

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

TUESDAY

9:00 A.M.

SEPTEMBER 28, 2010

PRESENT:

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

**Amy Harvey, County Clerk (9:02 a.m. – 12:23 p.m.)**  
**Nancy Parent, Chief Deputy Clerk, (6:00 p.m. – 6:13 p.m.)**  
**Katy Simon, County Manager**  
**Melanie Foster, Legal Counsel**

*The Board of County Commissioners and the Washoe County Library Board of Trustees will begin their meeting at 9:00 a.m. in the Caucus Room (#A205) located on the 2nd Floor of Building A at 1001 E. 9th Street, Reno.*

The Washoe County Board of Commissioners and the Washoe County Library Board of Trustees convened at 9:02 a.m. for a joint meeting in the Caucus Room located on the 2nd Floor of Building A of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Also present were Library Board of Directors Chairperson Judith Simon, Member Fred Lokken and Library Director Arnie Maurins. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Boards conducted the following business:

It was noted that the Washoe County Library Board of Trustees did not have a quorum present.

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."

**10-873            AGENDA ITEM 3 – PUBLIC COMMENT**

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

Garth Elliott discussed the significance and importance that the County libraries provided to the community.

**10-874            AGENDA ITEM 4**

**Agenda Subject: “Discussion and possible action regarding ways to improve ongoing communications between the Board of County Commissioners and the Library Board of Trustees, including, but not limited to, the possible appointment of a County Commissioner as a liaison to the Library Board of Trustees.”**

Judith Simon, Library Board of Trustees Chairperson, stated the Library Board took their responsibilities very seriously. However, she believed after the recent budget cuts the libraries could not withstand further reductions. She stated the Library Board intended to have better communication with the County Commission including the possible appointment of a liaison from the Commission or quarterly meetings between the two Boards.

Member Lokken said the Library Board had endured a difficult time absorbing sizable budget reductions. He stated solutions were found that balanced the realities of the budget reductions with keeping the libraries open and the services available to citizens. Member Lokken explained an important role of the Library System during this recession was helping the unemployed. He indicated all County libraries had reported a significant increase involving the use of the internet in order to seek employment opportunities and resources. He felt communication between the two Boards was vital, and that the Library Board needed to be assured that the Commission felt the libraries were critical and, as budgets rebounded, the libraries be able to restore hours. Member Lokken complimented staff at the County libraries, and he noted under the circumstances staff did a remarkable job. He remarked due to that tremendous staff effort, patrons did not even realize how thinly staffed the libraries were. He acknowledged the Friends of the Library organization which made significant contributions and, in these difficult times, provided a huge difference. He explained this meeting was requested because of a recent Bill Draft Request (BDR) that raised concerns about the library governance. Member Lokken agreed that dialogue had been missing between the two Boards and hoped the proposed liaison would bridge that dialogue gap.

Commissioner Weber indicated the BDR concerning library governance would not be moving forward, although it did create conversation and communication. She said she was in favor of a liaison from the Commission and scheduling periodic

meetings between the two Boards. Commissioner Weber agreed that communities needed the libraries and that the two Boards needed to work together to help the citizens who utilized the libraries, computers and the other services offered. She said the Boards needed to be creative and consider other partnerships, such as *Nevadaworks*, to help place resources back into the libraries so citizens had more options in locating employment. Commissioner Weber suggested an adopt-a-library program be instituted to help raise funds.

Commissioner Breternitz stated that neither County staff nor the Commission enjoyed making the difficult budget decisions or that the libraries were targeted. He explained the budget process and how the Commission dealt with those decisions allowing them to meet the financial revenue resources. He agreed that the libraries were a popular organization in the community, but felt there was some misunderstanding that the libraries were being targeted for budget reductions. He said meeting during the budget sessions was essential in reaching an understanding of the context on how those decisions were being made.

Chairperson Simon indicated the use of volunteers had increased. She explained there was a carefully set-up application process for volunteers to ensure that privacy issues were respected and that children were safe. She remarked on a successful program called “adopt-a-periodical,” which reinstated subscriptions that would have been cut due to the reductions. Chairperson Simon stated an important part offered by the libraries were the children services and the summer reading program, which had expanded with the Washoe County School District.

Commissioner Jung stated she had previously predicted what the library use would reflect when the economy spiraled downward. She felt the emergency procedure called “Charting Our Course” was tone deaf to the inverse correlation of needs for a certain services going up, when personal economies went down. She stated she had requested a revamp for a new Charting Our Course and, as a Commission, agreed to wait until the course was charted from the Legislature in the upcoming session. Commissioner Jung felt that what was being done with the budget was reactive and not proactive.

Commissioner Jung agreed that a potential partnership with *Nevadaworks* or *JobConnect* could bring needed resources into the libraries for career counseling. She indicated she had participated in adopt-a-periodical, but inquired on the renewal process of the subscriptions since she was not notified when the subscription expired. She fully supported and endorsed the proposed liaison and felt it was a step forward in keeping the lines of communication open.

Chairman Humke stated he was looking for ways for the Library Board to multiply their efforts. He said there was a need for homework assistance, and he felt homework clubs or tutorial services were essential, which would lead to hours of operation in the late afternoon and/or evenings. He said he was concerned that the Nevada Legislature could not only take Washoe County revenues, but also send the County certain State performed functions, which would exacerbate the problem.

Chairman Humke mentioned the possible consolidation with the Law Library as an option.

Member Lokken said the partnership with the School District was true of every public library in the country. He said with the major shift of direction from the School District, the Library System would be asked to step up and be counted on to help in the improvement of the graduation rates of the students. He agreed with the comments from Commissioner Jung concerning library usage in a poor economy. He noted with the recession there was an increase in the services offered by the libraries, such as checking out DVD's and internet usage.

Commissioner Weber indicated this was an opportunity to be creative and reevaluate what was being done and also an opportunity to work together. She reiterated that *Nevadaworks* and *JobConnect* would be good resources to consider and encouraged the Library Board to discuss those options. She explained the Sierra Nevada Job Corps offered an Intern Program and felt that might be pursued as well.

**\*9:35 a.m.** Commissioner Larkin arrived.

Commissioners Jung and Weber both expressed interest in becoming the Commission liaison for the Board of Library Trustees.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Chairman Humke, which motion duly carried, it was ordered that Commissioner Jung be appointed as the County Commission liaison and Commissioner Weber be appointed as an alternate liaison to the Washoe County Library Board of Trustees.

**10-875**      **AGENDA ITEM 5**

**Agenda Subject:** “Discussion regarding the changing roles of the County’s public libraries and possible direction to staff.”

Judith Simon, Library Board of Trustees Chairperson, felt the Commission was familiar with the changing roles of the libraries as illustrated in the staff report. She said there was also a strategic plan in place that touched on the topics noted and that the liaison would be a tremendous help with communications. Chairperson Simon discussed library programs in the Incline Village area that offered outreach programs for that community.

Member Lokken said in essence library communities worked together. He highlighted the growth in internet service to customers and added that the County Library website had improved the level of service for students and senior citizens as requested by library patrons.

Arnie Maurins, Library Director, said the roles and responsibilities of the libraries highlighted a library as being an important center to visit. He said libraries had an important role in bolstering the local economy and were often centerpieces of the community, and in this role served as a local meeting location, a place to advertise local businesses and events and a community landmark. Chairperson Simon indicated that libraries were a lifeline for senior citizens and provided a wealth of information for them.

There was no action taken or public comment on this item.

**10-876            AGENDA ITEM 6**

**Agenda Subject: “Update on the Citizens’ Advisory Committee on the Future of the Washoe County Library System, including its charge, the status of the application process and the selection of one Commissioner to serve on the Committee; and, possible direction to staff concerning same.”**

Judith Simon, Library Board of Trustees Chairperson, stated it had been previously approved that volunteers could be sought from the community to serve on a Citizens Advisory Committee. She explained that process had begun and 20 applications had been collected. She said after the applications were reviewed it was determined that all the applicants were qualified; therefore, all 20 applicants were appointed to the Committee. Chairperson Simon indicated those names would come before the Commission during an October Commission meeting. She explained that the Library Board preferred a Commissioner to serve on that Committee as well.

Commissioner Weber felt it would be beneficial for a Commissioner to serve on this Committee. She recommended the same Commissioner named as liaison be named for this Committee.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Commissioner Jung would serve as the Commission representative on the Citizens Advisory Committee on the Future of the Washoe County Library System.

**10-877            AGENDA ITEM 7**

**Agenda Subject: “Discussion and possible direction to staff on next steps regarding ways to improve communications, the changing roles of the library and the Citizens’ Advisory Committee (its charge, application process and the selection of a Commissioner to serve).”**

Judith Simon, Library Board of Trustees Chairperson, suggested scheduling another meeting. Commissioner Breternitz recommended waiting until the Citizens Committee met and perhaps scheduling a meeting closer to the budget hearings.

Chairman Humke inquired on the frequency of the Citizens Advisory Committee meetings. Member Lokken replied that needed to be determined, but hoped it would be a tight window in order to accomplish the task at hand.

Chairperson Simon indicated she would explore other options available through the Library Services and Technology Act (LSTA), a federal program, which recently approved a grant to Carson City concerning job programs.

Member Lokken recognized the two malls and their owners in the North Valleys that made lease concessions this year enabling those library branches to remain open.

There was no action taken or public comment on this item.

*Following Item #7 above, the Board of County Commissioners will recess and reconvene at 10:00 a.m. in the Washoe County Commission Chambers located at 1001 E. 9th Street, Reno, for the remainder of the County Commission Agenda.*

**9:55 a.m.** The Board recessed.

**10:18 a.m.** The Board reconvened with all members present.

**10-878 AGENDA ITEM 8 – FIRE SERVICES COORDINATOR**

**Agenda Subject: “Resolution commissioning a new ambulance to be placed in service for the Gerlach Volunteer Fire Department. (All Commission Districts.)”**

Commissioner Weber read and presented the Resolution to Kurt Latipow, Fire Services Coordinator; Lisa Garland, U.S. Department of Agriculture (USDA) Rural Communities Grant Program; Rochelle Vanderpool, Community Development Block Grant Program (CDBG); and, Bill Gooch, Gerlach Volunteer Fire Department Chief.

Chief Gooch thanked the Board for their continued support.

Ms. Vanderpool stated it was thrilling to make a contribution to the Gerlach community. She stated since the 1980’s Washoe County had received approximately \$4 million from the CDBG Program and stated it was a privilege to have that partnership with the County.

Ms. Garland thanked the Board and said it was an honor to provide a much needed ambulance to the Gerlach/Empire community.

Commissioner Weber thanked and recognized Mr. Latipow for his efforts.

In response to the call for public comment, Garth Elliott applauded the acquisition of the ambulance for the Gerlach/Empire community.

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

**10-879            AGENDA ITEM 9 – FIRE SERVICES COORDINATOR**

**Agenda Subject: “Resolution supporting the week of October 3-9, 2010 as Fire Prevention Week and month of October 2010 as Fire Prevention Month. (All Commission Districts.)”**

Commissioner Jung read and presented the Resolution to Joan Presley, City of Reno Fire Marshal.

Fire Marshal Presley described the events that were planned for Fire Prevention Week and Fire Prevention Month. She indicated the following four audiences were targeted for the public education program: young children; senior citizens; college-aged students; and, families at risk. Fire Marshal Presley said Fire Inspectors and Engine companies would be presenting programs based on this year’s theme, “Smoke Detectors, - A Sound You Can Live With.” She stated topics of discussion would cover how to develop and practice a home escape drill, the importance of testing smoke detectors and the importance of routinely replacing batteries. Additionally, Engine companies and Battalion Chiefs would carry a cache of smoke detectors on their vehicles to assist families in need and senior citizens as identified on emergency scenes. She announced that various Stations had open houses scheduled for October 9, 2010.

In response to the call for public comment, Sam Dehne addressed the Board.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 9 be adopted.

**10-880            AGENDA ITEM 10 – EMERGENCY MANAGEMENT**

**Agenda Subject: “Resolution of Appreciation to the various agencies and organizations that comprise our regional partnership for disaster preparedness. (All Commission Districts.)”**

Commissioner Breternitz read and presented the Resolution to Aaron Kenneston, Emergency Manager. Mr. Kenneston thanked the Board and acknowledged the various agencies and organizations that comprised the County’s regional partnership for disaster preparedness.

In response to the call for public comment, Sam Dehne stated his support for the Resolution.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10 be adopted.

**10-881            AGENDA ITEM 11 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Proclamation--October 2010 as National Community Planning Month in Washoe County. (All Commission Districts.)”**

Commissioner Larkin read and presented the Proclamation to Adrian Freund, Community Development Director. Mr. Freund thanked the Board for their support of sound planning throughout the Region. He said each October the members of the American Planning Association took a moment to celebrate planning. Mr. Freund announced that a series of events sponsored by the Washoe County Planning Commission and the Board of Adjustment were scheduled throughout the month.

In response to the call for public comment, Garth Elliott spoke on community involvement.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 11 be adopted.

**10-882            AGENDA ITEM 12 – 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 Train the Trainer**

Jana MacMillan, Library Assistant III

**Essentials of High Performing Teams**

Eric Johnson, Sr. Technology Support Technician

Mayla Kent, Sr. Business Systems Analyst

Christine McHardy, Sexual Assault Community Outreach Coordinator

Karen Spotts, Office Assistant III

Gary Zaepfel, Technology Systems Developer

**Essentials of Personal Effectiveness**

Nicolle Hansen, Kennel Assistant

**Essentials of Support Staff**

Lynsy Nolan, Library Assistant II

Nicolle Hansen, Kennel Assistant

**10-883      AGENDA ITEM 13 – PUBLIC COMMENT**

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

Sam Dehne spoke on the upcoming General Election.

Garth Elliott discussed the recession and the upcoming General Election.

**10-884      AGENDA ITEM 14 – 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, indicated Agenda Items 15 and 27 would be pulled. She also noted that Agenda Item 29 may need to be continued.

Chairman Humke remarked that the Board had received an e-mail from Jerry Katzoff, SK Baseball, LLC, apologizing for and explaining his absence from the meeting. Garrett Gordon, Lewis and Rocha, LLP representing Nevada Land LLC, stated that Mr. Katzoff had hoped to attend the meeting, but was called out of state. He respectively requested a postponement of Agenda Item 29 until the October 26, 2010 Commission meeting.

Commissioner Weber thanked the Library Board of Trustees for meeting with the Commission earlier in the day. She stated she looked forward to an enhanced relationship with the Library Board. Commissioner Weber requested the Shared Services Committee review and discuss the street sweeping procedures in the County.

Commissioner Jung restated a previous request to determine the process and implementation for reevaluating the number of managers and supervisors to the number of employees they managed. She also suggested a review of the organizational structure to ensure that manager to employee ratios was being monitored.

Ms. Simon clarified that the specific numbers and ratios for employees and supervisors had been presented to the Board. She stated proportionately more managers and supervisors were lost than regular employees. Ms. Simon indicated during

the next strategic planning there would be discussion for the organizational structure and a sustainable organizational structure.

Commissioner Breternitz said over the course of a year the County dealt with a number of contracts and deadlines, and he noticed on occasion there were contracts or approvals that occurred after the fact. He requested effort be given to the possibility of creating a master calendar that the various departments could contribute to and provide deadline information.

**CONSENT AGENDA**

**10-885      AGENDA ITEM 16A**

**Agenda Subject: “Approve minutes for the Board of County Commissioners’ special meeting of May 17, 2010 and regular meeting of May 25, 2010.”**

There was no public comment on this item.

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

**10-886      AGENDA ITEM 16B**

**Agenda Subject: “Cancel October 19, November 16, November 23, December 21 and December 28, 2010 County Commission meetings.”**

There was no public comment on this item.

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

**10-887      AGENDA ITEM 16C – ALTERNATIVE SENTENCING**

**Agenda Subject: “Accept additional one-year grant funding for the Washoe County Repeat DUI Prevention Program [\$55,000 - no County match] for Federal Fiscal Year 2011 (Project Number 21-AL-3) from Nevada Department of Public Safety/Office of Traffic Safety; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16C be accepted and directed.

**10-888            AGENDA ITEM 16D – ASSESSOR’S OFFICE**

**Agenda Subject:** “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2007/2008, 2008/2009, 2009/2010, 2010/2011 secured and unsecured tax rolls as outlined; and if approved, authorize Chairman to execute Order and direct Washoe County Treasurer to correct the errors [cumulative amount of decrease \$58,491.55]. (Parcels are in various districts as outlined.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16D be approved, authorized, executed and directed.

**10-889            AGENDA ITEM 16E – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject:** “Approve Resolution requesting the assistance of the Attorney General in the possible prosecution of a Washoe County Sheriff’s deputy for alleged driving violations including failure to use due care, failure to maintain a travel lane and vehicular manslaughter and other matters properly related thereto; and if approved, authorize Chairman to execute Resolution. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16E be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**10-890            AGENDA ITEM 16F – DISTRICT HEALTH**

**Agenda Subject:** “Approve budget amendments [totaling decrease of \$5,614 in both revenue and expenses] to the Fiscal Year 2011 Tobacco Education and Prevention Grant (Internal Order 10010) budget; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16F be approved and directed.

**10-891            AGENDA ITEM 16G – GRANTS COORDINATOR/EMERGENCY MANAGEMENT**

**Agenda Subject:** “Accept 2010 State Emergency Response Commission, Hazardous Materials Emergency Preparedness Grant [\$4,236 - no match required] for non-county employees attendance to the Fire Shows Reno Hazmat Conference; and if accepted, direct Finance to make appropriate budget adjustments (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16G be accepted and directed.

**10-892            AGENDA ITEM 16H – PARKS DEPARTMENT**

**Agenda Subject:** “Approve Memorandum of Understanding supporting the Truckee Meadows Weed Coordinating Group’s efforts in preventing and controlling noxious weeds on lands within southern Washoe County; and if approved, authorize Director of Regional Parks and Open Space to sign same on behalf of Washoe County. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16H be approved, authorized and executed.

**10-893            AGENDA ITEM 16I – SHERIFF’S OFFICE**

**Agenda Subject:** “Approve donation of equipment from Washoe County Forensic Science Division to the Center for Undergraduate Research Experience in the Department of Biology at UNR [equipment outdated and has minimal market value]. (All Commission Districts.)”

On behalf of the Board, Commissioner Jung thanked the Washoe County Forensic Science Division for their generous donation.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16I be approved.

**10-894            AGENDA ITEM 16J(1) - FINANCE**

**Agenda Subject:** “Acknowledge appropriation adjustments within the Washoe County Capital Improvements Fund (no fiscal impact). (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16J(1) be acknowledged.

**10-895            AGENDA ITEM 16J(2) - FINANCE**

**Agenda Subject:** “Acknowledge notification of budget adjustment [\$10,000] made in order to accommodate travel expenditures in excess of the original budget, but within the Washoe County Assessor restricted funding for technology improvements approved in the Fiscal Year 2010/11 budget. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16J(2) be acknowledged.

**10-896            AGENDA ITEM 16K(1) – PUBLIC WORKS**

**Agenda Subject:** “Authorize Public Works Department to prepare contract documents and bid for 230 Edison Way Heating Ventilating and Air Conditioning Upgrades [funding source -Capital Improvement Fund]. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16K(1) be authorized.

**10-897            AGENDA ITEM 16K(2) – PUBLIC WORKS**

**Agenda Subject:** “Authorize Public Works Department to prepare contract documents and bid for 911 Parr Boulevard Roof Replacement [funding source Capital Improvement Fund]. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16K(2) be authorized.

**10-898            AGENDA ITEM 16K(3) – PUBLIC WORKS**

**Agenda Subject:** “Authorize Public Works Department to prepare contract documents and bid for 350 Center Street Window Replacement [funding source Capital Improvement Fund]. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16K(3) be authorized.

**10-899            AGENDA ITEM 16K(4) – PUBLIC WORKS**

**Agenda Subject:** “Approve Consent to Assign Land Lease Agreement between Washoe County and Sacramento-Valley Limited Partnership, d/b/a Verizon Wireless, to acknowledge an Assignment to American Tower Corporation, for use of a small portion of County property located within APN 019-140-12 [assignment fee of \$10,000 will be directed to the General Fund]; and if approved, authorize Chairman to execute Agreement. (Commission District 1.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16K(4) be approved, authorized and executed.

**10-900            AGENDA ITEM 16L(1) – SOCIAL SERVICES**

**Agenda Subject:** “Authorize Director of Social Services to accept additional Victim of Crime Act Funds [\$7,044] for Fiscal Year 2011 from the State Division of Child and Family Services to provide direct services to victims of child abuse and/or domestic violence; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16L(1) be authorized and directed.

**10-901            AGENDA ITEM 16L(2) – SOCIAL SERVICES**

**Agenda Subject: “Authorize Director of Social Services to accept Digital Technology Grant [\$10,464 - no match required] from the State Division of Child and Family Services through the federal Children’s Justice Act Task Force, to assist the Department in the identification and documentation of child abuse and neglect; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16L(2) be authorized, accepted and directed.

**10-902            AGENDA ITEM 16L(3) – SOCIAL SERVICES**

**Agenda Subject: “Authorize Washoe County Department of Social Services, through the Washoe County Purchasing Office, to solicit written proposals for drug testing services, and if necessary, approve a 90-day extension of the current Contract expiring November 30, 2010. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16L(3) be authorized and approved.

**10-903            AGENDA ITEM 16M(1) – TRUCKEE RIVER FLOOD  
MANAGEMENT**

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

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16M(1) be acknowledged.

**10-904            AGENDA ITEM 16M(2) – TRUCKEE RIVER FLOOD  
MANAGEMENT**

**Agenda Subject: “Approve creation of a Public Service Intern as an Intermittent Hourly non-benefit eligible part-time intern position with a not-to-exceed 1039 working hours in a fiscal year to replace the existing 6-month temporary Public**

**Service Intern position which assists Flood Project technical staff, authorize use of the 1/8 cent sales tax dedicated to the Truckee River Flood Project to fund the position; and if all approved, direct Human Resources and Finance to make necessary adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16M(2) be approved, authorized and directed.

**10-905            AGENDA ITEM 16N(1) – WATER RESOURCES**

**Agenda Subject: “Approve Water Rights Deed and associated Water Sale Agreement between Sally J. Armstrong and John C. Barnhardt as Grantors and Washoe County as Grantee to supply water service to their dog kennel; and if approved, authorize Chairman to execute Water Rights Deed and Agreement and direct Water Rights Manager to record all documents. (Commission District 4.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16N(1) be approved, authorized, executed and directed.

**10-906            AGENDA ITEM 16N(2) – WATER RESOURCES**

**Agenda Subject: “Approve Water Rights Deed transferring 4.74 acre-feet of uncommitted ground water rights from Washoe County to Randy and Kami Soule in order to make application to change the point of diversion, place and manner of use of the water rights to a well located on a separate property; and if approved, authorize Chairman to execute Water Rights Deed. (Commission District 2.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 16N(2) be approved, authorized and executed.

**10-907            AGENDA ITEM 16N(3) – WATER RESOURCES**

**Agenda Subject: “Authorize Washoe County Department of Water Resources to advertise and solicit bid proposals for the Dojack Way Water Main Replacement Project [anticipated contract amount per Engineer’s estimate \$88,000]. (Commission District 5.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16N(3) be authorized.

**10-908            AGENDA ITEM 16N(4) – WATER RESOURCES**

**Agenda Subject: “Approve use of Water and/or Wastewater Sewer Utility user fee reserves as a funding source through an intrafund loan for the Water and Sanitary Sewer Financial Assistance Program outlined in Washoe County Code, Chapter 40.335 through 40.348. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16N(4) be approved.

**10-909            AGENDA ITEM 16N(5) – WATER RESOURCES**

**Agenda Subject: “Authorize Washoe County Department of Water Resources to proceed with requesting statements of qualifications from engineering firms to provide design services for the improvements to the Truckee Canyon Residuals Management Facilities [an anticipated contract amount not to exceed \$90,000]. (Commission District 4.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16N(5) be authorized.

**10-910            AGENDA ITEM 16O – HUMAN RESOURCES**

**Agenda Subject: “Approve one mid-year reclassification request submitted through the job evaluation and classification process [annual fiscal impact associated with this reclassification is approximately \$8,158 to the Health Fund]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16O be approved.

**11:07 a.m.** The Board convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District (TMFPD).

**11:21 a.m.** The Board adjourned as the TMFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

**BLOCK VOTE**

The following agenda items were consolidated and voted on in a block vote: Agenda Items 18, 19, 21, 22, 23, 24, 25 and 26. It was noted that Agenda Item 28 was pulled from the agenda during the block vote. It was also noted that Agenda Item 29 would be pulled and postponed until the October 26, 2010 Commission meeting.

**10-911            AGENDA ITEM 18 – DISTRICT HEALTH**

**Agenda Subject:** “Recommendation to approve amendments [increase of \$140,000 in both revenue and expense] to the Fiscal Year 2011 DMV Excess Reserve Program Grant Budget (Internal Order 10888); and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 18 be approved and directed.

**10-912            AGENDA ITEM 19 – SENIOR SERVICES**

**Agenda Subject:** “Recommendation to accept three Independent Living Grant awards from State of Nevada Aging and Disability Services Division for various Senior Services programs [\$154,739 with \$23,212 County match] from October 1, 2010 through June 30, 2011; and if accepted, authorize Chairman to sign the Notification of Grant Awards and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

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

**10-913            AGENDA ITEM 21 – PUBLIC WORKS**

**Agenda Subject:** “Recommendation to accept grant [\$2,588,185 - no County match] and approve a Cooperative Agreement (Washoe CMAQ Equipment Purchase) between the County of Washoe and State of Nevada (Department of

Transportation) for Fiscal Years 2010/11 through 2012/13 for the purpose of acquiring nine PM10 compliant street sweepers and related equipment; and if accepted, authorize Chairman to execute Agreement, authorize Purchasing and Contracts Manager to joinder with City of Reno for the purchase of three sweepers in the current fiscal year and joinder or bid for the remaining six street sweepers over the next two fiscal years; and, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

Katy Simon, County Manager, explained these grant funds were related to particulate matter in air quality and that PM10 was an air quality standard. She indicated that most of the street sweeping performed in the County was done to comply with air quality standards. Ms. Simon said these street sweepers were special vacuum sweepers that improved air quality and kept the County in compliance.

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 21 be accepted, approved, authorized, executed and directed. The Agreement for same is attached hereto and made a part of the minutes thereof.

**10-914            AGENDA ITEM 22**

**Agenda Subject: “Recommendation to adopt a Washoe County Energy and Sustainability Strategy. (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 22 be adopted.

**10-915            AGENDA ITEM 23 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to authorize Director of Social Services to accept \$228,000 annually (beginning July 1, 2010 through June 30, 2013) for the Fund to Assist Former Foster Youth, the State Independent Living Grant, from the State Division of Child and Family Services to assist youth in making the transition from foster care to economic self-sufficiency; and if authorized, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 23 be authorized and directed.

**10-916            AGENDA ITEM 24 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to authorize Director of Social Services to accept \$285,000 annually (beginning July 1, 2010 through June 30, 2013 in Federal Chafee Funds from the State Division of Child and Family Services to assist youth in making the transition from foster care to economic self-sufficiency; and if authorized, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 24 be authorized and directed.

**10-917            AGENDA ITEM 25 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to award Invitation to Bid No. 2732-10 for Emergency Child Protection Shelter Operator at Kids Kottage, Kids Kottage Too and Kids Kottage Modular (KKIII) to Adams and Associates Inc., the sole responding bidder [estimated bid award amount \$3,090,197 annually]; and if awarded, recommendation that the Purchasing and Contracts Manager be authorized to enter into a two-year Agreement commencing October 1, 2010 through September 30, 2012, with the provision for a one-year extension at Washoe County’s option. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 25 be awarded and authorized.

**10-918            AGENDA ITEM 26 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to award Request for Proposal #2749-11 for the Differential Response Program for child abuse and neglect cases to the lowest responsible, responsive proposer meeting specifications, The Children’s Cabinet, Agreement shall be for a term of one year beginning October 1, 2010 through September 30, 2011 [estimated amount \$300,000 for the first year with provision for two, one-year extensions at Washoe County’s option, annual cost for subsequent years between \$250,000 and \$300,000]; and if awarded, recommendation that the Purchasing and Contracts Administrator be authorized to execute Agreement for the Differential Response program on behalf of Washoe County and its Department of Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 26 be awarded, authorized and executed.

**10-919            AGENDA ITEM 20 – FIRE SERVICES/MANAGEMENT SERVICES**

**Agenda Subject: “Discussion and possible direction to staff on the membership composition of the Multi-Stakeholder Emergency Medical Services Task Force previously approved by the Board August 10, 2010. (All Commission Districts.) *Continued from September 14, 2010 Commission meeting.*”**

Kurt Latipow, Fire Services Coordinator, explained that no changes had been made to the staff report since the continuation of this item. He believed that the composition of the Multi-Stakeholder Emergency Medical Services Task Force (Task Force) was adequate for the initial charge and indicated the initial recommendations from staff remained the same. He remarked after reviewing a letter received from Dr. John Cassani, Pre-Medical Advisory Committee (PMAC) Chairman, he spoke with several Fire Service representatives who were surprised by the contents of the letter. He believed it was important to have criteria and an impartial analysis conducted of the entire Emergency Medical Services (EMS) Delivery System. Mr. Latipow said the Diamante Report highlighted that all the “tools in the tool box” were not being used and this review could be an opportunity to utilize those tools and provide enhanced services throughout the County.

In response to the call for public comment, and on behalf of the newly formed EMS Review Committee (Committee), Dr. Cassani read from a letter that discussed the framework and constitution of the Committee, which was placed on file with the Clerk. He said he had met with Mr. Latipow on August 19, 2010 to discuss the EMS project and the composition of the Task Force. Discussed was the philosophy that medical providers and hospitals should have all the input into this patient centric evaluation. He said Mr. Latipow stated he would approach the Fire Services to request their representatives for the Task Force be Medical Directors from each Fire Service. The Fire Service response to the request for Medical Director representation was mixed, and he noted that Mr. Latipow did not have a good feeling as to who would represent the Fire Services on the Task Force. During that meeting, it was concluded the Task Force would take a minimum of six months to formulate conclusions, which could then lead to approval by the Board for solicitation of proposals from an outside consulting agency. He said once those bids were solicited, the Task Force would transition to a Request for Proposal (RFP) review to ultimately choose an outside agency to perform the consulting audit, which would take time to complete at a significant cost to taxpayers. He said the Committee had asked him to serve as chairperson for a group constituted by the four local hospitals and the medical community. He said that Committee was prepared to review the items set forth by the Diamante Report, the 9-1-1 Dispatch Center and the overall performance of the EMS System. He felt that the proposed Task Force did not

adequately represent the continuum of health care in the community. He said included in the Committee were: Medical Director representatives from the Cities of Reno and Sparks and Sierra Fire Services; specialists representing trauma, EMS, cardiology, stroke, and emergency medicine; and, all four local hospital CEO's. Dr. Cassani indicated the focus of this Committee was to ensure that patient care was the central theme of the review and that the EMS System was reviewed by local experts in the field of medicine. The Committee was also specifically composed without administrative representatives from the Regional Emergency Medical Services Authority (REMSA), the 9-1-1 Dispatch Center or the Fire Agencies. However, the Committee would request input from those agencies to ascertain their concerns and obtain quantifiable data pertinent to the review. He explained the Committee's report would take an all inclusive look from the hospitals and medical providers who already oversaw over 80 percent of the continuum care in the EMS System. In addition, the Committee would evaluate the Fire Services first response, which would equate to an evaluation of patient care throughout the EMS System by a distinguished set of medical professionals from the community. Dr. Cassani requested the EMS Review Committee be the sole task force to evaluate the performance and credibility of the existing EMS System and, return in approximately six months with a report.

Commissioner Larkin disclosed that Dr. Cassani was his personal physician. He said after discussions with Dr. Cassani, he understood that the proposed Committee would formulate and move into existence with or without Board authorization. Dr. Cassani confirmed that the Committee had been constituted and would move forward. Commissioner Larkin asked on the outcome of the discussions held with Mr. Latipow concerning the integration of the two groups. Dr. Cassani replied the integration of the Committee and the Task Force had not been discussed. He clarified the two had initially met to discuss how the Task Force would be constituted. Commissioner Larkin said the idea was to acquire advice from the medical community and asked how that would work. Dr. Cassani replied the Committee would review all aspects of the EMS System, in addition to the evaluation and criteria presented by Mr. Latipow and also review the first response by Fire Services and the 9-1-1 Dispatch System.

Chairman Humke asked if there was a way to bring the concerns from the medical community forward and possibly meld the two groups together. Dr. Cassani replied it was the philosophy and expectations of the Task Force that the EMS review be evaluated by those most intact with what was happening, which was patient care. However, the hospitals felt that all of their representation was necessary including the individual specialists. He said in discussions with Mr. Latipow, it was recommended that those specialists not be included in the Task Force and that their information be relied upon as informational data. Dr. Cassani did not believe that the Committee was supportive of melding the two groups and felt it was important to focus on medical providers performing the evaluation and remove administrative personnel from those respective agencies, such as REMSA, Fire Services and the 9-1-1 Dispatch Service.

Dr. Cassani declared that the dispute arose because the Task Force did not include any of the previously noted specialists and was due to a combination of the

representatives from the different agencies, the lack of the different specialties represented in the Committee and the significant disproportion in the Task Force.

Chairman Humke said the individuals listed on the submitted letter were within the purview of the four local hospitals and were generally under the jurisdiction of the Washoe County District Board of Health, committee that manages and oversees the Franchise Agreement whereby REMSA practices their medical transport activities. Thereby, the Committee was all medical and not under the jurisdiction of the Washoe County Commission. He explained that the Board sought the other end of the process, which were Emergency Medical Technician (EMT) services provided by fire based services under which the Board had authority. Chairman Humke said Mr. Latipow did not wish to expand the Task Force and questioned why the two products could not be melded at a later date. Dr. Cassani felt that the addition of the numerously listed local physicians to assist the hospitals in this Committee were the correct individuals to evaluate the medical aspect, including the fire aspect. He said any request to this Committee for qualified data to elaborate and educate the members would be required to make reasonable decisions. He said it was felt that the discussed timeline, with respect to a complete evaluation of the appropriate criteria and necessary recommendations upon those evaluations, would delay the eventual result and would not bring back the answers sought by the Board.

Commissioner Breternitz remarked it was an ideal situation to have a medical group willing to spend the time and effort to conduct a study and report those findings to the Board. In the meantime, the Task Force could be working, allowing the Board to take advantage of both groups since those efforts could bring forward beneficial and innovative ideas. Commissioner Breternitz said he could not support combining both groups since the Board would lose the benefit of two groups working on the topics. He felt the perspectives of the medical community needed to be respected, but did not want that to take over the overall study of the EMS Delivery Service.

Commissioner Jung agreed with Commissioner Breternitz and believed that having two groups working simultaneously could bring to light any gaps in either analysis. She looked forward to the information and being able to make informed decisions based on the two groups working side-by-side. Commissioner Jung applauded the interest and willingness of the medical community for studying these issues.

Commissioner Weber asked if the request was to have the Committee involved with the Task Force. Dr. Cassani clarified the request was for the Board to give the Committee the sole responsibility in evaluating the performance and credibility of the existing EMS System. Commissioner Weber stated the Committee was mainly concerned with the transport portion of the EMS System. Dr. Cassani confirmed the Committee was for the evaluation of the 9-1-1 Dispatch Center, the medical dispatch physician interaction, the items listed in the Diamante Report and the overall performance of the System.

Commissioner Weber was concerned that a separate committee would not be recognized by the Board. She questioned how the Board would take the information presented from the Committee and meld that information with the Task Force.

Commissioner Larkin asked if Dr. Cassani would have the consent of the hospital community to serve and participate on the Task Force and, bring information from the Committee to the Task Force and vice versa. Dr. Cassani commented he was interested in serving on the Task Force, but was unfamiliar with the rules and regulations for exchange of information from those two groups. He stated if there was no limitation on the ability to exchange information then he was not opposed to that suggestion.

Dr. Cassani commented that the PMAC met on September 7, 2010 and indicated that two motions were put forth as recommendations to the Board of County Commissioners. He stated the motions were that the charge of the EMS Task Force include an evaluation of the 9-1-1 Dispatch Centers. Also, an EMS Task Force be charged with the evaluation of the system and that an outside consultant be brought in, if and only if, the Task Force could not reach a consensus on recommendations for improvement.

Mr. Latipow stated he and Dr. Cassani had extensive discussion about the process. He stated the six month window was suggested in the event the Task Force was expanded and due to the complexities for posting meetings and bringing a larger group together. At the conclusion of the meeting, he informed Dr. Cassani that he would be out of town, but immediately upon his return would communicate with Fire Service representatives on the concept of possibly appointing their medical directors. However, while he was out of town, the Board took a significant amount of public comment regarding the position of the hospitals. At that point, he transmitted an e-mail to Dr. Cassani that a staff report would be prepared. Mr. Latipow explained the original composition of the Task Force was presented in the Action Plan; the Plan within the Master Plan that would be studied and put in place with recommendations being brought forward. He said the Board directed an expansion of that group, and staff recommended and noted that the group had been broaden to include representatives from PMAC, an emergency room physician appointed by the Washoe County Medical Society, two citizens and a representative from the State EMS, who was the licensing authority for EMT's and paramedics.

Mr. Latipow said an initial charge of the Task Force was to develop the evaluation and assessment criteria to be used with a consultant to conduct an inclusive and comprehensive performance audit of the EMS Delivery System. He noted when the Fire Service representatives were contacted concerning the Medical Directors mentioned in the hospital's staff report, there was minimal knowledge that discussion had taken place. He also noted that the Medical Director for the North Lake Tahoe Fire Protection District was omitted from the hospital's list. Mr. Latipow stated whether the two groups could be merged and, if that level of expertise was needed to develop the initial criteria, was debatable.

Commissioner Larkin said the proposal originally brought forward included: five fire representatives; one physician; two citizens; one Board of Health member; one State EMS representative; one hospital representative; one PMAC representative; and, a representative from REMSA. He said the original intent was to develop criteria for the evaluation of the EMS System. Commissioner Larkin noted it was appropriate to undertake that review, but he was in no rush since he believed the scope of the committees would produce a fracturing in the community.

Mr. Latipow agreed with Commissioner Larkin. He suggested returning to the initial steps taken on August 19th and approach the Fire Service representatives and the other identified representatives, by discipline, to solicit their input. Then meet with Dr. Cassani in an attempt to solidify by discipline a representative recommendation to bring forward to the Board in an attempt to achieve alignment.

Commissioner Larkin indicated there were two disciplines, a fire discipline and a medical discipline, which were both complex. He remarked it would be difficult to conduct a comprehensive review of the EMS System when there was no consensus of the direction and felt this was not good public policy.

Mr. Latipow commented regardless of the number of identified disciplines, there was agreement to deliver quality pre-hospital care to the citizens of Washoe County in the most efficient manner possible.

Commissioner Breternitz said he would support the suggestion of Mr. Latipow; however, this tug-of-war game could not continue. He said it was interesting how the Task Force was conceived, with the membership modified to meet the concerns of the medical community, and the idea of the medical community forming their own group. He said he did not see this as fracturing but as healthy dialogue. Commissioner Breternitz felt it would be a mistake to have the medical community and the hospitals in control of the process, and he would not support the medical community being a substitute for the Task Force. However, if Mr. Latipow felt there was a possible compromise, he would support that recommendation.

Chairman Humke stated the Board had some control over Fire and EMS Services, but had no control over the practice of medicine or did they want any control over that practice. He thanked Commissioner Larkin for reviewing the proposed composition of the Task Force, and stated he was satisfied with the emergency medical disciplines represented. Chairman Humke said if Mr. Latipow agreed to work with the EMS Review Committee there could be a good plan in place.

Mr. Latipow suggested approving the motion as written in the staff report.

Commissioner Larkin stated he could not support the motion in the staff report since it could fracture the community and was not good public policy. He moved to authorize Mr. Latipow to continue dialogue with Dr. Cassani to bring the Board an

acceptable non-fractured group that would lead to good public policy. Commissioner Weber seconded the motion.

Commissioner Breternitz asked if the motion was to instruct Mr. Latipow to return and try to combine something with the other Committee to arrive at a combination of the two. Commissioner Larkin stated that was a correct characterization of the motion.

Commissioner Weber stated that the Board needed to move forward. She said there was an opportunity now to return and share the composition of the Committee, but then the Board would need to make a decision.

Chairman Humke opined that Commissioner Weber's statement, taken with the statement from Commissioner Breternitz, would necessitate an amendment to the motion for Mr. Latipow to return on October 12, 2010 with a timeline and to propose a final motion.

Commissioner Larkin agreed with a timeline and stated he was not opposed to the October 12, 2010 date.

Commissioner Breternitz stated he would support the motion if there was a two-week time line, but noted his vote did not support there had to be a composition modification to what was proposed. He suggested there be a dialogue to see if there were any benefits.

Mr. Latipow asked if the Board wished to give staff two weeks to see if there could be any additional balance, then it would be easier to continue this item to the next agenda since the staff report was done. He said that would allow the opportunity to have meetings, and if necessary, propose an amendment to the recommendation.

Commissioner Larkin withdrew the motion, and requested staff work on essentials. He also recommended this item be placed on the next agenda. The seconder agreed.

There was no further action on this item.

**10-920      AGENDA ITEM 30 – MANAGER/FINANCE**

**Agenda Subject: “Recommendation to acknowledge update regarding status of the Recovery Zone Facility Bond Program. (All Commission Districts.)”**

John Berkich, Assistant County Manager, stated staff had been directed to seek the necessary documentation from IMG Energy Gasification Plant, the company selected to receive the allocation, either a Letter of Credit (LOC) or that a private placement of the bonds could be made. He indicated two letters were received from a religious non-profit foundation in the Philippines committing to the issuance of an LOC

or the private purchase of the securities, but staff had been unable to substantiate the validity of those letters. Mr. Berkich said the next step was to request a hearing from the State Board of Finance to consider any information IMG Energy would bring forward. He noted that meeting was tentatively scheduled for November 9, 2010. Further direction was for staff to seek other applicants in the event IMG Energy was not successful in using the bond allocation. He said staff continued to solicit other qualified companies that could use the bond allocation. Mr. Berkich indicated staff also developed and submitted a second letter, signed by the Chairman, to the State's Congressional delegation in support of HR 4896, which included a provision to extend the Recovery Zone Facility Bond issuance deadline to December 2011.

Mr. Berkich remarked that the President and the principals from IMG Energy had travelled to the Philippines to meet with their Foundation. He commented that staff was waiting to hear the progress of those talks.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 30 be acknowledged.

**10-921            AGENDA ITEM 31 – GOVERNMENT AFFAIRS**

**Agenda Subject: “Discussion and possible direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. (All Commission Districts.)”**

Katy Simon, County Manager, indicated that John Slaughter, Management Services Director, was unavailable and no report was submitted.

**10-922            AGENDA ITEM 34 – CLOSED SESSION**

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

**12:23 p.m.**    On motion by Commissioner Weber, seconded by Commissioner Larkin, which motion duly carried, the Board recessed into a closed session in the Caucus Room for the purpose of negotiations with Employee Organizations per NRS 288.220. It was noted that the Board would reconvene for the scheduled public hearing at 6:00 p.m.

**6:00 p.m.**    The Board reconvened with all members present.

## PUBLIC HEARING

### **10-923            AGENDA ITEM 32 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Second reading and adoption of an Ordinance amending the Washoe County Code at Chapter 110 to amend the Use Table for detached accessory dwellings within Article 302 (Allowed Uses) by eliminating inconsistencies regarding required minimum lot size and uses allowed by regulatory zone, allowing by right a detached accessory dwelling in the General Rural Regulatory Zone and introducing a new administrative review procedure for establishing a detached accessory dwelling in certain regulatory zones; to amend the residential use type definitions and standards within Article 304 (Use Classification System) for attached and detached accessory dwelling units and detached accessory structures; to amend Article 902 (Definitions) to reflect the above amendments to Article 304 and to add new definitions relating to the below amendments to Article 306 (Accessory Uses and Structures); and to incorporate various amendments identified by staff and the Planning Commission to the following sections of Article 306 (Accessory Uses and Structures): Section 306.05, applicability to add clarifying language that a main use must exist and to add heavy equipment; Section 306.10, detached accessory structures to amend buildable area regulations and create lot coverage thresholds by regulatory zone, eliminate restrictions on 2-story accessory structures, require a deed restriction for connection to water and sewer, and to require an administrative permit (pursuant to Article 808) for accessory structures larger than the main dwelling; Section 306.15, main structures required to clarify a main structure or use must exist prior to establishing accessory uses; Section 306.20, attached accessory dwellings to amend the definition and size standards of attached accessory dwellings; section 306.25, detached accessory dwellings to amend the definition and size standards of detached accessory dwellings, reduce the minimum lot size required, and create a new staff level administrative review permit process; a new section titled Section 306.30, hallways, breezeways and other similar connections to establish definitions and standards for such connections; Section 306.35, outdoor storage/outdoor display to define and regulate commercial vehicles, clarify language defining outdoor storage versus temporary storage, and to incorporate changes necessitated by approval of the nuisance code; and other matters properly relating thereto (Bill No. 1631) (All Commission Districts,)”**

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Nancy Parent, Chief Deputy Clerk, read the title for Ordinance No. 1451, Bill No.1631.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Ordinance No. 1451, Bill No. 1631, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE**

AT CHAPTER 110 TO AMEND THE USE TABLE FOR DETACHED ACCESSORY DWELLINGS WITHIN ARTICLE 302 (ALLOWED USES) BY ELIMINATING INCONSISTENCIES REGARDING REQUIRED MINIMUM LOT SIZE AND USES ALLOWED BY REGULATORY ZONE, ALLOWING BY RIGHT A DETACHED ACCESSORY DWELLING IN THE GENERAL RURAL REGULATORY ZONE AND INTRODUCING A NEW ADMINISTRATIVE REVIEW PROCEDURE FOR ESTABLISHING A DETACHED ACCESSORY DWELLING IN CERTAIN REGULATORY ZONES; TO AMEND THE RESIDENTIAL USE TYPE DEFINITIONS AND STANDARDS WITHIN ARTICLE 304 (USE CLASSIFICATION SYSTEM) FOR ATTACHED AND DETACHED ACCESSORY DWELLING UNITS AND DETACHED ACCESSORY STRUCTURES; TO AMEND ARTICLE 902 (DEFINITIONS) TO REFLECT THE ABOVE AMENDMENTS TO ARTICLE 304 AND TO ADD NEW DEFINITIONS RELATING TO THE BELOW AMENDMENTS TO ARTICLE 306 (ACCESSORY USES AND STRUCTURES); AND TO INCORPORATE VARIOUS AMENDMENTS IDENTIFIED BY STAFF AND THE PLANNING COMMISSION TO THE FOLLOWING SECTIONS OF ARTICLE 306 (ACCESSORY USES AND STRUCTURES): SECTION 306.05, APPLICABILITY TO ADD CLARIFYING LANGUAGE THAT A MAIN USE MUST EXIST; SECTION 306.10, DETACHED ACCESSORY STRUCTURES TO AMEND BUILDABLE AREA REGULATIONS AND CREATE LOT COVERAGE THRESHOLDS BY REGULATORY ZONE, ELIMINATE RESTRICTIONS ON 2-STORY ACCESSORY STRUCTURES, REQUIRE A DEED RESTRICTION FOR CONNECTION TO WATER AND SEWER, AND TO REQUIRE AN ADMINISTRATIVE PERMIT (PURSUANT TO ARTICLE 808) FOR ACCESSORY STRUCTURES LARGER THAN THE MAIN DWELLING; SECTION 306.15, MAIN STRUCTURES REQUIRED TO CLARIFY A MAIN STRUCTURE OR USE MUST EXIST PRIOR TO ESTABLISHING ACCESSORY USES; SECTION 306.20, ATTACHED ACCESSORY DWELLINGS TO AMEND THE DEFINITION AND SIZE STANDARDS OF ATTACHED ACCESSORY DWELLINGS; SECTION 306.25, DETACHED ACCESSORY DWELLINGS TO AMEND THE DEFINITION AND SIZE STANDARDS OF DETACHED ACCESSORY DWELLINGS, REDUCE THE MINIMUM LOT SIZE REQUIRED, AND CREATE A NEW STAFF LEVEL ADMINISTRATIVE REVIEW PERMIT PROCESS; A NEW SECTION TITLED SECTION 306.30, HALLWAYS, BREEZEWAYS AND OTHER SIMILAR CONNECTIONS TO ESTABLISH DEFINITIONS AND STANDARDS FOR SUCH CONNECTIONS; SECTION 306.35, OUTDOOR STORAGE/OUTDOOR DISPLAY TO DEFINE AND REGULATE COMMERCIAL VEHICLES, CLARIFY LANGUAGE DEFINING OUTDOOR STORAGE VERSUS TEMPORARY STORAGE, AND TO INCORPORATE CHANGES NECESSITATED BY APPROVAL OF THE NUISANCE CODE (ORDINANCE #1426, WCC 50.300 TO 50.310); AND OTHER MATTERS PROPERLY RELATING THERETO. (BILL NO. 1631," be approved, adopted and published in accordance with NRS 244.100.

**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).”**

Katy Simon, County Manager, indicated that a water main had broken in Commissioner District 4, and emergency repairs had to be completed. She said this did not qualify as an emergency item for this agenda, but since the Batch Plant would be closing before this item could be brought before the Board, staff had been authorized to move forward with the repairs. She indicated the money would come from the Water Resources Fund.

Commissioner Larkin announced a town hall meeting relating to the Flood Project was scheduled for October 4, 2010. He said this was to discuss the Draft Joint Powers Agreement, update the community on the hydrologic model and discuss the project as a whole. He added that a Flood Project Coordinating Committee (FPCC) meeting was scheduled for October 8, 2010.

Chairman Humke said the Board met earlier in the day with the Library Board of Trustees and believed it was a positive meeting. He said he attended the Washoe County Volunteer Firefighters Association meeting. He also attended the Reno-Sparks Convention and Visitors Authority (RSCVA) meeting on September 23, 2010 and noted that the Regions event bookings were still down. Chairman Humke announced the grand opening of the Regional Transportation Commissions (RTC) 4th Street Bus Terminal was scheduled for October 28, 2010.

Commissioner Jung reported that the Regional Jobs Task Force had broken into subcommittees to review potential areas of legislative recommendations either at the federal, state or local level. She said the creation of a “strike force” was also discussed to deal with information that painted Washoe County with the same brush as other portions of the State were painted with. Also considered was an Editorial Board with the local media outlets to present to them the County’s Public Information Officers in order to help the media deliver facts specific to Washoe County. She indicated she had met with the Shared Services consultant Matrix Consulting and made it clear to them that they needed to be careful when asking staff what could be shared because of the inherent conflict of interest. She stated she attended the Adelante Awards where she was the Co-Chairperson and the Senior Advisory Board Social and Barbeque. Commissioner Jung said the District Board of Health had scheduled their strategic planning meeting for October 7, 2010 and noted that she would discuss an inventory of the spaces they leased for their functions.

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**6:13 p.m.** There being no further business to discuss, on motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, the meeting was adjourned.

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

**ATTEST:**

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

*Minutes Prepared by:  
Stacy Gonzales, Deputy County Clerk*

### **RESOLUTION**

Whereas, The Gerlach Volunteer Fire Department operates the only ambulance service in the Gerlach-Empire region, providing emergency treatment and transport over a 4,310 square mile area; and

Whereas, The Gerlach Volunteer Fire Department relies on trained volunteers to provide this valuable and life saving service; and

Whereas, Gerlach's geographic location; the aging of the population, and an increase in the number of recreational visitors are increasing the demand for emergency treatment and transport; and

Whereas, The two ambulances now in service have exceeded their useful life; one 1992 Ford F-350 4WD Ambulance and one 1994 Ford E-350 MPV Ambulance; and

Whereas, Washoe County staff aggressively sought out and received funding from the Community Development Block Grant (CDBG) program in the amount of \$125,000 and United States Department of Agriculture (USDA) Rural Development award in the amount of \$50,000 to purchase a new 2010 Horton ambulance conversion that is mounted on a Ford F450 four-wheel drive chassis; and

Whereas, The new ambulance will replace a 1994 vehicle with over 155,000 miles on it; now, therefore, be it

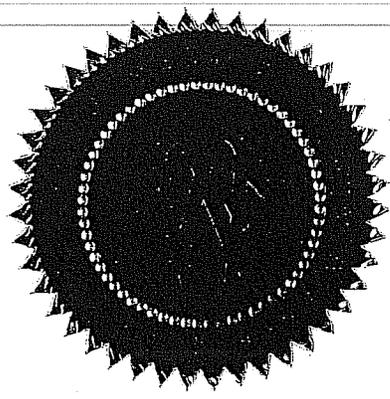
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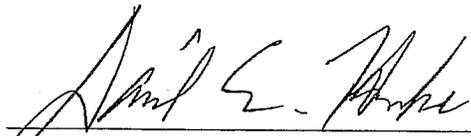
Resolved, That the Washoe County Board of Commissioners, on behalf of the citizens of Washoe County, takes delivery of the new 2010 Ford F450 Horton ambulance and commissions it into service on this 28<sup>th</sup> day of September 2010.

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Adopted this 28<sup>th</sup> day of September 2010.

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

RESOLUTION

A Resolution requesting the assistance of the attorney general in the possible prosecution of a Washoe County Sheriff's deputy for alleged driving violations including failure to use due care, failure to maintain a travel lane and vehicular manslaughter and other matters properly related thereto; and if approved, authorize the chairman to execute the resolution

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

WHEREAS, the District Attorney's Office has recently been called upon to prosecute a case involving charges of driving violations including failure to use due care, failure to maintain a travel lane and vehicular manslaughter by Washoe County Sheriff's deputy Matt Durham; and

WHEREAS, Deputy Durham was on duty on July 5, 2010 driving his assigned vehicle on Lemmon Drive when Deputy Durham's vehicle collided with a bicycle rider resulting in the on-scene death of the bicyclist; and

WHEREAS, due to Deputy Durham's employment with the Washoe County Sheriff, the Nevada Highway Patrol investigated the accident and recommended prosecution for driving violations including failure to use due care, failure to maintain a travel lane and vehicular manslaughter; and

WHEREAS, If the Washoe County District Attorney's Office

proceeds with the prosecution there may be some question as to whether the prosecution decisions are being fairly made and therefore some suggestion of impropriety or conflict of interest due to Deputy Durham's employment a county law enforcement officer; and

WHEREAS, Civil litigation is sometimes brought by accident victims' survivors based on the facts discovered in the prosecution of drivers and the possible prosecution and trial of the deputy sheriff should be conducted by prosecutors who have no relationship to the entity that may have to defend a civil suit arising from the accident; and

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

WHEREAS, if the Washoe County District Attorney's Office proceeds with the prosecution of Deputy Durham there may be some suggestion of impropriety or conflict of interest based on his employment with Washoe County,

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

1. That in accordance with the provisions of NRS 228.130, the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal

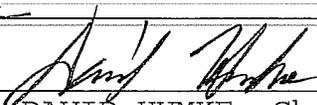
prosecution of Matt Durham involving driving violations including failure to use due care, failure to maintain a travel lane and vehicular manslaughter arising from the July 5, 2010 traffic accident on Lemmon Drive.

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

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

ADOPTED this 28<sup>th</sup> day of September, 2010,  
by the following vote:

AYES: Unanimous  
NAYS: none  
ABSENT: none  
ABSTAIN: none

  
\_\_\_\_\_  
DAVID HUMKE, Chairman

ATTEST:  
  
\_\_\_\_\_  
AMY HARVEY, County Clerk

COOPERATIVE (LOCAL PUBLIC AGENCY) AGREEMENT  
WASHOE CMAQ EQUIPMENT PURCHASE

This Agreement is made and entered the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the State of Nevada, acting by and through its Department of Transportation (hereinafter "DEPARTMENT") and Washoe County, acting by and through its Department of Public Works, 1001 E. Ninth Street, Reno, NV 89512 (hereinafter "COUNTY").

WITNESSTH:

WHEREAS, agreements between the DEPARTMENT and local public agencies are authorized under N.R.S. (Nevada Revised Statutes) Chapters 277 and 408; and

WHEREAS, the DEPARTMENT and the Nevada Division of the Federal Highway Administration (FHWA) have entered into a Stewardship Agreement pursuant to Title 23 U.S.C. (United States Code) § 106; and

WHEREAS, N.R.S. 408.245 authorizes the DEPARTMENT to act as agent and to accept federal funds on behalf of local public agencies; and

WHEREAS, this Agreement is intended to delegate authority to the COUNTY to purchase the CMAQ equipment outlined in the Project Scope attached hereto and incorporated herein as Attachment A (hereinafter "PROJECT"); and

WHEREAS, the PROJECT has been approved for Congestion Mitigation and Air Quality (CMAQ) funds and

WHEREAS, the COUNTY is a sub-recipient of federal transportation funds, C.F.D.A. (Code of Federal Domestic Assistance) Number 20.205 will be used for reporting purposes; and

NOW, THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, it is agreed as follows:

ARTICLE I - DEPARTMENT AGREES:

1. To delegate authority to the COUNTY to: (a) purchase the CMAQ equipment outlined in Attachment A (b) complete the National Environmental Policy Act (NEPA) documentation in conformance with 23 C.F.R. § 771 and (c) obtain the environmental permits and clearances.

2. To ensure that the COUNTY's actions are in accordance with applicable Federal and State regulations and policies.

3. To obligate Federal CMAQ funding for a maximum amount of Two Million Five Hundred Eighty-Eight Thousand One Hundred Eighty-Five and No/100 Dollars (\$2,588,185.00).

4. To establish a Project Identification Number to track all PROJECT costs.

5. To ensure that applicable environmental laws and regulations are met on the PROJECT and to certify the PROJECT to FHWA in accordance with Federal requirements.

6. To ensure that applicable right-of-way laws and regulations are met on this PROJECT and to document those actions in accordance with the DEPARTMENT's administrative requirements.

7. To ensure that all reporting and project documentation, as necessary for financial management and required by applicable Federal requirements, is submitted by the DEPARTMENT to the FHWA.

8. To authorize the COUNTY to proceed with the PROJECT, once all certifications have been completed and the funding authorized. The DEPARTMENT shall issue such authorization through a written "Notice to Proceed".

9. To assign a Local Public Agency Coordinator to act as the DEPARTMENT's representative to monitor the COUNTY's compliance with applicable Federal and State requirements.

10. To reimburse the COUNTY as invoiced, for one hundred percent (100%) of the ELIGIBLE PROJECT COSTS based on supporting documentation for the equipment purchased. ELIGIBLE PROJECT COSTS are those costs as defined in the applicable Federal Office of Management and Budget (OMB) Circulars including but not limited to those listed on Attachment B, attached hereto and incorporated herein.

#### ARTICLE II - COUNTY AGREES:

1. To: (a) purchase the CMAQ equipment outlined in Attachment A; (b) complete the NEPA documentation in conformance with 23 C.F.R. § 771; (c) acquire environmental permits and clearances. The PROJECT shall be operated and maintained in accordance with applicable Federal, State and local laws, regulations, ordinances and policies.

2. The COUNTY shall submit a written certification accompanied by supporting documentation, evidencing that the proposed improvements will be placed and/or stored on property owned or authorized to be used by the COUNTY.

3. To proceed with the PROJECT only after receiving a written "Notice to Proceed" from the DEPARTMENT.

4. If any of the vehicles and/or equipment purchased under this Agreement are no longer needed, or cannot be used for the intended purpose, the COUNTY shall dispose of or transfer the vehicle and/or equipment in accordance with Title 49 Code of Federal Regulations (CFR) 18.32(e).

5. ~~Not to execute any lease, pledge, mortgage, lien, or other contract touching or affecting the Federal and State interest in any vehicle or equipment purchased under this Agreement, nor shall it obligate itself in any other manner, with any third party with respect to the vehicles or equipment purchased under this Agreement, unless such lease, pledge, mortgage, lien, contract, or other obligation is otherwise expressly authorized in writing by the DEPARTMENT.~~

6. To manage the vehicles and equipment purchased under this Agreement in accordance with 49 CFR 18.32(d) and submit to the DEPARTMENT upon request such information as is required in order to assure compliance with this Agreement.

7. To include all federally required procurement clauses in all purchase contracts as required by the State Management Plan, incorporated herein by reference, to include Debarment and Suspension.

8. To, at its own expense, obtain and pay for all licenses, permits and/or fees and comply with all Federal, State and local laws, statutes, ordinances, rules and regulations and the order and decrees of any courts of administrative bodies or tribunals in any manner affecting the performance of this Agreement, including without limitation, Worker's Compensation Laws, Licensing Laws and Regulations.

9. To allow the DEPARTMENT to inspect, fiscal inventory, and/or audit all vehicles and equipment purchased under this Agreement and to monitor all work associated with the PROJECT during construction. The COUNTY shall also permit the DEPARTMENT to examine the books, records and accounts of the COUNTY pertaining to the vehicles and equipment purchased under this Agreement.

10. To establish and maintain, in accordance with requirements established by the DEPARTMENT, separate accounts for the purchase of vehicles and equipment under this Agreement, either independently or within its existing accounting system.

11. As work progresses on the PROJECT, the COUNTY shall provide the DEPARTMENT invoices for payment of the PROJECT COSTS. At a minimum the COUNTY shall invoice the DEPARTMENT once a year. The invoice shall be based upon and accompanied by auditable supporting documentation. Total reimbursement shall not exceed the total obligated amount, as established in Article I Paragraph 3. ELIGIBLE PROJECT COSTS are those costs as defined in the applicable Federal OMB Circulars including but not limited to those listed on Attachment B.

12. To be responsible for one hundred percent (100%) of all costs exceeding the obligated Federal funds. The COUNTY agrees the DEPARTMENT and the State of Nevada are not responsible for any costs exceeding the obligated Federal funds.

13. To accept maintenance responsibilities for the equipment purchased as part of the PROJECT.

14. To complete and sign Attachment C – "Affidavit Required Under Section 112(c) of Title 23 United States Code, Act of August 27, 1958 and Part 29 of Title 49, Code of Federal Regulations, November 17, 1987" and Attachment D – "Certification Required by Section 1352 of Title 31, United States Code, Restrictions of Lobbying Using Appropriated Federal Funds," "Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities," and "Disclosure of Lobbying Activities" attached hereto and incorporated herein.

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### ARTICLE III - IT IS MUTUALLY AGREED:

1. The term of this Agreement shall be from the date first written above through and including December 31, 2013, save and except the responsibility for maintenance as specified herein.

2. Costs associated with this Agreement will be administered in accordance with the cost principles contained in 2 C.F.R. § 225.

3. The description of the PROJECT may be changed in accordance with Federal requirements and by mutual written consent of the parties.

4. That the COUNTY has property and liability insurance.

5. All right-of-way for the PROJECT is in place and no utility facilities, having prior rights or franchise agreements that require the COUNTY to pay for any relocation, will require relocation to accommodate the PROJECT. If it is subsequently determined that this is inaccurate, a written amendment to this Agreement shall be required.

6. The TOTAL ESTIMATED PROJECT COSTS are Two Million Five Hundred Eighty-Eight Thousand One Hundred Eighty-Five and No/100 Dollars (\$2,588,185.00), which includes: Two Million Five Hundred Eighty-Eight Thousand One Hundred Eighty-Five and No/100 Dollars (\$2,588,185.00), comprising Federal funding of one hundred percent (100%) of the TOTAL ESTIMATED PROJECT COSTS. The parties acknowledge and agree that the TOTAL ESTIMATED PROJECT COSTS set forth herein are only estimates and that in no event shall the DEPARTMENT or federal portion exceed the total obligated amount, as established in Article I Paragraph 3.

7. The following is a summary of TOTAL ESTIMATED PROJECT COSTS and available funds:

TOTAL ESTIMATED PROJECT COSTS:	
FFY 2010/2011 Equipment Purchase:	\$1,004,500.00
FFY 2012 Equipment Purchase:	\$ 819,474.00
FFY 2013 Equipment Purchase:	<u>\$ 764,211.00</u>
<u>TOTAL ESTIMATED PROJECT COSTS:</u>	\$2,588,185.00
AVAILABLE FUNDING SOURCES:	
Federal CMAQ Funds:	\$2,588,185.00
<u>TOTAL PROJECT FUNDING:</u>	<u>\$ 2,588,185.00</u>

8. The COUNTY may not incur any reimbursable PROJECT COSTS until this Agreement is executed by both parties and the DEPARTMENT has issued a written "Notice to Proceed."

9. The TOTAL PROJECT COSTS shall be determined by adding the total costs incurred by the COUNTY for purchasing the CMAQ equipment, completing the NEPA process and acquiring environmental permits and clearances. The COUNTY match will be calculated using the applicable percent of the TOTAL PROJECT COSTS eligible for Federal funding. The COUNTY is responsible for one hundred percent (100%) of all costs not eligible for Federal funding. ELIGIBLE PROJECT COSTS are those costs as defined in the applicable Federal OMB Circulars, including but not limited to those listed on Attachment B.

10. An alteration requested by either party which substantially changes the services provided for by the expressed intent of this Agreement shall be considered extra work, and shall be specified in an amendment which will set forth the nature and scope thereof. The method of payment for extra work shall be specified at the time the amendment is written.

11. The COUNTY'S TOTAL ESTIMATED PROJECT COSTS may not be an accurate reflection of the final cost. The final costs may vary widely depending on the bid prices.

12. This Agreement may be terminated by mutual consent of both parties without cause. The parties expressly agree that this Agreement shall be terminated upon written notification if for any reason Federal and/or State and/or COUNTY funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

13. Should this Agreement be terminated by the COUNTY for any reason prior to the completion of the PROJECT, or the Agreement is terminated by the DEPARTMENT due to the COUNTY's failure to perform, the COUNTY shall reimburse the DEPARTMENT for any payments made to the COUNTY.

14. All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile or electronic mail with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth below:

FOR DEPARTMENT: Susan Martinovich, P.E., Director  
Attn: Juan Hernandez, E.I.  
LPA Coordinator, Nevada Department of Transportation  
Roadway Design  
1263 South Stewart Street  
Carson COUNTY, Nevada 89712  
Phone: (775) 888-7988  
Fax: (775) 888-7401  
E-mail address: [jhernandez@dot.state.nv.us](mailto:jhernandez@dot.state.nv.us)

FOR COUNTY: Dan St. John, Public Works Director  
Washoe County Public Works  
1001 E. 9<sup>TH</sup> Street  
Reno, NV 89512  
Phone: (775) 328-3763  
Fax: (775) 328-3699  
E -mail: [dstjohn@washoecounty.us](mailto:dstjohn@washoecounty.us)

15. Up to the limitation of law, including, but not limited to, N.R.S. Chapter 41 liability limitations, each party shall be responsible for all liability, claims, actions, damages, losses, and expenses, caused by the negligence, errors, omissions, recklessness or intentional misconduct of its own officers and employees.

16. The parties do not waive and intend to assert available N.R.S. Chapter 41 liability limitations in all cases. Agreement liability of both parties shall not be subject to punitive damages. Actual damages for any State or COUNTY breach shall never exceed the amount of funds which have been appropriated for payment under this Agreement, but not yet paid, for the fiscal year budget in existence at the time of the breach.

17. This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the exclusive jurisdiction of the Nevada state district courts for enforcement of this Agreement.

18. The illegality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of the Agreement and this Agreement shall be construed as if such provision did not exist and the unenforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

19. Failure to declare a breach or the actual waiver of any particular breach of the Agreement and or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

20. Except as otherwise expressly provided herein, all property presently owned by either party shall remain in such ownership upon termination of this Agreement, and there shall be no transfer of property between the parties during the course of this Agreement.

21. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of this Agreement to create any rights in any person or entity, public or private, a third party beneficiary status hereunder, or to authorize anyone not a party to this Agreement to maintain a suit pursuant to the terms or provisions of this Agreement.

22. Each party agrees to keep and maintain under generally accepted accounting principles full, true and complete records and documents pertaining to this Agreement and to present, at any reasonable time, such information for inspection, examination, review, audit and copying at any office where such records and documentation are maintained. Such records and documentation shall be maintained for ten (10) years after final payment is made.

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

24. In connection with the performance of work under this Agreement, the parties agree not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship. The parties further agree to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

25. Both parties shall assure that no person shall on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any service, program or activity offered by said parties, regardless of funding source. Both parties further assure that every effort will be made to prevent discrimination through the impacts of their programs, policies, and activities on minority and low-income populations.

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

27. The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to engage in the cooperative action set forth herein.

28. Pursuant to N.R.S. 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is confidential by law or a common law balancing of interests.

29. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law.

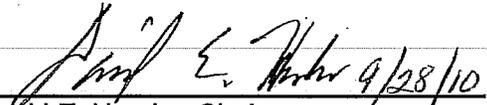
30. All references herein to federal and state code, law, statutes, regulations and circulars are to them, as amended.

31. This Agreement shall not become effective until and unless approved by appropriate official action of the governing body of each party.

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

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

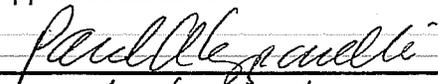
Washoe County

  
\_\_\_\_\_  
David E. Humke, Chairman  
Board of County Commissioners

State of Nevada, acting by and through its  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Director

Approved as to Form:

  
\_\_\_\_\_  
Asst. D.A.

Approved as to Legality & Form:

\_\_\_\_\_  
Deputy Attorney General

# Attachment A

## Project Scope Washoe CMAQ Equipment Purchase

The project consists of purchasing the following CMAQ equipment by federal fiscal year.

Federal Fiscal Year 2010	
Description	Quantity
Brine Production System	1
Brine 10,000 Gallon Tanks	4
Distribution Tanks for Existing Vehicles	12
PM10 Sweepers	3
Cover for Haul Vehicles	25

Federal Fiscal Year 2012	
Description	Quantity
Brine 10,000 Gallon Tanks	1
Distribution Tanks for Existing Vehicles	6
PM10 Sweepers	3
Cover for haul vehicles	15

Federal Fiscal Year 2013	
Description	Quantity
Distribution Tanks for Existing Vehicles	6
PM10 Sweepers	3

## Attachment B

### Office of Management and Budget (OMB) Circulars

#### State and Local Governments

- 2 CFR 225, Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87)
- OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments; as implemented in 43 CFR 12, Subpart C
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, as implemented in 43 CFR Part 12, Subpart A: Administrative and Audit Requirements and Cost Principles for Assistance Programs

#### Non-Profit Organizations

- 2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122), except recipients listed in Appendix C to Part 230 are subject to Federal Acquisition Regulation (FAR) Subpart 31.2, Contracts with Commercial Organizations (Contract Cost Principles and Procedures)
- OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, hospitals, and Other Non-Profit Organizations, as implemented in 2 CFR 215 and 43 CFR Part 12, Subpart F
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, as implemented in 43 CFR Part 12, Subpart A: Administrative and Audit Requirements and Cost Principles for Assistance Programs

#### Organizations for Profit, Individuals and Others Not Covered Above

- Federal Acquisition Regulation (FAR) Subpart 31.2, Contracts with Commercial Organizations (Contract Cost Principles and Procedures)
- OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, hospitals, and Other Non-Profit Organizations, as implemented in 2 CFR 215 and 43 CFR Part 12, Subpart F
- FAR Subpart 42.1, Contract Audit Services; FAR Subpart 42.7, Indirect Cost Rates; FAR Subpart 42.8, Disallowance of Costs

The OMB Circulars can be found on:

<http://www.whitehouse.gov/OMB/circulars/index.html>

Attachment C

AFFIDAVIT REQUIRED UNDER SECTION 112(c) of Title 23 United States Code, Act of August 27, 1958 and Part 29 of Title 49, Code of Federal Regulations, November 17, 1987.

STATE OF Nevada } COUNTY OF Washoe }

SS

I, DAVID HUMKE (Name of party signing this affidavit and the Proposal Form) CHAIRMAN (title).

being duly sworn do depose and say: That WASHOE COUNTY

(name of person, firm, association, or corporation) has not, either directly or indirectly, entered into agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract; and further that, except as noted below to the best of knowledge, the above named and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency:
(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(Insert Exceptions, attach additional sheets)

The above exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility and whether or not the Department will enter into contract with the party. For any exception noted, indicate on an attached sheet to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions. The failure to furnish this affidavit and required exceptions if any shall disqualify the party.

David Humke Signature, Chairman Title

Sworn to before me this 28th day of September, 2010

Rita Lencioni Signature



(SEAL)

Notary Public, Judge or other Official

Attachment D

CERTIFICATION REQUIRED BY SECTION 1352 OF TITLE 31, UNITED STATES CODE  
RESTRICTIONS OF LOBBYING USING APPROPRIATED FEDERAL FUNDS

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriate funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

DAVID E. HULMKE

Name (please type or print)

Signature

Title

Chairman

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity in and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-award recipient. Identify the tier of the sub-awardee, e.g., the first sub-awardee of the prime is the 1st tier. Sub-awards include but are not limited to subcontracts, sub-grants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Sub-awardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, first Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

