Project to the lowest responsive and responsible bidder, Interstate Plumbing, [\$215,500 - funded by a Community Development Block Grant]; and if awarded, authorize Chairman to execute the contract documents. (Commission Districts 3 and 5)”

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 18 be awarded, authorized and executed.

10-351 AGENDA ITEM 19 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to consider and possibly approve an Amendment to the Option Agreement between RJB Development, Inc. and Washoe County for potential acquisition of approximately 228 acres of property commonly known as Northgate Golf Course for a period of two additional months ending June 30, 2010 at no cost to the County; and if approved, authorize Chairman to execute the Amendment to the Option Agreement. (Commission Districts 1 and 5)”

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 19 be approved, authorized and executed.

10-352 AGENDA ITEM 20 – HUMAN RESOURCES

Agenda Subject: “Recommendation to acknowledge receipt of the update on the Washoe County Volunteer Program and provide further direction to staff regarding program activities. (All Commission Districts)”

In response to the call for public comment, Garth Elliott suggested the volunteer program should seek to take advantage of those who were unemployed but had a skill set. He stated such individuals were capable of doing more than picking up trash and raking leaves in the parks.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the report in Agenda Item 20 be acknowledged.

10-353 AGENDA ITEM 24 – MANAGER’S OFFICE/FINANCE

Agenda Subject: “Discussion regarding recommendations from the Intergovernmental Subcommittee’s prioritized ranking of qualified projects and possible approval; and if approved, authorize the Chairman to execute a Resolution allocating all or a portion of the County’s \$59,648,000 Volume Cap for Recovery Zone Facility Bonds pursuant to the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof. (All Commission Districts)”

County Manager Katy Simon emphasized the bonds under discussion were not part of the General Fund and could not be used for County projects. She indicated the purpose of the funding was to provide bonding capacity for private projects under the American Recovery and Reinvestment Act (ARRA).

John Berkich, Assistant County Manager, conducted a PowerPoint presentation, which was placed on file with the Clerk. He stated Washoe County and the City of Reno were the only two entities in the State to have received allocations for Recovery Zone Facility (RZF) Bonds under the ARRA. He provided some background and timelines concerning the process for soliciting and reviewing project proposals as well as a timeline for allocating and issuing the Bonds. He reviewed the following list of proposed project allocations, which were prioritized and recommended by an Intergovernmental Subcommittee made up of representatives from Washoe County, the City of Reno and the City of Sparks:

Primary Projects	
Reno Eco-Energy Park (Castaways, Inc.)	\$20.04 million
Freight House (Nevada Land LLC)	\$20.6 million

Photovoltaic Manufacturing Plant (Titan Energy Systems)	\$5 million
Energy Gasification Plant (IMG Energy)	\$30 million
Hotels in Vista Hills (Hudson Realty)	\$30 million
Tessera Office Project (Northern Nevada Urban Development)	\$15 million
Stead Wastewater Treatment (GA-SNC)	\$4.6 million
Second Tier Projects (if any primary projects fall out of the process)	
Solar Panels at Reno/Tahoe Airport (GA-SNC)	\$19 million
Thermoplastic Manufacturing Plant (Cobalt Manufacturing)	\$15 million

Commissioner Breternitz asked about the status of the County's \$59 million allocation. Mr. Berkich replied that the County and City RZF Bond caps would be fully allocated under the recommendation.

Commissioner Jung remarked that staff did a tremendous job and had to invent a process. She noted other communities across the country were having difficulty with the process and were asking for input from Washoe County. She stated some terrific projects had been chosen.

Chairman Humke observed the City of Sparks was not approved for the ARRA program. He wondered if project applicants from Sparks were considered. Mr. Berkich indicated staff specifically worked with the City of Sparks to market the program and solicit applications to any interested developers. He stated the Titan Energy project was aimed at Sparks.

Commissioner Breternitz explained the Intergovernmental Subcommittee had focused on the projects that were most likely to succeed rather than on specific project locations. He asked what would happen if any of the selected proposers did not come through with a completed application and the required \$50,000 filing fee in time to meet the deadline. In that event, he hoped a secondary project would not have to wait until September 2010 to get started with the process. Mr. Berkich described the process as continuous. He stated staff would accept the filing fee and then work to assist the primary proposers in completing the tremendous amount of information required on their applications. If necessary, staff could go to the second tier alternate projects approved by the Subcommittee.

Commissioner Weber asked how many jobs would be created by each project. Under Washoe County's allocation, Mr. Berkich estimated 450 to 575 temporary and 85 permanent jobs for Castaways, Inc.; 34 employees expanding to 64 for Titan Energy Systems; and 49 temporary and 1.5 permanent jobs for the Stead Wastewater Treatment Plant. Commissioner Weber wondered if consideration was given to temporary versus permanent jobs. Mr. Berkich said job creation had been the Subcommittee's primary goal. He noted the criteria included diversification of the

economy, maximization of employment, and getting into alternative energy projects. Commissioner Jung stated the number one issue was jobs, including how quickly people would be put to work.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 24 be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-354 AGENDA ITEM 21 – FINANCE

Agenda Subject: “Update, consideration of, and possible direction to staff regarding citizens providing volunteer service to Washoe County, including liability for acts or omissions, compensation for service related injuries, and other matters properly related thereto, possibly including steps to extend coverage under Washoe County's property and liability insurance program to the acts of volunteers, and providing workers' compensation coverage for injuries incurred by volunteers. (All Commission Districts)”

John Sherman, Finance Director and Acting Risk Manager, said the purpose of the staff report was to lay out issues relative to any liability the County might incur while using volunteers. He identified two areas of potential liability: (1) property damage or personal injury caused to someone else by the acts of a volunteer, and (2) injury to a volunteer who was not covered by the County's health insurance or workers compensation policies. He stated there were two categories of volunteers. Volunteer firefighters and other groups recognized by the Sheriff, such as the Community Emergency Response Team (CERT) and the Search and Rescue Squad (SARS), were considered statutory employees and were already covered by the County. Mr. Sherman indicated the agenda item was brought forward to allow the Board to consider extending workers compensation coverage to the second category of volunteer workers who were not currently covered. He explained there were statutory provisions that required approval from the Board and approval from the State Division of Industrial Relations to extend coverage to the volunteers. The County would then maintain a roster of the volunteer employees. Based on an actuarial estimate of potential claims, he estimated workers compensation coverage would cost about \$160,000 per year.

Mr. Sherman outlined a second liability issue that focused on the Medical Reserve Corp (MRC) volunteers under the District Health Department. He indicated there had been issues related to the volunteer service agreement that volunteers were asked to sign, which waived any liability against the County. In the event of a volunteer's act or omission that caused damage to another party, the other party could not come after the County and the cost would be borne by the volunteer. He said staff believed there were federal laws to protect medical service volunteers and limit their liability. He estimated a

policy could be purchased for about \$5,000 per year to extend an additional layer of coverage so the County itself would be protected if it were sued.

Mr. Sherman requested the Commission's guidance regarding proposals to: (1) extend the workers compensation program to the secondary group of volunteers, and (2) purchase a property and liability insurance product to cover a group such as the MRC.

Commissioner Larkin asked if staff had investigated the possibility of having volunteers purchase additional riders to their homeowners or car insurance policies. He said he believed that could be done at a very nominal cost of \$5 to \$10 per year and suggested the County could pick up the cost. While it was important to protect the County's volunteers, he pointed out extending direct coverage would shift responsibility to the County. Mr. Sherman said staff had not specifically looked into such an option. Commissioner Larkin asked how many volunteers would be covered under the \$5,000 policy. Mr. Sherman replied \$5,000 would cover the MRC group of volunteers with a property and liability policy, and workers compensation would cost \$160,000 per year. He clarified certain groups such as CERT were already covered but volunteers who worked in areas such as the parks and libraries were not currently covered under the County's workers compensation plan. He indicated the liability waiver form seemed to be working fine for the non-medical groups of volunteers. Commissioner Larkin said he would be interested in seeing a comparison brought back between individuals obtaining their own insurance riders and the County paying the cost of property and liability insurance.

Commissioner Breternitz observed direct coverage protected the County in both instances. He stated there might still be some exposure and no guarantee of coverage if volunteers did something through their own insurance companies. He commented there were diminishing returns for the amount of staff effort being requested. He noted the value of the volunteer services being provided was considerably higher than the \$160,000 cost of workers compensation coverage. He emphasized the volunteers were providing services to the County and it was important to have the insurance protection. He said he did not support the idea of doing a lot of research and supported getting the insurance protection in place as soon as possible.

Commissioner Jung pointed out there were retired physicians who wanted to help as MRC volunteers. She observed things could go wrong medically even when everything was done according to the best practices. She stated the District Board of Health did not have an issue with requiring volunteers to sign an agreement but was questioning the language in the current volunteer service agreement. She suggested the language could be modified.

Commissioner Jung asked whether the proposed liability insurance gave protection only when the federal Volunteer Act and State law did not protect volunteers, or whether the volunteers would always have coverage. Mr. Sherman said it was his understanding there was a limit on how much an injured party could recover if they were

under the care of volunteers but there was some disagreement as to whether volunteer protection existed under federal and State laws. He explained the concern over the volunteer service agreement (Exhibit 2 of the staff report) related specifically to language saying the volunteer was responsible for any damages or injury resulting from their actions, including any defense of or injuries to Washoe County or its employees. He indicated the purchase of an insurance product was one way to resolve the issue for people who objected to the language in the agreement. Commissioner Jung wondered if volunteers would no longer have to sign the agreement if the Board were to approve the purchase of an insurance policy. Mr. Sherman replied there would still be an agreement but the County would not have to ask people to waive liability. He noted it was both a risk management and a legal opinion from the District Attorney's Office that the County needed protection in the form of an agreement.

Commissioner Jung asked Dr. Randall Todd, EPI Center Director for the Health Department, to comment. Dr. Todd said the Health Department staff was in complete agreement with Mr. Sherman's recommendation to protect volunteers with workers compensation. He indicated the Volunteer Protection Act of 1997 as well as NRS Chapter 41 offered some protections in terms of professional liability for volunteers. He explained the physician volunteers particularly objected to a clause in the volunteer service agreement that had been interpreted to mean the medical volunteers would have to use their personal assets to defend the County in the event of a lawsuit. He suggested the combination of purchasing a \$5,000 insurance policy and modifying the language in the agreement would probably satisfy the concerns of the medical volunteers. Dr. Todd agreed with Commissioner Jung that bad outcomes sometimes happened in medicine, even if everything was done right. In such circumstances, the County and the volunteer were both likely to be sued. He stated the volunteer could assert some protections under the Volunteer Protection Act but the Act did not protect the County. The indemnification clause in the agreement potentially required volunteers to risk their personal assets in defense of the County, even if they were off the hook for personal liability.

Commissioner Jung wondered if retired physicians carried malpractice insurance. Dr. Todd replied the majority probably did not. Commissioner Jung indicated she had spoken to physicians who wanted to participate but were hesitant to do so because they could lose everything they owned. She stated a modification of the language could satisfy both the County's risk issue and the volunteer physician's risk aversion. Dr. Todd agreed the addition of insurance and modification of the language would be a win-win for everyone.

Chairman Humke read the following sentence from page 2 of the staff report: "Premiums for such policies or endorsements are the responsibility of the department." He stated liability coverage appeared to be the responsibility of the District Health Department. Mr. Sherman indicated the Risk Management Fund billed costs to each department based on their current loss experience. He agreed that any additional volunteer coverage for workers compensation and liability would be reflected in the Health Department's budget. Chairman Humke observed doctors were not the only volunteers concerned about the liability issue. He pointed out there were attorneys who

worked on the Senior Law Project and might also be psychologists, social workers, or other professionals as well.

In response to the call for public comment, Garth Elliott stated the County needed to provide for volunteers if it was going to have them. He suggested orientation programs, training in the proper use of equipment, and properly authorized work were safeguards that could be put in place to mitigate exposure to liability.

George Hess, a retired family physician and MRC volunteer, said he had volunteered for a number of organizations in medical and non-medical roles. He stated he had never been asked to sign an agreement like the one used by the County. He indicated physicians generally could not afford to have malpractice insurance once they had retired. He explained there were some protections under NRS 41.505 for physicians doing volunteer work for nonprofit agencies but the protection did not extend to the County. He noted he could not afford to protect the County, the risk-benefit analysis did not add up, and he could spend his time elsewhere. In addition to making the volunteers statutory employees, he suggested deleting language in the agreement that said: "including any defense of or damages to Washoe County or its employees."

Commissioner Jung made a motion that was seconded by Commissioner Breternitz. A discussion ensued and the motion was withdrawn.

Chairman Humke suggested bifurcating coverage between those individuals who would typically carry professional liability insurance during their working lives and those who would not. He wondered if more research should be done for those on the professional side.

Melanie Foster, Legal Counsel, suggested the Board deal separately with the issues of workers compensation coverage for volunteers who were not currently considered statutory employees and an additional liability policy for the MRC.

Commissioner Jung offered a new motion to approve workers compensation coverage. The motion was seconded by Commissioner Breternitz and passed unanimously (see below).

Commissioner Weber stated the Board should support the volunteers and move forward to get them covered. She said she believed staff could do that.

Commissioner Breternitz indicated he had been indemnified from claims during an emergency when he previously practiced as an architect. He recalled there had been a federal program that was later endorsed by the State. He questioned whether the County could require professionals to assume liability under the following language in the agreement: "To the extent that Chapter 41 and/or the Volunteer Protection Act do not legally require Washoe County to defend indemnity, I am responsible for any such defense."

Ms. Foster said she had not been asked to look at the 2009 Volunteer Protection Act. She stated it had been well within the County's purview to shift risk under the agreement at the time the language was developed. Mr. Sherman agreed that was his understanding. He suggested the Board request a report from the District Attorney's Office if a more precise legal rendering was desired.

Chairman Humke noted the coverage of volunteers raised issues about working within the scope of assigned tasks as well as being properly trained and supervised. He agreed with Dr. Hess that it was an insult to shift risk to the volunteers, who could look for opportunities elsewhere. Ms. Foster indicated the County was clearly responsible for statutory employees such as volunteer firemen. She stated there was no question that the actions of some volunteers who were used to keep services up and running became those of the employer, (volunteers in the jails for example). She acknowledged there was some gray area, and said there was a difference between the liability associated with someone making medical decisions and the liability associated with someone picking up trash in the parks. She suggested insurance policies would ensure the County was protecting its volunteers as well as itself. Ms. Foster compared the professional services of medical volunteers to those of the attorneys who provided services for the Senior Law Project. She pointed out the County had always provided coverage to the attorneys and a similar analysis could be used with respect to the course and scope of duties assigned, supervision issues, and allowing volunteers to engage in risky activities. With respect to Commissioner Larkin's suggestion, she said she had personally checked into coverage at one time and found the cost to be more than the cost of her original homeowner's insurance. She recognized costs would vary by policy.

Commissioner Weber wondered if the MRC could be grouped with the existing statutory employees. Mr. Sherman replied there were statutory provisions that governed who could be included.

Commissioner Larkin commented that physicians were in a special category. He stated he did not think the Board was ready to move forward with the liability policy. Commissioner Weber agreed the item should be brought back.

Commissioner Weber indicated it was too difficult to make volunteers go back and look at their own policies. She noted the County was asking a lot from the volunteers and she hoped the Commission would support them and find a way to make it work for everyone.

Commissioner Breternitz agreed with Commissioner Weber and remarked it was the Board's fiduciary responsibility to find the best way and to see that the volunteers were protected.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the staff recommendation under Agenda Item 21 be approved to provide workers compensation coverage for injuries incurred by volunteers.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, staff was directed to investigate the possible ways of taking care of potential liability issues, to look at the indemnification language in the volunteer service agreement and reconfirm its applicability, and to report back to the Board.

10-355 AGENDA ITEM 22 – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code by adding Sections 40.450 through 40.460 creating the Truckee River Flood Protection Financial Assistance Program to provide financial assistance to owners of public and private property in certain areas in order to make such property resistant to flood damage (set public hearing for second reading and possible adoption of the Ordinance for May 25, 2010); it is further recommended that the Commission approve the Financial Assistance Program so proposed as a TRAction Project with initial funding set at \$2,000,000. (Commission Districts 1, 2 and 3)”

Jay Aldean, Deputy Director of the Truckee River Flood Management Project, conducted a PowerPoint presentation that was placed on file with the Clerk. He stated AB54 authorized the Commission to approve a Flood Project program that would provide voluntary financial assistance to private parties for nonstructural alternatives to the construction of levees and flood walls. Nonstructural alternatives included the flood proofing, elevation and relocation of individual homes. He described some of the features of the home elevation program, as described in the staff report. He noted three phases of the program would cover homes in various parts of Hidden Valley, as indicated on the maps included as Attachment A to the Ordinance. The program was intended to cover 100 percent of the costs for elevating homes to protect them from future flooding, based on the rationale that it would cost more money (\$55 to \$60 million) to build a levee or flood wall to protect the homes. Mr. Aldean said the expected duration of the program was about eight years, although ten years was allowed under AB54. He stated the Flood Project would act as a clearinghouse for the work and homeowners would be required to pay a one-time application fee. He indicated job creation, which was estimated in the range of 115 to 145 new jobs, would be tracked and reported back to the Commission.

Mr. Aldean noted the following corrections to the draft ordinance (Attachments B and C to the staff report):

1. Delete the definition of the Living River Plan, as shown in Paragraph 9 on page 4 under 40.453.
2. Delete the following language from item (h)(4) under 40.454 as shown on page 7: “Approved Areas must be incorporated in the Living River Plan...”
3. Add the following as paragraph 3 under 40.456 on page 8: “If the administrator determines that the subject property is not

eligible for financial assistance because the elevation of its Base Floor does not meet eligibility requirements set out in this chapter, the fee will be refunded.”

4. In the preamble to Attachment C, add: “The administrator may amend this list by regulation.”

Commissioner Jung indicated she had received a tremendous number of questions about why the Flood Project would pay for the flood proofing or elevation of individual homes. Based on information from staff, she said such measures appeared to cost about 10 percent of the \$55 million amount necessary to construct a levee or other type of flood protection that was required by the 2009 Legislature. Mr. Aldean agreed the nonstructural alternatives such as home elevation or relocation cost a great deal less than levees or flood walls, particularly in an area where there were a small number of homes to protect. He noted the revised home elevation budget was estimated to be about \$10 million to cover the qualifying homes in the Eastside Subdivision and Hidden Valley.

Chairman Humke referenced the Ordinance change that would allow refunding of the \$500 application fee for homes that did not qualify for elevation. He wondered how much elevation was required to qualify. Mr. Aldean clarified the language would allow a refund for homeowners whose homes were located at an elevation that might or might not be prone to flooding. For example, he noted a home might be just a little bit higher than the criteria set in the Ordinance. The elevation criteria could be amended by the Director from time to time as the Army Corps of Engineers acquired new information. He indicated there were provisions for non-qualifying homeowners who could prove there had been flooding in the past and provisions to allow unbiased engineering decisions about the participation of homes near the boundary lines.

Chairman Humke observed the process seemed more difficult than when it was presented to the Flood Project Coordinating Committee. Mr. Aldean stated the Ordinance set the framework to move forward but there were still many elements of the program to complete. He indicated there were contracts to be drawn up and educational materials would be developed for contractors to ensure things were done correctly according to the program.

Chairman Humke commented that one of the changes to the Ordinance granted a high degree of discretion for the Director to add a laundry list of items. Naomi Duerr, Director of the Flood Project, explained the Ordinance language was actually being tightened up by adding the words “by regulation.” She said any change she might propose would go through the normal regulatory process. Mr. Aldean noted some information, such as the calculation of the water surface, was constantly being studied and language had been included in the Ordinance to accommodate such changes.

Commissioner Breternitz observed there were a number of tilt-up warehouse buildings located in an area of the map that designated them as potential candidates for elevation. Mr. Aldean clarified all of the properties listed in the downtown section and all of the properties west of McCarran Boulevard would be eligible for flood

proofing but the project would not attempt to relocate or elevate any commercial properties. Although there were commercial buildings in the area, he stated they would not qualify for the elevation program.

There was no response to the call for public comment.

Bill No. 1618, entitled, **“AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING SECTIONS 40.450 THROUGH 40.460 CREATING THE TRUCKEE RIVER FLOOD PROTECTION FINANCIAL ASSISTANCE PROGRAM TO PROVIDE FINANCIAL ASSISTANCE TO OWNERS OF PUBLIC AND PRIVATE PROPERTY IN CERTAIN AREAS IN ORDER TO MAKE SUCH PROPERTY RESISTANT TO FLOOD DAMAGE”** was introduced by Chairman Humke, the title was read to the Board, and legal notice for final action of adoption on May 25, 2010 was directed.

Melanie Foster, Legal Counsel, recommended the words “for elevation” be removed from the legend on the map entitled Eastside, as shown in Attachment A to the staff report. She provided a modified copy of the map, which was placed on file with the Clerk.

On motion by Chairman Humke, seconded by Commissioner Jung, which motion duly carried, approval of the TRAction project in the approximate amount of \$2 million for home elevation was ordered, as described in the staff report. It was further ordered that the map entitled Eastside, as shown in Attachment A to the staff report, be amended to delete the words “for elevation” from the map’s legend.

10-356 AGENDA ITEM 25 – MANAGER’S OFFICE

Agenda Subject: “Introduction and first reading of an Ordinance amending and adding a new section designated as Chapter 90.275 and titled “Video Service Providers” requiring the payment of a franchise fee pursuant to NRS 711.670 for the privilege of providing video services through a video service network that occupies or uses any public right-of-way, street or highway within the jurisdiction of unincorporated Washoe County; and providing other matters properly relating thereto. (All Commission Districts)”

John Berkich, Assistant County Manager explained the Ordinance would bring the County into compliance with a statute that was changed during the 2007 Legislature under AB526. He indicated the statute covered cable television and video services providers (Charter and AT&T). Certificates of Authority were now issued by the Secretary of State instead of the County, although the County continued to collect franchise and business license fees, and to regulate the use of rights of way.

Commissioner Larkin said the Ordinance appeared to impose a new franchise fee. Mr. Berkich stated the County had historically used the franchise agreements to collect franchise fees. Since the agreements were no longer in place, the

Ordinance allowed the County to continue collecting the fee. Commissioner Larkin wondered if the Secretary of State was now collecting the fee or if the Ordinance raised the fee. Mr. Berkich indicated the existing fees continued to be collected by the counties at the same rate and there were no additional fees except for a State application fee when companies filed for their certificate. Commissioner Larkin asked about the collection process. Mr. Berkich explained the fees were collected by the cable company on monthly bills from each of the users and remitted to the County. He stated Charter had applied for and received a State certificate, had been making regular payments to the County, and was current on their account.

There was no response to the call for public comment.

Melanie Foster, Legal Counsel, said she had been advised by the District Attorney's Office that the copy of the ordinance attached to the staff report was a draft that might not contain the final section numbers for the Ordinance. She indicated there might be some slight numbering changes if the Ordinance came back for adoption, but the de minimis changes did not affect the Ordinance title and would not necessitate a new reading of the Ordinance.

Bill No.1619, entitled, **“AN ORDINANCE AMENDING AND ADDING A NEW SECTION DESIGNATED AS CHAPTER 90.275 AND TITLED “VIDEO SERVICE PROVIDERS” REQUIRING THE PAYMENT OF A FRANCHISE FEE PURSUANT TO NRS 711.670 FOR THE PRIVILEGE OF PROVIDING VIDEO SERVICES THROUGH A VIDEO SERVICE NETWORK THAT OCCUPIES OR USES ANY PUBLIC RIGHT-OF-WAY, STREET OR HIGHWAY WITHIN THE JURISDICTION OF UNINCORPORATED WASHOE COUNTY; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO”** was introduced by Commissioner Breternitz, the title was read to the Board, and legal notice for final action of adoption on May 11, 2010 directed.

10-357 AGENDA ITEM 26 – GOVERNMENT AFFAIRS

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

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

Howard Reynolds, former Assistant County Manager, responded to the call for public comment. He said he had read in the paper the Board might be looking at the possibility of creating a metropolitan police department. He urged the Board to submit a Bill Draft Request (BDR) to amend NRS 280.123(5). He described the statute as a very expensive “cherry picking provision,” which allowed the selection of the best benefits from each of the agencies’ collective bargaining agreements. He stated the provision made it impossible to get beyond the price tag associated with consolidation and should be removed from the statute. He suggested a better method would be to transfer employees of the participating jurisdictions under the existing terms and conditions of their collective bargaining agreements, determine one exclusive bargaining agent, and negotiate changes to the benefits.

Chairman Humke asked Mr. Reynolds if he would consent to serve in the event the County formed a citizen committee on the issue. Mr. Reynolds said he would serve. He noted he had done the original fiscal analysis for a 1996 law enforcement task force.

Chairman Humke pointed out the County had until September 2010 to decide on its BDR list. He remarked that it was a very competitive process because the Legislature only allowed the County to have four BDR’s. He suggested it might be more productive if a legislative member carried the BDR.

Commissioner Breternitz requested that the issue be added to the County’s list of possible BDR’s.

10-358 AGENDA ITEM 33 – REPORTS AND UPDATES

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

Commissioner Weber referenced the National Day of Prayer Proclamation approved by the Board earlier in the agenda. She emphasized there were no County funds used to support the community event, which was facilitated by Commissioners Weber and Larkin.

Chairman Humke announced an upcoming blood drive sponsored by Sierra Firefighters Local 395.

Commissioner Larkin said there would be a special meeting of the Regional Transportation Commission to consider a potential contract with First Transit for Access and to hear any bid protests.

Commissioner Breternitz announced an upcoming Board meeting for the Tahoe Regional Planning Agency. He talked about a very successful Workforce Housing meeting that was organized to help the people of Incline Village and Crystal Bay better understand the area's Workforce Study.

2:47 p.m. Chairman Humke declared a recess.

5:41 p.m. The Board reconvened with all members present.

10-359 **AGENDA ITEM 29**

Agenda Subject: "Washoe County Commission discussion with citizens to receive input with regard to the Fiscal Year 2010/11 Budget. (All Commission Districts)"

5:41 p.m. In response to the call for public comment, Jerry Purdy noted there were over 300,000 companies incorporated in Nevada that did not pay any income tax, corporate tax, inventory share, or franchise fees. He indicated all states except Nevada, Washington and Wyoming had a corporate profit tax that ranged between 5 and 8 percent. He stated the largest gold producer in the United States extracted approximately \$25 billion in gold from Nevada mines between 2000 and 2007, and only paid 1/2 percent in taxes. Mr. Purdy suggested the drastic cuts to balance budgets, which were killing communities and butchering government departments, did not have to happen.

10-360 **AGENDA ITEM 27 – FINANCE**

Agenda Subject: "Recommendation to direct staff to include in each department's proposed Fiscal Year 2010/11 budget an allocation of the \$11.4 million in labor cost reductions based on the bargaining unit composition of each department. (All Commission Districts)"

[The agenda item was opened earlier in the meeting to allow the District Attorney to comment. It was then continued for staff presentation and Board consideration later in the day.]

Katy Simon, County Manager, indicated the \$11.4 million did not represent operational budget reductions imposed on the departments. She explained there were targeted reductions for each labor unit allocated within the departments. If the labor units did not make concessions that met the Board's requested reduction targets, the departments would then be asked to submit operational reduction plans for the Board to consider at its July 13, 2010 meeting.

Commissioner Larkin clarified that the purpose of the agenda item was to provide a balanced budget to the State of Nevada. Ms. Simon said there was a statutory requirement for the County to provide a balanced budget to the State by June 1, 2010. She stated there would be a public hearing on May 17th to discuss budget adoption.

Commissioner Larkin wondered if approval of the agenda item would prejudice or bind the Commission to any particular reduction target. Ms. Simon assured him it did not.

Richard Gammick, District Attorney, talked about the impact of alternative departmental reductions in the event the employee bargaining units did not meet their targeted concessions. He indicated the result would be an additional reduction of \$930,622 or 5.3 percent for the District Attorney's Office, leaving the office unable to meet federal and State mandates. He stated his options in that scenario would be to eliminate child welfare and protection, decrease community protection and safety, decrease County asset protection through proactive legal advice and defense of lawsuits, or institute incremental cuts that would reduce effectiveness in all three areas. He asked the Board to look at the agenda item as a contingency should the employee associations not come forward as expected.

In response to the call for public comment, Gary Schmidt expressed concern about budget cuts in all County departments. He suggested the Board examine the contractor's agreement with the Board's Special District Attorney.

John Sherman, Finance Director, conducted a PowerPoint presentation that was placed on file with the Clerk. He reviewed the three components of the Board's plan to balance the 2010-11 fiscal year budget, which included: redirection of certain restricted revenues and the use of a certain amount of reserves, \$7.8 million in departmental budget reductions, and \$11.4 million in labor cost concessions from the County's various labor groups. He indicated it was necessary to have an alternative plan for the \$11.4 million component in the event that cost savings were not achieved during labor negotiations. He explained the recommended approach was to align the \$11.4 million labor cost savings to departmental budgets in proportion to their representation from the various employee associations, as shown in Tables 1 and 2 on pages 2 and 3 of the staff report. He observed the numbers were likely to decrease slightly before the budget adoption hearing on May 17, 2010.

Commissioner Larkin noted the Board's principle was to treat all employee groups equally. He said the principle was clearly illustrated in Table 1 but not as apparent in Table 2 as the employee groups were translated to the departmental level. Mr. Sherman agreed that the allocated complement for each department adhered to the Board's principle. Commissioner Larkin stated the staff proposal was designed to meet statutory requirements for a balanced budget but should not in any way, shape or form predispose the Commission's final budget decisions. Mr. Sherman stated the staff proposal was to begin the planning process, although he hoped the alternative departmental reductions would not become necessary. He indicated the Board would hear recommendations and make final decisions on July 13, 2010.

Chairman Humke observed there were 14 labor groups listed in Table 1. Ms. Simon clarified there were eight labor associations within Washoe County. She said the list in Table 1 included groups that did not have collective bargaining, such as the District Court, management employees, and confidential non-represented employees. Mr.

Sherman noted the judiciary was a separate branch of government. Chairman Humke asked if the dollar amount for the District Court represented all judges and staff. Mr. Sherman stated the salaries of the District Court judges were paid from State funds. Chairman Humke requested an example of a confidential employee who was not a court employee. Mr. Sherman explained a certain number of County employees could be appointed by County Administration without having to go through the merit recruitment process. He pointed out there were also certain employees in Human Resources and Finance who were confidential because they had access to information related to collective bargaining. Chairman Humke wondered if the chief deputy of an appointed or elected official fell into that category. Mr. Sherman replied those employees were in other groupings.

Chairman Humke observed the largest groups were the Washoe County Employees Association (WCEA) Supervisory and Non-Supervisory associations, as well as the Non-Supervisory and Supervisory Deputies Associations. He asked if the deputies had a plus factor in their negotiation process under State law. Ms. Simon stated there were some statutory provisions for public safety groups that were different from the other associations, the most significant of which was binding arbitration. Mr. Sherman agreed the Non-Supervisory and Supervisory Deputies were the only groups that had binding arbitration. If their negotiations came to an impasse, both sides made a last final offer and an arbitrator would decide which offer to impose on the County. He said it was typical for both sides to agree there was an impasse. Chairman Humke wondered if the arbitrators were Nevada residents. Mr. Sherman indicated the arbitrators were not necessarily residents and were chosen from a previously agreed upon list. Chairman Humke noted there were no firefighters among the groups listed. Mr. Sherman said the taxpayers paid special property taxes to fund firefighting services based on separate geographical areas. He stated the employees were paid out of each district and there were separate negotiations for their associations. Ms. Simon indicated the County negotiated on behalf of the Board of Fire Commissioners for the Sierra Fire Protection District but the District was not related to the County's General Fund. She said the Truckee Meadows Fire Protection District was consolidated with the City of Reno and the City was the employer that did the negotiating.

There was no response to the call for public comment.

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

10-361 AGENDA ITEM 28 – MANAGER'S OFFICE

Agenda Subject: "Discussion and possible direction regarding Manager's recommended Department Operating Budget Reductions Plans in the General Fund for Fiscal Year 2010/11 Budget. (All Commission Districts)"

County Manager Katy Simon conducted a PowerPoint presentation, which was placed on file with the Clerk. Because of the Board's previous actions, she stated the

current budget situation was stable and no additional cuts were needed for the remainder of fiscal year 2009-10. However, she noted expenditures were predicted to continue growing faster than revenues. She provided a graph showing trends in property tax revenues, consolidated tax revenues, and total revenues over the past ten years. A less significant decline in total revenues was expected in the future. She indicated the largest decline had been in property taxes, which currently represented 54 percent of the budget. She noted property tax revenues were not expected to rebound quickly when the economy recovered because they were subject to legislative tax caps. She talked about the impact of cost increases for employee health insurance, longevity pay, and merit increases, which were all subject to collective bargaining.

Ms. Simon reviewed the Board's balanced approach to the budget, which included departmental reductions, the use of approximately \$5.75 million in limited reserves and redirected revenues, and \$11.4 million in labor cost savings. The plan was intended to meet the Board's goals of maintaining service levels to the public as much as possible, maximizing employment and keeping County employees working, and achieving sustainable labor costs. She discussed the results of an online budget survey to which 600 people responded. Prosecuting crimes and operating the jail were identified as the overwhelming leader in terms of the public's priorities, followed by Child Protective Services, law enforcement, the courts, and the public libraries. She emphasized the survey was not statistically valid and was only intended to provide anecdotal information to the Board. She pointed out that 80 percent of the survey respondents said they were not willing to pay more for County services. She identified four budget priority groups: public safety, judicial/health/social services, general government, and culture/recreation. She displayed a chart showing the percentage reductions taken by each group over the last four budget cycles.

Ms. Simon said the departmental budget proposals included \$7.2 million in reductions and \$1.1 million in new revenues for fiscal year 2010-11. She recommended acceptance of all of the departmental plans except for those submitted by the Alternate Public Defender and the Public Guardian. She suggested the proposed lay-offs necessary to meet reduction targets in those two departments created too much liability for the County. In the case of the Alternate Public Defender, she noted the courts would simply appoint legal counsel to provide indigent defense at a much higher cost. She indicated the Public Guardian already had very high caseloads, and served adults who were fragile and vulnerable. She recommended no further staff reductions in those two departments, and acceptance of the remaining \$7.1 million in cuts and \$1.1 million in new revenue proposed by the remaining departments. She thanked the departments for their teamwork.

Ms. Simon noted there were two employee lay-offs proposed – one in the County Manager's office and one in the Senior Services department. Employee hours equating to 2.75 full-time equivalents (FTE's) were to be reduced or funded by grant programs. She highlighted some of the anticipated service impacts of the budget reductions.

Ms. Simon outlined the Board's next steps, which included a public hearing to consider budget adoption on May 17, 2010. State law required the submission of a balanced budget by June 1st. She explained the \$11.4 million in labor cost reductions would be reflected as a line item with parentheses around it in each of the departmental budgets (a contra account). She indicated the presentation was intended to give the Commission time to look at the balanced budget proposal and ask questions prior to taking action at the May 17th public hearing. She stated negotiations would continue with the employee associations in order to achieve labor cost savings and departments would also develop alternative plans as directed under Agenda Item 27.

Commissioner Weber recalled budget hearings in which the Public Administrator had outlined some potentially serious consequences to staffing reductions in his department. Ms. Simon acknowledged the Public Administrator would be impacted and said there was no department that could easily absorb the budget cuts. She noted hours would be reduced but he would not have to eliminate an employee. She indicated an opportunity was extended for the Public Administrator and other department heads to appeal the Manager's acceptance of their submitted plans, but no appeals had been received.

Commissioner Weber stated that all of the Commissioners had been contacted about the horticulturist from the Arboretum having to mow the lawns at Rancho San Rafael Regional Park. She also requested some explanation about the closure of Great Basin Adventure Park and wondered if volunteers could do something there. Ms. Simon remarked that volunteers were always appreciated and the County could not exist without them. She clarified there were no plans to eliminate any of the professional staff positions at the Arboretum, including the horticulturist. She noted the horticulturist was being asked to take on additional duties, as were most County employees. Doug Doolittle, Director of Regional Parks and Open Space, agreed that no positions were being eliminated. He stated the department's workforce had been reduced by more than 50 percent over the last three years and there was no other choice but to ask people to take on extra duties. He indicated the horticulturist would not be on a mower but would be supervising the maintenance of Rancho San Rafael as well as the Arboretum. He characterized the Arboretum as a treasure for the people of Washoe County and said none of the park properties would be allowed to fall down. He stated the horticulturist would continue to play a big role in educational programs.

Commissioner Weber noted the May Foundation funded some positions and was concerned about the horticulturist. She suggested the horticulturist was a huge asset to the Arboretum and it did not make sense that he would be responsible for the lawns and the landscaping. Mr. Doolittle said staff had recently met with representatives from the May Foundation and assured them the County would not diminish what was being done at the Arboretum. He stated the horticulturist had taken on similar duties during the previous year and it worked out fine. He emphasized there was no other staff to take on the responsibility. From a maintenance standpoint, he observed the parks were being managed at about 200 acres per employee, which was well above the national average of 15 acres. He described the Arboretum as a jewel in the community. He said he

had great respect for what the May Foundation had done and continued to do for the community. He acknowledged their contributions had been in the millions of dollars. He indicated staff would continue to meet with the May Foundation representatives on a regular basis and do everything possible to make certain their goals were met. He observed Rancho San Rafael served as the entrance to the Arboretum and it did not make sense to allow it to have less of a presence than any other park.

Mr. Doolittle pointed out the May Foundation had recommended that their funds not be used for the Great Basin Adventure Park. He did not recommend hiring seasonal employees for the Great Basin Adventure Park because it might become necessary to lay off employees if labor concessions did not materialize during negotiations. He indicated the gates would be open and the property would be available for people to enjoy in a more passive way.

Commissioner Larkin noted there were seven components to the consolidated tax. He asked which component was increasing the fastest. Mr. Sherman clarified the taxes were not increasing, but their decline was slowing. He stated the governmental services tax (vehicle registration tax, liquor and cigarette taxes) was showing the greatest recovery but was a relatively small component. He said the sales tax or basic city/county relief tax was what drove the level of consolidated tax revenue. He explained the share of the supplemental city/county relief tax component that was distributed to rural counties was growing, so that component was performing worse than the others. Commissioner Larkin said it was his understanding all components of the consolidated tax were fair game for the next legislative session. Mr. Sherman remarked anything done by State legislative formula could be reallocated.

Commissioner Larkin wondered if the \$1.1 million amount projected for new departmental revenues was sustainable. Ms. Simon said it was the opinion of the Finance and Budget staff that the revenues were sustainable, but it was not known whether they would yield the projected amounts. She noted the revenues did address some of the structural issues in the budget. Commissioner Larkin questioned whether the new revenues would reduce the \$11.4 million amount targeted for wage and benefit concessions. Ms. Simon explained many things could affect the amount. She indicated the departments were refining their estimates to complete for the current 2009-10 budget year, which would allow analysis of how much money might be carried forward to the next year. She stated the final amounts negotiated for health insurance and the actuarial analysis of prefunded health liabilities for retirees would also be taken into account. She anticipated it would be another few weeks before more accurate projections would be available to estimate the amount of labor cost savings that was necessary to balance the budget. Commissioner Larkin said it was his understanding there would be a 10 to 11 percent increase in the County's \$44 million healthcare costs. Ms. Simon said she hoped the increase might be less than that.

Commissioner Jung asked if the Great Basin Adventure Park would remain open. Ms. Simon indicated the gates would be open but there would be no staff

and the log flume ride would be closed. Mr. Doolittle indicated there were two group areas available by reservation fee but there would be no charge for casual use of the Park.

Commissioner Jung requested periodic status updates about the condition and viability of the Arboretum, either directly to the Board of County Commissioners or through the Regional Parks and Open Space Commission. Mr. Doolittle agreed to provide monthly updates through the Parks Commission.

Commissioner Jung noted the departments were asked to reduce operating budgets by \$7.8 million, and managed to come back with \$8.2 million. She wondered what could be done to thank departments and provide incentives for going above and beyond what was required. She said she supported the Manager's recommendations for the Alternate Public Defender and the Public Guardian.

Commissioner Breternitz observed public sector companies usually had a report showing budget versus actual numbers, but he did not recall seeing one in his budget package. He said he was particularly interested to see the information when there were significant offsets in revenue generation. Ms. Simon stated there was a quarterly report provided to the Commission under the consent agenda that included budget to actual figures. She suggested it might be more appropriate to present the report rather than to put it in the consent agenda. She noted the Commissioners' budget workbooks also provided actual numbers for each department as well as overall numbers for the County's \$700 million in governmental accounts. Commissioner Breternitz said he had not seen it in a way that allowed him to distinguish whether or not departmental goals for revenue generation and expenditures were being met. Ms. Simon observed there was a new manager's dashboard product being rolled out that would give every department the ability to monitor their budget to actual performance in real time. She stated the Commissioners would have the ability to go into the system at any time to look at any department. She indicated staff was happy to meet with the Commissioners and format reports according to how they wanted to see the information.

Chairman Humke asked how many Parks volunteers there were and how many worked at Rancho San Rafael. Mr. Doolittle could not provide an exact number but indicated over 35 parks had been adopted by community members and groups. He said the volunteers were contributing tens of thousands of dollars and thousands of hours of work. He noted the Botanical Society had a large number of volunteers working at Rancho San Rafael and the Boy Scouts of America volunteered to do special projects on a regular basis. He pointed out there were a lot of groups that came to town for conventions or other activities and wanted to volunteer at a highly visible park. Rancho San Rafael was often chosen by such groups because of its location. He agreed with the County Manager that volunteers were a treasured resource and were absolutely essential to the organization. In addition to providing labor, he said they often came forward with a many useful ideas.

Chairman Humke pointed out there were a lot of people in the community who partnered with the County and had a sense of positive ownership in the parks.

No action was taken on this item.

10-362 AGENDA ITEM 30 – COMMUNITY DEVELOPMENT

Agenda Subject: “Second reading and adoption 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 (Bill No. 1616). (Commission District 2)”

6:44 p.m. Chairman Humke opened the public hearing.

There was no response to the call for public comment.

Amy Harvey, County Clerk, read the title for Ordinance No. 1436, Bill No. 1616.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Ordinance No. 1436, 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" be approved, adopted and published in accordance with NRS 244.100.

10-363 AGENDA ITEM 31 – 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 AC10-004 to amend Development Agreement Case No. DA08-003 for Tentative Subdivision Map Case Number TM06-001 (Sierra Reflections - Pleasant Valley area), 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 (Bill No. 1617)--Community Development. (Commission District 2.)”

6:47 p.m. Chairman Humke opened the public hearing.

In response to the call for public comment, Gary Schmidt objected to language that would allow the Director of Community Development to grant time extensions at his sole discretion without further public hearings.

Amy Harvey, County Clerk, read the following title for Ordinance No. 1437 (Bill No. 1617): **“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 (SIERRA REFLECTIONS - PLEASANT VALLEY AREA), 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.”**

Chairman Humke asked for clarification as to the staff recommendation that the Ordinance be formally rejected as written. Melanie Foster, Legal Counsel, explained noticing requirements had not been met because of publication issues. She stated there was not a substantive defect involving the agreement itself. As a procedural matter, she noted the process needed to start over with a new first reading. Ms. Harvey indicated an incorrect date had been published by the Clerk’s Office. County Manager Katy Simon said a new first reading would take place on May 11, 2010.

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that Ordinance No. 1437 be rejected as read by the Clerk.

10-364 AGENDA ITEM 32 – COMMUNITY DEVELOPMENT

Agenda Subject: “Special Use Permit Case No. SW09-003 (Ruby Pipeline). (Commission District 5.)

To develop a high-pressure natural gas pipeline, 42 inches in diameter (Major Services and Utilities: Utilities Services Use Type) as authorized in Table 110.302.05.2 of the Washoe County Development Code. This is a Project of Regional Significance (PRS) per NRS 278.026(6)(e). This project will involve the use of explosives in some areas for excavation purposes and falls under the Hazardous Materials provision of the Development Code (110.810.42). The project is proposed

to be located in the northern portion of Washoe County, generally east and northeast of the historic Vya town site as well as generally south and west of the Sheldon National Wildlife Refuge and is proposed to traverse approximately 56 miles of Washoe County. The project is proposed to traverse approximately 22 individual parcels, the total area of disturbance is approximately 555 acres, with the width of disturbance along the proposed pipeline route ranging from 115 feet to 195 feet. All subject parcels are designated General Rural (GR) in the High Desert Area Plan, and are situated in portions of Sections 2, 3, 4, 5, 6, 10, 11 & 12 T42N R23E; Sections 1, 2, 3, 4, 5 & 6, T42N R22E; Sections 1, 2, 3 & 4 T42N R21E; Sections 31, 32 & 33 T43N R21E; Sections 35 & 36 T43N R20E; Sections 2, 3, & 4 T42N R20E; Sections 7, 18, 19, 20, 28, 29 & 33 T43N R20E; Sections 12 & 1 T43N R19E; Sections 3, 10, 14, 15, 23, 26, 35 & 36 T44N R19E; Sections 5, 6, 8, 17, 16, 21, 28, 33 & 34 T45N R19E; Sections 30 & 31 T46N R19E; Sections 2, 11, 12, 13, 24 & 25, T46N R18E; Sections 15, 22, 27, 26 & 35 T47N R18E, MDM, Washoe County, Nevada. The project is located in the Gerlach/Empire Citizen Advisory Board boundary. (APN's 061-020-63, 061-030-01, 061-030-02, 061-030-04, 061-030-23, 061-030-29, 061-050-49, 061-060-65, 061-090-15, 061-090-36, 061-130-01, 061-130-04, 061-130-25, 061-130-30, 061-130-38, 061-130-39, 061-171-16, 061-200-01, 061-200-08, 061-200-09, 061-230-29 and 061-241-02.)”

6:53 p.m. Chairman Humke opened the public hearing.

Roger Pelham, Planner, conducted a PowerPoint presentation that was placed on file with the Clerk. He noted it was not typical for the Board to hear a Special Use Permit (SUP) unless it was being appealed, but the project's use of hazardous materials (explosives for excavation) required the Board's approval. He stated a gas facility operating at greater than 100 psi was deemed to be a project of regional significance and the SUP would therefore go before the Truckee Meadows Regional Planning Commission for conformance review if it was approved by the Board.

Mr. Pelham briefly described the Ruby Pipeline project, which was proposed to cross about 60 miles of northern Washoe County. He said the project involved digging a big trench, dropping in the pipeline, and covering it back up. He indicated there would be ancillary support facilities to provide water for dust control and gravel for the roadways. He observed there were no paved roads and few residents in the remote area. He anticipated minimal long-term impacts as long as there was appropriate compliance with the conditions of approval related to grading, contouring and revegetation (see Exhibit A attached to the Planning Commission staff report). He pointed out the conditions went beyond the minimum standards of the federal government and had been approved by the Planning Commission. He noted the applicant would be required to abide by all air quality regulations for dust and emissions, and would need permits from the Air Quality Division before any building or grading permits could be issued. He displayed some photographs supplied by the applicant to show typical construction taking place in similar terrain, as well as some photographs of the actual pipeline route. Mr. Pelham stated there were no unique or extraordinary conditions requested by any of the reviewing agencies, which included Community Development,

the Washoe-Storey Conservation District, Public Works, the Air Quality and Environmental Health Divisions of the Health Department, the Sheriff's Office, and the Fire Services Coordinator. He indicated the project had been presented to the Gerlach Citizen Advisory Board (CAB) and he believed a number of their concerns had been addressed.

Mr. Pelham indicated the Planning Commission recommended approval at its public hearing on March 11, 2010. He explained there had been a slight amount of confusion related to the motion by Commissioner Hibdon to approve the project as presented by the staff planner. The applicant presented two modified conditions of approval at the Planning Commission hearing that had not been in the March 11th staff report. After the hearing, Commissioner Hibdon confirmed by email and in two phone conversations with Mr. Pelham that his intention had been to include the two modified conditions of approval. Mr. Pelham identified the two modified conditions as 1.g. and 5.b. Condition 1.g. originally required that any trees along the pipeline route that were removed by the applicant were to be replanted in the same location. Because there was no permanent irrigation along the pipeline route, the applicant instead proposed the installation of up to 100 trees in a park located within Park District 2B. Condition 5.b. was related to vector control. Mr. Pelham stated the Health Department normally did not allow the use of hay and straw bales, but agreed to make an exception with the condition that they be removed so they could not introduce any noxious weeds or provide a habitat for insects to breed.

Mr. Pelham recommended that the Board uphold the Planning Commission's approval of the SUP, subject to five findings found in Section 110.810.30 of the Washoe County Development Code, subject to two additional findings required by the High Desert Area Plan, and noting modified Conditions of Approval 1.g. and 5.b.

Commissioner Larkin asked whether it was appropriate for the Board to "uphold" the Planning Commission's recommendation since the SUP was not being heard on appeal. Melanie Foster, Legal Counsel, clarified the appropriate terminology was to "affirm" the Planning Commission's recommendation.

Chairman Humke questioned whether the unusual motion that had been supplemented by email would hold up as a lawful action of the Planning Commission with respect to conditions 1.g. and 5.b. Ms. Foster opined it was acceptable because it had not been challenged and was a clarification of the original motion's intent. She suggested the Board of County Commissioners had an opportunity to look at the conditions from a fresh perspective. Chairman Humke asked if the applicant offered the modified conditions during the public hearing before the Planning Commission. Mr. Pelham confirmed that they had. He said in his opinion there had been an oversight. He indicated it had been the recommendation of the District Attorney's Office to clarify the intent of the motions and place them on the record during the public hearing before the Board of County Commissioners. Chairman Humke observed the two modified conditions were clearly outlined on pages 3 and 4 of the staff report.

Loren Locher, representing the applicant, conducted a PowerPoint presentation that was placed on file with the Clerk. He provided a brief overview of the project, which was intended to transport natural gas (methane) from Opal, Wyoming to Malin, Oregon. He displayed maps showing the proposed pipeline route, which would cross through portions of Wyoming, Utah, Nevada and Oregon. He described the project as a win-win for natural gas consumers and producers, in that it would bring clean burning and competitively priced natural gas to the west coast markets. He stated the immediate benefit would be 600 to 800 jobs in Washoe County and approximately 3,500 jobs across the State of Nevada. He estimated about \$2.5 million in ad valorem taxes would be paid annually to Washoe County and about \$45.5 million in sales taxes would be paid to the State. He noted about 90 percent of the Washoe County portion of the pipeline ran through public lands and the remainder through private lands. Additional SUP applications were submitted for a pipe storage yard located near Gerlach and the Vya Temporary Workers Camp. Mr. Locher emphasized approval of the SUP did not clear the project to move forward. He indicated an order was received on April 5, 2010 stating that the Federal Energy Regulatory Commission (FERC) was in favor of the project. The process had begun to obtain Notice to Proceed documents from the FERC but a Record of Decision was still pending from the Bureau of Land Management (BLM). Mr. Locher displayed typical construction photographs to illustrate what the site would like during and after construction of the pipeline. He described the basic steps involved for construction, which would be followed by environmental restoration. He displayed a list of several Native American tribes that had been represented in meetings dating back to January 2009. He stated a lot of work had been done and workshops were held to try to help the tribes understand the process and to help them get work on the project.

Commissioner Jung related the project's claim that it would offset greenhouse gas emissions and asked how that would be done. Mr. Locher said the project was to be carbon neutral during construction and operation of the pipeline. He stated the main compressor station in Opal, Wyoming would use green or E-tag electricity. In addition, he explained a high quality epoxy bonding would be used to coat the inside of the pipe to reduce the friction of gas molecules against the pipeline. The smoother surface reduced the amount of compression required to move gas through the pipeline, thereby reducing emissions from each of the compressor stations. He noted every flange along the pipeline would be welded to minimize the loss of product. Work was being done with national and local groups to provide carbon sequestration, offsets and mitigation such as tree plantings. As things progressed, he indicated the Ruby Pipeline would buy carbon offsets to create a net zero carbon footprint. Commissioner Jung wondered if a condition could be added that the carbon footprint created in Washoe County was to be offset within the County. Mr. Locher replied the possibility was open for discussion. Ms. Foster expressed concern about the feasibility of making calculations to allow such a condition. She was not sure how a condition could be designed to adequately address the issue after construction was complete. Mr. Locher clarified there should be no emissions in Washoe County after construction because the pipe would be sealed. He pointed out the nearest compressor station would be in Humboldt County. He stated that anything emitted in Washoe County after construction would be highly unusual.

Commissioner Jung questioned whether the applicant was required to buy materials or services within Washoe County. Mr. Locher replied that the pipeline and other large ticket items were purchased out of state where they were manufactured. He said there was a commitment from the contractors who would operate the temporary work camp to acquire goods or services locally whenever possible. Commissioner Jung asked if that was a legal condition. Ms. Foster indicated people doing business in Washoe County could be encouraged to buy in Washoe County, but she did not think it could be imposed as a condition of approval.

Chairman Humke asked the applicant's representative whether he understood the unusual situation of approval with the Planning Commission as to conditions 1.g. and 5.b. and agreed to stand behind them. Daniel Gredvig of Ruby Pipeline LLC said he had read the conditions, offered them and passed them out to the Planning Commission members, and the applicant would stand behind them. He stated a meeting was already being scheduled with Regional Parks and Open Space staff to follow through with the commitment to plant trees.

In response to the call for public comment, Michon Eben, Cultural Resource Manager for the Reno-Sparks Tribal Council, read from a resolution signed by the Reno-Sparks Tribal Council on March 10, 2010. She placed a copy of the resolution on file with the Clerk. She indicated the project's final Environmental Impact Statement (EIS) was inadequate and incomplete. She characterized the tribal employment workshops held by the applicant as a sham. She stated only union workers could get the jobs and the unions already had their own pool of people. She noted Goal 7 of the High Desert Area Plan provided that: "public and private development will respect the value of cultural resources and historic resources in the community." She suggested there were several historic and prehistoric cultural resources on the 22 parcels involved with the project. She indicated it was important to get all of the facts. She referenced a recent newspaper article from an Oregon newspaper that claimed impacts would leave the area looking "like Hiroshima."

Aaron Townsend, Vice Chairman of the Fort Bidwell Indian Council, showed a map of the pipeline site, which was placed on file with the Clerk. He identified a large area as the tribe's aboriginal territory and expressed concern about features and tribal sites that would be destroyed by the pipeline. He stated the BLM did not clearly understand how some of the roots used by the tribes could be revegetated, and questioned whether throwing down some extra seeds would bring them back. He suggested the tribal aspects of the project had been downplayed and some of the agencies were misinformed. He indicated the meetings characterized by the applicant as consultation with the tribes were probably informational meetings where tribal members had signed in. He said the pipeline area was of extreme significance to sister tribes in northern Nevada, California and Oregon, as well as to his tribe. He noted it was one of the only areas left that was on public land and still accessible for the tribes to gather for cultural purposes.

Jon Cheek, representing the Great Basin Resource Watch (GBRW), said he was concerned that the project was being fast-tracked at the expense of a legally-required thorough review. He agreed with previous speakers who thought the final EIS was inadequate and incomplete, and consultation with the tribal communities had been limited or nonexistent. He expressed concern about the environmental impacts on the sage grouse and its northern Nevada habitats. He suggested the applicant had not provided a satisfactory explanation as to why less environmentally damaging alternative routes were not fully studied. He urged the Commission to refrain from granting the permit until analysis of all the impacts had been completed.

Steve Ingersoll spoke on behalf of the Operating Engineers and its 2,500 northern Nevada union members. He noted there was a record high unemployment rate of 13 percent in Washoe County and probably 40 to 50 percent unemployment in the construction trades. He strongly encouraged the Board to grant the SUP, which would benefit construction workers in Washoe County and throughout northern Nevada.

Garth Elliott said he had spoken with Roger Farshon, Interim Manager of the Emigrant Trails National Conservation Area (NCA). He pointed out Washoe County had 125 miles of intact emigrant trails and a view shed that was exactly like what it had been in the 1850's. He indicated the view shed should not be obstructed and the project came dangerously close to the NCA in two places. He stated there was nothing that said any of the project's 600 to 800 jobs would be filled by Nevada residents.

Charles Reed said he opposed the proposed route because he thought the Highway 140 and Black Rock alternate routes were better choices. He expressed concern about habitats for mule deer, coyotes, bobcats, antelope, sage grouse, golden eagles, black tail jack rabbits, and three threatened species – the pygmy rabbit, the Warner sucker, and the Warner Valley Red Band trout.

Keith Ingram indicated he was an electrician. He stated he would like to see Nevada workers get the construction jobs rather than the people tagging along behind the big construction companies.

John Hadder, Director of the GBRW, suggested there had been inadequate review of alternate routes that would have less impact on the area. He suggested the project might have to be revisited if it was not done right the first time and stated the project was not ready.

Gary Schmidt recalled discussion at the Gerlach CAB meeting about the cost of security for the temporary work camp. He noted it was located more than 50 miles from the only Sheriff's deputy station in Gerlach. He observed there had been no discussion of the two alternate routes and information had not been readily available at the CAB meeting. He suggested the Commission could take a position in support or opposition of any federal review process, and could relay the concerns of the residents in the area.

Commissioner Breternitz observed there was an excavation path where the pipe would be buried, with a parallel service road to bring in people and materials. He asked whether the service road would disappear or remain after the construction work was finished. Mr. Locher indicated the final easement was only 50 feet wide. He said the area where the pipeline was buried would remain clear of deep rooted vegetation such as trees, and the adjacent road would be revegetated to return it back to its original condition.

Commissioner Breternitz wondered if the proposed route would cross any land that was owned, controlled or dedicated to any Native American tribes. Mr. Locher stated it would not. Commissioner Breternitz asked what was planned to protect Native American resources. Mr. Locher explained there was an extensive plan filed with the federal government under Section 106 and the applicant continued to work with the BLM, which had final oversight over such issues. He noted the cultural resources were still being examined and the applicant was working closely with the Native Americans. Commissioner Breternitz questioned whether there had been any objections, complaints or concerns from the Nevada Department of Wildlife (NDOW) related to the pipeline in Washoe County. Mr. Locher stated the sage grouse had been one of the agency's primary concerns. He noted information was submitted to the NDOW by the applicant concerning bird counts and nesting locations along the pipeline route for their use in helping to manage the resource. Commissioner Breternitz questioned whether there were any other specific concerns. Mr. Gredvig said the State agencies had contributed their comments through the EIS to the FERC, which was the lead federal agency.

Commissioner Breternitz asked what kind of commitment was proposed to employ local workers. Mr. Locher indicated Ruby Pipeline LLC was the overseer of the project but the construction was contracted to reputable and approved contractors. The understanding with the contractors was that they could bring in 50 percent of their own workers. The remaining 50 percent were to be drawn from the union hall closest to the project site. If the local union hall could not supply enough workers, the jobs went to the next closest union hall. He said there would definitely be jobs available for Washoe County residents who were qualified for the construction work. Commissioner Breternitz wondered if there were any union halls within 150 miles of the construction site in Washoe County. Mr. Locher stated Reno was one of the closest union halls, if not the closest. Commissioner Breternitz questioned whether there was a specific contractual clause with the applicant's contractors that would provide assurances and clearly spell out the commitment to local workers. Mr. Gredvig said it was his understanding the commitment was between the contractors and the local union halls. Commissioner Breternitz requested verification of the labor portion of the contractual agreements between the applicant and the contractors on the project. Mr. Gredvig explained the information might be proprietary but he would request that it be provided. Mr. Locher agreed to take Commissioner Breternitz's recommendation back to the Ruby Pipeline management.

Commissioner Larkin requested clarification of the Board's standard for reviewing the SUP. Ms. Foster indicated the Board's standard was to determine whether

or not there was substantial evidence in the record to support their decision. Commissioner Larkin asked what the standard was to submit the SUP to the Regional Planning Agency for conformance review. Mr. Pelham replied the approval of the SUP required five findings of fact under the County Development Code and two additional findings under the High Desert Area Plan. Commissioner Larkin read the following from the High Desert Area Plan: “the approval of all special use permits must include a finding that the community character, as described in the character statement, can be adequately conserved through mitigation of any potential negative impacts.” He wondered if staff was asserting that the community character would be preserved due to the temporary nature of the disturbance to the area. Mr. Pelham clarified mitigation of the impacts was related to their temporary nature as well as to the short-term and long-term recontouring, revegetation, and reclamation to be done after construction.

Commissioner Larkin requested that Mr. Pelham read the Area Plan’s character statement into the record. Mr. Pelham obtained the information and, later in the meeting, noted there were three or four paragraphs in the Area Plan that spoke to the issue. From the High Desert Area Plan, which was part of the Washoe County Comprehensive Plan, he read the paragraph beginning at the bottom of page 2 and continuing on page 3, as well as the last paragraph on page 3. A written copy of the relevant paragraphs was placed on file with the Clerk. Commissioner Larkin asked if the SUP met the criteria. Mr. Pelham said it was his opinion the criteria were met. He stated the existing character was conserved because the area’s contours and vegetation would be returned as closely as could be managed to their original state, resulting in the eventual return of the wildlife to the area. If all went well, he indicated there would be little to distinguish the right of way from the adjacent undisturbed area several years after construction. Commissioner Larkin questioned whether Washoe County had experience with similar types of projects. Mr. Pelham noted the Tuscarora Pipeline had been revegetated and, although the pipeline’s path could be identified in some areas, it was not distinguishable from the surrounding undeveloped areas in many places. He stated much of the vegetation along the site of the Vidler water importation project was coming back and would probably be indistinguishable from the surrounding areas within several years.

Commissioner Larkin referenced Section 1.03 of the Area Plan, which stated: “The granting of a special use permit for the High Desert Area Plan must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit.” He noted it was not in the purview of the County Commission to determine whether or not there was significant degradation of the air, and such determination was under the jurisdiction of the Air Quality Division of the District Health Department. Mr. Pelham agreed but stated there were conditions of approval to require all appropriate permits. Commissioner Larkin commented that any approval by the Commission would be conditioned on a permit from the Air Quality Division. Mr. Pelham clarified the condition was that the applicant comply with the permit issued by Air Quality. He stated there were severe penalties for noncompliance.

Commissioner Larkin requested a description of the compliance requirements for the hazardous materials component of the SUP. Mr. Pelham explained

there were stringent plans in place for controlling the explosives that would be used and notice was to be given as to when the blasting would take place. He pointed out the Board had approved an agreement between the applicant and the Sheriff's Office to provide additional law enforcement. Although there was additional federal oversight, he stated the County's requirement was to ensure a plan was in place for proper security. Commissioner Larkin asked if Community Development was the overseer of the security plan and was recommending that it complied with the Development Code. Mr. Pelham replied affirmatively, based upon the applicant's agreement with the Sheriff's Office.

Commissioner Weber asked Ms. Eben when the applicant's tribal workshops had taken place and why she had characterized them as a sham. Ms. Eben recalled there had been Nevada workshops in Reno, Elko and Winnemucca in October or November of 2009. Based on the Reno workshop she attended, she stated the contractors who were brought in had indicated employees were required to be union workers and not everyone was going to get a job. She acknowledged there were some non-union jobs at the Vya Camp. She observed the applicant used the sign-in sheets from the workshops to claim they had met with the tribes. She pointed out there were cultural resource monitors, but no treatment plan was in place.

Commissioner Weber requested that the applicant respond to Ms. Eben's comment that the area would be left "like Hiroshima." Mr. Locher stated the area would not look like Hiroshima. He explained a 115- to 195-foot wide corridor would be cleared for safety and construction purposes. The 50-foot wide final right of way was to be kept clear of deep-rooted vegetation. The public lands were to be replanted with seed mixes approved by the BLM and private lands were to be replanted using approved seed mixes selected by the landowner. He said it would take time, but the applicant was committed by law to monitor the revegetation for a period of years and to make sure it came back the way it should.

Commissioner Weber indicated it was important to her that the workers would come from the Washoe County area. She asked what the project would bring to the State of Nevada. Mr. Locher stated the project would bring a less expensive, domestically produced, secondary, reliable source of natural gas. The local utilities could opt to take lower-priced natural gas from the Malin hub and transport it to their customers through the Tuscarora pipeline. He reiterated that tax revenues were estimated at \$2.5 million per year to the County and \$45.5 million to the State. He noted the State taxes should help to offset Nevada's unfortunate budget deficit. He indicated the Vya Work Camp would not be unionized and as many local workers would be used as feasible, as long as they were qualified to perform the functions. He acknowledged it was not a large number of employees. He stated it was a significant project for those who were qualified union members, with a short-term scope of nine to twelve months. He did not think there was a union hall in Vya, so up to 50 percent of the jobs would be available to qualified members of the union hall in Reno. If Reno could not supply enough workers, they would come from other areas. He suggested the project would be seen as an advantage to other industries and there was speculation about possible new sources of employment in northern Washoe County over the long term.

Commissioner Weber wondered how many folks would be working out of the local union hall. Mr. Ingersoll said there would be over 1,000 operating engineers on the project, with as many as 500 from the local hiring hall. He confirmed that hiring would be done out of the union hall in Reno. Depending on how the contractor set things up, he indicated the northern Washoe County phase of the project could employ anywhere from 30 to 100 operating engineers. Based on discussions with the contractor, he stated Washoe County workers would have an opportunity to continue when the project moved into Oregon.

Commissioner Jung asked if the County had any role in the selection of the route. Mr. Pelham indicated they did not. Commissioner Jung questioned how restoration of the area would be enforced. Mr. Pelham replied that financial assurance in the form of a bond would be required for all of the private land areas. He indicated the building permits would not be finalized until unsatisfactory conditions had been mitigated. He explained staff would actually go out after construction and look at the area to make sure the contours matched the adjacent undisturbed areas. He confirmed for Commissioner Jung that the final review would be done by staff and would not come before the County Commission. He stated the bond money was held for a minimum of three years, but could be held longer until staff was satisfied that revegetation had taken place.

Commissioner Jung wondered what the Commission could do to strongly encourage the federal review process to incorporate, acknowledge and mitigate what was presented by the Native American tribal representatives who had spoken during public comment. Ms. Foster indicated the federal process was under the purview of the BLM and the FERC, with the federal conduits running through various State agencies. She indicated air quality was handled somewhat differently through the District Health Department. She suggested the Commission could request consideration of the issues by sending a letter to the appropriate agencies. Commissioner Jung questioned whether the Board could add conditions to the project. Ms. Foster replied that staff had already recommended conditions to the extent that it could do so, but the final decisions were under the jurisdiction of the federal agencies. Commissioner Jung urged the Commission to draft a letter asking the federal agencies to consider and include all issues of cultural significance, and to include the tribal members in their decision processes.

Commissioner Jung said she also had an issue with how the Board could condition 50 percent of the jobs going to Washoe County workers. She noted she was not assured by the answers to questions posed by her and Commissioner Breternitz. She asked if there was any legal remedy. Although he was generally very supportive of the project, Commissioner Breternitz stated he also wanted to find a way to back up the commitment to local workers. Ms. Foster indicated there was nothing in blackletter Nevada law as to whether or not the Commission could condition the SUP on the use of local labor. She noted there was no logical nexus between a requirement to employ at least 50 percent local labor and the seven findings the Board was required to make in order to approve the SUP. She said she understood the Board's desire to employ local

people during the construction of the pipeline, but could not legally advise that the Board could add such a condition to their approval of the SUP. Commissioner Breternitz asked if the applicant could voluntarily offer to comply. Ms. Foster said that they could, but the offer would not become an enforceable condition.

Chairman Humke questioned what the specific job descriptions would be for union members who would work on the pipeline. Mr. Locher replied there were special certifications for welders to meet federal requirements, and there were other positions such as truck drivers, equipment operators and laborers. Chairman Humke asked if the welders came from the Operating Engineers or from a separate union hall. Mr. Ingersoll indicated the welders did not belong to the Operating Engineers, but the mechanics and service personnel on the project would come from the Operating Engineers. Chairman Humke requested an explanation of the process for an individual to become a member. Mr. Ingersoll explained members came through an apprenticeship program. Outreach was done through the local high schools and with quite a few of the Native American tribes. Applicants who passed a written State aptitude test and oral interview were placed on a waiting list to go to work. Of the 2,500 members of the Northern Nevada Operating Engineers, Chairman Humke wondered how many of them were Native Americans. Mr. Ingersoll said there were quite a few active members and some were currently working on a fish ladder at the Pyramid Fish Hatchery. He was not certain but estimated there might be 15 or 20 Native Americans out of 300 applicants waiting to go to work. He estimated about 15 active journeymen and 100 active apprentices. He stated an apprentice was required to complete 6,000 working hours, which could take two to five years depending on how much work was available. Chairman Humke questioned whether an apprentice would go out to work on a project such as the pipeline. Mr. Ingersoll assured him that they would. He indicated there were probably some Native Americans on the applicant list who would go to work on the pipeline project in one or more of the northern Nevada counties.

Chairman Humke referenced the map shown by Mr. Townsend, which claimed there was a significantly large area that contained aboriginal items and rock features. He asked Mr. Locher if he had met with Mr. Townsend. Mr. Locher said he had not personally met with him. Mr. Gredvig indicated the applicant had been provided with information about the traditional cultural property outlined on Mr. Townsend's map. He stated there had been numerous attempts to arrange a meeting with the Fort Bidwell Tribe to discuss the issues. He noted the area on the map was managed by the BLM and by private landowners, and the applicant was working directly with federal and State agencies to address the issues. He clarified for Chairman Humke that the pipeline route ran through some of the area shown on the map. Mr. Gredvig observed that the pipeline route also ran parallel to the Los Angeles Department of Water and Power (LADWP) high voltage DC power line, so there was already a north-south easement in place. Chairman Humke confirmed with Mr. Gredvig and Mr. Townsend that they had their schedules with them. He asked the two gentlemen to meet at the back of the room, compare schedules, and set up a meeting. He remarked that letters and phone calls were not necessary.

Chairman Humke wondered if the applicant was in consultation with the Nevada State Historic Preservation Office (SHPO). Mr. Gredvig said they were not in consultation. He described the steps in the complex process. The FERC was the lead agency for the Section 106 process. The applicant commissioned cultural inventory work along the pipeline route and supplied it to the BLM. The BLM made an eligibility determination and provided it to the FERC. The FERC then sent the information to each state SHPO. Each state SHPO reviewed the cultural report and the eligibility determinations, and reported back to the FERC. The FERC would then supply a treatment plan and memorandum of agreement between the SHPO, the BLM, the applicant, and the FERC. The project could only move forward when all of the parties had signed the agreement outlining how the identified cultural properties were to be treated. Mr. Gredvig indicated the agreement was being drafted and he anticipated it might be signed sometime in May 2010. He noted the eligibility determinations were still being reviewed by some of the states. He emphasized the entire process was controlled by the FERC.

Commissioner Larkin referenced Commissioner Jung's recommendation that the Commission send a strong statement to the FERC. He asked whether the County had sought and been granted cooperating agency status on the project. Mr. Pelham confirmed that they had. Commissioner Larkin pointed out that cooperating agency status gave the County standing with the FERC to put information on the record during the federal review process. A discussion ensued as to whether the Board's action could include direction to have staff draft a letter to the FERC. Ms. Foster opined that it should not be part of the Board's action because it was not agendaized. She pointed out that the County Manager had taken note of the discussion and the letter could be brought back on a future agenda.

Commissioner Weber confirmed that a letter to all of the Commissioners from Ed and Wendy Lutz had been placed on file with the Clerk. The letter objected to the project and expressed concern about negative impacts on Long Valley.

Chairman Humke and Commissioners Jung and Weber disclosed meetings, emails, written communications, and phone conversations with various stakeholders regarding the Ruby Pipeline project.

Commissioner Weber questioned whether the Board's action should include Chairman Humke's suggested meeting between Mr. Locher and Mr. Townsend. Chairman Humke indicated the gentlemen had given their word and he was confident they would meet as part of the FERC Section 106 process.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, the Board of County Commissioners affirmed the recommendation of the Planning Commission to approve Special Use Permit Case No. SW09-003 for the Ruby Pipeline project, having made five required findings in accordance with the Washoe County Development Code Section 110.810.30, and two additional findings required by the High Desert Area Plan. (Findings were shown on page

12 of the staff report presented to the Planning Commission at its March 11, 2010 meeting.) It was noted that the Board of County Commissioners was relying on the Air Quality Division of the District Health Department to make an air quality determination as outlined in the staff report to the County Commission. Approval was subject to the conditions approved by the Planning Commission and shown in Exhibit A to the Planning Commission staff report, except for modifications to Conditions 1.g. and 5.b as noted on pages 3 and 4 of the County Commission staff report.

* * * * *

8:55 p.m. There being no further business to discuss, on motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, the meeting was adjourned.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill, Deputy County Clerk*

Clark

RESOLUTION

WHEREAS, Novel H1N1 influenza, formerly known as swine flu was first recognized in spring 2009 and on April 27, 2009 the World Health Organization (WHO) raised the pandemic alert level to 4 which is just two steps short of declaring a full blown pandemic and only two days later on April 29 raised the alert to level 5, the same day on which the Washoe County Health District confirmed the first case of H1N1 in Nevada; and

WHEREAS, On June 11 as the worldwide number of H1N1 cases climbed to nearly 30,000 the World Health Organization declared a pandemic, the first in 41 years; and

WHEREAS, As the lead agency, the Washoe County Health District activated the Incident Command System, immediately sought to inform the community through media updates and press conferences, and secured antiviral medications from the National Strategic Stockpile (SNS) for distribution to local hospitals and once vaccine became available, conducted the first H1N1 vaccination clinic on October 22, 2009; and

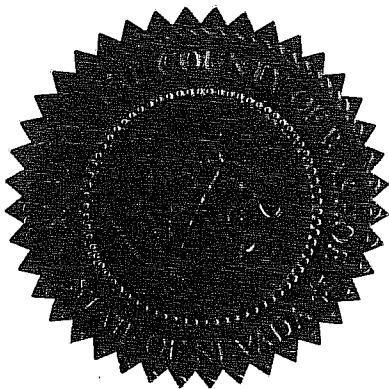
WHEREAS, The response to the announcement of this clinic was overwhelming: People starting lining up at 4:30 am. By 3:00 pm a line of approximately 1,500 wrapped around the Washoe County Complex, yet through the tireless efforts of Health District staff and volunteers, more than 1,100 people were vaccinated that first day and with each subsequent clinic, Health District staff worked to streamline the process: substantially reducing wait time and making vaccine accessible to our community's most vulnerable populations; and

WHEREAS, The Health District successfully augmented staff efforts by utilizing more than 321 person-hours from Medical Reserve Corp (MRC) volunteers and more than 468 person-hours from the Sherriff's Department Community Emergency Response Team (CERT) volunteers; and

WHEREAS, Since October 2009 the Health District has conducted more than a dozen special H1N1 vaccination clinics within its own auditorium, at schools, and other community locations and since January 2010 has conducted and continues to conduct walk-in H1N1 vaccination clinics giving more than 20,500 H1N1 doses of vaccine free of charge representing more than 50% of all H1N1 vaccine provided to residents of Washoe County; now, therefore, be it

RESOLVED, That the Washoe County Commission recognizes the outstanding efforts of the Washoe County District Health Department during the H1N1 outbreak and commends the District Health Department staff for their commitment to public health and protecting the lives of Washoe County's residents and visitors.

ADOPTED this 27th day of April 2010.



A handwritten signature in black ink, appearing to read "David Humke", written over a horizontal line.

David Humke, Chairman
Washoe County Commission

1000

2

RESOLUTION

WHEREAS, Started in 2001, The Meadow is the annual literary arts journal of student submitted creative work published every spring by Truckee Meadows Community College; and

WHEREAS, Students interested in the literary arts, graphic design and creative writing participate on the Editorial Board with faculty members; and

WHEREAS, Each year Truckee Meadows Community College students enter The Meadow in the Columbia Scholastic Press Association award competition; and

WHEREAS, This year 1,558 magazines, newspapers, yearbooks and online publications were submitted for the Crown Awards and judged on writing/editing, design, content, photography, art and graphics; and

WHEREAS, The Meadow won the College Magazine Silver Crown; and

WHEREAS, Truckee Meadows Community College was one of only two community colleges in the nation honored by the Columbia Scholastic Press Association; now, therefore, be it

RESLOVED, That the Washoe County Commission congratulates Lindsay Wilson, the editor-in-chief and the students and staff of The Meadow for receiving the prestigious Columbia Scholastic Association Silver Crown for scholastic publications.

ADOPTED this 27th day of April 2010.



David Humke, Chairman
Washoe County Commission

10-325

RESOLUTION Increase Petty Cash Fund from \$20 to \$100 for the Incline Village Sheriff's substation

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

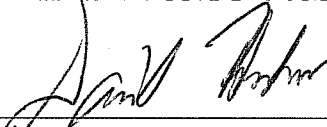
WHEREAS, the Incline Village Sheriff's substation has requested an increase in their petty cash fund from \$20.00 to \$100.00 to assist in the administration of that office; now, therefore, be it

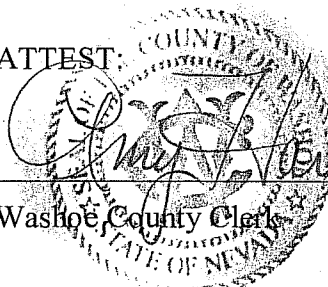
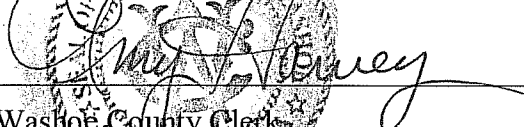
RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for an \$80.00 increase in the change fund (for a total of \$100) for the Incline Village Sheriff's substation.
2. That the above additional \$80.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said petty cash fund be used exclusively for transactions related to the Incline Village Sheriff's substation.
4. That the Sheriff shall henceforth be held accountable for the petty cash fund authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, Sheriff's Office and the Nevada Department of Taxation.

ADOPTED this 27th day of April, 2010.

WASHOE COUNTY COMMISSION

By: 
Chairman

ATTEST: 

Washoe County Clerk
STATE OF NEVADA

10-334

A RESOLUTION ALLOCATING ALL OR A PORTION OF THE COUNTY'S \$59,648,000 VOLUME CAP FOR RECOVERY ZONE FACILITY BONDS PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the County of Washoe in the State of Nevada (the "County" and "State," respectively) has received a volume cap allocation for "recovery zone facility bonds" in the amount of \$59,648,000 (the "Volume Cap") under Section 1400U-1(a)(3)(A) of the American Recovery and Reinvestment Act of 2009 (the "Act"); and

WHEREAS, the County is authorized to allocate all or a portion of its Volume Cap to beneficiaries who may issue "recovery zone facility bonds" in the amount allocated, in order to finance "recovery zone property" that is located within, or attributable to, the Recovery Zone (as defined below); and

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

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

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

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

Section 2. The County hereby allocates
\$20,040,000 of its Volume Cap to Castaways MRF and
\$ 5,000,000 of its Volume Cap to Titan Solar Panel Manufacturing and
\$30,000,000 of its Volume Cap to IMG Energy Gasification Plant and
\$ 4,600,000 of its Volume Cap to GA-SNC – Stead Wastewater Treatment Plant

10-353

to issue "recovery zone facility bonds" in the respective amounts allocated in order to finance "recovery zone property" that is located within, or attributable to, the Recovery Zone.

Section 3. An allocation made in Section 2 that is not used by August 30, 2010 may be revoked.

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

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

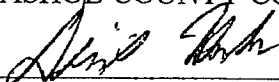
Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent of such inconsistency.

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

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

PASSED AND ADOPTED ON APRIL 27, 2010.

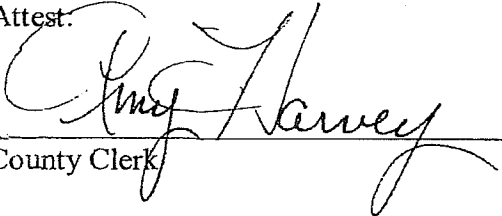
WASHOE COUNTY COMMISSION



Chairman

(SEAL)

Attest:


County Clerk

10-353

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution of the Board of County Commissioners (the "Board") adopted at a meeting of the Board held on April 27, 2010 (the "Resolution").

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

Those Voting Aye:

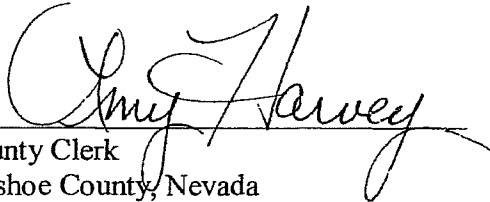
John Breternitz
David Humke
Kitty Jung
Robert M. Larkin
Bonnie Weber

Those Voting Nay:

Those Absent:

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County this April 27, 2010.



County Clerk
Washoe County, Nevada

(SEAL)

10-333

The undersigned does hereby certify:

4. All members of the Board were given due and proper notice of the meeting held on April 27, 2010.

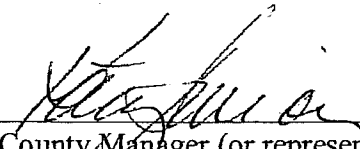
5. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted not later than 9:00 a.m. on the third working day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

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

is attached as Exhibit A.

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

IN WITNESS WHEREOF, I have hereunto set my hand this April 27, 2010.



County Manager (or representative
thereof)
Washoe County, Nevada

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EXHIBIT A

(Attach Notice of Meeting)

10-353