

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

TUESDAY

10:00 A.M.

AUGUST 13, 2013

PRESENT:

David Humke, Chairman
Bonnie Weber, Vice Chairperson
Marsha Berkbigler, Commissioner
Vaughn Hartung, Commissioner
Kitty Jung, Commissioner

Nancy Parent, County Clerk
John Berkich, Interim County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:05 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:

13-675 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three 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 three minutes per person. Comments are to be made to the Commission as a whole.”

Guy Felton discussed the U.S. Constitution, free speech and a number of U.S. Supreme Court rulings.

Catherine Smith spoke in support of a much needed trash ordinance. She said it was well known that proper trash storage was an important step in preventing the development of urban bears. She stated that strict trash ordinances needed to be instituted and enforced or human-to-bear conflicts would continue and could further deplete the severely limited resources of the Nevada Department of Wildlife (NDOW).

Trish Swain supported the idea of bear-proof trash containers and mandating their use within bear habitat areas of the County. She recommended that the Board place a trash ordinance proposal on an upcoming agenda.

Todd “Taxpayer” Bailey read from a prepared statement, which was placed on file with the Clerk. He discussed AB 46 and noted that he had been involved in discussions concerning school construction funds for over seven years. In his statement

there was information submitted by *People First of Nevada* and included an investigation of the existence of seclusion rooms known as “Scream Rooms” in the Washoe County School District (WCSD). He submitted a video containing testimony from special needs children who had been placed in those rooms. A copy of the video was placed on file with the Clerk.

Garth Elliott remarked that the County was losing their war against graffiti. He said graffiti was rampant in the Sun Valley area, and he hoped that the Board would bring the topic forward for discussion.

Pamela Gartin urged the Board to continue exploring the issue of mandatory trash receptacles in areas of the County with high levels of human-to-bear conflict. The strict enforcement the County could provide through an ordinance was necessary to mitigate the current levels seen in violations.

Cathy Brandhorst spoke on escapees from prisons.

John Eppolito distributed a handout that explained the Common Core State Standards being used in the WCSD. He said Common Core Standards were the largest proposed change to education in our lifetime yet few people had heard of this change. He said Common Core was a “one size fits none way” to deal with the education problems in the country. He indicated that Common Core had never been tested and numerous experts opposed the standards. A copy of the handout was placed on file with the Clerk.

Margaret Martini felt the Board was shirking their duties in managing the County by deleting agenda item 25. She said the bear issue was just as important as many of the other issues on the agenda. She commented that the Board should issue a directive to their respective districts to initiate strict trash ordinances and have a definitive timeline to create and execute strong ordinances about trash issues.

Beverly Siegel stated that the trash ordinance would secure an urban community, protect the wildlife and prevent the unnecessary killing of wildlife. She was disappointed that the Board would not hear this issue today, but hoped they would reconsider hearing the matter at a future date.

Fred Voltz encouraged the Board to consider a mandatory ordinance at their next meeting for trash control in areas that had bears. He said this issue had been pending for 10 years without a viable solution. He felt the trash ordinance would represent a co-existence with wildlife.

Carolyn Stark urged the Board to place the trash ordinance back on a future agenda for further discussion.

Jim Galloway commented when people elected county commissioners, they never anticipated that those commissioners would be voting on such things as

managing the School District's budget or the manner in which the School District spent their money. He said that function had always been between the Legislature and the school boards. He did not think that the Board of County Commissioners (BCC) should stand still for the Legislators, intentional or not, throwing them under the bus. Mr. Galloway believed the right thing to do was to send a message back to the Legislature indicating that this item was improperly before the BCC and that the BCC did not have enough information or options to properly deal with the subject. He explained that the BCC would not have the ability to control how the money would be spent. This issue should be returned to the Legislature with a request for an independent performance audit of the School District to include an audited insurance projection on the amount of money the School District had set aside for capital projects.

Patrick McLaughlin urged the Board to reconsider bear-proof receptacles so that bears could not reach the food.

Sam Dehne spoke on AB 46 and suggested the Board send the matter back to the Legislature.

13-676 AGENDA ITEM 4 – ANNOUNCEMENTS

Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”

John Berkich, Interim County Manager, stated that Agenda Items 22 and 25 would be pulled from the agenda. He noted that Agenda Item 25 had been postponed in deference to the work the Incline Village General Improvement District (IVGID) was planning to conduct in September. He announced that the Commissioners would be attending the annual Tahoe Summit on August 19, 2013. Mr. Berkich also mentioned the planned workshops for AB 46. He said those workshops would be scheduled for August 20th, September 17th and October 15th at 4:00 p.m. in the Commission Chambers.

Commissioner Weber requested an update from Waste Management because she had received numerous complaints from constituents. She said their website was outdated and had false information listed that was confusing to citizens. She explained that the Board had no say over the State's Common Core Standards and suggested the public speaker contact the Washoe County School Board.

Commissioner Hartung requested a workshop to discuss signage and an evaluation of the sign codes in the County. He suggested the workshop be scheduled jointly with the Planning Commission in order to discuss the issues.

Commissioner Jung explained that the pulling of Agenda Item 25 was a pause and that it would return to the Board. She said it was important for the issue to be

conducted regionally since “garbage bears” could potentially be pushed into other districts.

Commissioner Berkbigler further explained that Agenda Item 25 was postponed in an effort to give IVGID the opportunity to move forward and then the Board would follow-up with their discussion. She clarified that Agenda Item 25 was not a proposed ordinance, but was an attempt to place the issue out to the public. However, it appeared that many citizens were also concerned about trash in a general sense.

Chairman Humke announced that he recently attended a briefing on graffiti. He said the Washoe County Sheriff’s Office (WCSO) had a graffiti program and indicated that an inmate crew was used to paint over graffiti in the County. He said citizens could call 775-785-4629 for more information on the program.

13-677 AGENDA ITEM 5 - PROCLAMATION

Agenda Subject: “Proclamation--June 22, 2013 as Barbara Vucanovich Day. (All Commission Districts.)”

Commissioner Berkbigler read and presented the Proclamation to members of Barbara Vucanovich’s family. Patty Cafferata thanked the Board for their Proclamation. She said her mother was a great lady, served the State well and took tremendous care of her family.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5 be adopted.

13-678 AGENDA ITEM 6 - PROCLAMATION

Agenda Subject: “Proclamation--August 11-17, 2013 as National Forensic Science Week. (All Commission Districts.)”

Chairman Humke read and presented the Proclamation to Undersheriff Tim Kuzanek and Renee Romero, Crime Lab Director. Undersheriff Kuzanek said the staff of the Forensics Lab was very dedicated and worked under the direction and leadership of their director. Ms. Romero indicated that the staff of the Forensics Science Division were often the unsung heroes and had worked on many high profile cases in the community. She said the Proclamation was important to recognize those workers for their work and dedication. Members present from the Forensics Lab introduced themselves to the Board.

There was no public comment on this item.

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

CONSENT AGENDA

13-679 AGENDA ITEM 7A

Agenda Subject: “Approve minutes for the Board of County Commissioners' June 11, June 25, and July 9, 2013 meetings.”

There was no public comment on this item.

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

13-680 AGENDA ITEM 7B

Agenda Subject: “Reconsideration of Cancellation of the August 20, 2013 County Commission meeting and possible reinstatement of scheduled meeting date.”

Paul Lipparelli, Legal Counsel, noted that this item was a reconsideration of the cancellation previously approved for the August 20, 2013 meeting. He said voting yes on this item would ensure there would be an August 20, 2013 County Commission meeting.

There was no public comment on this item.

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

13-681 AGENDA ITEM 7C – HEALTH DISTRICT

Agenda Subject: “Approve and execute the Permit for Disinterment of Human Remains, as allowed under NRS 451.050, Subsection 2. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that the request from Marc L. Fisher to disinter and remove the remains of his son who died on February 26, 2010 be approved. It was noted that the death certificate indicates the death was not due to a communicable disease.

13-682 AGENDA ITEM 7D – HUMAN RESOURCES

Agenda Subject: “Approve a 5% salary adjustment from [\$92,664 to \$97,302.40] for the recently appointed Registrar of Voters, Luanne Cutler, retroactive to June 21, 2013; total annual fiscal impact including PERS and Medicare [\$5,832.79]. (All Commission Districts.)”

There was no public comment on this item.

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

13-683 AGENDA ITEM 7E – SOCIAL SERVICES/SENIOR SERVICES

Agenda Subject: “Approve non-Washoe County employee travel and travel reimbursements and the use of Washoe County equipment as directed by authorizing departments to allow AmeriCorps VISTA volunteers travel, per diem and personal mileage reimbursement and the use of County vehicles and other equipment in the execution of their assignments retroactively to July 22, 2013 not to exceed [\$1,000] per Department, per fiscal year, for the duration of the projects. (All Commission Districts.)”

There was no public comment on this item.

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

13-684 AGENDA ITEM 7F - TECHNOLOGY SERVICES

Agenda Subject: “Approve and execute a resolution allowing Washoe County to donate surplus telecommunications equipment to North Lake Tahoe Fire Protection District. (Commission District 1.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7F be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

13-685 AGENDA ITEM 7G(1) – COMMUNITY SERVICES

Agenda Subject: “Approve 24 month Lease Agreement between 601 W. Moana LLC and Washoe County, commencing retroactively to July 1, 2013 through June 30, 2015 to accept a rental reduction for the District Health Department, WIC

Program, and provide for the continued occupancy at 601 W. Moana Lane, Reno, Nevada [\$67,464] for the two-year term. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7G(1) be approved.

13-686 AGENDA ITEM 7G(2) – COMMUNITY SERVICES

Agenda Subject: “Approve the Water Rights Deed and Water Sale Agreement transferring 0.91 acre-feet of water rights from Truckee Meadows Water Authority to Washoe County. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7G(2) be approved.

13-687 AGENDA ITEM 7G(3) – COMMUNITY SERVICES

Agenda Subject: “Approve the State of Nevada Manufacturer’s (Brew Pub) License, with recommendations contained in the staff report, for Michelle M. Hadley dba StoneyHead Brewing, LLC, and if approved, authorize each Commissioner to sign the State of Nevada *Application for Manufacturer’s License* with direction for the County Clerk to attest the license application. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7G(3) be approved, authorized, executed and directed.

13-688 AGENDA ITEM 7G(4) – COMMUNITY SERVICES

Agenda Subject: “Approve the reappointment of Jess Traver and the appointment of Kylene Perks to the Building Enterprise Fund Advisory Committee each for a four year term commencing on January 1, 2013 and ending on December 31, 2016. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Jess Traver be reappointed and

Kylen Perks be appointed to the Building Enterprise Fund Advisory Committee each for a four year term commencing on January 1, 2013 and ending on December 31, 2016.

13-689 AGENDA ITEM 7H(1) – JUVENILE SERVICES

Agenda Subject: “Approve FFY 2013 State Formula Grant [\$88,358, no County match] from the Nevada Juvenile Justice Commission to fund the Mental Health Service Coordination Program retroactive from July 1, 2013 through June 30, 2014; and direct Finance to make the necessary budget adjustments. (All Commission Districts.)”

Chairman Humke disclosed that he sat on the Nevada Juvenile Justice Commission.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7H(1) be approved and directed.

13-690 AGENDA ITEM 7H(2) – JUVENILE SERVICES

Agenda Subject: “Approve FFY 2013 Juvenile Accountability Block Grant [\$28,806 and FFY 2011 surplus \$25,650, total County match of \$5,445.60 cash] from the Nevada Juvenile Justice Commission to fund the Supervised Release Program retroactive to July 1, 2013 through June 30, 2014; and direct Finance to make necessary budget adjustments. (All Commission Districts.)”

Chairman Humke disclosed that he sat on the Nevada Juvenile Justice Commission.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7H(2) be approved and directed.

13-691 AGENDA ITEM 7I(2) - LIBRARY

Agenda Subject: “Approve the abolishment of one vacant 40-Hour-Per-Week benefited Library Assistant II Position (#70002106); and the creation of two new 15-Hour-Per-Week non-benefited Library Assistant II Positions. All of which are funded, or are to be funded, through the Library Expansion Fund; and direct Human Resources to make the necessary changes. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7I(2) be approved and directed.

13-692 AGENDA ITEM 7J(1) - MANAGER

Agenda Subject: “Approve Resolution declaring the Commission’s action to receive a cash donation from Black Rock LLC [\$8,500] in support of increased demand for fire and emergency medical services associated with the “Burning Man” event; and other matters related thereto; (event to take place August/September 2013); and direct Finance to make the appropriate budget adjustments. (Commission District 5.)”

On behalf of the Board, Commissioner Jung thanked Black Rock LLC for their generous donation.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7J(1) be approved and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

13-693 AGENDA ITEM 7J(2) - MANAGER

Agenda Subject: “Acknowledge receipt of an update report on the status of the Washoe County American Recovery and Reinvestment Act 2009 (Stimulus) projects for April - June 2013. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7J(2) be acknowledged.

13-694 AGENDA ITEM 7K(1) - SHERIFF

Agenda Subject: “Approve direct grant award [\$29,000, no County match required] from the State of Nevada, Office of Criminal Justice Assistance FFY 14 Justice Assistance Grant (JAG) Project No. 13-JAG-30 supporting the All Threats All Crimes (ATAC) task force; grant period is 7/1/13 – 6/30/14; authorize use of JAG travel and/or training funds for non county employees assigned to the Task Force; and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7K(1) be approved and authorized.

13-695 AGENDA ITEM 7K(2) - SHERIFF

Agenda Subject: “Approve Security Agreement between Expedition Man and the County of Washoe on behalf of the Washoe County Sheriff’s Office to provide uniformed Deputy Sheriffs for security during 2013 Expedition Man Triathlon on August 24, 2013, estimated reimbursed for security costs [\$3,500]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7K(2) be approved.

13-696 AGENDA ITEM 7K(3) - SHERIFF

Agenda Subject: “Accept various military surplus equipment [overall estimated value \$557,272.26, no charge to the County] donated to the Washoe County Sheriff’s Office to be utilized to support Detention Response Team (DRT), K9 Units and Special Weapons and Tactics (SWAT) units of WCSO. (All Commission Districts.)”

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

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7K(3) be accepted.

13-697 AGENDA ITEM 7K(4) - SHERIFF

Agenda Subject: “Approve receipt of Fiscal Year 2013 Local Edward Byrne Memorial Justice Assistance Grant (JAG) [\$57,902.80, no match required] sub granted through Reno Police Department for purchase of law enforcement equipment, law enforcement related training and travel and overtime; and direct Finance to make the necessary adjustments; and approve the updated Interlocal Agreement between the City of Reno on behalf of the Reno Police Department, Washoe County on behalf of the Washoe County Sheriff’s Office and the City of Sparks on behalf of the Sparks Police Department for the Management and Disposition of 2013 Justice Assistance Grant (JAG) Program Award. Grant period is 10/1/13 through 9/30/16. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7K(4) be approved and directed. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

13-698 AGENDA ITEM 7I(1) - LIBRARY

Agenda Subject: “Accept donation [\$224, 910, no local match required] from Friends of Washoe County Library, for restricted use towards the operational needs of Sierra View Library located at the Reno Town Mall, 4001 S. Virginia Street, Reno, NV; and direct Finance to make the necessary budget adjustments. (Commission District 2.)”

Wendy Pitts, Property Program Manager, introduced Rob Roth, owner of the Reno Town Mall. She indicated that Mr. Roth had been supporting the rent for the Sierra View Library in that Mall for the past five years through a donation to the Friends of the Library.

On behalf of Rotor Investment, Nevada, and the Reno Town Mall, Mr. Roth said he was pleased to have the Library continue to be in the Mall and noted that Rotor Investment’s support would continue.

On behalf of the Board, Commissioner Jung thanked Mr. Roth and the Friends of the Library for their generous donation.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7I(1) be accepted and directed.

11:21 a.m. The Board convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

11:29 a.m. The Board adjourned as the TMFPD/SFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

13-699 AGENDA ITEM 24 – MANAGER/TRUCKEE MEADOWS FIRE PROTECTION DISTRICT

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code by repealing Chapter 60 in its entirety, and by enacting a new Chapter 60 concerning fire, buildings, and wildlands, containing provisions of the Fire and Wildland-Urban Interface International Codes, amendments to the same, and violations, and providing other matters properly related thereto; and, if

supported, schedule public hearing and second reading for 6:00 p.m. on August 27, 2013, to provide for possible adoption of the Ordinance to become effective September 24, 2013. (All Commission Districts.)”

11:35 a.m. Commissioner Jung temporarily left the meeting.

Nancy Parent, County Clerk, read the title for Bill No. 1697.

Truckee Meadows Fire Protection District (TMFPD) Fire Chief Charles Moore commented that the current Fire Code adopted by the TMFPD was the 2003 International Fire Code. He explained that it was important to remain current with fire codes because the Fire Code allowed firefighters to continue the maintenance of fire systems in buildings and enforced maintenance of those internal fire protection systems. He said the Wildland Urban Interface Code would also be reviewed, which was paramount for this jurisdiction. Chief Moore said the technology and standards of care were ever changing with more and more devastating wildfires.

TMFPD Fire Marshal Amy Ray indicated that in September of 2012, 10 neighboring jurisdictions worked together on amendments to the 2012 International Fire Code and the International Urban Wildland Interface Code. The goal was to maintain consistency for builders, owners, contractors and anyone that needed the information throughout the jurisdictions. Fire Marshal Ray said the State Fire Marshal had adopted the 2006 International Fire Code and the 2009 Wildland Urban Interface Code, but the Code needed to be similar with the NRS and the Nevada Administrative Code (NAC) standards. Through the amendments, the building officials decided to delete the requirement for residential fire sprinkler systems at zero square feet. She explained that amendment was deferred to the fire departments for what they felt was appropriate. She said the TMFPD and the Sierra Fire Protection District (SFPD) felt that 5,000 square feet was appropriate for requiring sprinkler systems within the area. It was felt that would be the best way to manage a structure fire with the water tenders and the staffing capacity. She said the Code would also require stricter regulations on fireworks and prohibited the possession, manufacture, sale and use of exploding targets.

Bill No. 1697, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CHAPTER 60 IN ITS ENTIRETY, AND BY ENACTING A NEW CHAPTER 60 CONCERNING FIRE, BUILDINGS, AND WILDLANDS, CONTAINING PROVISIONS OF THE FIRE AND WILDLAND-URBAN INTERFACE INTERNATIONAL CODES, AMENDMENTS TO THE SAME, AND VIOLATIONS, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO,**" was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed. It was noted that the public hearing for the second reading and possible adoption of the Ordinance would be scheduled for August 27, 2013 at 6:00 p.m.

Agenda Subject: “Recommendation to award a bid and approve the agreement for construction of the “Ballardini Ranch Trailhead” project (PWP-WA-2013-207) [not to exceed engineer’s estimate of \$1,553,638]; or, reject all bids and authorize staff to re-bid the project; project is funded by Southern Nevada Public Land Management Act (SNPLMA)-Parks Trails and Natural Areas (PTNA) and Washoe County 2000 Regional Parks, Open Space and Trails bond (WC-1). (Commission Districts 1 and 2.)

11:39 a.m. Commissioner Jung returned.

Dwayne Smith, Engineering and Capital Projects Division Director, said anytime challenges were found in project documents it was staff’s goal to deliver those projects in the best way possible. He explained that changes were being implemented to the process and how the documents were reviewed.

Leslie Skinner, Spanish Springs Construction, Inc. (SSC) Project Manager, read a prepared statement that was placed on file with the Clerk. She said a possible ambiguity in the bid documents relating to the award of the project when including bid alternatives caused staff to recommend the rejection of all bids at the July 23, 2013 Commission meeting. She reiterated that the ambiguity had no bearing or effect on the outcome of the bid, as SSC was the low bidder under any award scenario. Likewise, the possible ambiguity had no bearing or effect on their 5 percent or 1 percent list of subcontractors, as the lists would remain the same no matter how the contract was awarded. Ms. Skinner stated that a second Notice of Intent to Award was issued by the Community Services Department on July 24, 2013. To their knowledge, no protests were submitted within the protest period established by NRS. She stated that SSC was the lowest, responsive and responsible bidder, and the project should be awarded accordingly.

Rick Trachalk, Sierra Nevada Construction (SNC), explained the reason a protest bond was not submitted was because SNC had no intention of filing suit against Washoe County. He commented that NRS 338.141 indicated that any bid that did not include the 5 percent list of subcontractors was not a responsive bid and could not be considered by the Board. In this case, the Board had the ability to reject all bids, had the authority to reject the not responsive bid and award the bid to the next bidder, which was SNC. He agreed there was no ambiguity in the bid documents and the bid that was awarded was for a base bid. However, all the alternates and the 5 percent subcontractors were not listed and, by not listing a subcontractor or the fact that it would be self-performed by the general contractor, was not a responsive bid and could not be considered.

Richard Daly, Labor Union Local 169 representative, said the issue was what was supposed to be known at the time of the bid opening, such as the contractor’s price, price plus the alternates, and the 5 percent subcontractor’s work. In addition, the

NRS required the three lowest bidders to submit within two hours of the bid opening a list identifying the name, address and contractor's license number for which a subcontractor would be paid more than 1 percent of the prime contractor's total bid. However, through the process, staff found there were two different pieces of language in the bid documents that stated how the project would be awarded. He said the only fair thing to do was to reject all the bids and rebid the project.

Per the advice of Legal Counsel, the Board members made disclosures with regard to individuals they either spoke to or had contact with in regard to this item.

Commissioner Berkbigler thanked staff for revising the staff report and including three separate options.

Commissioner Hartung asked for an explanation on the ambiguity in the Request for Proposal (RFP). Mr. Smith replied that the ambiguity lied in the wording that identified how the bid would be potentially awarded. He said both SSC and SNC made valid arguments about the approach, but it still created a sense of misunderstanding. Commissioner Hartung asked if there would be any peril in rebidding. Mr. Smith felt either better bids could be received or a slightly higher bid could be received.

Commissioner Berkbigler commented on a letter attached to the staff report from SSC, and she asked if that letter answered any potential legal concerns. Mr. Smith replied as part of the process to help provide clarity, he had requested a letter from SSC indicating how they would meet the NRS requirements. He indicated that the burden would lie with the County and the Project Manager to verify if SSC did not pay any first tier subcontractor more than \$50,000.

If it was found there was an issue with respect to a subcontractor, Commissioner Hartung inquired about the County's recourse. Mr. Smith explained there were strict penalties contained in NRS 338.141 sections 5, 6 and 7.

Chairman Humke asked if SSC and SNC would be able to rebid if the Board chose Alternative 3. Mr. Smith stated that was correct.

Commissioner Weber asked if the Southern Nevada Public Land Management Act (SNPLMA) monies would still be available in 2014 if Alternative 3 were approved. Mr. Smith replied that had been discussed with staff to ensure there would not be any issues with utilizing that money past this calendar year. He clarified there would not be any issues if the project moved into 2014. Commissioner Weber inquired on the timeframe of the rebid process. Mr. Smith indicated there would be a three week bidding project, then staff would return in approximately five weeks with a recommendation to the Board.

Commissioner Hartung said the difference between the two lowest bids was \$105,287. He asked if there would be any way for SSC to return and increase the bid amount without a change order from the County after it was awarded. Mr. Smith said it

was anticipated there would always be potential challenges with any project. He explained that contingency funding of about 5 percent could be included within the project.

Commissioner Hartung said he was still concerned with the ambiguity, and was also concerned with fairness, regardless of how it was approached. He felt it would be fair to rebid the project.

Commissioner Weber moved to reject all bids and authorize staff to rebid the project that was funded by SNPLMA as stated in Alternative 3. Commissioner Hartung seconded the motion.

In response to the call for public comment, Adam Rutherford, SSC owner, said there appeared to be some confusion on listing subcontractors and explained that subcontractors were only listed that met the requirements. He said SSC billed their jobs differently than SNC and that every scope was not listed on any project. Mr. Rutherford stated that multiple subcontractors could be used to build an item of work. He said the Board was choosing to reject the bids based on nothing. Mr. Rutherford added that the lists were turned in properly, SSC gave a bid that was \$108,000 less than the next bidder and would honor the bid.

Commissioner Berkbigler was concerned about the fairness because the ambiguity was in the County's RFP and not the contractor's responses. She said it seemed questionable as to whether there was a problem on the part of the contractor. However, if it was the will of the Board to send it back to rebid she would support the motion.

Commissioner Jung noted that she would support staff's recommendation to rebid the project. She said when public funds were going into a very public trailhead it was incumbent of the Board that the integrity on the public process be preserved.

Commissioner Hartung agreed with those comments and supported the motion.

Mr. Lipparelli indicated that the Board of County Commissioners had the authority under NRS 338.143(5)(c) to reject all bids if they found the public interest would be served by such a rejection. He confirmed that the Board had stated their findings as to why it would be in the public's best interest.

On call for the question, the motion to reject all bids and authorize staff to rebid the project that was funded by SNPLMA as stated in Alternative 3, passed on a 5 to 0 vote.

13-701 AGENDA ITEM 9 - APPEARANCE

Agenda Subject: “Mike Kazmierski, Economic Development Authority of Western Nevada (EDAWN), President and CEO. Presentation and possible discussion of end of the year activities and updates.”

Mike Kazmierski, Economic Development Authority of Western Nevada (EDAWN), President and CEO, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation included the State’s unemployment rate, EDAWN’s focus on “Primary” or “Base” jobs, the three legs of economic development, marketing initiatives, Fiscal Year (FY) 2012 and FY 2013 assisted projects, Washoe County’s activity, EDAWN’s Plan–Retention/Expansion, EDAWN’s goals, entrepreneurial ecosystem, diversified business marketing campaign, public versus private investment support, EDAWN’s return on investment and regional public/private partners.

Commissioner Hartung asked for an explanation of a Hack-a-thon. Mr. Kazmierski explained that a Hack-a-thon was where computer “geeks” gathered and discussed programming that supported certain areas such as software and developing networking opportunities.

Commissioner Jung commended Mr. Kazmierski for an impressive update. Chairman Humke agreed and said it was a productive report.

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

13-702 AGENDA ITEM 10 - APPEARANCE

Agenda Subject: “David F. Jickling, Regional Transportation Commission (RTC), Director of Public Transportation and Operations. Presentation on Emerging Senior and Disabled Transportation Issues: Aging in Washoe County. To be heard before Agenda Item #11.”

David F. Jickling, Regional Transportation Commission (RTC) Director of Public Transportation and Operations, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation included the 2000-2010 demographics, Washoe County Age Cohort trends, percentage in senior populations between 2000 and 2010, RTC Access, RTC Ride, the growing population in 2013-2035, and the population served by RTC transit.

Commissioner Hartung suggested the routes for RTC Access and RTC Transit be revisited in the near future to review how they accessed medical and dental facilities. Mr. Jickling agreed since the present service design would not continue in the future without additional funding.

Commissioner Weber requested this presentation and report be posted on the County's website.

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

BLOCK VOTE

The following Agenda Items were consolidated and voted on in a block vote: 12, 13, 14, 15, 17, 19 and 20.

13-703 AGENDA ITEM 12 – DISTRICT COURT

Agenda Subject: “Recommendation to approve Professional Services Agreement for Drug Testing Services for Adult Drug Court, Diversion Court, and Washoe County Department of Social Services between the District Court, Washoe County, and Case Management Services (CMS) [\$130,504], plus actual cost of tests administered retroactive to August 1, 2013 for the period August 1, 2013 to June 30, 2014. The total cost of the eleven-month Agreement may not exceed [\$361,284]. (All Commission Districts.)”

There was no public comment on this item.

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

13-704 AGENDA ITEM 13 - FINANCE

Agenda Subject: “Recommendation to acknowledge Publication of Notice of Intent to Augment Budgets and approve Resolution to augment the Capital Facilities Tax Fund [\$3,085,365] and the Capital Improvement Fund [\$790,009] for projects approved during fiscal year 2012-2013 that will be completed in fiscal year 2013-2014 and acknowledge appropriation adjustments across functions within the Washoe County Capital Facilities Tax Fund; and direct Finance to make the appropriate adjustments; previously approved and budgeted projects so no fiscal impact. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 13 be approved, acknowledged and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

13-705 AGENDA ITEM 14 – HUMAN RESOURCES

Agenda Subject: “Recommendation to approve Collective Bargaining Agreements with the Washoe County Sheriff’s Deputies Association and the Washoe County Sheriff’s Supervisory Deputies Association bargaining units for the period of July 1, 2013 through June 30, 2014; ratify same: a .375% PERS contribution in lieu of a wage increase effective July 15, 2013; a 3% increase in base wage and elimination of 3% physical fitness incentive pay rate effective July 1, 2013; a 1% Cost of Living Adjustment in base wage effective July 1, 2013; a 1.5% Cost of Living Adjustment effective January 1, 2014. [Fiscal impact estimated at \$1,359,000]. (All Commission Districts.)”

Commissioner Jung commended the expeditious and excellent way this agreement was reached.

There was no public comment on this item.

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

13-706 AGENDA ITEM 15 - SHERIFF

Agenda Subject: “Recommendation to approve a direct grant award [\$178,000, no County match required], from the State of Nevada, Office of Criminal Justice Assistance FFY 14 Justice Assistance Grant (JAG) Project No13-JAG-31, grant period 7/1/13 – 6/30/14, for the Enhanced Controlled Substance Analysis Using Gas Chromatography-Infrared Spectroscopy (GC-IR), and approve the sole source purchase of a DiscovIR-GC™System Gas Chromatography-Infrared Spectroscopy GC-IR instrument (GC-IR) manufactured and sold by Spectra Analysis [\$178,000]; and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 15 be approved and authorized.

13-707 AGENDA ITEM 17 - MANAGER

Agenda Subject: “Recommendation to approve a Community Development Block Grant from the Nevada Governor’s Office of Economic Development [\$211,515, County match of \$2,973 (\$2,239 staff time, and \$734 indirect costs)]; and [Sun Valley General Improvement District in-kind match of \$18,900] for a community building at the Gepford Park in Sun Valley, grant period is retroactive from July 1, 2013 through December 31, 2014; and if accepted, authorize Chairman to execute

grant documents; and approve the Interlocal Agreement between Washoe County and the Sun Valley General Improvement District [\$211,515], for the term of August 13, 2013 to December 31, 2014, a sub-grant for this project, and approve a Resolution necessary for same; and direct Finance to make the appropriate budget adjustments. (Commission District 5.)”

There was no public comment on this item.

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

13-708 AGENDA ITEM 19 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to consider a request for sponsorship of the Great Reno Balloon Race [GRBR] 2013 which will be held at Rancho San Rafael Regional Park September 3-9, 2013. Options include: 1) Washoe County would waive park facility rental and use fees [\$5,200] in consideration of Washoe County being recognized as a Major Sponsor; or 2) Washoe County would have the organization pay the rental and use fees [\$5,200] and then pay the GRBR organization [\$5,200] for a Major Sponsorship for the 2013 event; or 3) Washoe County would require payment of staffing costs in support of the event [\$3,600] and receive balance [\$1,600] as a corporate sponsor; or 4) Washoe County would consider no sponsorship opportunity of the 2013 event; and, subject to the option selected, authorize the Community Services Department Acting Director to sign the 2013 Renewal and First Amendment to Agreement. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Option 1 be approved, authorized and executed.

13-709 AGENDA ITEM 20 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to approve a request to initiate proceedings to amend the Washoe County Code (Chapter 100 – Buildings and Construction) to adopt an administrative permit, amended work exempt from permit, amend fee schedule on Table 2 and Table 7, and other matters properly relating to the provisions of Chapter 100, effective October 1, 2013; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 20 be approved and directed.

13-710 AGENDA ITEM 11 – SENIOR SERVICES

Agenda Subject: “Recommendation to approve Department of Senior Services’ development of a Washoe County Master Plan for Aging Services, cost estimated [\$45,000] to be paid out of the Senior Services Fund; and [\$29,350] for survey and data analysis that may require FY 14 Contingency funds if grant funding is not obtained. (All Commission Districts.) To be heard after Agenda Item #10.”

Grady Tarbutton, Senior Services Director, presented a video and conducted a PowerPoint presentation. The presentation highlighted Washoe County’s aging population, the risk factors for elders, economic impacts, Senior Services challenges, the Master Plan for Aging Services, Leadership Forum, Stakeholder groups, focus groups, the benefits for seniors and the community, the dissemination, organizational chart and timeline for the process. He said the perception of what it meant to be older was changing and a new vision needed to be developed for the County. A copy of the video and the presentation were placed on file with the Clerk.

Commissioner Jung commented that the Master Plan had been recommended for the past several years in terms of the importance of trying to receive pass through dollars from the State. This was a critical component in grant applications and was also important because the region was an attractive community for retirees. She stated there was the “silver tsunami” and, there could be tremendous social ills in ignoring this population.

Commissioner Weber stated she could not support the Master Plan since the community and senior citizens could use the money for other services, and she did not believe this was the answer. She felt that the State needed to review this and that was where a Master Plan should be produced.

Mr. Tarbutton said the cost had been thought through long and carefully, and he knew that services were needed in the community. After the review, it was felt that money would be best spent on creating a plan that would help the community move forward and prioritize the resources. He acknowledged it was a difficult choice and understood the Commissioner’s point of view. He commented that staff had been working with the Senior Advisory Board for several years and that they had expressed the same concerns.

Commissioner Berkbigler stated she was a proponent of being proactive. She felt if there was a Master Plan in place, but that Plan was outdated, it was time for an update, which was the goal of this project.

Commissioner Hartung said the Master Plan would be the first step in the process of the Senior Advisory Board creating a business plan. He said that was

important because there were a large number of individuals in the community that would donate money toward senior services. He reiterated that the first step in that process was a Master Plan, and he was supportive of the Plan.

John Berkich, Interim County Manager, commented that the State's posture to these types of human services typically looked at the counties to develop their own master plans, planning documents and goals that met the needs of their specific community. Mr. Tarbutton said a challenge was that the State plan resulted in the State having contracts with about 90 separate agencies and 260 grants. Their plan was not specific enough for the County and could not provide a broad analysis of the community. However, he agreed that the State had a responsibility in providing for the needs of senior citizens.

Mr. Berkich inquired about the potential for grant funding through the State, either sponsored by the State or federal agencies to offset part of the costs. Mr. Tarbutton explained that the funds being used for most of the costs included the Vista interns that were paid for by the federal government, a donation of \$47,000 made to Senior Services last year to support senior programming and a couple of grants that were being written to support the study by InfoSearch. He explained that the \$47,000 donation was bequeathed from a will that came to Senior Services, but did not mention a specific use of the funds.

Chairman Humke stated his opposition to the Master Plan. He said the staff report indicated that many of the actions proposed had either been evaluated or completed, and he felt that the approach had already begun without the benefit of County Commission approval. He noted there would be a Leadership Forum to develop the values and guiding principles with several stakeholders; however, only Renown Hospital was listed and noted there were other hospitals in the area. He was concerned that this process was already underway and recently he had been dissatisfied with several things coming out of Senior Services. Chairman Humke felt this Plan would also ignore the Adult Services Division and, while asking a number of people to comment on aging services, did not defer to the County's Social Services where responsibilities existed under State mandates to provide some of those services in the adult arena. He felt this was a shotgun approach and did not want this done.

In terms of Adult Services and Social Services, Mr. Tarbutton indicated that conversations were occurring with those departments on ways to work together. He said the State was their primary funding source for those programs, but there was little control about the direction as to how Washoe County would use those funds. The goal was for more justification toward the needs of seniors in this community and to leverage the resources in the community to the best of the Department's ability. Chairman Humke thought that reliance on the Nevada Aging and Disabilities Services was misplaced since they were a shell agency and a pass through agency. He felt the discussions should be opened up to all hospitals and health agencies in the area in an attempt to receive additional funding and replace the funding from Aging and Disabilities Services. Mr. Tarbutton acknowledged that St. Mary's Hospital and Northern Nevada Hospital would

be contacted to inquire on their involvement. Chairman Humke questioned the \$47,000 bequest. Mr. Tarbutton explained that bequest had previously been accepted by the Board and was included in the amount listed.

Mr. Berkich indicated that this study would lay the foundation to give the County independence from the federal pipeline of grant dollars. Mr. Tarbutton said the funds that came in grants today were based solely upon the State's discretion. In most other State's there were area agencies on aging, which were planning and service areas that were designated by the State. Then that agency would receive the pass through of the federal funds that currently went exclusively to the State, and then the County would make the decisions on how those services were provided. He said the Master Plan would move forward to find a better way to deliver services to the community.

Commissioner Hartung stated that cogent arguments were being made, but he cautioned the Board not to stop the process. He suggested a more detailed staff report be provided that outlined the pros and cons and discussed some of the grants that could be obtained by having an updated Master Plan. He said the deficiency may be in the level that the staff report assumed the Board understood some of the issues.

Commissioner Weber understood that something was needed in the County, but was unsure if this Master Plan was the answer. She agreed with having more details, but did not know if that would help the process. She suggested monthly updates on the progress be submitted since she was concerned there was a disconnection between the agencies.

Mr. Tarbutton believed this was where the County needed to be since challenges were being faced without a plan in place. He agreed this was the State's responsibility, but they had not done enough in Washoe County to meet the needs of senior citizens. If that path continued to be followed without developing the County's own plans and strategies, more serious challenges would be faced in the future. He indicated that staff would return to the Board with updates and reports to ensure the Board was kept apprised of what was occurring with the Master Plan.

Chairman Humke felt this was on a direct parallel with the Washoe County Health District. He said the Health District was out of control because there was dispersed political leadership with a Board that was shared with the cities of Reno and Sparks and the private sector. He stated he was still against the proposal.

Commissioner Hartung said it was incumbent upon the Board to make certain there was near unanimous support for the direction in moving forward.

Commissioner Jung moved to approve the Department of Senior Services' development of a Washoe County Master Plan for Aging Services. Commissioner Hartung seconded the motion.

In response to the call for public comment, Donna Klontz supported the Master Plan funding and urged the Board to do the same. She stated there were many needy senior citizens in the community and the data that would be gathered by this process would be the basis for building a business plan to receive grants or private donations for those needs.

Connie McMullen said much of what was said today were thoughts that were misconstrued. She said the State was integrating their divisions with developmental disabilities because funding was scarce. If nothing would be done then the community would receive nothing and that would be a sad day.

Commissioner Hartung suggested reports being received by the Board on a consistent basis and addressing some of the issues with respect to the way the staff report was written be added to the motion. He had faith in Commissioner Jung as a member of the Leadership Forum that the document would be the best that it could be. The maker of the motion agreed with adding updates to the motion.

On call for the question the motion passed on a 4 to 1 vote with Chairman Humke voting “no.”

13-711 AGENDA ITEM 28

Agenda Subject: “Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.”

2:15 p.m. On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

4:15 p.m. The Board returned with all members present.

13-712 AGENDA ITEM 16 - MANAGER

Agenda Subject: “Recommendation to reappoint Michael Moreno (retroactively); and possible appointment of an individual to the Airport Noise Advisory Panel, with terms to expire May 31, 2015. (All Commission Districts.)”

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Michael Moreno be reappointed (retroactively) to the Airport Noise Advisory Panel, with a term to expire May 31, 2015.

There was no public comment on this item.

Following discussion, on motion by Commissioner Berkbigler, seconded by Chairman Humke, which motion duly carried, it was ordered that Yvonne Murphy be appointed to the Airport Noise Advisory Panel, with a term to expire May 31, 2015.

13-713 AGENDA ITEM 21 – COMMUNITY SERVICES

Agenda Subject: “Acknowledge receipt of status report on public land issues in Washoe County and possible direction to staff on some or all of the issues. (All Commission Districts.)”

Bill Whitney, Planning and Development Division Director, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation highlighted the public lands in the County, the Nevada Land Transfer Task Force, adequate management and enforcement of public land and associated costs, the County “Quick Map” website, Tribal Lands Bill, Bureau of Land Management (BLM) produced maps for the legislation to include the Reno-Sparks Indian Colony Expansion, the Pyramid Lake Indian Reservation Expansion request, BLM land in the County and BLM Districts in the State, Carson District - BLM - Resource Management Plan update, and Sage Grouse concerns.

Commissioner Hartung indicated that he potentially wanted to identify lands that the County may have interest in and to discuss some of the extenuating circumstances. He inquired on managing the lands with respect to the Sage Grouse. Mr. Whitney replied that all efforts on land management were focused on public lands and what those agencies did to keep that species off the endangered species list. If the Sage Grouse made that list, then it went from public lands and would start to affect private lands and would enter a different realm. He said in the draft Sage Grouse Environmental Impact Study (EIS), the public agencies were already reviewing many of the restrictions of uses on public lands to preserve the Sage Grouse. Commissioner Hartung remarked that AB 277 identified sources of revenue to pay for the administration and maintenance of those lands by the State. The task was finding ways for the State to pay for those lands the County wanted to bring under their umbrella. He urged the Board to review the interactive map to determine the extent of the lands the County was interested in acquiring.

Commissioner Berkbigler asked if this was a “Grassroots” effort. Mr. Whitney stated that was correct. Commissioner Berkbigler asked if there were mining claims in Washoe County and, if so, did the County have to file those claims every year and/or pay a certain amount. Mr. Whitney stated that the County had some claims. He said they had to file and pay fees, and he stated that the Reno-Sparks Indian Colony (RSIC) had a deal with the claims located next to their colony in Hungry Valley. Commissioner Berkbigler was concerned that the County could take over responsibility for those lands without receiving any funds from the federal government. Mr. Whitney indicated that Attachment B in the staff report was a questionnaire sent out by the Nevada Lands Task Force to their members where some of the initial questions and issues would be reviewed.

Commissioner Hartung added that most of the mining claims in Washoe County were aggregate. He felt the only source of income for some of the lands would be service leases which may only result in a \$1.00 per year.

Arlan Melendez, RSIC Tribal Chairman, stated that the RSIC had been located in downtown Reno since 1912 when the land-base was first acquired. He indicated that the reservation was approximately a quarter mile wide by a half a mile long. In 1986, the Tribe approached the U.S. Congress for assistance in a house bill and was able to acquire 1,960 acres in Hungry Valley. Chairman Melendez explained that the Tribe was approached by Congressman Mark Amodei and Alaska Congressman Don Young to discuss land and ways to assist tribes. He noted that Congressman Amodei had helped introduce the current bill pending in Congress. Chairman Melendez said he recently testified before the House of Representatives and discussed the land acquisition. At that time, Congressman Amodei talked about a consolidated Tribal Lands bill, which would include seven tribes within the State.

In the past, Chairman Melendez said the Tribe had been successful in persuading Oil-Dry Mining not to mine next to the Colony, but the challenge was always there because a private owner had held the claim. However, the Colony had since purchased those mining claims to protect the land-base in the area, but mining claims were now more costly to hold onto without mining. He said of the 11,000 acres the Tribe was trying to acquire, 6,000 were mining claims adjacent to the west of the Tribe. The rest of the acreage would take the water basin to the top of the hill so the water wells used by the Tribe would be on Tribal land rather than BLM land. Chairman Melendez said other challenges included the recreation areas near Hungry Valley, which were designated without the Colony's input. The RSIC had enough police officers to manage the area and try to bring some uniformity and control to the area where certain activities took place without being detrimental to the environment.

With respect to hunting, Commissioner Hartung said a concern was expressed if hunters unknowingly wandered onto the reservation since it was unclear where the boundaries laid. Chairman Melendez replied that the RSIC always had a good relationship with the community and would always talk to people first to inform them they were on the reservation before any action was taken.

Commissioner Weber asked if the Washoe County Sheriff's Office (WCSO) had been informed of the discussions. Mr. Whitney replied that the WCSO was involved with issues occurring on public lands. He commented that he would apprise them of the Tribal Lands bill discussions.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 21 be accepted.

13-714 AGENDA ITEM 23 – COMMUNITY SERVICES

Agenda Subject: “Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207, approving Amendment of Conditions Case Number AC13-006, amending Development Agreement Case Number DA09-002 for Sun Mesa (Tentative Subdivision Map Case Number TM04-001 that was previously approved by the Washoe County Planning Commission on April 20, 2004), that was subsequently extended under DA09-002 until April 28, 2014 by the Board of County Commissioners. The sole purpose of the Amendment of Conditions is to extend the expiration date of said subdivision map until April 28, 2019. The project is located at the eastern terminus of Fifth Avenue in a portion of Section 20, T20N R20E, MDM, Washoe County, Nevada (APN: 504-460-02); and if supported set public hearing for second reading and possible adoption of the Ordinance approving the Amendment of Conditions for August 27, 2013. (Commission District 5.)”

It was noted that this project was located in District 3 and not District 5 as listed on the agenda.

Nancy Parent, County Clerk, read the title for Bill No. 1698.

Bill No. 1698, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207, APPROVING AMENDMENT OF CONDITIONS CASE NUMBER AC13-006, AMENDING DEVELOPMENT AGREEMENT CASE NUMBER DA09-002 FOR SUN MESA (TENTATIVE SUBDIVISION MAP CASE NUMBER TM04-001 THAT WAS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON APRIL 20, 2004), THAT WAS SUBSEQUENTLY EXTENDED UNDER DA09-002 UNTIL APRIL 28, 2014 BY THE BOARD OF COUNTY COMMISSIONERS. THE SOLE PURPOSE OF THE AMENDMENT OF CONDITIONS IS TO EXTEND THE EXPIRATION DATE OF SAID SUBDIVISION MAP UNTIL APRIL 28, 2019. THE PROJECT IS LOCATED AT THE EASTERN TERMINUS OF FIFTH AVENUE, WITHIN THE SUN VALLEY PLANNING AREA, IN A PORTION OF SECTION 20, T20N R20E, MDM, WASHOE COUNTY, NEVADA (APN: 504-460-02)," was introduced by Commissioner Jung, and legal notice for final action of adoption was directed. It was noted that the public hearing for the second reading and possible adoption of the Ordinance approving the Amendment of Conditions would be scheduled for August 27, 2013 at 6:00 p.m.

13-715 AGENDA ITEM 26 – MANAGEMENT SERVICES

Agenda Subject: “Discussion and possible direction to staff on AB 46 of the 2013 Nevada Legislative Session, including but not limited to a review of AB 46, discussion regarding implementation process requirements, public input, and timelines; (AB 46 authorizes the imposition of a new sales and use tax, and ad

valorem tax in Washoe County for capital projects of the Washoe County School District). (All Commission Districts.)”

John Slaughter, Acting Assistant County Manager, explained that this item would be noticed on upcoming Board agenda’s for an opportunity to discuss AB 46. He reviewed the list of proposed workshops as noted in the staff report, which included three additional Board meetings with proposed topics of discussion.

Commissioner Berkbigler asked if the assumptions on the sales tax showed what the one quarter percent would raise in each of the years. Mr. Slaughter stated that was correct. He noted that the amounts listed came from estimates made by the School District when this was being discussed at the Legislature, but those may have changed in the interim. Commissioner Berkbigler asked if the County had conducted a review on the potential impacts for the County, assuming there were a certain percentage of citizens that went to a neighboring county to purchase automobiles. Mr. Slaughter said there had not been a specific review of the fiscal impact. Commissioner Berkbigler asked if the Board was able to deliver questions to the School Board. Mr. Slaughter replied that could occur. Commissioner Weber suggested a deadline be set for those questions to be sent to the School Board.

Commissioner Weber inquired on the current sales tax in Washoe County. John Berkich, Interim County Manager, confirmed that the sales tax in Washoe County was 7.725 and also noted that the sales tax in Carson City was 7.475.

Chairman Humke understood the bill to have an ending date of January 1, 2014 for the Board to authorize the taxes. He asked if that decision was made to preclude the Board from placing the issue on a General Election ballot. Mr. Slaughter did not know that answer since he was not part of those discussions. Chairman Humke asked if any legislative history was being gathered on the floor discussion. Mr. Slaughter said he was in the process of collecting that history as it became available. Chairman Humke said he would be looking to see if the proponents stated this was an emergency.

Commissioner Jung requested the Community Services Department to review the software and planning used by the Public Works Division of the School District and, determine if it was similar to the County’s standards, in terms of Capital Improvement programs.

Commissioner Weber indicated she had been provided maps to schools in her District including their needs and what needed to be done for those schools. She said she had asked if there was a way that each school could identify from their custodians and/or teachers if they were in agreement with the Administrations list’s. She felt this would help with accountability factors.

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

13-716 AGENDA ITEM 27

Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to.”

Commissioner Weber reported on two Community Forums that she recently held. She said the Nevada Association of Counties (NACO) and the Nevada League of Cities were holding their annual conference together September 10th through the 12th. She noted that the Local Government Summit would be held on September 13th and the NACO Board meeting was scheduled for September 16th in Eureka, Nevada. She also announced that the Regional Transportation Commission (RTC) would meet on August 23rd.

Commissioner Hartung displayed photos and an autographed Chicago Blackhawks Jersey that he received to present to the Board. A copy of the picture was placed on file with the Clerk. He was also able to view the Stanley Cup trophy. He mentioned that he attended a community meeting in Wadsworth.

Commissioner Berkbigler commented on “Operation Backpack” occurring on August 15th. She explained the Operation Backpack was a program that supplied backpacks to students living in difficult circumstances. She announced that she and Assessor Josh Wilson were scheduled to meet with the Incline Village Tax Group to discuss possible resolutions for the tax issues in Incline Village.

Commissioner Jung said the Blue Ribbon Committee on regional fire met for the first time as a full board. She attended the Bingo game in Sun Valley at the Homeowners Association building in support of Mr. Tom Noblett and his Bingo project. She reported that during the Flood Project meeting, representatives from the City of Reno returned with a different proposal for the voting structure. She remarked that the City of Sparks and the County had previously decided on a majority rule rather than unanimity for the voting structure, but the City of Reno arrived at a proposal where both members of each entity would have to be at the meeting for any action to be taken. It was decided by the Flood Managing Board that the voting structure would remain as unanimous voting and not be changed. She asked if either Commissioner Berkbigler or Commissioner Hartung could attend the Truckee Meadows Water Authority (TMWA) meeting and the Library Board of Trustees meeting as she may be in Court with her other fellow Commissioners on a County matter.

Chairman Humke said the District 2 Citizen Advisory Board (CAB) met on August 8th and noted that all Board members were present.

13-717 AGENDA ITEM 30 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three 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 three minutes per person. Comments are to be made to the Commission as a whole.”

Cathy Brandhorst addressed the Board.

COMMUNICATIONS

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

- 13-718** Regulations of the Washoe County District Board of Health Governing Public Swimming Pool and Spa Operator Certification Program.
- 13-719** Regulations of the Washoe County District Board of Health Governing Well Construction.
- 13-720** Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation.
- 13-721** Notice of Completion – Contract No. 3542 Project No. SPI-080-1(071), I-80, Multiple Locations, Washoe County, Contractor: Q&D Construction, Inc.
- 13-722** Notice of Publication for the Washoe County Summary Fiscal Report for fiscal years ended 2012, 2013, and 2014.

QUARTERLY REPORTS

- 13-723** County Clerk’s Quarterly Financial Statement – 4th Quarter FY 2012/13 – April 1st through June 30th.
- 13-724** Office of the Constable – Incline Village/Crystal Bay Township – Quarterly report for period ending June 2013.

* * * * *

5:53 p.m. There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, the meeting was adjourned.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

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

RESOLUTION

WHEREAS, Pursuant to 244.1505 of the Nevada Revised Statutes, a Board of County Commissioners or its authorized representative may donate commodities, supplies, materials and equipment determined to have reached the end of their useful lives to nonprofit organizations created for religious, charitable, or educational purposes or to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, Due to Washoe County's efforts to modernize technology infrastructure, the County has surplus telecommunications equipment and materials which have reached the end of their useful lives to the County; and

WHEREAS, North Lake Tahoe Fire Protection District is a governmental entity, eligible under NRS 244.1505 to receive donated equipment; which servers the health and safety of Washoe County citizens; and

WHEREAS, A portion of this surplus telecommunications equipment is compatible with equipment still in use by the North Lake Tahoe Fire Protection District; and

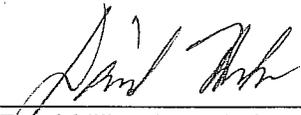
WHEREAS, North Lake Tahoe Fire Protection District requests donation of this compatible telecommunications equipment;

NOW THEREFORE BE IT RESOLVED

by the Washoe County Board of Commissioners the following:

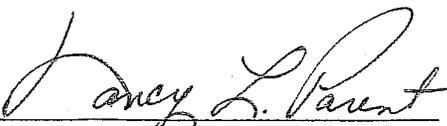
1. That a program is hereby established to donate surplus telecommunications equipment to North Lake Tahoe Fire Protection District in accordance with the provisions of 244.1505 of the Nevada Revised Statutes; and
2. That the County's Purchasing And Contracts Manager, as an authorized representative, as defined by 244.1505(4)(a), shall have the authority to approve the donation of such surplus telecommunications equipment and materials provided that the surplus telecommunications equipment has reached the end of its useful life pursuant to the County's infrastructure modernization goals; and
3. That nothing in this resolution shall prohibit the Purchasing and Contracts Manager from determining that any telecommunications equipment and materials should be auctioned pursuant to pertinent provisions of the Nevada Revised Statutes.

ADOPTED this 13th day of August, 2013.



David Humke, Chairman
Washoe County Commission

ATTEST:



Nancy L. Parent
Washoe County Clerk

WASHOE COUNTY COMMISSION

RESOLUTION TO ACCEPT DONATION

A RESOLUTION DECLARING THE COMMISSION'S ACTION TO RECEIVE A CASH DONATION IN SUPPORT OF INCREASED DEMAND FOR FIRE AND EMERGENCY MEDICAL SERVICES ASSOCIATED WITH THE "BURNING MAN" EVENT; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Gerlach Volunteer Fire Department ("GVFD"), supported by Washoe County, Nevada ("County"), provides fire related services and emergency medical services ("Services") in and around the town of Gerlach, NV; and

WHEREAS, the Black Rock City, LLC, ("BRC"), located in San Francisco CA, conducts the annual "Burning Man" event ("Event") in August-September near Gerlach, which causes GVFD and County to commit additional resources to provide increased Services and other functions to the large influx of visitors around the time of the Event; and

WHEREAS, BRC desires to help offset some of the costs associated with this increased need for Services and hereby offers a voluntary, one time donation in the amount of \$8,500.00 ("Donation") payable to the County before August 19, 2013; and

WHEREAS, County will apply the Donation toward the associated costs incurred by County to provide the increased Services during the Event held this year.

15-692

NOW, THEREFORE, BE IT RESOLVED by the County Commission that it approves of and accepts the generous Donation from BRC, and directs that the Donation be applied to the extra costs associated with the provision by County and GVFD of the increased need for the Services during this year's Burning Man Event. The Donation and this Resolution alone shall not obligate BRC to any additional payments for the Services.

Upon motion by Board Commissioner, Berkbigler, seconded by Commissioner Weber, the foregoing Resolution was passed and adopted this 13th day of August, 2013 by the following vote:

AYES: 5 NAYS: 0
ABSENT: 0 ABSTAIN: 0

BOARD OF COUNTY COMMISSIONERS

ATTEST:
Nancy L. Parent
CLERK

David Humke
David Humke, Chair

INTERLOCAL AGREEMENT

BETWEEN

THE CITY OF RENO, ON BEHALF OF THE RENO POLICE DEPARTMENT,
WASHOE COUNTY, ON BEHALF OF THE WASHOE COUNTY SHERIFF'S OFFICE
AND CITY OF SPARKS, ON BEHALF OF THE SPARKS POLICE DEPARTMENT

FOR THE MANAGEMENT AND DISPOSITION OF
2013 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

WHEREAS, the City of Reno, Washoe County and the City of Sparks have all previously been individual recipients of Block Grant Funds and Byrne Grant Funds for their respective law enforcement entities; and

WHEREAS, changes in the federal program have now combined Byrne Grants and Block Grants into Justice Assistance Grants (JAG) which require regional applications with one entity acting as fiscal agent of the grant; and

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, the City of Reno, Washoe County and the City of Sparks have agreed that the City of Reno should be the fiscal agent for the JAG grant application; and

WHEREAS, the Federal Government requires that a cooperative agreement between the parties, approved by the governing body of the proposed fiscal agent, accompany the grant application;

NOW THEREFORE, the parties agree as follows:

1. **Fiscal Agent.** The City of Reno shall be the fiscal agent for the JAG grant application currently being submitted in the amount of \$144,757.
2. **Allocation of Funds.** Should the JAG application be approved, the funds will be allocated in the following manner:
 - a. City of Reno, Reno Police Department \$57,902.80
 - b. Washoe County, Washoe County Sheriff's Office \$57,902.80
 - c. City of Sparks, Sparks Police Department \$28,951.20

If the funds approved are in an amount different than set forth in paragraph 1 above, then the funds will be allocated with the same percentage to each respective party ie. City of Reno 40%, Washoe County 40% and City of Sparks 20%.

3. **Expenditure of Funds.** If approved, JAG funds are anticipated to be expended as follows:

7k.41

- a. Reno Police Department:
 - i. \$57,902.80: law enforcement training

- b. Washoe County Sheriff's Office:
 - i. \$27,902.80: law enforcement equipment
 - ii. \$20,000.00: training/travel for Sheriff's Office personnel
 - iii. \$10,000.00: personnel (overtime for Sheriff's Office personnel, part time/hourly/intermittent personnel)

- c. Sparks Police Department:
 - i. \$18,951.40: law enforcement equipment
 - iv. \$10,000.00: law enforcement training

4. **Approval.** Any reallocation of the funds from that stated in this Agreement will be submitted to the fiscal agent for approval.

5. **Compliance.** All parties agree to comply with all terms required under the grant application, grant requirements and all laws related to the receipt of funds pursuant to the grant terms. Any failure to comply by a party may adversely affect that party's right to receive funds under the grant.

6. **Receipts.** The parties will be required to provide receipts to the City of Reno for the purchases prior to reimbursement. Receipts shall be provided to:

Bridget Pincolini
Reno Police Department
P.O. Box 1900
Reno, Nevada 89505

7. **Monthly Reports.** All parties will abide by the enhanced performance measure requirements of the Bureau of Justice Assistance and will provide monthly reports to the fiscal agent in order to meet the ten day after quarter deadlines

8. **Fiscal and Programmatic Reporting.** The City of Reno will be responsible for fiscal and programmatic reporting.

9. **Defenses.** The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Contract liability of all parties shall not be subject to punitive damages. To the extent applicable, actual contract damages for any breach shall be limited by NRS 353.260 and NRS 354.626.

10. **Indemnification.** Each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other party 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

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

The indemnification obligation under paragraph 9 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.

11. **Successors and Assigns.** The parties agree to bind themselves and their successors and assigns to the other party and to the successors and assigns of said party with respect to the performance of this Agreement. Except as otherwise set forth herein, none of the parties shall assign or transfer interest in this Agreement without the written consent of the other.
12. **Authority.** Each party acknowledges that the person signing this Agreement is authorized or has been authorized to enter into this Agreement on behalf of his principal.
13. **Attorney's Fees.** In the event any party files suit to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs of suit.
14. **No Third-Party Rights.** The parties expressly disclaim the creation of any right in any third party whatsoever under this Agreement. There are no third-party beneficiaries. The only persons who may enforce this Agreement and any rights under this Agreement are the City and the parties to this Agreement.
15. **Severability.** If any section, subsection, clause, phrase, or word of this Agreement is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such section, subsection, clause, phrase, or word shall be deemed a separate, distinct and independent provision and such holding shall not negatively affect the validity of the remaining portions of this Agreement. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in full force and effect.
16. **Jurisdiction.** This Agreement shall be administered and interpreted under the laws of the State of Nevada. Enforcement of this Agreement shall be in a court of appropriate jurisdiction in Reno, Nevada.
17. **Entire Agreement.** This Agreement contains the entire agreement of the parties on the matters covered. There are no verbal agreements, representations, or understandings affecting this Agreement.
18. **Transfer or Assign.** Neither party shall transfer, assign or attempt to assign this Agreement or any part thereof to any third party, without prior written consent of the other party.

19. **Counterparts.** This Agreement may be executed in more than one counterpart, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
20. **Termination.** This Agreement may be terminated with or without cause by any party upon thirty (30) days written notice to the other parties. Termination shall not affect any of the rights or obligations of any party to the other accruing prior to the termination date.

APPROVED this _____ day of June 2013

RENO POLICE DEPARTMENT

WASHOE COUNTY SHERIFF'S OFFICE

Stephen Pitts, Chief

Michael Haley
Michael Haley, Sheriff

SPARKS POLICE DEPARTMENT

Brian Allen, Chief

CITY OF RENO

WASHOE COUNTY, by and through its Board of County Commissioners

BY: _____
Robert A Cashell, Sr., Mayor

BY: *David Humke*
David Humke, Chairman

DATE: _____

DATE: 8-13-13

ATTEST:

ATTEST:

BY: _____
City Clerk

BY: *Joyce L. Parent*
County Clerk

APPROVED AS TO FORM:

BY: _____
Deputy City Attorney

BY: *Paulle Smith*
Deputy District Attorney

CITY OF SPARKS

BY: _____
Geno Martini, Mayor

ATTEST: _____
City Clerk

DATE: _____

DATE: _____

APPROVED AS TO FORM:

By: Assistant City Attorney

110-51

RESOLUTION

TO AUGMENT THE BUDGET OF THE WASHOE COUNTY
CAPITAL FACILITIES TAX FUND AND CAPITAL IMPROVEMENT FUND

WHEREAS, the Washoe County Capital Facilities Tax Fund and Capital Improvement Fund had an opening fund balance not appropriated in fiscal year 2013-2014; and
WHEREAS, the projects were approved and budgeted in fiscal year 2012-2013; and
WHEREAS, the projects will be completed in fiscal year 2013-2014 and therefore appropriation authority is required; and

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, State of Nevada:

Section 1. That the budget of the Washoe County Capital Facilities Tax Fund and Capital Improvement Fund be adjusted as follows:

<u>Capital Facilities Tax Fund</u>	
<u>Increase Expenditures</u>	
<u>Capital Facilities Tax Fund:</u>	
CF890201-781080 – 230 Edison HVAC	\$ 430,550
CF890203-781080 – 9 th St ADA Bldg Improvements	\$ 55,000
CF890204-781080 – 224 Edison Air Conditioning	\$ 35,000
CF890301-781080 – 75 Court St New Roof	\$ 497,000
CF890305-781080 – 1 S. Sierra Elevator Controls	\$ 297,000
CF890801-781080 – Incline Library Boiler	\$ 128,880
CF890802-781080 – Rancho San Rafael Irrigation	\$ 500,000
C890091-710402 – Settlement payments	\$ 45,000
C890000 - 781080 – Capital Facilities Administration	\$1,096,935
Total	\$3,085,365
<u>Revenues</u>	
Capital Facilities Tax Fund Unappropriated opening fund balance	\$ 3,085,365
<u>Capital Improvement Fund</u>	
<u>Increase Expenditures</u>	
<u>Capital Improvement Fund:</u>	
SA599320-781080 – SAD 32 SS Valley Ranch	\$ 238,375
PW920844-781080 – Mogul Playground	\$ 86,750
PW920203-781080 – Software Application Infrastructure	\$ 407,000
PW920842-781080 – Parks Infrastructure Preservation	\$ 4,500
PW920545-781080 – Ground Remediation San Rafael Park	\$ 53,378
Total	\$ 790,009
<u>Revenues</u>	
Capital Improvement Fund Unappropriated opening fund balance	\$ 790,009

Section 2. This Resolution shall be effective on passage and approval.

Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, Comptroller, and the Budget Division.

Adopted this 13th day of August, 2013.



Chairman, Washoe County
Board of County Commissioners



County Clerk

RESOLUTION: Authorizing grant of funds to the Sun Valley General Improvement District

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes, or other governmental entity, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available from the U.S. Department of Housing and Urban Development, Community Development Block Grant (CDBG) States Program, CFDA #14.228, passed through the Nevada Governor's Office on Economic Development, State award number 13/PF/14, will provide a substantial benefit to the inhabitants of Washoe County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, that the Board hereby enters into the attached Interlocal Agreement to provide funds to Sun Valley General Improvement District for the purposes set forth in the attached Interlocal Agreement.

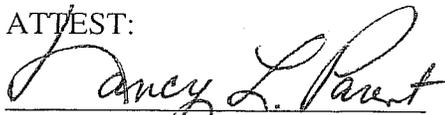
1. The Board hereby grants to Sun Valley General Improvement District, a grant in the amount of \$211,515.
2. The purpose of the CDBG Program is to provide decent housing, suitable living conditions, and expand economic development opportunities.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Interlocal Agreement.

Adopted this 13th Day of August 2013



David Humke, Chairman
Washoe County Commission

ATTEST:



Nancy L. Parent
County Clerk

13-707

INTERLOCAL AGREEMENT

This Interlocal Agreement is made and entered into this 8th day of August, 2013, by and between WASHOE COUNTY, a political subdivision of the State of Nevada and the SUN VALLEY GENERAL IMPROVEMENT DISTRICT, a general improvement district created pursuant to NRS Chapter 318, hereinafter referred to as COUNTY and DISTRICT respectively.

WHEREAS, County received grant funds from the U.S. Department of Housing and Urban Development, Community Development Block Grant (CDBG) States Program, CFDA #14.228, passed through the Nevada Governor's Office on Economic Development, State award number 13/PF/14. Federal award year for these funds are as follows: \$124,027.27 FFY2013, \$72,948.20 FFY2011, and \$14,539.53 FFY2010. These funds are not for research and development.

WHEREAS, the Programs outlined in this Agreement have been designated by the County and are consistent with CDBG guidelines; and

WHEREAS, the Interlocal Cooperation Act authorizes public agencies to enter into cooperative agreements allowing the joint exercise of any power, privilege or authority capable of exercise by one of them, see, NRS 277.080, et. seq.; and

WHEREAS, COUNTY and DISTRICT are public agencies within the meaning of the Interlocal Cooperation Act.

1. PURPOSE

The intent of this Agreement is to pass through the District funding from the State of Nevada CDBG program, to provide a new community building for the Gepford Park in Sun Valley Nevada.

2. SCOPE OF WORK --GEPFORD PARK COMMUNITY BUILDING

Tasks to be completed by District during the course of this Agreement include:

- a. Demolish the existing concession building, and restroom building at Gepford Park.
- b. Complete site preparation for the new Gepford Park Community Building.
- c. Complete procurement process for the new Gepford Park Community Building.
 - The building will be placed on a foundation that meets County building code, and is in compliance with the elevation requirements for the location. An elevation certificate will be completed prior to placement of the building.
- d. Complete construction and installation of the proposed Gepford Park Community Building.

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3. REPORTING

District agrees to provide all data necessary for the development and submission of the CDBG Quarterly Report, and to provide the data in the format determined by County. District will provide written performance and financial reports to County on a quarterly basis, by the 10th day of the month directly following the last month of each quarter.

Financial reports and reimbursement requests must be submitted monthly and no later than 30 days after cost is incurred.

4. COMPENSATION

Payment. During the term of this Agreement, and subject to all terms and conditions set forth herein, the County shall reimburse DISTRICT for actual direct costs associated with the Gepford Community Building in an amount not to exceed two hundred and eleven thousand, five hundred fifteen dollars (\$211,515). Eligible expenses for this grant include contracts for construction or procurement of the Gepford Park Community Building, demolition costs (match), site work (match), and grant administration costs (match). Other expense may be allowable only with prior approval by County and the State of Nevada CDBG program.

Reimbursement requests must be submitted monthly and no later than 30 days after cost incurred.

Form of financial backup. District shall be reimbursed after eligible expenses have been incurred and expended under this agreement in conformance with the terms and conditions of said agreement. District agrees, that all costs of any activity receiving funds pursuant to this agreement, shall be recorded by budget line item and supported by checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents evidencing in proper detail the nature and propriety of the respective charges, and that all checks, payrolls, time records, invoices, agreements, vouchers, orders or other accounting documents which pertain, in whole or in part, to the activity shall be thoroughly identified and readily accessible to Washoe County. Budget or program revisions cannot be made without prior approval from County.

District agrees that excerpts or transcripts of all checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents related to or arguably related to the activity will be provided upon request to Washoe County.

5. TERM

This Agreement shall be in effect from August 13, 2013 through December 31, 2014. This Agreement shall become effective once approved by appropriate official action of the governing body of each party.

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6. AMENDMENT- ASSIGNMENT

This Agreement may be amended at any time there is a need, provided both parties agree to the amendment(s) in writing. Any amendment is subject to approval by the governing bodies of the parties as a condition precedent to its entry into force. Neither party may assign this Agreement without the express written consent of the other party.

7. TERMINATION

Either party may terminate this Agreement by giving the other party written notice of the intent to terminate. The notice must specify a date upon which the termination will be effective, which date may not be less than 30 calendar days from the date of the mailing notice.

8. NOTICES

All written notices required under this Agreement shall be addressed to the designated representative of the respective parties.

Gabrielle Enfield
County Grants Administrator
Washoe County Manager's Office
P.O. Box 11130
Reno, NV 89520
775-328-2009

Darrin Price
General Manager
Sun Valley General Improvement District
5000 Sun Valley Boulevard
Sun Valley, NV 89433
775-673-2220

9. MONITORING AND ACCESS TO RECORDS

District shall allow duly authorized representatives of County and the State of Nevada CDBG program, to conduct reviews, audit, and on-site monitoring of documents, files, etc. in order to determine:

- Whether the objectives of the program are being achieved;
- Whether the program is being conducted in an efficient and effective manner;
- Whether management control systems and internal procedures have been established to meet the objectives of the program;
- Whether financial operations of the program are being conducted properly;
- Provisions of Federal and State laws and regulations and this Agreement.

County will monitor District activities to ensure that the Federal dollars are used for authorized purposes in compliance with the Federal program laws, regulations, and grant agreements, and ensuring that performance goals are achieved. Monitoring activities will occur throughout the grant term and may take various forms such as:

- Reporting: Reviewing financial and performance reports submitted by District.
- Site Visits: Performing visits to District offices or project site to review financial records, programmatic records, and observe operations.

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- Regular Contact: Regular contacts with District and appropriate inquiries concerning program activities.

Records must be easily retrievable for examination by authorized County and State of Nevada CDBG Program administrators, auditors, and other authorized individuals. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives have the right to access any books, documents, papers or other records of grantees and subgrantees, which are pertinent to a Federal grant, in order to make audit, examinations or excerpts, and transcripts.

10. TERMS AND CONDITIONS

- A. Real property purchased with CDBG funds will be used to meet one of the national objectives for a minimum of five years after grant close out. If the property is disposed of in less than five years, the CDBG program will be reimbursed in the amount of the current market value less any value of the property attributable to non-CDBG funds. If a change in use occurs within five (5) years of close out, CDBG will review the change in use and determine appropriate measures to be taken.
- B. Ensure that contractors and subcontractors submit appropriate certifications and wage reports.
- C. Verify payrolls as applicable and take appropriate action when necessary.
- D. Submit in writing all requests to amend Gepford Park Community Building budget, prior to expending funds from a category other than what has been previously approved.
- E. Comply with requirements of 2 CFR Part 225 (OMB Circular A-87) Cost Principles; OMB Circular A-102 Uniform Administrative Requirements--Grants and Cooperative Agreements with State and Local Governments; and Department of Housing and Urban Development guidelines in 24 CFR Part 85.
- F. Ensure the expenditure of these funds is in accordance with the audit requirements of the Single Audit Act of 1984 (Public Law 98-502) and Office Management and Budget Circular, 24 CFR Part 85, and the approved budget.
- G. Comply with requirements of OMB Circular A-133, concerning audit requirements. Sub-recipients expending more than \$500,000 annually in Federal funds are required to complete a single audit of all Federal expenses and be performed by a Certified Public Accountant. Sub-recipients expending less than \$500,000 annually in Federal funds are exempt from OMB Circular A-133, but must provide audited financial statements to the allocating agency
- H. Comply with the requirements to Affirmatively Further Fair Housing as described under Section 808(e)(5) of the Fair Housing Act.

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11. OTHER PROVISIONS

During the performance of this agreement, the District must follow:

A. **Equal Employment Opportunity.**

1. The District will not discriminate against any employee or applicant for employment or individual receiving the benefit of the Sub-recipient's services because of race, creed, religion, color, age, national origin, political affiliation, sex, sexual orientation, familial status, or disability (as provided in Section 504 of the Rehabilitation Act of 1973, as amended). The District will take action to ensure that all applicants are considered equally. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The District agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause. Such action shall include individuals benefiting from program services/activities.
2. Vietnam Veterans. The District agrees to comply with Section 402 - Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era Act.
3. The District agrees to comply with any federal regulations issued pursuant to the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended.

B. **Nondiscrimination in Federally Assisted Programs.** The District will not discriminate in the provision of services or benefits to any person on the basis of race, creed, religion, color, age, national origin, political affiliation, sex, sexual orientation, marital status or disability.

C. **Lobbying.** The District agrees that no funds received under this Agreement shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Federal, state or local government.

D. **Hatch Act.** Neither the District program nor the funds provided therefore, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code.

E. **Federal Procurement Eligibility.** The District certifies that a non-federal entity, the District and its principals have not been themselves or contracted with any entity that has been suspended or debarred by the Federal Government, and are not listed in the list of parties excluded from the Federal procurement or non-procurement programs issued by the General Services Administration. This

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regulation applies not only to physical improvements and construction, but also services.

F. **Required Project Record Keeping and Bookkeeping.** The District agrees to provide for bookkeeping using approved bookkeeping and record-keeping systems and to retain program records for five years from the time of grant close-out notice. The bookkeeping and project records shall be open and available for inspection and audit at any time by County Staff.

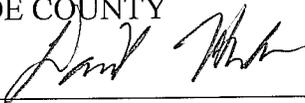
12. COMPLIANCE WITH LAWS

District agrees at all times to comply with all applicable laws, ordinances and regulations of the governmental entities having jurisdiction over matters that are the subject of this Agreement.

13. GOVERNING LAW/MISCELLANEOUS

This Agreement shall be governed, interpreted and construed in accordance with the laws of Nevada. Any action brought pursuant to this Agreement shall be brought In Washoe County, Nevada. If any provision of this Agreement shall be held or declared void or illegal for any reason, all other provisions of this Agreement which can be given effect without such illegal provision shall nevertheless remain in full force and effect. The section headings in this Agreement are intended solely for convenience; they are not part of this Agreement and shall not affect its construction.

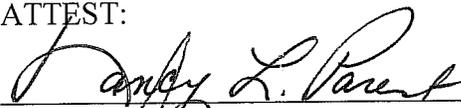
WASHOE COUNTY



David Humke, Chairman
Washoe County Commission

Date 8-13-13

ATTEST:



Washoe County Clerk

Date 8-13-13

SUN VALLEY GENERAL IMPROVEMENT DISTRICT



Garth Elliott, Vice Chairman
Board of Trustees

Date August 8, 2013



Margaret Reinhardt, Secretary
Board of Trustees

Date August 8, 2013

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