

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

TUESDAY

10:00 A.M.

MARCH 8, 2011

PRESENT:

John Breternitz, Chairman
Bob Larkin, Commissioner
Kitty Jung, Commissioner
David Humke, Commissioner*

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

ABSENT:

Bonnie Weber, Vice Chairperson

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

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

11-182 AGENDA ITEM 3 - PROCLAMATION

Agenda Subject: "Proclamation--March 2011 as Women's History Month and March 8, 2011 as International Women's Day (All Commission Districts.) Requested by Commissioner Jung."

Commissioner Jung read and presented the Proclamation to Donna Klontz. Ms. Klontz thanked the Board for their recognition. She announced events that would be occurring in the community celebrating International Women's Day.

Commissioner Jung announced that she donated \$1,000 from campaign funds for the International Women's dinner scheduled for March 8, 2011 and secured

those funds for the women faculty of the Truckee Meadows Community College (TMCC).

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 3 be adopted.

11-183 AGENDA ITEM 4 - PROCLAMATION

Agenda Subject: “Proclamation-2011 be observed as the 50th Anniversary of the Peace Corps. (All Commission Districts.) Requested by Commissioner Jung.”

Commissioner Larkin read and presented the Proclamation to Nancy Cummings. Ms. Cummings introduced several community members that had volunteered for the Peace Corps. She thanked the Board for their support and recognition.

In response to the call for public comment, Sam Dehne spoke on the Proclamation.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 4 be adopted.

11-184 AGENDA ITEM 5 – 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 recent comments made about the number of tattoo parlors and bars in the downtown area.

Richard Simmonds read from a prepared statement, which was placed on file with the Clerk. The statements were in regard to Agenda Items 16, 17 and 18.

Ardena Perry read from a prepared statement, which was placed on file with the Clerk. The statements were in regard to Regional Animal Services.

11-185 AGENDA ITEM 6 – ANNOUNCEMENTS

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

Katy Simon, County Manager, announced that Agenda Items 9, 10 and 11 would be heard at a time certain of 4:00 p.m. and Agenda Items 16, 17 and 18 would be heard at a time certain of 6:00 p.m.

There were no other Board member announcements.

CONSENT AGENDA

11-186 AGENDA ITEM 7A

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meetings of January 25 and February 8, 2011.”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7A be approved.

11-187 AGENDA ITEM 7B – DISTRICT ATTORNEY

Agenda Subject: “Approve payments [\$6,454.45] to vendors for assistance of 32 victims of sexual assault; and if approved, authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7B be approved and authorized.

11-188 AGENDA ITEM 7C – FINANCE/TREASURER

Agenda Subject: “Approve OPEB Pooling Agreement between the County of Washoe and Other Post Employee Benefits (OPEB) Trust for the investment of the Trust’s assets in the Washoe County Investment Pool (no fiscal impact); and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7C be approved, authorized and executed.

11-189 AGENDA ITEM 7D – FINANCE/COMPTROLLER

Agenda Subject: “Approve removal of Fiscal Year 2010 uncollectible returned checks [totaling \$5,383.45] from the Centralized Returned Check Account (7980-121013); and if approved, authorize Comptroller’s Office to charge the appropriate revenue account to the identified responsible cost centers/funds. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7D be approved and authorized.

11-190 AGENDA ITEM 7E – HUMAN RESOURCES

Agenda Subject: “Authorize issuance of an Invitation to Bid for the Employee Assistance Program. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7E be authorized.

11-191 AGENDA ITEM 7F – SENIOR SERVICES

Agenda Subject: “Accept grant award from State of Nevada Aging and Disability Services Division for the Nutrition Services Incentive Program [\$44,709 - no County match] retroactively for the period October 1, 2010 through September 30, 2011; and if accepted, authorize Chairman to sign the Notification of Grant Award. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7F be accepted, authorized and executed.

11-192 AGENDA ITEM 7G(1) – PUBLIC WORKS

Agenda Subject: “Accept monetary donations to Washoe County Regional Animal Services [totaling \$3,996] for the period October 1, 2010 through December 31, 2010 to be used for the humane care and treatment of sick and/or injured, stray or abandoned animals received; and if accepted, express appreciation for these thoughtful contributions and direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Jung thanked the various donors for their generous donations.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7G(1) be accepted and directed.

11-193 AGENDA ITEM 7G(2) – PUBLIC WORKS

Agenda Subject: “Approve renewal of Memorandum of Understanding between Washoe County and Keep Truckee Meadows Beautiful for the Washoe County Adopt-A-Spot Program; and if approved, authorize Director of Public Works to execute the Memorandum of Understanding. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7G(2) be approved, authorized and executed.

11-194 AGENDA ITEM 7H(1) - PARKS

Agenda Subject: “Authorize Regional Parks and Open Space Department to solicit written proposals to select a qualified respondent to operate and manage all facets of the Melio Gaspari Water Play Park at Lazy 5 Regional Park. (Commission District 4.)”

In response to the call for public comment, Carla Fells, Washoe County Employee Association (WCEA) Executive Director, stated she was speaking on Agenda Items 7H(1) and 7H(2). She voiced the Association’s concern regarding employee lay-offs as a result of out-sourcing and contracting positions. Upon review of out-sourcing and contracting, she requested that comparisons be conducted to see if the out-sourced, contracted workers would receive the same health benefits as laid-off County employees.

Commissioner Jung agreed with the comments and for the positions to be compared; however, out-sourcing positions may allow the public more use of certain facilities. She asked if there had been discussions about internal staff bidding on those same jobs.

Doug Doolittle, Regional Parks and Open Space Director, replied discussions were held to review a competitive bidding process for employees, but since there was no model used within the County, that would be reviewed by Human Resources. He remarked that lay-offs were not anticipated at the Lazy 5 Water Park as a result of out-sourcing. Previously, Commissioner Jung stated she had requested those provisions be reviewed and felt discussions were needed on the policies surrounding internal staff bidding and if the County was being socially and economically responsible with out-sourcing.

Katy Simon, County Manager, stated “manage competition” had been conducted previously in the County. She said discussions had occurred regarding those services and those options would be brought forward to the Board.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7H(1) be authorized.

11-195 AGENDA ITEM 7H(2) - PARKS

Agenda Subject: “Authorize Regional Parks and Open Space Department to solicit written proposals to select a qualified respondent to operate and manage all facets of the Regional Shooting Facility. (Commission District 4.)”

In response to the call for public comment, Carla Fells, Washoe County Employee Association (WCEA) Executive Director, stated she was speaking on Agenda Items 7H(1) and 7H(2). She voiced the Association’s concern regarding employee lay-offs as a result of out-sourcing and contracting positions. Upon review of out-sourcing and contracting, she requested that comparisons be conducted to see if the out-sourced, contracted workers would receive the same health benefits as laid-off County employees.

In regard to the Regional Shooting Facility, Doug Doolittle, Regional Parks and Open Space Director, stated if there was an opportunity to bid in order for the facility to be opened seven days a week, then that would potentially offer more services to the public.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7H(2) be authorized.

11-196 AGENDA ITEM 7H(3) - PARKS

Agenda Subject: “Accept additional grant award [\$32,262 - additional \$8,669 in-kind match] from Nevada Division of State Parks Recreation Trails Grant Program for Silver Lake Trail and Viewing Platform Project; and if accepted, authorize Regional Parks and Open Space Director to sign all necessary documents associated with the grant amendment and authorize Finance Department to make appropriate budget adjustments. (Commission District 5.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7H(3) be accepted, authorized and executed.

11-197 AGENDA ITEM 7I(1) - SHERIFF

Agenda Subject: “Accept supplemental grant award [\$1,743.81 - no County match required] for travel and/or training for Washoe County Sheriffs Office Forensic Science Division, awarded through the State of Nevada; Office of Criminal Justice Assistance for the State Paul Coverdell grant; 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 Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7I(1) be accepted and directed.

11-198 AGENDA ITEM 7I(2) - SHERIFF

Agenda Subject: “Approve Amendment #1 to Contract between State of Nevada (Department of Public Safety - Division of Parole and Probation) and Washoe County (Sheriff’s Office - Forensic Science Division) for DNA testing of Compact Parole and Probation cases for the term July 1, 2011 through June 30, 2013 [estimated income \$150 per client - estimated income approximately \$17,000]; and if approved, authorize Chairman to execute Amendment #1. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7I(2) be approved, authorized and executed. The Agreement for same is attached hereto and made a part of the minutes thereof.

11-199 AGENDA ITEM 7J(1) - SOCIAL SERVICES

Agenda Subject: “Authorize Director of Social Services to accept additional Victim of Crime Act funds [\$65,000] 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 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 Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7J(1) be authorized and directed.

11-200 AGENDA ITEM 7J(2) – SOCIAL SERVICES

Agenda Subject: “Authorize Director of Social Services to accept Federal Adoption Incentive Funds [\$85,567] from State Division of Child and Family Services to assist the Department of Social Services with the Adoption Program and authorize the Department to expend up to \$4,567 to sponsor four adoption day celebrations per year, one per quarter to include the purchase of refreshments, decorations, public awareness and costs of photographs and video recordings of the adoption hearings retroactively to February 2011; and if all 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 Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7J(2) be authorized and directed.

11-201 AGENDA ITEM 7J(3) – SOCIAL SERVICES

Agenda Subject: “Accept Low Income Housing Trust Funds Welfare Set Aside [\$92,200] from Nevada Housing Division; and if accepted, authorize Chairman to execute 2012 Interlocal Agreement To Use Account for Low-Income Housing Welfare Set-Aside Funds by Washoe County between the County of Washoe and Nevada Housing Division of the Department of Business and Industry of the State of Nevada for Fiscal Year 2011/12 Low Income Housing Trust Funds and authorize Finance to make necessary adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7J(3) be accepted, authorized and executed.

11-202 AGENDA ITEM 7K(1) – WATER RESOURCES

Agenda Subject: “Approve Department of Water Resources Red Flag procedures as set forth in the Fair and Accurate Credit Transaction Act to identify, prevent and/or mitigate identity theft. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7K(1) be approved.

11-203 AGENDA ITEM 7K(2) – WATER RESOURCES

Agenda Subject: “Approve and authorize the Chairman to execute the Water Rights Deed and associated Water Sale Agreement with Washoe County for 10.00 acre-feet of water rights from the Ronald L. Olson Revocable Trust of 2006 and the Ronald L. Olson Trust (collectively d.b.a. Springwood LLC). (Commission District 4.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 7K(2) be approved, authorized and executed.

***10:35 a.m.** The Board convened as the South Truckee Meadows General Improvement District (STMGID) Board of Trustees. Commissioner Humke arrived during the STMGID Board of Trustees meeting.

10:45 a.m. The Board adjourned as the STMGID Board of Trustees and reconvened as the Board of County Commissioners.

BLOCK VOTE

The following agenda items were consolidated and voted on in a block vote: Agenda Item 12, 13, 14 and 15.

11-204 AGENDA ITEM 12 – MANAGEMENT SERVICES/FIRE SERVICES COORDINATOR

Agenda Subject: “Recommendation to approve payment [\$107,577.88] to be paid as follows: \$91,381 to USDA Bureau of Land Management and \$16,196.88 to the City of Reno, for the Washoe County share of the Rock Creek Fire in the Gerlach area and approve the transfer of \$107,577.88 in budget authority from the Washoe

County contingency account to the Washoe County Fire Suppression budget for the unbudgeted expenses related to the fire that occurred during July 2010; and if all approved, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

Katy Simon, County Manager, said the Geographic Information Systems (GIS) Department had been able to reduce the amount of the reimbursement by checking the GIS maps of the affected fire area. She clarified that the Bureau of Land Management (BLM) was within the U.S. Department of the Interior.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 12 be approved and directed.

11-205 AGENDA ITEM 13 – WATER RESOURCES

Agenda Subject: “Recommendation to approve a refund to DiLoreto Homes of Nevada, LLC for sanitary sewer connection privilege fees [\$168,300] as a result of reducing the number of domestic units composing the Damonte Ranch Village 20B development in the South Truckee Meadows. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 13 be approved.

11-206 AGENDA ITEM 14 – PUBLIC WORKS/ENGINEERING

Agenda Subject: “Recommendation to accept Air Quality Mitigation Grant Funds [\$312,000] for improvements to Pedestrian and Bike Paths in the Incline Village area and accept Water Quality Mitigation Grant Funds [\$125,000] for the Fairview Boulevard Wall Rehabilitation Project, both from Tahoe Regional Planning Agency; and if all accepted, authorize Public Works Department to prepare contract documents and bid the projects and direct Finance to make appropriate budget adjustments. (Commission District 1.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 14 be accepted, authorized and directed.

11-207 AGENDA ITEM 15 - MANAGER

Agenda Subject: “Recommendation to acknowledge staff report and give direction to staff regarding the possible appointment of a committee to review shared services issues specifically related to the City of Reno and Washoe County, including appointment of two Washoe County Commissioners to serve on new committee (requested by Commissioners Breternitz and Jung). (All Commission Districts.)”

Katy Simon, County Manager, stated that the staff report suggested Commissioners Breternitz and Jung be appointed to the Committee.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 15 be acknowledged.

11-208 AGENDA ITEM 21 - FINANCE

Agenda Subject: “Update and direction to staff on Fiscal Year 2011/12 budget plans including direction on the development of contingency plans for funding level scenarios. (All Commission Districts.)”

John Sherman, Finance Director, said to be consistent with the Board’s Strategic Plan in creating long-term financial sustainability and out of that necessity to plan for the potential financial impacts of Legislative actions, it was recommended that all departments be directed to develop contingency plans for funding levels based on two scenarios:

- A contingency plan on what services would be provided at 90 percent funding of the Fiscal Year 2011/12 recommended budget; and,
- A contingency plan on what services would be provided at 75 percent funding of the Fiscal Year 2011/12 recommended budget.

He explained the following key information points needed to be addressed in the plans in order to provide the Board with a comprehensive understanding of the impacts:

- ✓ What services the department would continue to provide;
- ✓ What outcomes could be achieved at each funding level;
- ✓ How did these outcomes meet core public service needs and align with the County’s strategic plan;
- ✓ What services the department would either provide differently (contracting with another public agency, contracting with a private vendor, utilizing volunteers, scaling to a lower service level, contracting with an employee group, etc.) or

- would no longer provide with the amount of savings generated by each change;
and,
- ✓ The impacts to the public, employees, and other key service stakeholders.

Mr. Sherman explained to close the \$33.5 million deficit would call for \$5 million in first-year savings to be achieved by determining which services the County could sustainably provide to meet its mission of a safe, secure and healthy community. He said to create financial sustainability would require more than the \$5 million in first-year savings because the Budget Plan to close the \$33.5 million deficit included the use of one-time fund balances of \$9.75 million in Fiscal Year 2011/12. This meant the total minimum savings needed to create financial sustainability had to be the \$5 million in first-year savings plus approximately \$10 million of annual savings beyond year one. In sum, the scope of total minimum permanent savings needed was \$15 million annually. He said \$5 million could be implemented in Fiscal Year 2011/12 and \$10 million more in Fiscal Year 2012/13.

Mr. Sherman stated that the County should take a long-term view on creating sustainability to close the initial estimated deficit of \$33.5 million. Secondly, the County needed to develop scenario plans to respond to any potential legislative impacts of the 2011 Legislative Session. He said the original deficit estimate did not include legislative impacts because current redirecting of County revenues to the State was by law supposed to sunset on June 30, 2011. However, the proposed budget by Governor Sandoval included an estimated financial impact to Washoe County estimated at this time to be \$25 million. This impact, should it be passed, would increase the deficit from \$33.5 million to potentially \$58.5 million for Fiscal Year 2011/12.

Mr. Sherman said the two funding level scenarios should be used by the Organizational Effectiveness Committee (OEC) when conducting Phase II of the Board directed Fundamental Review. He indicated Phase II was to provide recommendations to the Board on how to achieve savings by reviewing what services the County should provide and how those services should be provided. He said a Request for Proposal (RFP) had been issued to retain a consultant that would assist departments and the OEC with the Fundamental Review.

Commissioner Humke inquired on the estimates for the Adult Services Indigent Accident account. Katy Simon, County Manager, explained this was the amount the County transferred to the Indigent Accident Fund that, if needed, could benefit the County. She said it was transferred, but noted that the Legislature had swept those funds and they could not be used by Washoe County or any other county as needed. Commissioner Humke questioned the elimination of commitment beds at the Nevada Youth Training Center (NYTC) and asked if there was an uncertainty as to the number of youths Juvenile Court may commit to NYTC. Mr. Sherman said the current discussion at the State level was to reduce the funding for the juvenile offender facilities and reallocate where the offenders were sent and who paid for them. Commissioner Humke stated he attended that legislative hearing and indicated that Juvenile Justice Administrators took a

vote to recommend closure of the NYTC so not to devote funds to that facility and, if there were extra funds, those would be devoted to other forms of care for juveniles.

Commissioner Humke commented that the requirement for the County regarding pre-sentence investigations from State Parole and Probation (P&P) had been altered. He said it had been reversed so now the State P&P employees would remain, but the counties would be billed for the services. He said that cost should not be borne by the Board, but should be borne by the District Court.

Commissioner Jung requested when the department heads come forward with their plans, they also review right-sizing the departments and the department head's scope of responsibilities. She believed government would never look the same and creative problem-solving was needed by staff and department heads. Commissioner Jung also felt that duplication of services between other entities should be reviewed. She said during scenario planning staff needed to be mindful and consider what taxpayers were buying with every dollar they gave to the County.

Chairman Breternitz indicated this would be conducted in a public forum enabling the public to stay informed of any information as it developed regarding the choices being made and to be aware of any impacts.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that staff be directed to develop contingency plans for the funding level scenarios for the Fiscal Year 2011/12 budget.

In approving the plan, Commissioners noted that planning for both levels of funding cuts would be required of all County departments, and the public needed to be aware of the severity of the potential impacts.

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Later in the meeting, on motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 21 be reopened.

Richard Gammick, District Attorney, said 10 years ago planning was straight across the board reductions for all departments, but now there was a good planning process in place which the above approved action reinforced. He emphasized that these actions were not targets to specifically reduce budgets, but planning scenarios the Board would need in their deliberations and decision-making over the next several months. Mr. Gammick commended the specific areas identified to provide the Board with a comprehensive understanding and the potential impacts.

11-209 AGENDA ITEM 19 - MANAGER

Agenda Subject: “Update on status of Shared Services efforts and possible direction to staff. (All Commission Districts.)”

Dave Childs, Assistant County Manager, stated that a Technical Advisory Committee comprised of staff from the City of Reno and Washoe County would be working to address the implications of the recently approved advisory question WC-2, which asked voters if consolidation should be pursued if it saved money or resulted in better services. Mr. Childs said staff would review the impacts of potential consolidation upon existing debt, property tax rates and collective bargaining agreements. He also noted that the committee would continue to review the feasibility of implementing recommendations that identified opportunities in the areas of Purchasing, Technology Services and Human Resources. In addition, sharing building inspections and permitting processes with the City of Reno was being explored, as well as a regional business licensing process between the County and the City.

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

11-210 AGENDA ITEM 20 – 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.)”

It was noted that the legislative update had not been distributed to the Board. Chairman Breternitz stated this would be heard later in the meeting after the Board had received the documentation.

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Later in the meeting, John Slaughter, Management Services Director, summarized the past week at the Legislature. He said the Assembly Ways and Means and Senate Finance Subcommittees continued to hear presentations from the various State agencies and constitutional officers regarding the details of the proposed Executive Budget. He said testimony was provided during a presentation of the Division of Child and Family Services on the Washoe County Child Welfare Integration, as well as Juvenile Justice programs. Mr. Slaughter stated that the Washoe County representative from the Department of Juvenile Services and Family Court Judge Francis Doherty presented alternatives to the plan in the Executive Budget that had been presented to the State Family Court Judges earlier in the week at their annual conference. The plan was opposed by Clark County Family Court Judge Voy and their Director of Juvenile Services. He said Committee members also voiced their concerns about the plan.

Mr. Slaughter reviewed the following three Bills of Interest for possible positions by the Board:

- **AB 59** – Makes various changes to the Open Meeting Law;
- **AB 159** – Revises provisions relating to public records; and,
- **SB 192** – Makes various changes relating to job creation within the Nevada construction industry.

Mr. Slaughter indicated that SB 192 would divert \$0.02 of local property tax intended for Washoe County operations to the Regional Transportation Commission (RTC) for infrastructure improvements. He said the bill would apply equally to Clark County.

Mr. Slaughter said Governor Sandoval had proposed retaining \$0.09 of local property tax, which was diverted by the 2009 Legislature, to once again address the State's budget deficit. He explained that SB 192 recommended \$0.02 of that \$0.09 be used for RTC construction projects. Commissioner Humke and Commissioner Larkin both serve on the RTC and noted that RTC-5 was passed in 2008 by voters to provide hundreds of millions of dollars for infrastructure funding over time. In voicing their position, the Commissioners noted they were adamantly opposed to the State redirecting any local revenues without the consent of the affected local government.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the Board of County Commissioners oppose SB 192 in any version.

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

11-211 AGENDA ITEM 24 – REPORTS AND UPDATES

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

Commissioner Larkin stated that he needed alternates for the Regional Planning Governing Board (RPGGB) and the Flood Control Committee meetings.

Commissioner Humke announced a Reno-Sparks Convention and Visitors Authority (RSCVA) Finance Committee meeting was scheduled for March 9, 2011 and discussions would take place regarding room tax collections and the selection of a new Vice President of Finance for the RSCVA. He said the Flood Control Committee would also meet during the week.

Commissioner Jung said she would attend the Sun Valley Citizen Advisory Board (CAB) meeting on March 12, 2011, the Ward 4 East Neighborhood Advisory Board (NAB) meeting on March 14, 2011, the Regional Job Team meeting on March 17, 2011 and noted that the Joint Fire Advisory Board (JFAB) was not scheduled to meet until April.

Chairman Breternitz stated he had various meetings scheduled for the upcoming week.

11-212 AGENDA ITEM 25 – CLOSED SESSION

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

11:30 p.m. On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

3:40 p.m. The Board reconvened and returned to Agenda Item 20. (*See Item 11-210 for discussion*)

11-213 AGENDA ITEM 22 – HUMAN RESOURCES/LABOR RELATIONS

Agenda Subject: “Recommendation to approve Agreement for the retention of Renne Sloan Holtzman Sakai LLP to provide Labor Relations negotiations and consulting services to Washoe County for all 2011-2012 Collective Bargaining Agreements [not to exceed \$125,000 - funding available in Human Resources’ adopted 2011 budget to cover costs]; and if approved, authorize Chairman to execute the Agreement Relations. (All Commission Districts.)”

Katey Fox, Human Resources Director, introduced Mark Gregersen, Renne Sloan Holtzman Sakai LLP Consultant, and Jeff Sloan, Renne Sloan Holtzman Sakai LLP Attorney. Ms. Fox stated that the consultants would provide labor relations negotiations and consulting services for all 2011/2012 collective bargaining agreements for an amount not to exceed \$125,000. She said the services were needed as the County’s full-time Labor Relations Manager retired in 2009 and provided only part-time services through 2010. Ms. Fox indicated that all eleven (including the Sierra Fire Protection District’s two employee associations) of the County’s employee association agreements were up for negotiations for the 2011/12 year. In the past three years, employee groups had voluntarily given labor cost concessions to help the County meet structural budget deficits that had resulted from declining property and sales tax revenues. She said State law required collective bargaining among local governments, but State government itself was exempt.

Commissioner Larkin said the Consultant had agreed to a flat fee and asked if there were any hidden costs. Ms. Fox replied there were no hidden costs and that the flat fee covered Phase I, which was the initial preparation. Based upon the understanding of the consultant, she said it was anticipated that the process would take no more than four weeks.

Commissioner Humke said the \$125,000 cost of the contract came from salary savings and asked if there were other possible alternatives to incurring the cost. Katy Simon, County Manager, replied some recruitment was involved to offer a position to a full-time employee, which would have cost more than the contract. She said staff was unsuccessful in finding the right person for this position so contracting was the only alternative. She noted without assistance the County could not absorb the workload.

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 22 be approved, authorized and executed.

4:06 p.m. The Board convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District (TMFPD), the Board of Fire Commissioners for the Sierra Fire Protection District (SFPD) and the Washoe County Board of Commissioners for Agenda Item No. 9.

11-214 AGENDA ITEM 9 – MANAGEMENT SERVICES/FIRE SERVICES COORDINATOR

Agenda Subject: “Discussion of Regional Standards of Cover (SOC) process and update of emergency response policies in order to complete the Regional SOC, considering such SOC matters as current emergency response data, current Washoe County Land Use Master Plan service area boundaries (suburban, rural residential, rural) and possible service delivery objectives, among others. (All Commission Districts.)”

Based on previous direction, Kurt Latipow, Fire Services Coordinator, stated he had worked with a consultant to conduct a Regional Standard of Cover (SOC) study. That study was deemed incomplete as it lacked response time data from the Reno Fire Department. The Reno Fire Department has since agreed to participate with the new consultant to complete the study. He said during the May 11, 2010 Truckee Meadows Fire Protection District (TMFPD) meeting action was taken to approve an extension of the First Amended Interlocal Agreement for Fire Service and Consolidation. Contained within the extension was a requirement that the City of Reno obtain and pay for a consultant to complete a SOC study and a requirement for the District, after receiving the SOC study, to obtain and pay for a Regional SOC plan.

Mr. Latipow said staff from the City of Reno and the County had worked to develop a scope of work that would govern the development of the Reno SOC development and subsequently the development of the Regional SOC. The scope of work was distributed to consultants and Emergency Services Consulting International (ESCI) was awarded the contract. Over the past few months, the consultant had gathered information and prepared the Reno SOC, which had been reviewed and went before the Joint Fire Advisory Board (JFAB) on March 7, 2011. Mr. Latipow said the consultant had reviewed the previously prepared TMFPD, Sierra Fire Protection District (SFPD) and the County Fire Suppression Program's SOC reports which were developed by Diamante LLC. As part of the review process, the consultant had been working with staff to update response data and related maps, which had been used to prepare the initial funding and recommendations. He said the Diamante Report omitted several critical questions which included:

- What is the current level of response performance as measured by first-due and full effective response force response times by region;
- What was the expected level of service, based on first-due unit response times and full effective response force response times by region; and,
- Based on the first two questions, what new or relocated fire service resources would be needed to meet expected levels of service.

Mr. Latipow stated in order for the consultant to move forward and complete the Regional SOC, direction was needed from the Board related to the emergency response policy.

Joe Parrot, ESCI consultant, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation highlighted the preliminary analysis and recommendations for the Regional SOC. He offered the following recommendations:

- ✓ **Performance Zone Recommendation** – The County Master Plan had two similar, but different response time standards. In one, Rural was a single category, and in the other, Rural was divided between Rural Residential and Rural. He said three response time performances were recommended: Suburban; Rural; and, Frontier. He said “Urban Residential”, “Commercial”, and “Industrial” were identified Master Plan categories; however, existed in disaggregated pockets. Mr. Parrot said those areas should be treated as “target hazard” areas by the individual fire agencies and response protocols developed according to risk within each area.
- ✓ **Response Time Performance Standard** - Mr. Parrot explained the following response times standard was recommended: ***Suburban*** – The first response unit capable of initiating effective incident mitigation should arrive within 10 minutes, 85 percent of the time from the receipt of the call; ***Rural*** – The first response unit capable of initiating effective incident mitigation should arrive within 20 minutes, 85 percent of the time from the receipt of call; and, ***Frontier*** – The first unit capable of initiating effective incident mitigation should arrive as

soon as practical based on the best effort of response forces. Over time it was recommended that the Suburban response time standard be reduced to first unit arrival within eight minutes, 85 percent of the time. He said improving dispatch call processing time and turnout time would contribute to achieving this standard.

- ✓ **Full Effective Response Force Performance Standard** – Mr. Parrot explained the following response times standard was recommended: *Suburban* – The full effective response force to a moderate risk incident should arrive within 15 minutes, 85 percent of the time from the receipt of call; *Rural* – The full effective response force to a moderate risk incident should arrive within 25 minutes, 85 percent of the time from the receipt of call; and *Frontier* – The full effective response force to a moderate risk incident should arrive as soon as practical based on the best effort of response forces.

Commissioner Humke questioned the disparity between the 25 second difference in response time regarding the City of Reno and asked why that occurred. Mr. Parrot stated he was not sure why that happened and had provided that data back to the Dispatch Center for further review. He said an issue was identified in the provided data and, when that data was returned in the corrected form and reanalyzed it may change the outcome. Commissioner Humke inquired on the number of calls analyzed. Mr. Parrot indicated he analyzed approximately 16,000 calls in the City of Reno and about 5,000 calls in the County. Commissioner Humke asked if the City of Reno was the center of the map used for the analysis. Mr. Parrot explained the City of Reno project was an independent project. He said the time standards proposed were those already adopted in the Master Plan that included start and end times. He said once the two Fire Districts and the County Fire Suppression areas had defined their response time expectations, then a regional system would move forward that met the City's citizen expectations and what the County defined. Commissioner Humke asked if a SOC analysis helped policy makers in land-use decisions. Mr. Parrot said that was correct and strongly recommended the SOC be used for such matters regarding the impact to fire services on any future land-use decisions.

Chairman Breternitz felt the Master Plan was not intended to be a document full of fire expertise and hoped that Mr. Parrot would use his expertise in fire services versus the area of reading through the Master Plan and finding the figures for a 10 minute or 20-minute response time. He said there were elements in the Master Plan that could be changed if they were out of line with the recommendations. Chairman Breternitz asked if there were other sources for the recommendations. Mr. Parrot replied he was seeking either a confirmation or a modification for what currently existed. He said with 10 and 20 minute response times being the present standard, the measurement of the current regional performance was needed; however, there would be an expense involved. As policy makers the Board could modify those standards, but if those become more stringent there would be a cost of approximately \$4 million per fire station to construct and equip and about \$1.5 million to operate each station.

Based on the economy, Chairman Breternitz questioned if the times and the distribution of stations, equipment and personnel were reasonable even if some of those standards were not met everywhere. Mr. Parrot indicated from initiation of a call to arrival time needed to be in the five to seven minute range, which particularly in the rural areas was unlikely. He added to provide the shortened response times would require the entire County budget, which was not affordable. The question was what level of service the community was willing to pay for. Chairman Breternitz asked if there was a way the Board could express a philosophy of upgrading the standards either by reviewing them periodically or the times be reduced as much as possible and set that as a goal. Mr. Parrot said that language could be included within the SOC, which would be the guiding principles for moving forward with the deployment of resources.

Commissioner Jung stated that Mr. Parrot had driven through various communities within the County and asked him to identify which communities he visited. Mr. Parrot stated he would continue to work with the Community Development Department to refine that list, but identified Arrowcreek, Belli Ranch, East Washoe Valley, Government Home Sites, Juniper Hills, Mt. Rose Fan Highway, Old Southwest Truckee Meadows, Pleasant Valley, Spanish Springs, Wadsworth, Warm Springs, Callahan Ranch, Thunder Canyon Golf Course and St. James Village. Commissioner Jung was grateful this was a work in progress and that Mr. Parrot was responsive to what was discussed during the JFAB meeting.

Commissioner Jung indicated during the JFAB meeting the Reno SOC was reviewed. She said some of the issues agreed on were that Dispatch needed to improve who first received the information. She said they discussed remedies for those issues so long-term errors could be corrected. They also discussed cancelling of calls, cost for running an engine and a "commonality of terms" but was unclear on how that would be accomplished as a policy. The consultant agreed to complete some plotting of mileage around existing stations to reflect response times in terms of mileage, and to review the fines and fees for false fire alarms within the City of Reno.

Commissioner Larkin added that JFAB was in possession of the Reno SOC, which was a requirement for the continuation of the Interlocal Agreement. He said the Reno City Council had agendized a similar discussion on response times and the definition of response zones. He stated the requirement that the Fire Board placed for continuing the dialogue was met and felt confident the Reno City Council would have a similar discussion. Mr. Latipow clarified that the 10 minute proposed response time included when the call was received from the 9-1-1 system; however, the City of Reno began their time from the time of dispatch. He clarified there would be a full review of those times.

Mr. Latipow said a recommendation by JFAB was for the Board to consider the proposed recommendations for adoption.

Chairman Breternitz asked if there was a benefit, via the JFAB, in establishing a common time and why those did not correlate. For the purpose of

definitions, Mr. Latipow believed there was a benefit to common terminology; however, as presented to the JFAB, if the example were set to exact the same times in the District as the City, the District did not have the infrastructure to match those times.

In response to the call for public comment, the following individuals voiced their concerns, comments and suggestions: Ginger Pierce, Rod Smith, Gary Pestello, Garth Elliott, Penny Beck, Tabitha Vetter, Tom Trelease, Bob Ackerman, Steven Perez, Kim Toulouse, Robert Parker, Shyrl Bailey, William Steward, Cliff Low, Jane Countryman, Donna Perez, Thomas Daly, Darryl Cleveland, Laura Mijanovich, Alex Kukulius, Charles Lanzi, Scott Campos and Sally Whitegurd.

Amy Harvey, County Clerk, stated there were three e-mails to be read into the record from George Thomas, Margie Freeman and Betty Kelly. Chairman Breternitz acknowledged the e-mails and directed them placed on file with the Clerk.

Mr. Latipow said the presented SOC was a preliminary assessment and a request for further Board direction. The consultant would then apply the criteria and policy direction and complete an analysis of the system to include the plotting of all the stations to determine where the gaps were based on the policy decision. He stated the report would be redrafted to include policy decisions and recommendations as to the current system and where additional improvements may need to be considered. Mr. Latipow stated the revised draft was scheduled to return to the JFAB on April 11, 2011. He said once that draft was presented, the JFAB recommendations would be brought forward to the Commission to seek review and direction relative to the draft.

Commissioner Larkin stated the consultant sought specific direction to begin the process. He asked if there was a range, or what would be the merit for Rural if a 10 or 20 minute response time was reviewed and if that were possible within the contract. Mr. Latipow replied there had been preliminary discussions should the Board choose to direct one, two or three thresholds to be modeled. Commissioner Larkin said he was concerned if the April date could be met since that April 11, 2011 date was critical to the JFAB in order to return recommendations to this Board. He felt refinement was needed and should be continued because to not move forward at this time would be a disservice.

Chairman Breternitz said the SOC was only an element in a very complex challenge, which was providing the best fire service to the citizens. He was concerned that the Board would not be allowed to review the entire range of possible solutions. Chairman Breternitz asked if the report would result in recommendations that covered the comprehensive look at the situation the community was faced with in terms of fire districts, SOC, and response times versus a more limited and narrow scope. Mr. Parrot said the current Scope of Work was a deployment system to meet and identify performance standards. He said it may be worthwhile to make an adjustment in that scope and review what it would take to deliver a 10 minute Suburban response time, a 15 minute Rural response time and a 10 minute Countywide response time.

Commissioner Jung agreed and, in addition, suggested the consultant integrate the bordering counties and map those close to Washoe County to see where the Mutual Aid Agreements would be beneficial. Mr. Parrot said that would be completed.

Mr. Latipow clarified a strategic planning priority requested by the Board was a master plan for fire service. He reviewed the process that had been completed and said the Master Plan contained several components. He said within the Master Plan there was a comment by the consultant on the frustration of having data produced; therefore, some of the recommendations were broad-based, but some recommendations were specific and those were being implemented. He said the Diamante Study also mentioned the land-use element and recommended the Board set performance criteria. He explained the gaps in the Diamante Study were tied to the lack of performance criteria that was formally adopted.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered that the following definitions be accepted:

- **Suburban** - Territory identified as the Master Plan category “Suburban Residential,” and those areas that have been developed with lots comparable to those allowed by the Suburban Residential categories;
- **Rural** – Territory identified as the Master Plan category “Rural Residential.” In addition, territory identified as the Master Plan category as “Rural” except as identified as “Frontier”;
- **Frontier** - Territory identified as the Master Plan category “Open Space.” In addition, territory north of the line commonly known as Township 22 unless designated as “Rural Residential” or “Suburban Residential.”

It was further ordered that Urban Residential, Commercial and Industrial be identified as Master Plan categories; however, they exist in the aggregated pockets and those areas should be treated as target hazard areas by the individual fire agencies and response protocols according to the risk within each area.

Commissioner Larkin moved that on the first due performance standard, staff be directed to develop the bands that were discussed and that the “as practical” be accepted for Frontier property. Commissioner Humke seconded the motion.

Commissioner Larkin explained that five to 10 minute response times would be established for Suburban as a band and 10 to 20 minute response times on the Rural.

Commissioner Jung asked if that could be altered to expand to eight minutes; what it would mean if everyone had an eight minute response, and if there was a cost to bear. Commissioner Larkin clarified it was five minutes to give staff a band, but agreed the whole array was needed.

Mr. Latipow said discussed previously was to use the time a person placed a call, to the time the fire service arrived on scene, which was the full spectrum being proposed to measure and proposed to be measured at 10 minutes. Then the consultant would offer 10 minutes in those areas designated Suburban and to show what it would look like at a 10 minute response time Countywide. He said Rural would be measured at 15 and 20 minute response times. Commissioner Larkin stated the five to eight minute parameter was being added along with the cost.

On call for the question, the motion passed on a 4 to 0 vote with Commissioner Weber absent.

Commissioner Larkin requested that TMFPD Chief Hernandez transmit the actions taken by the Board to the Reno City Council.

6:17 p.m. The Board remained convened as the SFPD Board of Commissioners to hear the remaining SFPD agenda.

8:10 p.m. The Board adjourned as the SFPD Board of Fire Commissioners and took a brief recess.

8:30 p.m. The Board reconvened as the TMFPD Board of Fire Commissioners.

8:35 p.m. The Board adjourned as the TMFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

11-215 AGENDA ITEM 17 – DISTRICT ATTORNEY

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code repealing certain sections of Chapter 55 relating to penalties established for violations of the animal control provisions and by enacting provisions regarding animal control in Washoe County by setting forth unlawful acts relating thereto, proscribing criminal and civil penalties for violations of the animal control provisions, by allowing the utilization of Washoe County’s civil enforcement process; and providing for other matters properly relating thereto (Bill No. 1639); second reading to be set for March 22, 2011 at 6:00 p.m. (All Commission Districts.) Continued from January 25, 2011 Commission Meeting.”

Amy Harvey, County Clerk, read the title for Bill No. 1639.

Terry Shea, Deputy District Attorney, indicated that two public workshops were conducted and, as a result of those workshops, three major changes were made to what was originally proposed. He said Chapter 55.800(8G) proposed a time limit within which a person could still receive a criminal violation as an owner if there were sequential violations. After the fourth violation, the Board would give discretion to the Animal Control Officer to issue a criminal citation. He said the public felt a time limit of three years was justified and noted that language was added. Mr. Shea said language was

also added that included service on an offender by the U.S. Postal Service. He stated a Notice of Civil Penalty would need to be issued by an Animal Control Officer not just a person authorized by Animal Control to issue those notices.

In response to the call for public comment, Laretta Nawojski commented on the changes made to the ordinance. She stated her concerns with staffing of Animal Control and their training.

Tim Stoffel was concerned that a person being charged with a civil penalty did not require the same burden of proof as needed for a misdemeanor. He felt the ability to serve civil penalties would be abused by Animal Control.

Angie Watson believed that anyone who abused an animal should be judged and charged with a misdemeanor.

Commissioner Larkin clarified this was a continuation for the decriminalization on a certain portion of the Nuisance Code. He asked for a description on the process when a Notice of Civil Penalty was issued. Mr. Shea explained the burden of proof for a criminal arrest or for the issuance of a citation was probable cause, which was a low standard of proof. He said the quantum of evidence an Animal Control Officer needed before issuing a Notice of Civil Penalty would be probable cause. Mr. Shea said when a Notice of Civil Penalty was issued it would have instructions where the offender could request a hearing or where a fine could be paid. He said if the person wished to deny the offense and request a hearing, a Hearing Officer would be assigned and a hearing would be held within a 14 day period. He said the violation could be elevated back to a criminal penalty if that same owner, within a three-year period, had four or more offenses of the same ordinance.

Commissioner Humke commented that a section of the ordinance referenced that a citation may be written by a Peace Officer or an Animal Control Officer and asked if that was correct. Mr. Shea stated that was correct. He explained a Peace Officer was listed in the event that Officer witnessed the incident and was on scene. Commissioner Humke asked if there was any envisioning of Animal Control Officers becoming Peace Officers. Mr. Shea replied there may have been a Bill Draft Request (BDR) to elevate Animal Control Officers to a Tier 3 Peace Officer, but believed that piece of legislation was not introduced.

On behalf of Commissioner Weber, Commissioner Jung requested that staff return after a period of time to see if any unintended consequences had occurred due to the policy changes and to give the Board guidance on perhaps changing those policies.

Bill No. 1639, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE REPEALING CERTAIN SECTIONS OF CHAPTER 55 RELATING TO PENALTIES ESTABLISHED FOR VIOLATIONS OF THE ANIMAL CONTROL PROVISIONS AND BY ENACTING PROVISIONS REGARDING ANIMAL CONTROL IN WASHOE COUNTY BY SETTING

FORTH UNLAWFUL ACTS RELATING THERETO, PROSCRIBING CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS OF THE ANIMAL CONTROL PROVISIONS, BY ALLOWING THE UTILIZATION OF WASHOE COUNTY'S CIVIL ENFORCEMENT PROCESS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Jung , and legal notice for final action of adoption was directed. It was noted that the second reading would be set for March 22, 2011 at 6:00 p.m.

11-216 AGENDA ITEM 16 – PUBLIC WORKS/ANIMAL SERVICES

Agenda Subject: “Discussion and possible direction to staff regarding Regional Animal Control Services Policies, including possible amendments to the Professional Services Agreement with the Nevada Humane Society on matters related to the shared operation of the Washoe County Regional Animal Services Center (requested by Commissioner Larkin). (All Commission Districts.) Continued from February 22, 2011 Commission Meeting.”

Dan St. John, Public Works Director, explained the Policy Discussion Matrix as provided to the Board and placed on file with the Clerk. He said a number of possible policy topics had been identified that the Board may wish to discuss and provide direction.

In response to the call for public comment the following individuals voiced their opinions, concerns, comments and suggestions: Chuck Allen, Ardena Perry, and Cindy Sullivan.

9:00 p.m. Due to a disruption from the audience causing a lack of a quorum, the Board recessed.

9:05 p.m. The Board returned.

After the recess, public comment resumed and the following individuals voiced their opinions, concerns, comments and suggestions: Bonney Brown, Fran Aperones, Brad Lencioni, Dan Olsen, Caron Tayloe, Toni Strassburg, Deborah Banks, Angie Watson, Ruby Schwerin, George Feriend, Cathy Pitts, Amy Crowe, Judith Snell, Tony Yarbrough, Gary Schmidt, BJ Perez and Jocelyn Messick. Amy Crowe and BJ Perez read from prepared statements, which were placed on file with the Clerk.

Amy Harvey, County Clerk, read four comments that were placed on file with the Clerk.

Commissioner Larkin said fiscal impacts had not been identified in the spreadsheet and emphasized that the Board was tasked with reviewing every dollar spent by the taxpayers. He asked for an explanation of the possible affects of the proposed budget impacts from the State. Mr. St. John said the Public Works Department had submitted their budget reduction plan and at this time the targets were met. He said a

significant reduction plan had not been developed specifically for Animal Services; however, a 10 or 25 percent reduction in the Animal Services budget would be significant.

Commissioner Larkin said the Professional Service Agreement (PSA) was long overdue for review, and reiterated that the fiscal impact was not presented. Mr. St. John said those fiscal impacts would be developed as well as what would occur to the level of service if there was a 10 or 25 percent reduction. Commissioner Larkin inquired on the impact to the Nevada Humane Society (NHS) and the PSA and remarked those would be the types of questions precipitated. Mr. St. John suggested the opportunity be given to address those issues and pointed out a provision that NHS be reimbursed for owner surrenders was subject to end this calendar year. He said the impacts of that one provision would be about \$100,000 a year. He said there had been much discussion regarding euthanasia, but not for the cost of that service or the cost of adoptions. Mr. St. John explained this partnership was viewed as a classic public/private partnership beneficial to both parties, and the provision had been added that adoptions were outsourced. He said the PSA allowed the department to transfer that cost and those duties to NHS with a cost effective for that service and noted much of that cost was for the facility. Based on the Board's input and public comments, Mr. St. John offered a proposed amendment be returned for the PSA and ensured that the fiscal analysis would be included, but added the cuts proposed would go beyond the PSA. He stated all options would be sought and reviewed with all policies included.

Commissioner Larkin asked if the Standard Operating Procedures (SOP) was a real document listed in a manual. Mr. St. John replied that was a real document and resided on the department's web page. He noted during the public hearing process those links were provided to the stakeholders. He commented the program was reviewed annually by the Board and noted there had recently been discussion about policies. Commissioner Larkin felt it appropriate to bring that back during the budget presentations. Mr. St. John stated it may be difficult to cover all of the material in the allotted time for the budget presentation, but would attempt to complete the task.

Commissioner Humke remarked that line 12 in the matrix mentioned that "the County has no right to control methods used by NHS," and asked where was the mutual statement. Mr. St. John said that comment was in Article 6 in the PSA and was not a mutual statement. Commissioner Humke stated most provisions should be mutual.

Melanie Foster, Legal Counsel, explained that language was standard independent contractor language. She said Article 5.1 discussed the perspective standards of the two parties. She said the purpose of Article 6 was to ensure the County was not held responsible for taxes and benefits of NHS employees. Commissioner Humke asked if the County was living up to the provisions of Article 5.1. Mr. St. John believed that to be true. He said he had observed that the focus was on the mission of animal welfare and public safety. He said he rarely dealt with issues concerning NHS adoptions.

Commissioner Larkin felt that direction had been given. Mr. St. John acknowledged that direction was given to synthesis the policies that needed to be changed in the PSA and bring that proposal back to the Board with fiscal impacts and a higher degree of explanation as to what the level of service impacts would be for the facility with the outlined budget reductions. Commissioner Larkin felt the constituents that utilize the facility were also due that information.

There was no action taken on this item.

11-217 AGENDA ITEM 18 – PUBLIC WORKS/ANIMAL SERVICES

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code by repealing certain sections of Chapter 55 relating to riding a horse while intoxicated, keeping a noisy animal, abandoning injured animals and impounding unspayed pets; by enacting provisions regarding animal control in Washoe County, including establishing variance permits, prohibiting the keeping of primates, recognizing covenants, conditions and restrictions and homeowners’ association rules in the permit process and establishing potentially dangerous dog provisions and by revising provisions to the authority of animal control officers; by amending the provisions relating to cruelty to animals and other provisions regarding the control and protection of animals, amending certain fees for the keeping of dogs and cats in congested areas, amending procedures in making dangerous dog determinations and the registration of dangerous dogs and setting forth unlawful acts relating thereto and providing for other matters properly relating thereto; (second reading to be set for March 22, 2011 at 6:00 p.m.) (All Commission Districts.)”

Amy Harvey, County Clerk, read the title for Bill No. 1641, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CERTAIN SECTIONS OF CHAPTER 55 RELATING TO RIDING A HORSE WHILE INTOXICATED, KEEPING A NOISY ANIMAL, ABANDONING INJURED ANIMALS AND IMPOUNDING UNSPAID PETS; BY ENACTING PROVISIONS REGARDING ANIMAL CONTROL IN WASHOE COUNTY, INCLUDING ESTABLISHING VARIANCE PERMITS, PROHIBITING THE KEEPING OF PRIMATES, RECOGNIZING COVENANTS, CONDITIONS AND RESTRICTIONS AND HOMEOWNERS’ ASSOCIATION RULES IN THE PERMIT PROCESS AND ESTABLISHING POTENTIALLY DANGEROUS DOG PROVISIONS AND BY REVISING PROVISIONS TO THE AUTHORITY OF ANIMAL CONTROL OFFICERS; BY AMENDING THE PROVISIONS RELATING TO CRUELTY TO ANIMALS AND OTHER PROVISIONS REGARDING THE CONTROL AND PROTECTION OF ANIMALS, AMENDING CERTAIN FEES FOR THE KEEPING OF DOGS AND CATS IN CONGESTED AREAS, AMENDING PROCEDURES IN MAKING DANGEROUS DOGS DETERMINATIONS AND THE REGISTRATION OF DANGEROUS DOGS AND SETTING FORTH UNLAWFUL ACTS RELATING THERETO AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO."

In response to the call for public comment the following individuals voiced their concerns, comments, support or opposition regarding euthanasia, Rescue Groups, the Feral Cat Program, the Trap, Neuter and Return Program, and definitions: Monica Jaye, Kathy Rogers, Jack Taylor, Ardena Perry, Beverlee McGrath, Mary Toleno, Leta Esselstrom, Patrick Colletti, Fran Aperones, Jack Owens, Becky Goodman, Harmony Partida, Tom Jacobs, Bonney Brown, Geraldine Rueger, Tim Stoffel, Chris Vaught, Ron James, John Sandler, BJ Perez, Deborah Banks, Laretta Nawojski, Nancy Samon, Kim Rhodemyre, Nikole Nichols, Trish Swain, Gloria McLay, Ann Kinney, Angie Watson, Lyndall MacConan, Lynn McLellan and Tony Yarbrough.

Ms. Harvey stated written statements were received from Hallie Newman, Linda Joo, Nancy Summerfield, Connie Nowlin, Margaret Martini, Kimberly Rhodemyre, Audrey Bomarito and the Volunteers at Pet Network Humane Society, which were placed on file with the Clerk. Ms. Nichols also distributed approximately 200 e-mails in support of Sections 6 and 8, which were placed on file with the Clerk.

Commissioner Larkin said a challenge with the Code section was the number of changes and felt it was close, but not there in terms of the language. He suggested a redlined document of what was originally proposed and what was given to the Board so changes could be tracked through the process. Dan St. John, Public Works Director, agreed with Commissioner Larkin and noted that redlined document existed and resided on the Public Works web page. He emphasized that based on public input, 24 changes were made and 14 sections were modified.

Chairman Breternitz stated there may be some additional modifications after the public comments that had been heard. He requested that redlined version contain the new modifications and be available to the public before the Board reconsidered the changes. Mr. St. John said he was willing to continue the public process and anticipated the need to maintain a tracked document. Commissioner Larkin stated he was not ready for a policy debate on some of those items since he still needed to see how the process was tracked and suggested the bill not be introduced.

Commissioner Jung suggested this not be handled in the same fashion as the Nuisance Ordinance since that was a large taxpayer expense. She felt there had been a great deal of public outreach and asked that the bill be introduced and then return in a time period to identify the unintended consequences. However, if this was not supported, she would prefer other changes be made in the ordinance as well. Commissioner Larkin stated if introduced, the changes had to be stated at the present time and felt there needed to be a policy debate. Commissioner Jung agreed, but stated there was more work to be accomplished.

Katy Simon, County Manager, said in order for staff to fulfill the wishes of the Board, she suggested those changes be given to staff so that the language drafters had them.

Commissioner Jung requested that the subject of the first reading should match the wording of the summary. She also requested a clarification between wolves and dogs and a clarification on animal waste disposal.

Commissioner Humke asked about the operation of Section 8, and if there was a safeguard. Mr. St. John remarked by law; the facility was required to hold an animal for five days and explained the process. He noted that provision was already included and was in a different section.

Commissioner Humke asked if NRS 574 was new language. Terry Shea, Deputy District Attorney, replied that language was being added and also reference to NRS 171, which was the enabling statute for the ability of an Animal Control Officer to issue criminal citations. He said this language was to firm up the ordinance and the capabilities of the Animal Control Officers. He said Chapter 574 was a State statute that provided offenses for animal control violations.

Commissioner Humke said that NRS 574.040 provided that officers or other persons in an animal organization could obtain Peace Officer powers and asked if the intent of Animal Control was to work with the animal organizations to assist them in gaining Peace Officer powers in the County. Mr. Shea stated that was not correct. He said that suggested he craft language for something that was not happening, but if he was directed to state that language it would be included. Commissioner Humke said that was legislative history and was helpful. He suggested that be recited in statute. Mr. Shea stated he would include that language.

Chairman Breternitz thought the potential proposal came from organizations that were not County organizations and asked if that was correct. Mr. Shea explained that potential proposal was from a national organization. Chairman Breternitz asked if it were possible to eliminate the right of any type of organization to request the Legislature to change the statute. Mr. Shea believed that would involve first amendment speech protection and felt the answer would be no. Commissioner Humke stated if there was any delegation of animal control authority and powers to a private organization that the Board not work with those organizations that acquired Peace Officer powers. Mr. St. John explained it was not the intent to provide that authority to the Animal Control Officers.

Commissioner Larkin requested an explanation on tethering issues.

There was no action taken on this item.

11-218 AGENDA ITEM 23 – SENIOR SERVICES

Agenda Subject: “Second reading and adoption of an Ordinance amending Washoe County Code Chapter 45 to change the membership of the Senior Services Advisory Board by converting certain members to non-voting members, and other matters properly related thereto (Bill 1640). (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.

Amy Harvey, County Clerk, read the title for Ordinance No. 1459, Bill No. 1640.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber absent, Chairman Breternitz ordered that Ordinance No. 1459, Bill No. 1640, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 45 TO CHANGE THE MEMBERSHIP OF THE SENIOR SERVICES ADVISORY BOARD BY CONVERTING CERTAIN MEMBERS TO NON-VOTING MEMBERS, AND OTHER MATTERS PROPERLY RELATED THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

COMMUNICATIONS

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

- 11-219** AT&T Nevada Declaration of Availability of IP Video Service for the quarter ending on December 31, 2010.
- 11-220** Executed copy of the approval/renewal of retention of William Kockenmeister, Esq. to represent Washoe County in Public Utilities Commission-related rate proceedings and other legal proceedings relating to the undergrounding of high-voltage power lines. (November 18, 2008 BCC Meeting Agenda Item 7F(2).
- 11-221** Executed copy of a Resolution encouraging intergovernmental cooperation between State and local governments in Nevada.
- 11-222** Executed copy of the Deed for the Sun Valley General Improvement District regarding transfer of ownership of certain County Parks (Sun Valley Community Park)(March 23, 2010 BCC Meeting, Agenda Item 17.)
- 11-223** Executed copy of Contract No. 3438, Project No. SI-0032(076), Multiple Intersections throughout District II, Washoe, Douglas and Carson City Counties, Merit Electric Company, Contractor.
- 11-224** Executed copies of a Resolution from the Board of Trustees of the Washoe County School District augmenting certain funds of the District for the Fiscal Year ending June 2011.

- 11-225** Summary of all claims made against Washoe County for tortious conduct for the calendar year 2010.
- 11-226** Summary of all claims made against the Nevada Tahoe Conservation District for tortious conduct for the calendar year 2010.
- 11-227** Summary of all claims made against the South Truckee Meadows General Improvement District for tortious conduct for the calendar year 2010.
- 11-228** Summary of all claims made against the Truckee Meadows Fire Protection District or Sierra Fire protection District for tortious conduct for the calendar year 2010.

REPORTS-QUARTERLY

- 11-229** Washoe County Sheriff's Office Fiscal Year 2010/11 – 2nd Quarter Report of Civil Fees and Commissions.
- 11-230** Clerk of the Court, Quarterly Financial Statement for the Quarter Ending December 2010.
- 11-231** Justice's Court of Sparks Township, Quarterly Report of Revenues Received for the quarter ending December 31, 2010.
- 11-232** County Clerk's Quarterly Financial Statement for 2nd Quarter Fiscal Year 2010/11, October 1, 2010 through December 31, 2010.
- 11-233** Office of the Constable Incline Village/Crystal Bay Township, Quarterly Report of Revenues Received for the quarterly period ending December 31, 2010.

REPORTS-ANNUAL

- 11-234** Incline Village General Improvement District Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2010.

* * * * *

11:25 p.m. There being no further business to discuss, on motion by Commissioner Humke, seconded by Commissioner Jung with Commissioner Weber absent, the meeting was adjourned.

JOHN BRETERNITZ, Chairman
Washoe County Commission

ATTEST:

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

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

EXHIBIT A

INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

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

Department of Public Safety – Division of Parole and Probation
555 Wright Way
Carson City, Nevada 89711
775 684-4701

And

Washoe County, on behalf of the
Washoe County Sheriff's Office - Forensic Science Division
911 Parr Blvd.
Reno, Nevada 89512
775 328-2810

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

WHEREAS, it is deemed that the services of **WASHOE COUNTY SHERIFF'S OFFICE – FORENSIC SCIENCE DIVISION** hereinafter set forth are both necessary to the **DEPARTMENT OF PUBLIC SAFETY – DIVISION OF PAROLE AND PROBATION (P&P)** and in the best interests of the State of Nevada;

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

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective July 1, 2009 to June 30, 2011, unless sooner terminated by either party as set forth in this Contract.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until thirty (30) days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason federal, State, or local funding ability to satisfy this Contract is withdrawn, limited, or impaired.
5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.
6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT A: SCOPE OF WORK

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EXHIBIT A

7. CONSIDERATION. WASHOE COUNTY SHERIFF'S OFFICE-FORENSICS SCIENCE DIVISION agrees to provide the services set forth in paragraph (6) with the DIVISION of PAROLE and PROBATION paying **one hundred fifty dollars and no cents (\$150.00) or the total amount actually collected from the P&P client for each DNA test performed. The fee for the DNA test is to be collected from the client by P&P.** Payment will be made upon receipt of invoice with the total contract amount not to exceed **seventy-five thousand dollars and no cents (\$75,000.00) for the period from July 1, 2009 through June 30, 2011.** Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require

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

9. INSPECTION & AUDIT.

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

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

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

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

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

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

13. INDEMNIFICATION.

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

EXHIBIT A

reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph.

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

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

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

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

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

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

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

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

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

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

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

exhibita

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

Washoe County Sheriff's Office

Michael Haley
Washoe County Sheriff's Office
Date 6-2-09

Sheriff
Title

WASHOE COUNTY

By: Jim North
Chairman, Washoe County Board of County Commissioners
Date 6/23/09

Chairman
Title

ATTEST

Amy Harvey
Washoe County Clerk

Department of Public Safety

Bernard Curtis
Bernard Curtis, Chief, Parole & Probation Division

07 23 2009
Date

[Signature]
Administrator, Administrative Services Division

8/2/09
Date

[Signature]
Signature - Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On 9-8-09
Date

Approved as to form by:

James B. Tomlin
Deputy Attorney General for Attorney General, State of Nevada

On 7/27/09
Date

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exhibit A

ATTACHMENT A: SCOPE OF WORK

DNA TESTING

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION
AND**

WASHOE COUNTY SHERIFF'S OFFICE – FORENSIC SCIENCE DIVISION

Parole and Probation:

- Collect payments from probationers or parolees for completion of DNA testing per NRS 176.0916;
- Deposit money in a fund for genetic marker testing, created in the state general fund;
- Monthly – create a report identifying list of probationers or parolees and related amounts of money that have been paid to P&P for DNA testing;
- Download this report to a CSV (comma delimited) file;
- Send file via email to appropriate Washoe County Sheriff's Office Forensic Science Division employee;
- Pay one hundred fifty dollars and no cents (\$150.00), or the total amount actually collected from the P&P client for each DNA test performed, to the Washoe County Sheriff's Office for each biological specimen submitted to the Washoe County Sheriff's Office for DNA testing.

Washoe County Sheriff's Office Forensic Lab:

- Conduct an analysis of each biological specimen obtained from a Parole and Probation - offender and submitted to Washoe County Sheriff's Office, to determine the genetic markers of the specimen;
- Cross check list of Parole and Probation offenders with samples received;
- Based on list and monies paid to Parole and Probation, create invoice for payment of DNA testing services;
- Send invoice to Parole and Probation for payment.

In the event of notice, the following are to be notified:

For the State of Nevada, Department of Public Safety:

Contracts Manager
Department of Public Safety, Administrative Services Division
555 Wright Way
Carson City NV 89711-0200
(775) 684-4698

For the Washoe County Sheriff's Office:

Director of Lab Services, Forensic Laboratory
Washoe County Sheriff's Office, Forensic Science Division
911 Parr Blvd.
Reno, Nevada 89512
(775) 328-2810



Administrative Services Division
CONTRACTS

Jennifer Bauer, Contracts Manager
555 Wright Way
Carson City, NV 89701
775 684-4698
Fax 775 684-4502

January 27, 2011

Washoe County Sheriff's Office
Forensic Science Division
911 Parr Blvd.
Reno, NV 89512

The State of Nevada, Department of Public Safety, Parole and Probation Division is amending the contract. The contract is expiring on June 30, 2013.

Enclosed are four (4) copies of the contract amendment for your review and signature. Please review the contract amendment and sign on page 2 of all four (4) copies.

Please return all 4 copies as soon as possible to my attention at the above address. I will obtain the balance of the signatures, and send you a completed copy for your records when it is finished.

Note: Any contract shall not be effective unless all insurance requirements are met and until approved by the Nevada State Board of Examiners.

Should you have any questions, or need clarification please call me at 775-684-4698. Thank you in advance for your support.

Best regards,

A handwritten signature in black ink that reads 'JENNIFER BAUER / SW'.

Jennifer Bauer
Contracts Manager
Department of Public Safety

JB/sw
Enclosures