

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

TUESDAY

10:00 A.M.

DECEMBER 17, 2013

PRESENT:

**David Humke, Chairman\***  
**Bonnie Weber, Vice Chairperson**  
**Marsha Berkgigler, Commissioner**  
**Kitty Jung, Commissioner**  
**Vaughn Hartung, Commissioner**

**Nancy Parent, County Clerk**  
**John Slaughter, County Manager**  
**Paul Lipparelli, Legal Counsel**

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

**13-1020      AGENDA ITEM 5 – PRESENTATION**

**Agenda Subject:** “Presentation--Glenn Duncan Elementary School Choir.”

The Glenn Duncan Elementary School Choir sang several Christmas carols, while being directed by their music teacher Mike Higgins.

John Slaughter, County Manager, gave special thanks to the Sheriff’s Office for escorting the students by motorcycle to and from their school.

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

**13-1021      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.”

Ardena Perry read her comments regarding Washoe County Regional Animal Services (WCRAS). A copy of her comments and additional documents was placed on file with the Clerk.

Sam Dehne welcomed John Slaughter as the new County Manager, and serenaded the Board with several songs.

Cathy Brandhorst spoke about several of issues of concern to herself.

**13-1022      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.)”**

Commissioner Berkbigler thanked the children of Glen Duncan Elementary School for coming today. She noted she attended Glen Duncan years ago. She said because a number of seniors were having issues with their mortgage loans, she was requesting an update on the Senior Law Project regarding predatory lending practices and mortgage fraud.

Commissioner Jung said the Food Bank of Northern Nevada received the Feeding America’s Food Bank of the Year award due to their innovation, high operating standards, creativity, and efficiency. She stated Cherie Jamason, the Food Bank of Northern Nevada President and CEO and her staff did a great job. She noted the County partnered with the Food Bank of Northern Nevada in collecting food and, through January 10, 2014, the Bank of America would match each gift to them two to one when made through bankofamerica.com. She stated people were still going hungry in the community, and this great organization was heavily relied on to help alleviate that hunger.

Commissioner Hartung said he met on December 5th with many of Northern Nevada’s builders, along with staff from the County and the Cities of Reno and Sparks, regarding the timing of when the developers were required to pay their impact fees for residential dwelling units. He asked staff to bring that issue to the Board for discussion and direction regarding a proposal from the developers to defer the payment of fees from when the permits were issued to a date closer to when the Certificate of Occupancy for residential dwelling units was issued. He said paying all of those fees upfront amounted to having to pay a huge amount of money when a tract of homes was being developed.

Commissioner Hartung asked where the discussion regarding medical marijuana stood. He noted medical marijuana would be a great funding source for the Washoe County School District (WCSD) if it could be instituted. John Slaughter, County Manager, said the State regulations had been released as a draft and were being reviewed. He stated based on that draft, an internal team was working on updating the County’s Code and it should be coming before the Board soon. He advised the Board would be provided with an update at the next meeting.

Vice Chairperson Weber asked Nancy Parent, County Clerk, to comment on the recently concluded food drive. Ms. Parent said 2,312 items were donated during the food drive benefiting the Food Bank of Northern Nevada. She said the Silver Sleigh would be awarded to the Public Guardians Office as the winner of the food drive, and she thanked everyone who participated. She noted many departments also had their own philanthropic efforts, and she was so pleased about all the great things Washoe County's employees did.

Vice Chairperson Weber said a total of 511 employees participated in the Dignity and Respect pledge campaign as part of the County's dignity and respect activities during October and November. She stated Human Resources and the Registrar of Voters departments tied as the challenge winner with both departments having 100 percent employee participation. She said the winners would be invited to a pizza-lunch gathering in the Caucus Room in January 2014, which would be noticed so the Commissioners could attend. She thanked everyone for their participation in the challenge and for their support for the Dignity and Respect Campaign.

Commissioner Hartung noted there were 36 graduates in November from the Northern Nevada Law Enforcement Academy and 27 of them were from the Sheriff's Office. He said they were amazing young men and women who were interested in careers in law enforcement.

This item was reopened later in the meeting. Commissioner Hartung directed staff to initiate the process of asking for applications to temporarily fill the Sparks Justice Court vacancy as an agenda item on the first meeting in January 2014.

### **13-1023      AGENDA ITEM 6 – MANAGER**

**Agenda Subject: “Recommendation to approve Partnership Agreement between Washoe County and Glenn Duncan STEM Academy to provide support for Glenn Duncan initiatives, such as school/community garden; work with the school for mentoring opportunities; and other activities as appropriate; and authorize Washoe County Manager to execute--Manager. (Commission District 3.)”**

John Slaughter, County Manager, said he was fortunate to have the opportunity to be a “Principal for a Day” at the Glen Duncan STEM Academy in October, during which the partnership idea was germinated. He stated the County had a partnership with the Academy in the past and it was felt it was time to renew that partnership.

Susan Kehoe, Glen Duncan STEM Academy Principal, thanked the Board for the opportunity of the County becoming a partner with the Academy. She said what the Board saw today was just a small sample of the wonderful children at the Academy, and its staff and teachers were among the best in the County. She extended an invitation

for the Commissioners to visit the Academy, which was located right down the street. She said she looked forward to working with the County to foster this relationship.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 6 be approved, authorized, and executed.

**13-1024      AGENDA ITEM 16 – APPEARANCE**

**Agenda Subject: “Clara Andriola, Executive Director American Red Cross of Northern Nevada. Presentation and update on the Northern Nevada Red Cross, including Holiday Mail for Heroes 2013.”**

Clara Andriola, American Red Cross of Northern Nevada Executive Director, said the organization took great pride in serving over two million members of the military, veterans, and their families. She stated 29,875 cards were collected during the Holiday Mail for Heroes 2013 campaign. She said the cards would be distributed to active military members and veterans. She noted the cards the Commissioners signed would be distributed locally.

Ms. Andriola said most people knew the Red Cross responded to local and nationwide disasters, but they also responded to international disasters. She noted the Red Cross was still supporting the Philippines and had provided over \$11 million, which was donated by the people of the United States, to help shelter over 500,000 people. She discussed the local warming shelters that could be opened whenever the need arose.

Ms. Andriola said the Red Cross was created by a federal charter, but the Red Cross received no federal or state funding, and all of the work the organization did was because of the generosity of its donors. She stated many people responded to a large disaster without realizing that the Red Cross also helped Northern Nevadans with the loss of their homes and with other types of incidents. She said last year over 267 families were served in Northern Nevada and the Red Cross responded to over 100 incidents.

Ms. Andriola said the Red Cross trained over 6,000 people in life-saving techniques, and worked very closely with their partners in law enforcement and fire. She noted the great work Aaron Kenneston, Emergency Management Administrator, did. She said he was very dedicated and was able to bring everyone together during regional issues, such as the Sparks Middle School shooting, to pool resources.

Ms. Andriola said 97 percent of what the Red Cross did was carried out by its volunteers and 91 cents of every dollar contributed went directly to provide services. She said the organization was very proud of that. She noted it was the second best recognized brand in the world after Coca Cola.

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

**13-1025      AGENDA ITEM 7 – RESOLUTION OF APPRECIATION**

**Agenda Subject: “Resolution of Recognition and Appreciation-John Berkich. (All Commission Districts.)”**

Vice Chairperson Weber said Washoe County would greatly miss John Berkich, the retiring Assistant County Manager. She read and presented the Resolution of Appreciation to Mr. Berkich. Mr. Berkich thanked the Board for the opportunity to work with and for them for the past 10 years, during which they did some great things. He said he wanted to recognize the great County team, which he felt was seen every day in the services provided by staff on the behalf of the community. He stated the County Manager’s staff did a great job every day. He said John Slaughter, County Manager, was putting together a great team. He said Paul Lipparelli, Legal Counsel, provided great counsel and the Board provided great leadership; and he felt the County was in great hands for the future. He thanked the Board for this recognition, for the great ten years, and he wished everyone the best.

In response to the call for public comment, former County Manager Katy Simon said Washoe County had been fortunate to have Mr. Berkich as a part of its team, and no assignment had been too small, too large, or too difficult for him. She stated it had been a privilege to work with him, and the County was better for his service and compassion. She said he was tremendously hard working, had one of the biggest hearts in the business, knew what was important, and had a laser-like focus on what needed to get done. She stated she was still learning things from him, and she thanked him for his service and said he would be hugely missed.

Sam Dehne said Mr. Berkich did a wonderful job and was always polite in his actions. He stated to some degree this resolution and all of the honors should be shared with all of the County’s employees that worked with Mr. Berkich.

Mr. Lipparelli stated he had known Mr. Berkich professionally for 22 years, and his greatest strength was he was a good change manager due to his refusal to continue doing things the old way when he saw problems. He stated when most people were ready to give up, Mr. Berkich would not. He said he would miss him and he thanked Mr. Berkich for all he taught him.

Commissioner Hartung said Mr. Berkich helped him tremendously, and he had been an amazing colleague and an even better friend. He stated he would miss his wise counsel.

Commissioner Jung stated it had been a privilege to get to know Mr. Berkich and his sense of humor. She said she appreciated his patience, his ability to listen to everybody, and his ability to craft a great compromise. She stated she would miss his

calm Zen-like presence when everybody else was running around like their hair was on fire.

Commissioner Berkbigler said she worked with Mr. Berkich when he was the City Manager in Carson City and it had been a delight to work with him. She stated she would miss him a great deal.

Vice Chairperson Weber said it had been a pleasure working with Mr. Berkich for the past 11 years. She stated she would miss him and she thanked him for his service.

Mr. Slaughter said thank you so much to Mr. Berkich.

On motion by Vice Chairperson Weber, seconded by Commissioner Jung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 7 be adopted. The Resolution of Appreciation for same is attached hereto and made a part of the minutes thereof.

**13-1026      AGENDA ITEM 8**

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

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

**Essentials of High Performing Teams**

Gabrielle Enfield, Manager’s Office

**Essentials of Management Development**

Charles Wright, Recorder’s Office

**Essentials of Personal Effectiveness**

Brittany Baguley, WCSO Crime Lab

Kindra Baum, WCSO Crime Lab

Moni Fox, Technology Services

Cheryl Vortisch, Reno Justice Court

Beth Langan, WCSO RPTSC

**Essentials of Support Staff**

Vicki Scott, Human Resources

Beth Langan, WCSO RPTSC

**13-1027      AGENDA ITEM 9 – MANAGER**

**Agenda Subject: “Presentation of Certificates of Appreciation for service on the Washoe County Organizational Effectiveness Committee: Chris Ferrari, Bob LaRiviere, Brad Woodring, Fred Sibayan and Diane Machen--Manager. (All Commission Districts.)”**

John Slaughter, County Manager, said Chris Ferrari, Bob LaRiviere, Brad Woodring, Fred Sibayan, and Diane Machen were being recognized for their service on Washoe County’s Organizational Effectiveness Committee (OEC). He noted the Fundamental Review program went through the OEC and that they provided the County with great advice over the years.

In response to the call for public comment, Katy Simon noted the OEC was an award winning program comprised of people who were senior executives in the private sector and who met on a regular basis with the County Manager and a member of the County Commission. She said they were wonderful ambassadors for the County, and had received national recognition. She stated people constantly asked her how the County got such busy executives to share their knowledge, and she replied there had never been a person who said no when asked to participate. She said they were people who gave their time to make sure Washoe County government was efficient, effective, and was run as a business. She thanked them for all of their hours of service and for making the County better.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 9 be approved.

**CONSENT AGENDA – ITEMS 10A THROUGH 10K**

In response to the call for public comment, Cathy Brandhorst spoke about issues of concern to herself.

**13-1028      AGENDA ITEM 10A**

**Agenda Subject: “Approve minutes for the Board of County Commissioners’ October 15 and 22, 2013 meetings.”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10A be approved.

**13-1029      AGENDA ITEM 10B**

**Agenda Subject: “Approve payments [\$2,005.50] to vendors for assistance of 19 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons--District Attorney. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10B be approved and authorized.

**13-1030      AGENDA ITEM 10C – JUVENILE SERVICES**

**Agenda Subject: “Approve and execute resolution allowing Washoe County Juvenile Services to donate surplus items to community non-profit organizations and other governmental entities--Juvenile Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10C be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1031      AGENDA ITEM 10D – SOCIAL SERVICES**

**Agenda Subject: “Authorize the Director of Social Services to accept two year funding [\$27,273 for the Federal Title IV-B Subpart 2 grant; \$6,818 match required] from the State of Nevada, Division of Child and Family Services to support overtime costs to allow staff to comply with policy regarding caseworker visits retroactive to October 1, 2013 through September 30, 2014; and if approved, direct Finance to make the appropriate budget adjustments--Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10D be authorized and directed.

**13-1032      AGENDA ITEM 10E – TREASURER**

**Agenda Subject: “Approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: WCAD 23 – Arrowcreek Water, WCAD 32 – Spanish Springs Valley Ranch Rd, additional description of affected parcels contained in exhibit A of Resolution--Treasurer. (Commission Districts 2, 4 and 5.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10E be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1033      AGENDA ITEM 10F(1) – COMMUNITY SERVICES**

**Agenda Subject: “Adopt and execute a Resolution of Support for a grant application requesting funding for the North Valleys Playground Rehabilitation Project, through the Land and Water Conservation Fund program administered locally by the Nevada Division of State Parks. (Commission District 5.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10F(1) be adopted and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1034      AGENDA ITEM 10F(2) – COMMUNITY SERVICES**

**Agenda Subject: “Approve reappointment of Tony Abreu, Dave Pearce, and Fred Taeubel to the Building Enterprise Fund Advisory Committee, each for a four-year term commencing on January 1, 2014 and ending on December 31, 2017. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chairman Humke absent, it was ordered that the reappointment be approved of Tony Abreu, Dave Pearce, and Fred Taeubel to the Building Enterprise Fund Advisory Committee, each for a four-year term commencing on January 1, 2014 and ending on December 31, 2017.

**13-1035      AGENDA ITEM 10F(3) – COMMUNITY SERVICES**

**Agenda Subject: “Approve recommended nomination of Greg Dennis and Jay Aldean to the Governor of the State of Nevada from which the Governor shall appoint a member to serve on the Board of Directors of the Carson-Truckee Water Conservancy District to represent Washoe County for a four-year term effective January 1, 2014; and direct the Clerk’s Office to submit a Notice of Action letter to the Governor and the Carson-Truckee Water Conservancy District. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that the nomination of Greg Dennis and Jay Aldean to the Governor of the State of Nevada be approved from which the Governor shall appoint a member to serve on the Board of Directors of the Carson-Truckee Water Conservancy District to represent Washoe County for a four-year term effective January 1, 2014. It was further ordered that the Clerk’s Office be directed to submit a Notice of Action letter to the Governor and the Carson-Truckee Water Conservancy District.

**13-1036      AGENDA ITEM 10F(4) – COMMUNITY SERVICES**

**Agenda Subject: “Approve Employee Residence Agreement between Washoe County and Joseph Colacurcio, (a Washoe County Sheriff’s Office Deputy) allowing this employee to reside in a County-owned residence located in Gerlach, Nevada. (Commission District 5.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10F(4) be approved.

**13-1037      AGENDA ITEM 10F(5) – COMMUNITY SERVICES**

**Agenda Subject: “Authorize contracted temporary service employees to drive Washoe County vehicles while conducting building inspection duties and responsibilities for the Community Services Department. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10F(5) be authorized.

**13-1038      AGENDA ITEM 10F(6) – COMMUNITY SERVICES**

**Agenda Subject: “Approve a Revocable Parking Space License and Agreement for Installation, Operation and Maintenance of Access Control Devices between Washoe County (Licensor) and State Street Plaza, LLC (Licensee) granting weekday use of 30 existing public parking spaces in the County’s Court Street Parking in exchange for improvements to the County’s Court Street Parking lot, as authorized under NRS 244.294. (Commission District 3.)”**

Commissioner Hartung said his concern and the concern of some of the employees was that the access gate would block traffic as one car at a time tried to get into the parking lot. Dave Solaro, Acting Community Services Director, stated that had been considered and the gate would be left open until after most of the employees would have entered the lot. Commissioner Hartung said that was a great solution. Commissioner Jung said she applauded staff and State Street Plaza, LLC for their help in alleviating the problem of employees being able to find a parking space during business hours. She believed this solution would improve employee morale, along with providing 30 public parking spaces for the public, which was a great compromise for everyone involved.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10F(6) be approved.

**13-1039      AGENDA ITEM 10G(1) – FINANCE**

**Agenda Subject: “Acknowledge receipt of the Distinguished Budget Presentation Award for Fiscal Year 2013-2014 from the Government Finance Officers Association (GFOA). (All Commission Districts.)”**

On behalf of the Board, Commissioner Jung acknowledged the receipt of the Distinguished Budget Presentation Award for Fiscal Year 2013-2014 from the Government Finance Officers Association (GFOA). She said the Finance team was comprised of some of the best people, and they had been performing perfectly even without having a director.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10G(1) be acknowledged.

**13-1040      AGENDA ITEM 10G(3) – FINANCE**

**Agenda Subject: “Approve the removal of 1,577 uncollectible accounts receivables totaling [\$345,146.23]. (All Commission Districts.)”**

Commissioner Berkbigler asked what the \$170,000 in uncollected funds relating to Regional Animal Services was for. Barry Brode, Animal Services Director, said the \$170,000 was for the uncollected civil penalties assessed by the Administrative Hearing Office, which Regional Animals Services oversaw. John Slaughter, County Manager, added there was a time limit in which to collect those penalties. He stated the Administrative Hearing Process was being put under the Manager’s Office, so the hearings could be scheduled more frequently. He said more aggressive collections would help avoid running into the one-year time limit.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10G(3) be approved.

**13-1041      AGENDA ITEM 10G(4) – FINANCE**

**Agenda Subject: “Authorize the tax collector to strike names and amounts identified on delinquency/ uncollectible personal property tax list for fiscal years 1989-90 through 2012-13, totaling [\$181,716.24]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10G(4) be authorized.

**13-1042      AGENDA ITEM 10H(1) – HUMAN RESOURCES**

**Agenda Subject: “Reappoint Ms. Susan DeBoer as the Public Guardian effective retroactively to December 13, 2013 [annual salary \$99,049.60] for the position as recommended by the County Manager pursuant to Chapter 5.475 of the County Code. There is no incremental fiscal impact. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that for Agenda Item 10H(1) Ms. Susan DeBoer be reappointed as the Public Guardian effective retroactively to December 13, 2013.

**13-1043      AGENDA ITEM 10H(2) – HUMAN RESOURCES**

**Agenda Subject: “Approve reclassification requests for an Administrative Secretary, pay grade J, to an Administrative Secretary Supervisor, pay grade K; a Heavy Equipment Operator, pay grade I to a Roads Supervisor, pay grade L; and a Roads Supervisor, pay grade L to a Heavy Equipment Operator, pay grade I (all in Community Services); two Office Assistant IIs, pay grade E, to Legal Secretaries, pay grade I (Juvenile Services); and an Administrative Assistant II, pay grade L, to a Program Manager, pay grade L (District Attorney); as evaluated by the Job Evaluation Committee; [net annual impact of these changes is estimated at \$31,458]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10H(2) be approved.

**13-1044      AGENDA ITEM 10H(3) – HUMAN RESOURCES**

**Agenda Subject: “Approve the Collective Bargaining Agreement with the Washoe County Public Attorneys Association for the period of July 1, 2013 through June 30, 2014; ratify same: a 1% Cost of Living Adjustment effective July 1, 2013; a 1% PERS contribution in lieu of wage increase effective July 15, 2013; a 1% Cost of Living Adjustment effective January 1, 2014 [FY 14 fiscal impact estimated at \$291,500]. (All Commission Districts.) To be heard before Agenda Items #10.H.4 and #10.H.5.”**

Commissioner Jung thanked the Washoe County Public Attorneys Association and staff, especially John Listinsky, Human Resources Director, for their work in reaching an agreement. She said there had been tremendous success with the negotiations once the negotiating team was brought back in house.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10H(3) be approved.

**13-1045      AGENDA ITEM 10H(4) – HUMAN RESOURCES**

**Agenda Subject: “Approve a 1% Cost of Living Adjustment in base wage effective July 1, 2013; a 1% PERS contribution in lieu of wage increase effective July 15, 2013; and a 1% Cost of Living Adjustment effective January 1, 2014 for the Confidential Attorneys and the Non-Represented Flood Management General Counsel employee; and, if approved, direct Human Resources and Finance to make**

**the necessary adjustments [FY 14 fiscal impact is estimated at \$76,600]. (All Commission Districts.) To be heard after Agenda Item #10.H.3.”**

Commissioner Jung thanked the Confidential Attorneys and the Non-Represented Flood Management General Counsel employees and staff, especially John Listinsky, Human Resources Director, for their work in reaching an agreement. She said there had been tremendous success with the negotiations once the negotiating team was brought back in house.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10H(4) be approved and directed.

**13-1046      AGENDA ITEM 10H(5) – HUMAN RESOURCES**

**Agenda Subject: “Approve an increase in the maximum sick leave payout from 600 hours to 800 hours retroactive to July 1, 2013 for Confidential Attorneys, commensurate with a recently negotiated agreement with the Washoe County Public Attorneys Association (WCPAA). (All Commission Districts.) To be heard after Agenda Item #10.H.3.”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10H(5) be approved.

**13-1047      AGENDA ITEM 10I(1) – MANAGER**

**Agenda Subject: “Approve and adopt Resolution changing the Warm Springs/Rural Citizen Advisory Board to 5 At-Large Members, and 2 At-Large Alternates positions, appointed by the County Commissioner for District 5 that together represent a broad area within the district. (Commission District 5.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10I(1) be approved and adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1048      AGENDA ITEM 10I(2) – MANAGER**

**Agenda Subject: “Approve reappointment of Mr. James Brown as a regular member to serve on the Washoe County Board of Equalization with term to expire June 30, 2017; and reappointment of Ms. Neeroo Manning as an alternate member with term to expire June 30, 2014. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that the reappointment of Mr. James Brown as a regular member to serve on the Washoe County Board of Equalization with the term to expire June 30, 2017; and the reappointment of Ms. Neeroo Manning as an alternate member with the term to expire June 30, 2014 be approved.

**13-1049      AGENDA ITEM 10I(3) – MANAGER**

**Agenda Subject: “Approve a 2014 State Emergency Response Commission (SERC), Hazardous Materials Emergency Preparedness grant [\$30,000, no match required] from Nevada SERC. Grant term October 28, 2013 through June 30, 2014; and if accepted, authorize the Chairman to execute a Resolution to subgrant funds to other governments and non-profits which make up the Local Emergency Planning Committee (LEPC) and authorize the County Manager, or his designee, to sign subgrant contracts with local LEPC members; and direct Finance to make the necessary budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10I(3) be approved, authorized, executed, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1050      AGENDA ITEM 10I(4) – 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 July-September 2013. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10I(4) be acknowledged.

**13-1051      AGENDA ITEM 10I(5) – MANAGER**

**Agenda Subject: “Approve a Resolution affirming the County’s election to receive payment under the Federal Secure Rural Schools and Community Self-Determination Act using the State Payment Option with all funds directed to Title I – Road and School Projects. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10I(5) be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1052      AGENDA ITEM 10J(1) – SHERIFF**

**Agenda Subject: “Accept monetary donations to Washoe County Regional Animal Services [\$5,700] for the period of July 1, 2013 – September 30, 2013 to be used for the humane care and treatment of sick and/or injured stray or abandoned animals received, and express appreciation for these thoughtful contributions; and direct Finance to make the appropriate budget adjustments. (All Commission Districts.)”**

On behalf of the Board, Commissioner Jung acknowledged the monetary donations to Washoe County Regional Animal Services.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10J(1) be accepted, expressed, and directed.

**13-1053      AGENDA ITEM 10J(2) – SHERIFF**

**Agenda Subject: “Accept donation [\$500] from the sale of Citizen Corps Challenge Coins, to the Washoe County Sheriff’s Office for the Citizen Corps Program (CCP); and authorize Finance to make appropriate budget adjustments. (All Commission Districts.)”**

On behalf of the Board, Commissioner Jung acknowledged the donation of \$500 from the sale of Citizen Corps Challenge Coins to the Washoe County Sheriff’s Office for the Citizen Corps Program (CCP).

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10J(2) be accepted and authorized.

**13-1054      AGENDA ITEM 10J(3) – SHERIFF**

**Agenda Subject: “Accept overtime funding [\$34,400] from the United States Marshals Service to reimburse Washoe County Sheriff’s Office for overtime costs incurred by two deputies [not to exceed \$17,200 each] assigned to the Regional Fugitive Task Force retroactive to FFY 10/1/13-9/30/14; and authorize Finance to make the necessary budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10J(3) be accepted and authorized.

**13-1055      AGENDA ITEM 10K**

**Agenda Subject: “Cancel January 21, 2014 County Commission meeting.”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10K be approved.

**BLOCK VOTE – AGENDA ITEMS 12, 13, 15, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34,**

**13-1056      AGENDA ITEM 12 – JUSTICE COURTS**

**Agenda Subject: “Request the Board of County Commissioners adopt the recommendations of the National Center for State Courts in their 2013 Review of Salary Compensations for Justices of the Peace in Washoe County by providing three percent (3%) salary increases in 2013, 2014, and 2015 to all Justices of the Peace, which is consistent with compensation increases previously provided to all other Washoe County elected officials in years 2008, 2009 and 2010. [Estimated total annual fiscal impact after all salary adjustments are in effect for all Washoe County Justices of the Peace is \$167,300]--Justice Courts. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 12 be adopted.

**13-1057      AGENDA ITEM 13 – RENO JUSTICE COURT**

**Agenda Subject: “Recommendation to approve Reno Justice Court’s request to reclassify vacant position #70000377, DCAS/Web Developer J173 to a Technology Project Coordinator JTBD, [maximum annual fiscal impact \$36,830]; and direct Human Resources and Finance to make the necessary adjustment effective January 1, 2014--Reno Justice Court. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 13 be approved and directed.

**13-1058      AGENDA ITEM 15 – MANAGER**

**Agenda Subject: “Recommendation to approve a three-year Employment Agreement between Ellen G. I. Clark, M.D. and the County of Washoe to serve as the Coroner and Chief Medical Examiner effective July 1, 2012 through June 30, 2015--Manager. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 15 be approved.

**13-1059      AGENDA ITEM 18 – SHERIFF**

**Agenda Subject: “Recommendation to approve grant funding from FFY 12 Department of Homeland Security (DHS) [\$68,040, no County match] and FFY 11 Department of Homeland Security [\$120,000, no County match], through the Nevada Division of Emergency Management for the Washoe County Sheriff’s Office to support Nevada Dispatch Interconnect Grant Program Project No. 97067-HL2, grant term of 12/5/13-4/30/14 (both grants); and if accepted, approve the sole source agreement with North Lake Tahoe Fire Protection District to utilize Chris Magenheimer as a subject matter expert, and approve the extension of Independent Contractor Agreement for Services between Washoe County, a political subdivision of the State of Nevada, through its Washoe County Sheriff’s Office and North Lake Tahoe Fire Protection District from 12/31/13 through 12/31/14; and approve an increase of the current agreement [\$60,040] to be paid from DHS grant funding, and**

**authorize Finance to make necessary budget adjustments--Sheriff. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 18 be approved and authorized.

**13-1060      AGENDA ITEM 20 – MANAGER**

**Agenda Subject: “Recommendation to reappoint the following members to the Organizational Effectiveness Committee (OEC) with terms commencing January 1, 2014 and expiring December 31, 2016: Bruce Simonian as recommended by Commissioner Berkbigler as the District 1 representative; Chuck Alvey as recommended by Commissioner Humke as the District 2 representative; Ty Windfeldt and Marlene Olson as at-large representatives; appoint one member to be recommended by Commissioner Jung as the District 3 representative; appoint three at-large members to be recommended by the County Manager; and appoint one member to be recommended by the Washoe County Employees Association--Manager. (All Commission Districts.)”**

John Slaughter, County Manager, said the Manager’s recommendations for the three at-large members would be made at a later date.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Bruce Simonian be reappointed as the District 1 representative; Chuck Alvey be reappointed as the District 2 representative; and Ty Windfeldt and Marlene Olson be reappointed as at-large representatives to the Organizational Effectiveness Committee (OEC). It was also ordered that Jennifer Rose be appointed as the District 3 representative and Lisa Lane from the Sheriff’s Office be appointed as the Washoe County Employees Association’s representative. Their terms would commence January 1, 2014 and would expire December 31, 2016.

**13-1061      AGENDA ITEM 21 – MANAGER**

**Agenda Subject: “Recommendation to approve a 2012 Department of Homeland Security (DHS) State Homeland Security Program (SHSP) grant passed through the State of Nevada, Division of Emergency Management [\$119,960, no match required], retroactive for the period of December 5, 2013 through April 30, 2014; approve sole source agreements for Risk Solutions International LLC (RSI) [\$73,960] and Galena Property Development LLC [\$24,000]; and not to exceed \$2,500 on refreshments in accordance with the grant deliverables; and direct**

**Finance to make the appropriate budget adjustments--Manager. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 21 be approved and directed.

**13-1062      AGENDA ITEM 22 – MANAGER**

**Agenda Subject: “Recommendation to approve the submission of the following grants to the State of Nevada Community Development Block Grant (CDBG) program for funding consideration: West Second Avenue School Sidewalk Project [\$405,304, in-kind match of \$27,503]; Kids SV! from Community Services Agency [\$75,647]; Access to Healthcare in Rural Northern Nevada, from Access to Healthcare Network [\$60,000]; Vehicle Replacement and Rural Mobile Pantry, from the Food Bank of Northern Nevada [\$279,523]; priority ranking for the applications was recommended as follows: Kids SV! as priority number one, the West Second Avenue School Sidewalk Project as priority number two; and the Food Bank Vehicle Replacement and Rural Mobile Pantry as priority number three; and if approved, authorize Chairman to execute the documents concerning same--Manager. (All Commission Districts.)”**

John Slaughter said Kids SV! from the Community Services Agency pulled their application and should be removed from the item.

In response to the call for public comment, Darrin Price, Sun Valley General Improvement District General Manager, said the Board had already taken care of everything he wanted done on this item. He stated he provided the Board with letters of support for the West 2nd Avenue School Sidewalk project, and a copy of those letters were placed on file with the Clerk.

Cathy Brandhorst talked about health care and the Food Bank of Northern Nevada.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 22 be approved, authorized, and executed without the inclusion of Kids SV! from the Community Services Agency in the amount of \$75,647. It was also ordered that Kids SV! be removed from the priority ranking and everyone else be moved up in the ranking by one step.

**13-1063      AGENDA ITEM 23 – DISTRICT ATTORNEY**

**Agenda Subject: “Recommendation to approve transfer from Other Restricted Revenue Fund (CARES/SART Donations - IO 20327), to the Capital Improvement Fund for the McGee Center for the District Attorney’s Office Child Advocacy Center remodel, [\$230,000; total project not to exceed \$450,000]; accept donation for the project from the E.L. Cord Foundation [\$65,000] and from the Roxie & Azad Joseph Foundation [\$25,000]; and authorize Finance to make appropriate budget adjustments--District Attorney. (All Commission Districts.) To be heard before Agenda Item #24.”**

On behalf of the Board, Commissioner Jung acknowledged the donations from the E.L. Cord Foundation and the Roxie and Azad Joseph Foundation for the District Attorney’s Office Child Advocacy Center remodel. She thanked them and said the County could not do all it did without people showing their support with their private donations.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 23 be approved, accepted, and authorized.

**13-1064      AGENDA ITEM 24 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the McGee Center Remodel Project recommended [Q & D Construction, \$285,770]--Community Services. (Commission District 3.) To be heard after Agenda Item #23.”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 24 be awarded and approved.

**13-1065      AGENDA ITEM 25 – DISTRICT ATTORNEY/SOCIAL SERVICES**

**Agenda Subject: “Recommendation to authorize the creation of three, 3.0 FTE, fully benefitted, Deputy District Attorney III positions and one, 1.0 FTE, fully benefitted, Legal Secretary position within the District Attorney’s Office, as evaluated by the Job Evaluation Committee (JEC), in support of indigent child welfare activities, funded 100% by Department of Social Services indigent funding [approximate annual amount \$550,000]; and direct Finance to make the appropriate fiscal and budget adjustments in support of this action--District Attorney/Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 25 be authorized and directed.

**13-1066      AGENDA ITEM 26 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to award contract in response to Request for Proposal (RFP) #2866-14 for Child Welfare Consultation and Quality Assurance Services, to the lowest responsible, responsive proposer, meeting specification, Michael Capello and Associates Inc., [up to \$150,000 annually], on behalf of Washoe County Department of Social Services; and if approved, authorize the Purchasing and Contracts Administrator to execute the contract retroactive to December 1, 2013 through June 30, 2014, with the provision for up to two one-year extensions at Washoe County's option--Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 26 be awarded, approved, authorized, and executed.

**13-1067      AGENDA ITEM 27 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to award Request for Proposal (RFP) #2875-14 for the Differential Response Program for child abuse and neglect cases, to the lowest responsible, responsive proposer, meeting specification, The Children's Cabinet, 1090 S. Rock Blvd., Reno, NV 89502, [estimated amount up to \$300,000] for the first year, on behalf of Washoe County Department of Social Services; and further to recommend that the Purchasing and Contracts Administrator be authorized to enter into this Agreement for one year, commencing December, 1, 2013 through November 30, 2014, with the provision for up to two one-year extensions at Washoe County's option, for up to two subsequent years at an approximate annual amount between \$250,000 and \$300,000--Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 27 be awarded and authorized.

**13-1068      AGENDA ITEM 28 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to approve Agreement between Washoe County and Action for Child Protection [up to \$803,000, this amount is inclusive of \$350,000 to be subcontracted to the Ruth Young Center] for continued technical assistance and training to the Department; approve a Subgrant Agreement between Washoe County and Children's Cabinet [up to \$1,250,000] to provide case management and supportive services to SAFE-FC families retroactive from September 30, 2013 through September 29, 2014; and execute Resolution authorizing the Grant of Public Money to a Private Nonprofit Organization--Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 28 be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1069      AGENDA ITEM 29 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to accept and execute the 2012 Continuum of Care Program Grant Agreement with the Department of Housing and Urban Development (HUD) [\$116,690, \$27,264 cash match] to provide rental assistance and supportive services retroactive to August 1, 2013 through July 31, 2014; and if approved, authorize the Purchasing and Contracts Manager to execute Amendment #1 to Subgrant for Shelter Plus Care Services with Volunteers of America and authorize Chairman to execute Resolution necessary for same, and direct Finance to make appropriate budget adjustments--Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 29 be accepted, executed, authorized, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-1070      AGENDA ITEM 30 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to approve an Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities**

**retroactive to July 1, 2013 until June 30, 2015 [projected amount \$5,000,000 per fiscal year]--Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 30 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

**13-1071      AGENDA ITEM 31 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to acknowledge a report on the current status of the U.S. Department of Housing and Urban Development (HUD) sponsored Neighborhood Stabilization Program known as NSP3, and possible direction to staff regarding the ownership of the properties--Social Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 31 be acknowledged.

**13-1072      AGENDA ITEM 34 – COMMUNITY SERVICES**

**Agenda Subject: “Request that the Board of County Commissioners identify the preferred County representative to the State Land Use Planning Advisory Council and provide at least one other name to fill a three-year term beginning on January 1, 2014, and ending on December 31, 2016; and direct the Clerk’s Office to submit a Notice of Action letter to the Governor and the State Land Use Planning Advisory Council--Community Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Bill Whitney, Washoe County Planning and Development Division Director, be identified as the preferred County representative to the State Land Use Planning Advisory Council to fill a three-year term beginning on January 1, 2014, and ending on December 31, 2016. It was also ordered that Commissioner Hartung be the second name provided. It was further ordered that the Clerk’s Office be directed to submit a Notice of Action letter to the Governor and the State Land Use Planning Advisory Council.

**13-1073      AGENDA ITEM 35 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to approve a Professional Services Agreement for the Ongoing Implementation of the Groundwater Monitoring Plan for the Central Truckee Meadows Remediation District Program between Washoe County and Kleinfelder West, Inc. [\$148,782.26]--Community Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 35 be approved.

**13-1074      AGENDA ITEM 36 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to award an Agreement For Professional Services to Lumos and Associates [not to exceed \$150,000] for design, engineering and bidding assistance of Phase V at North Valleys Regional Park; and authorize Finance to make the appropriate budget adjustments--Community Services. (Commission District 5.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 36 be awarded and authorized.

**13-1075      AGENDA ITEM 37 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to approve Amendment No. 2 to Agreement for Full Service Operation and Maintenance of Washoe County Sewer Facilities between Washoe County and SPB Utility Services, Inc. for a six-month period from January 1, 2014 to June 30, 2014 [estimated six-month cost of \$406,730.82]--Community Services. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 37 be approved.

**13-1076      AGENDA ITEM 38 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to acknowledge receipt of a status report regarding the recent accident on Lemmon Drive with possible direction to staff**

regarding future Capital Improvement Program projects resulting from a Road Safety Audit to be conducted by a multidisciplinary team--Community Services. (Commission District 5.)”

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 38 be acknowledged.

**13-1077      AGENDA ITEM 39 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to acknowledge receipt of an update regarding Technical Map Check Fees and direct staff to perform a fund sustainability study on the program to determine a fee schedule which will keep the program sustainable--Community Services. (All Commission Districts.)”**

Vice Chairperson Weber said part of the recommendation would be that Community Services would meet with the development community to review the fee schedule and would return to the Commission with a recommendation.

There was no public comment on this item.

On motion by Vice Chairperson Weber, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 39 be acknowledged and directed.

**11:52 a.m.**      The Board convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

**2:09 p.m.**      The Board adjourned as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners and reconvened as the Board of County Commissioners (BCC) with Chairman Humke present and assuming the gavel.

**13-1078      AGENDA ITEM 14 – DISTRICT ATTORNEY**

**Agenda Subject: “Recommendation to approve a Resolution declaring the intent of the Board of County Commissioners as to how to address a vacancy on the Sparks Justice Court, calling an election and setting forth the procedure for the election including the filing period for declarations of candidacy, declaring the intent to appoint someone to the vacancy temporarily, appointing Susan Deriso as a Justice of the Peace Pro Tempore and other matters properly related thereto.--District Attorney. (All Commission Districts.)”**

Paul Lipparelli, Legal Counsel, said the resolution before the Board would declare what the Board's intent was regarding navigating this complicated legal situation, and the timing of Judge Susan Deriso's resignation had a lot to do with what would happen next. He said the State law regarding Justices of the Peace allowed the Board to declare an election to fill the vacancy or to fill it by appointment. He stated the appointment process required the resignation take place 30 days before the opening of the filing period and the appointment would only last until the election took place. He said if the election option was not available, the appointment would last until the end of the term; and he noted Judge Deriso was near the beginning of a six-year term. He stated the appointment could fill the seat for up to five years, even though there would be two elections between now and the end of Judge Deriso's term, which would be contrary to all of the statutes on the subject and to the most recent Nevada Supreme Court decision on a similar matter.

Mr. Lipparelli said the resolution would have the Board declare an election to fill the vacancy during the next General Election. He stated the Board using its authority to establish the procedures for the election would provide for anybody wishing to run to fill the vacancy would have to file during the first couple of weeks in January 2014 and the person elected would take office in January 2015. He said the resolution proposed the Board temporarily fill Judge Deriso's vacated seat by appointment until the end of 2014 when the newly elected judge would take office. He stated the resolution also provided for naming Judge Deriso to the Justice of the Peace Pro Tempore list, making her available to help out with the Sparks Justice Court's caseload. He noted Judge Deriso's resignation only left one judge for the Sparks Justice Court.

Commissioner Weber asked if the list of Justice of the Peace Pro Tempore was just for Reno. Mr. Lipparelli believed the list had a part for Reno, a part of Sparks, and possibly even a part for Incline Village and Wadsworth. Commissioner Weber asked if people could file for the position, and judges off the Pro Tempore list could be used until after the election. Judge Kevin Higgins, Sparks Justice Court, said there were 20 plus names on the Pro Tempore list, but they were only willing to give a day here and a day there, so using that list to cover the Court's calendar every day would not be practical. He stated because the third judge had been waived, the Court needed a full-time judge. He said they would be scrambling to cover January to February as it was until the appointment process was completed.

Commissioner Weber asked what the election process would be if judges from the Pro Tempore list were used. Mr. Lipparelli explained the process, and noted if the Board appointed someone for the length of the term, it would expose that person to a legal challenge because that term would last beyond the next available election, which was the key to the Teuton case cited in the resolution. He said to avoid that happening, the Board could say the appointment would only be until the next election, but NRS Chapter 245 required the vacancy had to occur 30-days prior to the opening of the filing period. He stated that condition was not satisfied here because the filing period was the second week of January 2014 and Judge Deriso's resignation was effective January 3, 2014. He said that created a situation of having no Primary Election, which would

basically create a wide open General Election with the nomination process being replaced with a filing period in June 2014.

Mr. Lipparelli said if the election process was used, the Board obtained the authority to determine the procedures for the election, which enabled the Board to set a primary election and to have the kind of nomination process normally used in a judicial election. He stated that process could be used because Judge Deriso moved her resignation date to be effective prior to the opening of the filing period. He said that only left the question of the temporary vacancy. He advised the Board could make the appointment due to its authority to make temporary appointments to fill vacancies occurring in County offices and could make it clear the appointment would last only until the election in 2014 filled the seat.

Commissioner Berkbigler felt the resolution as written was the best approach for the Board to take.

Commissioner Berkbigler made a motion to adopt the resolution as proposed declaring the intent of the Board of County Commissioners on addressing the vacancy in the Sparks Justice Court by calling for an election and setting forth the procedure for the election, including the filing period for the declarations of candidacy, declaring the intent to appoint someone to the vacancy temporarily, appointing Susan Deriso as a Justice of the Peace Pro Tempore, and any other matters that were necessarily related to this particular proposal. Commissioner Jung seconded the motion.

Commissioner Hartung said essentially the Board would be asking for applications so they could appoint someone and, anyone who desired, could run for office by filing as a candidate from January 6 to January 17, 2014. Mr. Lipparelli stated the filing period would actually occur before the Board had much of an opportunity to consider making the appointment. He said the people interested in running for the vacancy would have to file just like any other judicial candidate would have to. He stated whether or not the Board wanted to consider appointing a person who declared their candidacy would be up to the Board. He said technically it could be done with three-day's notice under the Open Meeting Law. He believed the last time this happened was when Judge Higgins was appointed to a vacancy on the Sparks Justice Court and later got elected to the position. He said in that instance the Board set forth a period to accept applications, screened the applications to ensure the individual met the minimum qualifications, and then conducted public interviews of the applicants. He advised that process was available if the Board wished to use it. He stated the resolution did not tackle the issue of how the Board wanted to handle the appointment, so staff would appreciate the Board's direction on how to appoint this position at the next meeting in January 2014 and what announcements to make if any. Commissioner Hartung said he would like to see applications from the people interested in the position, instead of just considering the people who filed to run for the seat.

Commissioner Berkbigler felt it would be a good idea to bring this back to the first meeting in January so the process could be set up for taking applications, unless

that could be done now. Mr. Lipparelli said the Board could give direction to staff and could ask for a specific item to be placed on the next agenda, but this item did not contemplate making decisions on the process itself.

Commissioner Hartung asked if the Board needed to reopen Agenda Item 4 to make that request. Mr. Lipparelli said that would be a clean way to do it, but the direction given during this item was clear.

There was no public comment on this item

On the call for the question, the motion passed 5-0. The Resolution for same is attached hereto and made a part of the minutes thereof.

**2:35 p.m.** The Board recessed.

**3:52 p.m.** The Board reconvened with all members present. Chairman Humke assumed the gavel.

Chairman Humke asked for moment of silence in observance of the tragedy unfolding at Renown.

**13-1079      AGENDA ITEM 10G(2) – FINANCE**

**Agenda Subject:** “Approve settlement of the claim Bryan Wagner against Washoe County et al, [\$55,000] for all claims against all defendants--Risk Management. (All Commission Districts.)”

Paul Lipparelli, Legal Counsel, advised there was now a signed agreement with the plaintiff.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 10G(2) be approved.

**13-1080      AGENDA ITEM 17 – APPEARANCE**

**Agenda Subject:** “Presentation on Building a Smarter Region - Update to Regional Economic Development Initiative--Community Services. (All Commission Districts.)”

Al Rogers, Projects and Programs Division Director, said the IBM Smarter Cities initiative was presented to this Board on May 18, 2013. He stated the idea behind the initiative was to make urban areas smarter when making business decisions and in terms of economic development. He said one of the things to come out at that meeting

was the Smarter Cities concept was great, but regionalization was important. He said staff also heard it would be a good idea to hold a summit to bring all of the players together, and the Commissioners did not want to waiver from the current economic development plan. He stated he was happy to announce all of those things had and continued to happen.

Mr. Rogers said the logos at the bottom of slides in the PowerPoint presentation showed all of the participants in the Smarter Region initiative. He stated it included some of the same initiatives as the Smarter Cities initiative, but there was the realization that economic development did not have boundaries. He said for this initiative, the boundaries were established to be consistent with those of the Economic Development Authority of Western Nevada (EDAWN).

Mr. Rogers said the governance model had been modified since it was last seen by the Board and it had many layers. He stated the management team had been established, and consisted of John Slaughter, Washoe County Manager; the City Managers; and leaders in the community and in education. He said they had already met three or four times to discuss the initiative and a lot of work had been done regarding the initiatives brought to us in May by the City of Reno and IBM, which was shown on the handout indicating the leadership makeup. A copy of that handout was placed on file with the Clerk.

Mr. Rogers said the first initiative was to “change the mindset,” which involved everybody. He stated to say that had been done would be an overstatement, but great strides had been made in changing the mindset of this community as it related to economic development. He said it had been recognized it would take the entire region to push forward the economic development initiative in this area, and great progress was being made on that initiative.

Mr. Rogers stated the second initiative, “be one strong voice,” was about rallying around EDAWN. He said that was occurring because EDAWN identified an Executive Board member to rotate through the various local governments.

Mr. Rogers stated the third initiative was “harness the data,” which took the data found throughout the community and brought it into an open forum. He said Truckee Meadows Regional Planning was the portal to be the one-stop shop for that data. He stated key operational staff included himself and Laura Schmidt, Chief Information Management Officer, while Nancy Leuenhagen, Community Relations Manager, had been involved with the media team that was a key component of getting the message out.

Mr. Rogers said the fourth initiative was “brand the vision not the slogan,” which was where the lion’s share of the work was happening right now. He stated all of the partners were working together to determine what the vision was regarding the economic development for this region, which had been somewhat of a challenge. He said the stakeholder engagement surveys would start in January and would continue during

the month of February. He stated the plan was to come back in early spring of 2014 with an update on all of the five initiatives.

Mr. Rogers stated the fifth initiative was “invest in your people,” which tied back to education. He said the university, the community college, and the school district were all engaged in this conversation. He stated there had been a meeting last Friday where a lot of good information was provided on what had already been started in this community as it related to investing in the people and to economic development.

Mr. Rogers said they would be coming back to the Board at the end of January with the Board’s strategic objectives, which included the County’s economic current development plan. He said the update would include what had been accomplished as the County moved forward with its economic development. He introduced Robin Mason, from the AmeriCorps/VISTA program, who would be focusing on economic development for the next year due to a grant secured by Social Services. He said Mr. Mason would be helping with this initiative and with all of the County’s economic development initiatives.

Commissioner Hartung asked if this initiative just included the cities of Reno and Sparks and the County or did it also include Lyon County, Douglas County, and such. Mr. Rogers reiterated the EDawn boundaries were used when talking about the region, which included Washoe County and the Reno-Tahoe Industrial Center.

Vice Chairperson Weber said she and Reno City Councilmember Sharon Zadra talked about this initiative in Washington, D.C. in April, and some of the committee Chairs had been very excited about the initiative’s possibilities. She stated she loved that it was being made into a regional vision.

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

On motion by Chairman Humke, seconded by Commissioner Hartung, which motion duly carried, it was ordered that the report be accepted for Agenda Item 17.

**13-1081      AGENDA ITEM 19 – SHERIFF/MANAGER**

**Agenda Subject: “Recommendation to acknowledge completion of temporary management services and oversight of Regional Animal Services by Washoe County Sheriff’s Office and direct staff to initiate a process to determine its future status and place in Washoe County--Sheriff/Manager. (All Commission Districts.)”**

John Berkich, Assistant County Manager, stated this item was before the Board to gain support in taking Washoe County Regional Animal Services (WCRAS) out of the Sheriff’s Office (SO). It was staff’s proposal to hold a series of three workshops, which would involve all of the stakeholders looking at what made a successful Animal Services organization and whether it should remain with the County or if it should be privatized. He noted WCRAS stood out as being one of the most successful agencies in

the country. He said after the series of workshops, the recommendation of the stakeholder group would be brought back to the Board for final direction on where WCRAS should be positioned.

Commissioner Hartung noted there was a growing trend across the nation for fire services to have control of WCRAS, because often when an animal had to be rescued the rescue was handled by fire personnel. He said the Fire Chief agreed to be a part of the conversation if the County wanted to entertain that as an option.

Commissioner Jung said the Board should keep an open mind about how to provide the best services possible as a region. She asked if the Cities of Reno and Sparks gave tax increments to create WCRAS. John Slaughter, County Manager, said there was an Interlocal Agreement that became effective when WCRAS was created as a regional entity and a tax increment from the Cities was brought into that mix, which was something we had to be mindful of. Commissioner Jung stated all of the County's partners needed to be involved in making the decision. She said a voters' initiative created the property-tax override to fund WCRAS and we should be careful to not jeopardize that funding. She stated those were some of the things that made her nervous about this issue. She thanked the Sheriff and noted this was a tough department to be director of. She noted the County was the number one county in America to find creative ways of not having to euthanize abandoned and homeless animals, such as fostering them. She frankly did not believe WCRAS belonged in Public Works. She reiterated everything needed to be considered, along with what would be best for the animals and for the staff.

Commissioner Berkbigler said she liked the idea of holding the public workshops. She noted after AB 46, the largest number of contacts she received had been about the miniature horse issue.

Mr. Berkich said he had the Board's direction and staff would go to work on it.

In response to the call for public comment, Cathy Brandhorst discussed neglected animals.

Richard Simmonds said he was a veterinarian and was very active in animal welfare efforts across the State. He commended the Sheriff and Barry Brode, Animal Services Director, for doing an excellent job managing WCRAS. He said he supported giving staff direction to conduct an unbiased study regarding the potential future management of WCRAS. He noted out of the four options in the staff report, he preferred establishing WCRAS as a separate agency. He endorsed holding the workshops because having public input would be critical. He also endorsed Commissioner Jung's financial concerns. A copy of his remarks was placed on file with the Clerk. Chairman Humke noted Dr. Simmonds served on the Washoe County Animal Control Board.

Carla Fells, Washoe County Employees Association (WCEA) Executive Director, said she opposed this going to the Sheriff's Office two years ago, because she had wanted what was happening now to happen then. She stated when the consolidation occurred, staffing was reduced. She said 35 employees ran WCRAS, and she felt that gave the taxpayers the best bang for their buck. She stated those positions were not the highest paid positions in the WCEA, and indeed some positions were at the median and many were lower paid positions. She said she would like to participate as one of the stakeholders, because the WCEA had an interest in what happened to the WCRAS and cheaper was not necessarily better. She stated the employees were very dedicated and would like to have some input regarding whether the WCRAS stayed as a standalone, was put under another department, or was outsourced. She said she would vehemently protest outsourcing the WCRAS if it was not in the best interests of the community and the WCEA's members.

Chairman Humke noted this could be set up as a classic choice between public and private employees, and he asked what would be better for this function. Ms. Fells felt having public employees would be the best solution, because the Board was accountable to citizenry for the delivery of services. She said the trend across the country was that services that had been privatized were coming back under the control of the local governments because the service provided did not meet the standards or was due to the lack of accountability.

Commissioner Weber noted WCRAS was a governmental entity, which the Cities of Reno and Sparks helped pay for. She said the idea of fire services running WCRAS was interesting. She requested staff do a white paper on all of the possible options, even though she felt having the WCRAS under the Community Services Department did not appear to be a good fit.

Commissioner Berkbigler said she agreed the most important thing was protecting the animals and the rights of the people with regard to their animals. She stated the WCRAS was a no-kill facility, which had a fabulous track record. She believed it was important that all of the options be looked at, including putting WCRAS under the Fire Department. She said this Commission had the responsibility to save dollars, which was why she felt a public-private partnership with an organization like the Humane Society should be considered. She stated the Human Society had a great reputation, which was why she asked them for a white paper on what it would take for them to takeover running WCRAS. She stated she was aware there were employee issues, which were a concern to her, but it should be looked at with the same consideration being given the other options, because there was also a fiduciary responsibility to the County.

Commissioner Hartung said regardless of what option was chosen, he felt having WCRAS ultimately become a standalone entity should be looked at. He agreed the Commission had a financial responsibility to make sure the dollars were being spent wisely in addition to that of caring for the animals. He said transparency was extremely important, because the people wanted to know how their tax dollars were being spent.

Commissioner Berkbigler said she would like to see some standards on euthanizing animals if a family could not pay their bill, because she did not want to see what happened in Carson City happen here.

Chairman Humke felt Animal Services was a core function of Washoe County government, and he did not favor having a private non-profit performing it. He said the Carson City example was painful for the people involved, but that department screwed up and the Director was now looking for a job. He believed doing that would be harder to do with a contractor. He said there was a responsibility to the animals. He stated private entities were reluctant to open their books to the public, even if they had a contractual obligation to do so, and it would be difficult to enforce. He felt many non-profits also had a political agenda and this was an area where politics should not be imposed on people. He said that was why he favored a public response to the very fine work the SO did with WCRAS.

Commissioner Weber said there was already a public-private partnership with the Humane Society. She noted the Humane Society came up with \$1 million to help pay for the building they were located in, but she noted the County and the Cities of Reno and Sparks provided much more than that amount. She believed it should be a governmental entity, so everyone would have equal access to the services provided. She believed the people in Washoe County expected the County to oversee WCRAS with the support of the Cities of Reno and Sparks.

Commissioner Jung said it sounded like predetermined decisions were being made regarding which route the Board would take, which was doing a terrible injustice to the people and animals in the community. She believed the Commissioners had always done a good job of keeping an open mind and she felt staff should conduct the workshops and everybody should be listened to before making up our minds. She wanted staff to look at all of the issues and provide the Board with a recommendation along with the reasons for the recommendation. She asked everybody to please be open to everything, and she saluted the Sheriff for taking this on when no one knew where it should fit, which was still the case. She said if an interim solution was needed until the best fit was determined, the Fire Department could be a good fit.

Commissioner Weber felt everyone had an opinion, and she hoped there could be respect for one another's opinion. She said it was an emotional issue, and she believed there needed to be a conversation with the public, the WCEA, and the employees.

Chairman Humke asked if staff had sufficient direction. Mr. Slaughter replied they did. He said his assumption was the process and the study would be managed within the Managers Office, which he noted would be a difficult task to get completed by February 2014. He said the staff report noted the possibility of using outside resources to help with the work required.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 19 be acknowledged and directed.

**13-1082      AGENDA ITEM 32 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to approve a Business Impact Statement related to a resolution to be heard on January 14, 2014, amending the Washoe County Master Liquor License Fee Schedule to include a new craft distillery fee and determine that the proposed new fee does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation, or expansion of a business--Community Services. (All Commission Districts.)”**

Bill Whitney, Planning and Development Division Director, said Bob Webb, Planning Manager, and Paul Kelly, Planner, drafted the ordinance and Mr. Kelly was the subject matter expert who was available to answer any questions.

Paul Lipparelli, Legal Counsel, said the Board was convened as the Washoe County Liquor and Gaming Board and Sheriff Mike Haley, who was a member, of the Board, was absent.

There was no public comment on this item.

With the Board convened as the County Liquor and Gaming Board, on motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Sheriff Mike Haley absent, it was ordered that Agenda Item 32 be approved.

**13-1083      AGENDA ITEM 33 – COMMUNITY SERVICES**

**Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) by amending certain provisions relating to the definitions of a supplier of liquor, craft distillery and distillation; adding requirements to license craft distilleries; and, providing for other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the Ordinance for January 14, 2014, at 6:00 p.m.--Community Services. (All Commission Districts.)”**

With the Board convened as the County Liquor and Gaming Board, Nancy Parent, County Clerk, read the title for Bill No. 1703.

There was no public comment on this item.

Bill No. 1703, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 30 (INTOXICATING LIQUOR AND GAMING LICENSES AND REGULATIONS) BY AMENDING CERTAIN PROVISIONS RELATING TO THE DEFINITIONS OF A SUPPLIER OF LIQUOR, CRAFT DISTILLERY AND DISTILLATION; ADDING REQUIREMENTS TO LICENSE CRAFT DISTILLERIES; AND, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Weber, and legal notice for final action of adoption was directed.

**13-1084      AGENDA ITEM 40 – COMMUNITY SERVICES**

**Agenda Subject:** “Discussion and direction to staff regarding identification of federal lands in the County that may have a future public purpose or economic development use and approval of a list of these lands to submit to our congressional delegation while also assuring such efforts also serve to satisfy the requirements of the Nevada Land Transfer Task Force--Community Services. (All Commission Districts.)”

Bill Whitney, Planning and Development Division Director, passed out several maps to the Board that were omitted from the staff report dated November 22, 2013. Copies of the maps were placed on file with the Clerk.

**4:54 p.m.**      Chairman Humke left the meeting and Vice Chairperson Weber assumed the gavel.

Mr. Whitney said Senators Harry Reid and Dean Heller requested the County’s list of desired federal lands be submitted to them by the end of the year, so the list could be reviewed and included in the pending Sage Grouse Habitat Protection legislation the Senators planned to introduce in 2014. He said as part of that legislation, the Senators offered the local governments in Washoe County the opportunity to include provisions that could transfer federal lands to the local governments for public purposes and to support economic development efforts. He stated finalizing the list was the primary reason for today’s discussion, and the list was additionally tied to the County’s participation in the Nevada Land Transfer Task Force. He said the work of the Task Force was to be completed on or before September 1, 2014, and all of the findings and recommendations were to be given to the Legislative Committee on Public Lands for inclusion in their final report.

Mr. Whitney stated Washoe County’s position for the Task Force could be a combination of the draft list (Attachment A) and the policy statements related to the concerns connected to the potential impacts to the State and the County in taking over the management of the public lands from the federal government. He said it was a little confusing because we were trying to do two things on a parallel course, but tonight the focus was in getting further direction on the draft list of nine different areas of land being considered.

Mr. Whitney said this effort started on August 13, 2013 with a status report regarding the public land issues and the initial draft list was presented to the Board on September 10, 2013. He stated at that meeting, the Board directed staff to obtain citizen input on the draft list. He said four public meetings were held where public input was received and a lot of questions were answered. He noted the meetings were not heavily attended. He said many good comments were received, mostly by email, which were included in Attachment B of the staff report. He stated due to the things learned, the draft list had been refined, and each item in Attachment A contained a synopsis of the comments received.

Mr. Whitney displayed two maps, both numbered 1, which showed what lands the Pyramid Lake Paiute Tribe and the Reno-Sparks Indian Colony were requesting from the Bureau of Land Management (BLM) and were described in the first item on the list. He explained if the request was approved as part of Congressman Amodei's legislation, the requests would not need to be on this list, but were on this list in case the other bill did not move forward.

Mr. Whitney said the second item was a 332-acre parcel, shown on Map 2, which had the potential to become a motor-sports complex and was a good example of a parcel suitable for economic development rather than being for public purposes. He noted the concerns could be handled during the permitting process if the land came out of federal ownership.

Mr. Whitney stated the third item was two large parcels in Galina Canyon, which were shown on Map 3. He said the County did not necessarily need all of the land outlined in blue, so it had the option of narrowing the request to the land it actually needed for a trailhead and trails. He stated the parcels in the fourth item, shown on Map 4, would be used as buffers for the National Championship Air Races. He said the parcel in the fifth item, shown on Map 5, would be used as a safety buffer to the north for the Palomino Valley Regional Shooting Facility.

Mr. Whitney said the sixth item, the parcels outlined in blue shown on Map 6, received the most comments. He stated the parcels touched both Whites Creek and Thomas Creek, which the County wanted to maintain as open space to protect wildlife and riparian habitats and the County's trail systems. He believed the reason this item received so many comments was someone saw the term "economic development" used in the original staff report in relation to the East Truckee Canyon parcel and misinterpreted that to include this area. He said that information was put into a flyer and was sent out to many of the area's homeowners, which generated a lot of the comments. He said they answered many e-mails explaining that the County wanted to preserve the parcels as open space. He recommended that the four additional parcels outlined in yellow on the Map titled "Government Homesites Various BLM Parcels/APN's," (without the number six in the upper right-hand corner), which were located above the blue parcels along Whites Creek, be added to this item. He stated they were not earmarked for acquisition because they did not touch any trails or creeks but, if the County acquired the blue parcels on the list, those four parcels would be trapped between

the County's open space (outlined in red) and the newly acquired parcels. He said that would not make any sense for the Forest Service, and he agreed with the commenter that the County should acquire those parcels. Commissioner Hartung asked if the Forest Service did any maintenance on the parcels. Mr. Whitney said the Forest Service performed some fuel-reduction services on them with some stimulus money it received.

Mr. Whitney stated the seventh item was a 91-acre parcel adjacent to the Arrowcreek Parkway, which was surrounded by residential development and was zoned residential. He said the comments received indicated the land should be kept as open space. Commissioner Jung asked if there was anything in the homeowner covenants that required the parcel remain as Forest Service land. Mr. Whitney said he did not know that answer, but he guessed there was not anything in the covenants. Commissioner Jung asked staff to determine whether that was true or not. She believed even if they were not, the people adjacent to the federal land paid a premium for their homes. She said she was a big proponent for Northgate to remain as open space, because those people paid a premium for being on a golf course. She stated everyone everywhere, regardless of their income, should be treated the same regarding those rights.

Commissioner Jung said she wanted to see a plan from the Regional Parks and Open Space Department (Parks Department) on how any acquired lands would be maintained. She stated the parks and libraries were cut to the bone during the recession. She said complaints were still being received about the condition of the parks, which she believed were in great shape considering how deeply staff had been cut; and she asked staff to keep that in mind. Mr. Whitney advised a commenter questioned whether the County could afford to adequately maintain additional open space due to how much the budget had been cut for the Parks Department. He said staff agreed that was a reality and perhaps a 91-acre chunk in the middle of residential development, which would have operational and maintenance costs associated with it, should not be included in the list at this time and should remain as undeveloped land under the Forest Service. He said an e-mail from Eric Crump, Park Operations Superintendent, said, "Though it may seem there was minimal O&M requirements for open space, it was a fallacy. This was especially true when it was public land owned by a government entity near an urban setting. This typically leads to a higher level of service and expectations and conflicts... In short we would be responsible for fuels reduction, management of defensible space, noxious and invasive weed management, trail and road maintenance, conflict resolution between different user groups and NIMBY type issues, drainage issues, general cleanup of trash, dog-leash issues, and illegal off-road use." Mr. Whitney said this was about as urban as the County got and the list Mr. Crump provided would be some of the things that the County would have to pay the costs to manage.

Commissioner Hartung agreed with Commissioner Jung regarding the open space. He said something to think about was the County did not have a regional park on the south side of town. He said the 91 acres would be a wonderful place to have a regional park because of the open space around it and its access off Arrowcreek Parkway. Mr. Whitney noted the infrastructure was already there, so money would not be needed to extend it. He said the master planning process would be the appropriate place to decide if

that would be a great place for a regional park and whether the community would support it.

Vice Chairperson Weber felt we needed to be careful about those types of things. She said the Parks Department bought land in Verdi along the river, but they did nothing with it due to the lack of money, which was a shame. She stated another thing to consider was how much Payment in Lieu of Taxes (PILT) monies the County would lose if the land no longer belonged to the federal government. She said the parcel was already surrounded by homes, so those people needed to be asked if they wanted it to become a regional park; and she believed the people did not want anything done with the property. Mr. Whitney said that was correct. Vice Chairperson Weber felt that should be taken into consideration. She stated the people should be aware that the Forest Service could sell the parcel and the people might get something they really did not want if that occurred. She noted there were a lot of things to weigh. Commissioner Hartung reiterated he felt having the parcel remain as open space would be great and seemed to work well, but the community might want its own regional park at some point in the future and this parcel might be a good place for a regional park.

**5:20 p.m.** Chairman Humke returned.

Commissioner Berkbigler said she understood this area consisted of private homes that were not in a development with a homeowners association. She stated the economy was improving and this would be prime land for the Forest Service to sell to a developer someday, so leaving this land in the hands of the Forest Service might not be the best choice. Mr. Whitney stated it would most readily be disposed of through an exchange. He said the question was whether to take it off the list or not. Vice Chairperson Weber asked how much it would cost in operational and maintenance costs to let the land just sit there. Mr. Whitney replied he did not have a figure available, and reiterated what costs would be incurred based on the information provided by Mr. Crump. Mr. Whitney said the comments indicated the people did not care who owned the land, but that they wanted it to remain as open space and be managed. He believed the general public did not understand possibly that the Forest Service could exchange this land for land of a comparable value elsewhere. He said if the County took over the land, it could zone it as open space or put a deed restriction on it to keep it as a part of the County's open space system.

Mr. Whitney said the 640 acres in the eighth item was for the City of Sparks to potentially build a municipal cemetery. He stated Sparks might not need all of those acres, and he would ask them to narrow their request to a better location and the number of acres they would require.

Mr. Whitney stated the land for access to the river along the East Truckee Canyon in item number nine was shown on the two maps both marked as Map 9. He noted the first map showed three parcels located at the west end of the McCarran Ranch, east of the County's Mustang open space, and adjacent to a trailhead for the Tahoe-Pyramid Bikeway. Commissioner Hartung said people indicated they could not access

some BLM parcels because the Railroad would not allow them to cross their right-of-way, and were these parcels subject to that. Mr. Whitney said these parcels were between the river and the Railroad. Commissioner Hartung said he was not sure it would be worth the fight if the Railroad could potentially deny access to the parcels. Mr. Whitney believed there was viable access to the parcels, but he would look into it.

Vice Chairperson Weber said the Rainbow Bend development in Lockwood was not willing to work with us because they did not want the Tahoe-Pyramid Bikeway to go through their development. Mr. Whitney said that was on the second map indicating it was the East Truckee Canyon at Lockwood. He stated this piece was a small 1.4 acre piece located west of the Lockwood Trailhead and next to State properties managed by the Department of Wildlife, which he believed was what she had been talking about. Vice Chairperson Weber asked if this was the same property. Mr. Whitney replied he did not believe it was. He said the Tahoe-Pyramid Bikeway had to look at where they could get access along the river, and they actually had to cross the river once or twice to make the Bikeway work. He stated this parcel was where the mobile-home pack used to be just off the Lockwood exit off of Interstate 80. He said the property was purchased by the County because it was subject to flooding, and it now provided access to the river.

Mr. Whitney wanted direction regarding all of the items, but especially on adding the four parcels and whether or not the 91-acre parcel should be left on the list. He said the Board's input needed to be in Washington, D.C. by the end of the year, which was right around the corner.

Commissioner Berkbigler felt it made sense to include the four parcels Mr. Whitney recommended adding to the sixth item as open space.

There was no public comment on this item.

Commissioner Hartung said he agreed with Commissioner Berkbigler regarding adding the four parcels to the open space for the sixth item and to keep the 91-acre parcel to be maintained as public space. He stated if the Forest Service could maintain several thousand acres elsewhere in the State that would be better suited to what they did, he could not blame them for making a trade using the 91-acre parcel. He reiterated his comments about possibly using that as a regional park sometime in the future.

Chairman Humke asked if having the Reno-Sparks Indian Colony expansion as part of this list could hurt Senator Amodei's bill. Mr. Whitney said he would contact the Tribe and, if the bill was actually happening, it could be taken off the list because it would be redundant. He indicated staff could also contact Senator Amodei's office to obtain their input.

Commissioner Hartung read the motion contained in the staff report and said to see Attachments A and B. Commissioner Jung seconded the motion.

Commissioner Berkgigler asked if the motion included adding the four parcels previously discussed in Item Six of Attachment A. Mr. Whitney asked if it included the 91-acre parcel in Item Seven of Attachment A. Commissioner Hartung replied the 91-acre parcel was included in the motion as was the four parcels identified as being orphaned by this process. Commissioner Jung, as the seconder, agreed.

Vice Chairperson Weber noted the motion was amended as stated and the seconder agreed. She requested before this went out, she wanted to know how many acres total were involved and how much in PILT monies the County would not be receiving.

Commissioner Hartung asked if it needed to be shown for Item 8 what space the City of Sparks actually wanted, because they did not want the full section. Mr. Whitney said he would have a conversation with them. He stated if they could give him a more specific outline of the area they wanted, he would switch it out. He said if they could not, he believed it could be left the way it was with the caveat they only needed x number of acres. Commissioner Hartung said he wanted to make sure that land would become the responsibility of the City of Sparks.

On the call for the question, the vote was 5-0 in favor of the motion as amended.

### **13-1085      AGENDA ITEM 41 – REPORTS AND UPDATES**

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

Commissioner Hartung said he attended the Nevada Lands Transfer Task Force meeting in Las Vegas by phone, but he had trouble hearing the discussion because of technical difficulties. He stated everyone agreed that most future meetings would be held in Carson City in conjunction with the Nevada Association of Counties (NACO) meetings. He said he clarified that what he said was the radius around the Reno Sparks area would be looked at, and not that we wanted all of the lands within that radius. He said regarding flood control, some good forward motion was made in getting the Army Corps of Engineers involved. He stated the Civil Works Review Board voted 5-0 to continue the Corps report through completion and to have the ability to be listed in the upcoming Water Resources Development Act (WRDA) legislation was good news, because the Corps participation was needed so the flood project could happen.

Commissioner Jung said she would be attending the District Board of Health, the Library Board of Trustees, and the Regional Jobs Network meetings. She stated tomorrow the Senior Services Advisory Board would be meeting with the originators of the Friends of the Library to discuss how to set up a foundation to help address the needs of seniors.

Chairman Humke congratulated the flood project’s representatives for making headway with the Army Corps of Engineers. He noted Beth Cooney resigned

from the Reno Sparks Convention and Visitors Authority (RSCVA) as the representative from the Nugget and was replaced by the Nevada Resort Association with the CEO of the Atlantis Hotel and Casino, John Farahi.

Commissioner Berkbigler said she was interviewed by KTVN during their annual holiday food drive on behalf of the County. She noted she and Commissioner Jung attended the joint City/County review meeting set up by Senator Ben Kieckhefer regarding fire services. She said the State hearing on medical marijuana would be on December 23, 2013. She stated the regulations were out, and it would be interesting to see what kind of changes would be proposed. She said the Internal Audit Committee would be meeting January 2014 and the Regional Transportation Commission (RTC) meeting would be held tomorrow. She said the Tahoe Transportation Commission and the Tahoe Transportation District Board of Directors met last Friday regarding plans to complete more of the bike trail and to make improvements to the highway around Lake Tahoe in a couple of different areas.

Vice Chairperson Weber said she was happy for the Cold Springs community, because Senior Services obtained a grant to serve lunches in Cold Springs Monday through Friday. She stated the new service needed to be advertized, because they had one senior participate on Monday and 13 on Friday. She said on Saturday she went to what was called the Seniors' Hangout for their Christmas party and approximately 30 seniors attended the event. She stated Leslie Williams from Senior Services was there to discuss the services Senior Services provided. She stated she was excited about the program, but it would be a challenge to get people to the site because many of the seniors were shut-ins. She said some of the community's churches might be willing to provide transportation. She said the suggested donation for the lunch was \$2 for anyone over sixty and \$4 for their guests under sixty. She thanked Debbie Enos, Nevada Aging and Disability Services Division, for her help in obtaining the grant. She said it looked like figuring out the funding for payment in lieu of taxes (PILT) was being worked on and she asked the Commissioners and members of the public to call Senator Harry Reid's office to support the full funding of PILT for public lands.

**13-1086      AGENDA ITEM 42 – CLOSED SESSION**

**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.”**

No closed session was required.

**13-1087      AGENDA ITEM 44 – 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 discussed issues of concern to herself.

### **COMMUNICATIONS**

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

- 13-1088** Regional Emergency Medical Services Authority (REMSA) report to the community on their vital services.
- 13-1089** Fully executed Contract No. 3543, Project No. SPI-580—(020), I-580: PLUMB LN SB ON RAMP, VILLANOVA LN SB OFF RAMP, MILL ST SB ON/OFF RAMPS, GLENDALE AVE SB ON/OFF RAMPS. US-395: PARR BLVD NB AND SB ON/OFF RAMPS; PANTHER VALLEY NB AND SB ON/OFF RAMPS, GOLDEN VALLEY NB OFF RAMP AND SB ON/OFF RAMPS, Washoe County.
- 13-1090** Fully executed Contract No. 3545, Project No. SPI-080-1(072), I-80 AT MILEPOSTS WA 14083, WA 14.88, AND WA 16.10, Washoe County.
- 13-1091** Notice of Completion between Washoe County Community Services Department – Water Resources, Utility Services Division, and WWW Construction, Inc., State Contractor’s License Number 67933, for the Lemmon Valley Tank No. 2 Water Main Project. This Notice will be filed with the Washoe County Recorder on or about October 17, 2013. The bid date was October 18, 2012, and the final cost was \$133,732. (BCC meeting of November 13, 2012, Agenda Item No. 19)
- 13-1092** Washoe County Department of Comprehensive Planning, 1995-2000 Program, Capital Improvement Program. (BCC meeting of June 21, 1994, Agenda No. 94-497.

### **QUARTERLY REPORTS**

- 13-1093** Washoe County School District’s Quarterly Report for the Fourth Quarter of FY 2012-13 ending June 30, 2013.
- 13-1094** Clerk of the Court – Quarterly report for period ending September 2013.
- 13-1095** Washoe County Sheriff’s Office FY 2013/14 First Quarter Report of Civil Fees and Commissions.

- 13-1096** Washoe County School District’s Quarterly Report for the Fourth Quarter for the period July 1, 2012 through June 30, 2013.
- 13-1097** Washoe County School District’s Quarterly Report for the First Quarter of FY 2013/14, ending September 30, 2013.
- 13-1098** Office of the Constable – Incline Village/Crystal Bay Township – Quarterly Report of Revenues Received during the quarterly period ending September 2013.
- 13-1099** Washoe County Clerk’s Quarterly Financial Statement for the First Quarter FY 2013/14 for the period July 1, 2013 through September 30, 2013.

**COMPREHENSIVE ANNUAL REPORTS/FINANCIAL STATEMENTS**

- 13-1100** Sun Valley General Improvement District – Financial Statements and Supplementary Information – For FY ended June 30, 2013.
- 13-1101** Verdi Television Maintenance District, Verdi Nevada - Financial Statements and Supplementary Information – For FY ended June 30, 2013.
- 13-1102** Reno-Sparks Convention and Visitors Authority (RSCVA) – Comprehensive Annual Financial Report– For FY ended June 30, 2013.
- 13-1103** Gerlach General Improvement District - Financial Statements – For FY ended June 30, 2013.
- 13-1104** North Lake Tahoe Protection District - Financial Statements – For FY ended June 30, 2013.

**BUDGETS**

- 13-1105** City of Reno, 2007-2008, Budget-In-Brief.
- 13-1106** City of Reno, 2007-2008, Budgeted Capital Improvement Plan and 20 Year Capital Improvement Plan.
- 13-1107** City of Reno, 2007-2008, Adopted Budget.

\* \* \* \* \*

**6:05 p.m.** There being no further business to discuss, on motion by Chairman Humke, seconded by Commissioner Hartung, which motion duly carried, the meeting was adjourned.

---

**DAVID HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

---

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

*Minutes Prepared by:  
Jan Frazzetta, Deputy County Clerk*

# RESOLUTION OF RECOGNITION AND APPRECIATION JOHN BERKICH

**WHEREAS**, John Berkich has served as a Washoe County Assistant Manager since February of 2003, and whose responsibilities included the operations of Alternate Public Defender, Alternative Sentencing, Human Resources, Indigent Public Defense, Library, Medical Examiner/Coroner, Public Defender, Public Guardian, Senior Services and Social Services; and

**WHEREAS**, Prior to John's work for Washoe County, he was City Manager for the City of Carson City from 1990 - 2003, and prior to that, he was a Manager for the Public Service Commission of Nevada; and

**WHEREAS**, Mr. Berkich is a graduate of Golden Gate University, San Francisco and holds a Master's Degree in Business Administration, a Bachelors of Arts Degree in Economics, a Certified Management Accountant and a member of the International City/County Management Association; and

**WHEREAS**, John Berkich also served as Interim Washoe County Manager from July 2013 through November 2013, which included administration of 2,645 employees; and

**WHEREAS**, During his tenure with Washoe County, he led a regional initiative to achieve funding of what is today a new \$100 million baseball stadium and entertainment complex; and

**WHEREAS**, There is tremendous appreciation for John's help to usher in improved services and policies that have made Washoe County a Model Site for Juvenile and Therapeutic Courts, bringing help to thousands of people and making our community a better place to live; and

**WHEREAS**, Mr. Berkich served as a facilitator for the CJAC (Criminal Justice Advisory Committee) which comprises over 30 agencies and departments with a mission to effectively and efficiently manage the jail population by coordinating the numerous activities and processes within the criminal justice system; and

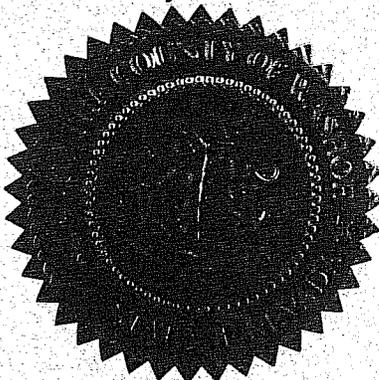
**WHEREAS**, He developed and successfully led a regional and statewide public/private lobbying initiative to pass landmark legislation to promote economic development; and

**WHEREAS**, John has been affiliated with many civic organizations and service clubs throughout the years, including American Society for Quality, the Boys & Girls Club, and the Rotary Club International; and

**WHEREAS**, John has always brought extraordinary dedication to public service and given freely of his time and talents; now, therefore, be it

**RESOLVED**, That the Board of Washoe County Commissioners extends its sincere appreciation to John Berkich for his outstanding leadership, dedication to Washoe County and its residents, his excellent skills as a mentor and wishes him all the best in the next chapter of his life.

**ADOPTED** this 17<sup>th</sup> day of December, 2013.



*Bonnie Weber*  
Washoe County Commission

13-1025

**RESOLUTION AUTHORIZING THE DONATION OF CERTAIN  
SURPLUS ITEMS TO COMMUNITY NON-PROFIT ORGANIZATIONS  
AND OTHER GOVERNMENTAL ENTITES**

WHEREAS, NRS 244.1505 provides that the Board of County Commissioners may donate commodities, supplies, materials and equipment that the board determines to have reached the end of its useful life to a nonprofit organization 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

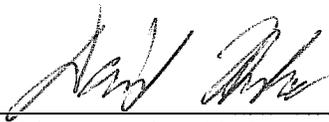
WHEREAS, certain supplies, material and equipment previously purchased by Juvenile Services, have reach the end of their useful lives to the County; and

WHEREAS, The Board of County Commissioners find that it is in the best interest of the public to donate these items to charitable organizations, therefore, be it

RESOLVED, By the Board of County Commissioners that the Board hereby approves the donation of all the surplus items outlined in the staff report to community organizations and other governmental entities.

Adopted this 17<sup>th</sup> day of December, 2013

By:

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

ATTEST:

  
\_\_\_\_\_  
Washoe County Clerk

13-1030

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DIRECTING THE COUNTY TREASURER TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; RATIFYING ALL ACTIONS PREVIOUSLY TAKEN; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board of Commissioners (the "Board") of the County of Washoe (the "County"), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A attached hereto and incorporated herein (the "Districts"), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land ("properties") in the respective Districts; and

WHEREAS, the Board has by their respective ordinances levied assessments against the properties; and

WHEREAS, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada's Consolidated Local Improvements Law, NRS Chapter 271; and

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A attached hereto ("delinquent properties"), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

WHEREAS, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

13-1032

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

1. The Board hereby exercises its option to cause the either the delinquent installment or the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 11:00 a.m. on January 23, 2014, in the Washoe County Central Conference Room, 1001 E 9<sup>th</sup> St Building C, Reno Nevada**, which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less that 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or

13-1032

her last-known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

ADOPTED this 17th Day of December 2013, by the following vote:

AYES: Hartung, Berkbigler, Jung, Weber

NAYS: None

ABSENT: Humke

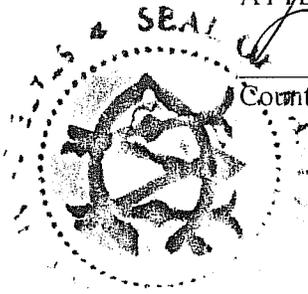
ABSTAIN: None

*And John*

Chairman  
Washoe County Commission

ATTEST:

*Jancy L. Parent*  
County Clerk



13-1032

EXHIBIT A

Delinquent Parcels – by Assessment District - as of 11/26/2013

WCAD #23 Arrowcreek Water — **District 2**

1 parcel

152-020-00 (Assessment billed under one parcel and includes the following)

152-021-03

152-021-06

152-390-02

152-390-03

152-443-22

152-582-07

152-611-07

152-850-06

152-880-01

WCAD #32 Spanish Springs Valley Ranch Rd Imp — **District 4 & 5**

3 parcels

077-310-81

077-230-10

077-230-11

Total Parcels 4

13-1032

**RESOLUTION OF SUPPORT  
LAND AND WATER CONSERVATION FUND GRANT APPLICATION**

**NORTH VALLEYS PLAYGROUND REHABILITATION PROJECT**

WHEREAS, the Land and Water Conservation Fund (LWCF) Act of 1965 was enacted to assist in preserving, developing, and assuring accessibility to all citizens for outdoor recreation purposes; and

WHEREAS, LWCF provides matching grants to local governments for development of public outdoor recreation areas and facilities; and

WHEREAS, since 1967, Washoe County, through its Community Services Department (County Parks), has received \$2,464,922.50 from LWCF to enhance Washoe County's park system; and

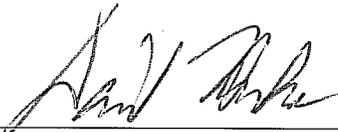
WHEREAS, LWCF, administered locally through the Nevada Division of State Parks, has \$274,335 available in the 2014 grant cycle for projects in Nevada; and

WHEREAS, County Parks is actively seeking opportunities to offset costs associated with park operations and maintenance, while preserving the County Park's infrastructure; and

WHEREAS, the North Valleys Playground Rehabilitation Project would reduce maintenance costs and enhance the facilities for users of all abilities; now, therefore, be it

RESOLVED that the Board of County Commissioners support a Land and Water Conservation Fund grant application of approximately \$86,750, through its Community Services Department, for the North Valleys Playground Rehabilitation Project.

Adopted this 17th Day of December 2013

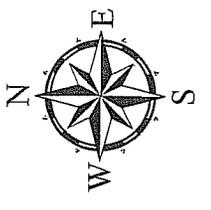


David Humke, Chair  
Board of County Commissioners



Nancy Parent  
County Clerk

13-1033



# NORTH VALLEYS REGIONAL PARK VICINITY MAP

13-1033



# RESOLUTION

**WHEREAS**, The Washoe County Commission is dedicated to improving citizen involvement in Washoe County; and,

**WHEREAS**, Citizens in Washoe County Commission District 5 have expressed desire to continue a formal organization through which they can regularly communicate their concerns and views to the Washoe County Board of Commissioners; and

**WHEREAS**, Washoe County Commissioners wish to obtain information and advice on the concerns of citizens within District 5 on a regular basis; now therefore be it

**RESOLVED**, By the Board of County Commissioners of Washoe County, Nevada, that the Warm Springs/Rural Citizen Advisory Board be established under Sections 5.425 to 5.435 inclusive, of the Washoe County Code; and be it further

**RESOLVED**, That the Citizen Advisory Boards' purpose shall be to provide a forum for residents' concerns and to provide on-going two-way communication between the residents and the Commission; and be it further

**RESOLVED**, That the Warm Springs/Rural Citizen Advisory Board may provide advice on any matter within the Board of County Commissioners' jurisdiction such as land use, zoning, services, budget, taxes and other matters affecting the lives, health, property or well-being of the residents; and be it further

**RESOLVED**, That the Warm Springs/Rural Citizen Advisory Boards geographical area of responsibility shall include the area within Washoe County District 5 Commission District as more specifically defined on attached map; and be it further

**RESOLVED**, That the membership of the Warm Springs/Rural Citizens Advisory Board consists of 5 at-large members, and 2 at-large alternate positions, appointed by the County Commissioner for District 5 that together represent a broad area within the District; and be it further

**RESOLVED**, That in addition to applications from individuals as described under Sections 5.425 to 5.435, inclusive, of the Washoe County Code, membership nominations may be made by homeowner associations, other neighborhood-based organizations and community groups; and be it further

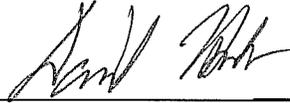
**RESOLVED**, That the initial terms of office shall officially begin the date the District 5 County Commissioner appoints the members, but shall thereafter run from July 1 through June 30 of the appropriate years; and be it further

13-1047

1071

**RESOLVED**, By the Board of Commissioners of Washoe County, Nevada, that the Warm Springs/Rural Citizen Advisory Board Resolution shall be adopted December 17, 2013.

**ADOPTED** this 17<sup>th</sup> day of December, 2013.



---

David Humke, Chairman  
Washoe County Commission

ATTEST:



*Larry L. Rust*  
\_\_\_\_\_  
Washoe County Clerk

**RESOLUTION ON SUBGRANTS OF  
STATE EMERGENCY RESPONSE COMMISSION GRANT**

\*\*\*\*\*

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee (LEPC) and has been awarded a grant from the State Emergency Response Commission (SERC) in the amount of \$30,000.00 in support of local hazardous materials emergency response plans; and

WHEREAS, under this grant Washoe County is both a recipient and a fiscal agent for other local government entities and nonprofit organizations, which are subgrantees as members of LEPC; and

WHEREAS, NRS 244.1505 allows the Board of County Commissioners of Washoe County to make a grant of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County as fiscal agent for the other government entities or nonprofit organizations that are members of LEPC, desires to pass through some of these grant funds and grant assurances as listed below for the amounts and uses stated below.

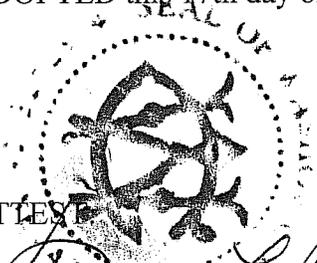
THEREFORE, BE IT RESOLVED, that the Washoe County Board of Commissioners hereby grants to the government entities (other than Washoe County departments for which the Board has accepted funds from the award) and nonprofit organizations listed below, as a pass through of the amounts and for the uses shown below, finding that said amounts and uses will provide a substantial benefit to the inhabitants of Washoe County, and the Board authorizes the County Manager, or her designee, to sign subgrants with the entities listed below, which subgrants, herein incorporated by reference, will set forth the maximum amount as listed below to be expended under the subgrants, the use and purposes of the subgrants as described below, and the conditions, limitations and the grant assurances of the subgrants.

TMFPD	\$30,000.00	Hire a consultant to develop a hazmat strategic plan/field guide
-------	-------------	--

13-1049

ADOPTED this 17th day of December, 2013.

ATTEST



*Jessie L. Parst*  
\_\_\_\_\_  
Washoe County Clerk

*David Humke*  
\_\_\_\_\_  
David Humke, Chairman  
Washoe County Commission

**STATE OF NEVADA**

**STATE EMERGENCY RESPONSE COMMISSION**

**Grant Award**

<b>SUBGRANTEE:</b> Washoe County Local Emergency Planning Committee	<b>GRANT NO.:</b> 14-HMEP-16-01
<b>ADDRESS:</b> 5195 Spectrum Blvd Reno NV 89512	<b>TOTAL AWARD:</b> \$30,000
<b>PROJECT TITLE:</b> HMEP GRANT Funds provided by: U.S. Department of Transportation CFDA # 20.703 Through State of Nevada Tax ID: 88-6000022	<b>GRANT PERIOD:</b> 10/28/13 to 06/30/14

**APPROVED BUDGET FOR PROJECT**

CATEGORY	AMOUNT
Operations:	\$0
Planning: Prepare Field Guide based on commodity flow study and hazmat response plan; update hazmat response plan.	\$30,000
Training:	\$0
Equipment:	\$0
<b>TOTAL GRANT AMOUNT</b>	<b>\$30,000</b>

This award is subject to the requirements established by the Federal Granting Agency, the State of Nevada, and the State Emergency Response Commission (SERC) including the Certified Assurance attached to the grant application and the Special Condition attached hereto.

Any changes to the budget categories must have approval by the SERC Office prior to implementation.

<b>APPROVAL</b> <b>Karen J. Pabón Executive Director</b> Name and Title of Authorized Official	<b>SUBGRANTEE ACCEPTANCE</b> <b>Tracy Moore, Chair</b> Name and Title of Appointing Official
Signature of Approving Official: <i>Karen J. Pabón</i> Date: 10/31/13	Signature of Authorized Official: <i>T. Moore</i> Date: 11/7/13

## RESOLUTION

**WHEREAS**, The Federal Secure Rural Schools and Community Self-Determination Act provides funding to States and Counties from the United States Forest Service under 16 U.S.C. 500 and requires each County in which a national forest is located to elect the option for receipt of payments under this act for submission through the State; and

**WHEREAS**, the State Controller's office has requested that the County approve a resolution for this election; and

**WHEREAS**, the estimated funding to be received jointly by Washoe County and the Washoe County School District under the State Payment option is \$62,002, or \$31,001 each versus a total amount of less than \$40,000 under the 25-percent payment option; and

**WHEREAS**, the preferred use of the funding is for road and school projects which fall under the Title I spending option of this Act; now, therefore, be it

**RESOLVED**, by the Board of Commissioners of Washoe County that Washoe County elects to receive payment under the Federal Secure Rural Schools and Community Self-Determination Act using the State Payment Option with all funds directed to Title I – Road and School Projects.

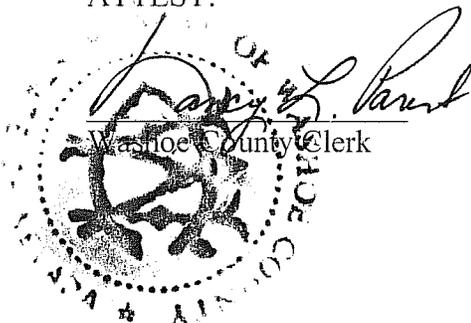
**Adopted** this 17<sup>th</sup> day of December, 2013.



David Humke, Chairman  
Washoe County Commission

13-1051

ATTEST:



*Laney L. Parv*  
Washoe County Clerk

1015

## RESOLUTION

### Authorizing the Grant of Public Money to a Private Nonprofit Organization

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 private organization, not for profit, 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 from the U.S. Department of Health and Human Services, Initiative to Reduce Long-term Foster Care, CFDA #93.648, federal award number 90CT0157-04-00, will provide a substantial benefit to the inhabitants of Washoe County and are made to private nonprofit organizations.

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

1. The Board hereby grants to Children's Cabinet a private, nonprofit organization, a grant in the amount of \$1,250,000.00;
2. The purpose of the Permanency Innovations Initiative is to develop a new approach to permanency for child entering the foster care system. Washoe County provides foster care to over 700 children annually. The Nevada Initiative to Reduce Long-Term Foster Care is focused on preventing children from entering long-term foster care, improving permanency for children in foster care and decreasing the amount of time it takes for foster care youth to achieve permanency;
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Subgrant Agreement.

Adopted this 17th day of December 2013.



Dancy L. Parent  
County Clerk

Paul Baker  
Chairman, Washoe County Commission

13-1068

285

RESOLUTION ON SUBGRANT OF  
Continuum of Care Program Grant

\*\*\*\*\*

WHEREAS, Washoe County through its Social Services Department been awarded the 2012 Continuum of Care Program Grant Agreement from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development in the amount of \$116,690.00 in support of rental assistance and supportive services to qualified residents; and

WHEREAS, grant program requirements stipulate the County must match grant funds utilized for housing assistance with no less than twenty-five percent (25%) of funds or in-kind contributions from other sources for supportive services, the County will fund up to fifty percent (50%) to ensure successful outcomes; and

WHEREAS, NRS 244.1505 allows the Board of County Commissioners of Washoe County to make a grant of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County desires to pass through these grant funds and grant assurances as listed below for the amounts and uses stated below.

THEREFORE, BE IT RESOLVED, that the Washoe County Board of Commissioners hereby grants to the nonprofit organization listed below, as a pass through of the amount and for the uses shown below, finding that said amount and uses will provide a substantial benefit to the inhabitants of Washoe County, and the Board authorizes the Purchasing and Contracts Manager to sign a subgrant with the entity listed below, which subgrant, herein incorporated by reference, will set forth the maximum amount as listed below to be expended under the subgrant, the use and purposes of the subgrant as described, and the conditions, limitations and the grant assurances of the subgrant.

<b>Volunteers of America, Northern Nevada, Inc.</b>	<b>\$171,218.00</b>
Rental assistance maximum	\$109,056.00
Supportive services maximum	\$ 54,528.00
Administrative expenses maximum	\$ 7,634.00

ADOPTED this 17th day of December, 2013.



*Nancy L. Parent*  
Washoe County Clerk

*David Humke*  
\_\_\_\_\_  
David Humke, Chairman  
Washoe County Commission

13-1069

295

**INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES**

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Division of Health Care Financing and Policy (DHCFP)  
1100 East William Street Carson City Nevada 89701  
(775) 684-3636

And

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Division of Welfare and Supportive Services (DWSS)  
1470 College Parkway  
Carson City Nevada 89706  
(775) 684-0650

And

WASHOE COUNTY  
P O Box 11130  
Reno, Nevada 89520  
(775) 328-2769

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

WHEREAS, it is deemed that the services of Washoe County (the County), and the Division of Welfare and Supportive Services (DWSS) hereinafter set forth are both necessary to the Division of Health Care Financing and Policy (DHCFP) and in the best interests of the State of Nevada;

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

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective July 1, 2013 to June 30, 2015, unless sooner terminated by either party as set forth in this Contract.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until 90 days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by

13-1070

30

either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason federal and/or State Legislature funding ability to satisfy this Contract is withdrawn, limited, or impaired.

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

6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT A: SCOPE OF WORK

ATTACHMENT B: BUSINESS ASSOCIATE ADDENDUM

7. CONSIDERATION. The County agrees to provide the services set forth in paragraph (6) at a cost not to exceed \$0.00 (zero dollars and zero cents) each year for the contract term. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

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

9. INSPECTION & AUDIT.

- a. Books and Records. Each party agrees to keep and maintain under general accepted accounting principles full, true and complete records, agreements, books, and documents as are necessary to fully disclose to the State or United States Government, or their authorized representatives, upon audits or re views, sufficient information to determine compliance with all state and federal regulations and statutes.
- b. Inspection & Audit. Each party agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the party, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location where such records may be found, with or without notice by the State Auditor, Employment Security, the Department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the State Legislative Auditor, the County and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives.
- c. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained a minimum three years and for five years if any federal funds are used in this Contract. The retention period runs from the date of termination of this Contract Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

10. BREACH: REMEDIES. Failure of either party to perform any obligation of this Contract shall be deemed a breach. Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but

not limited to actual damages, and to a prevailing party reasonable attorneys' fees and costs. It is specifically agreed that reasonable attorneys' fees shall include without limitation \$125 per hour for attorneys.

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

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

13. INDEMNIFICATION. Neither party waives any right or defense to indemnification that may exist in Law or equity.

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

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

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

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

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

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

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

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

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

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

/

/

/

/

/

/

/

/

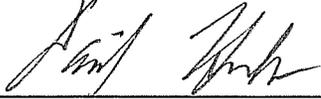
/

/

/

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

WASHOE COUNTY



David Humke

Date

Commission Chair, Washoe County

Title

DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF WELFARE AND SUPPORTIVE SERVICES



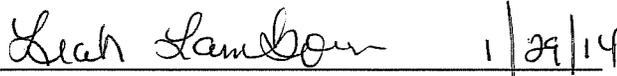
Michael J. McMahon

Date

Administrator DWSS

Title

DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH CARE FINANCING AND POLICY

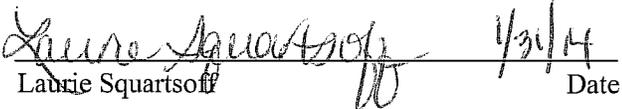


Leah Lamborn

Date

Chief Fiscal Officer, DHCFF

Title

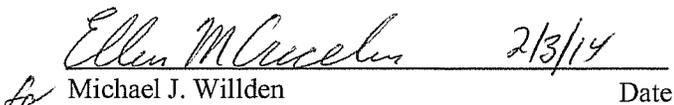


Laurie Squartoff

Date

Administrator, DHCFF

Title

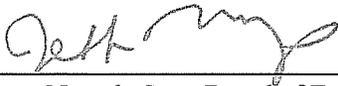


for Michael J. Willden

Date

Director, DHHS

Title



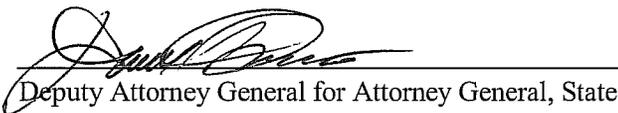
Signature- Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On 3-11-14

(Date)

Approved as to form by:



Deputy Attorney General for Attorney General, State of Nevada

On 1/27/2014

(Date)

**RESOLUTION**

A RESOLUTION DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS AS TO HOW TO ADDRESS A VACANCY ON THE SPARKS JUSTICE COURT, CALLING AN ELECTION AND SETTING FORTH THE PROCEDURE FOR THE ELECTION INCLUDING THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY, DECLARING THE INTENT TO APPOINT SOMEONE TO THE VACANCY TEMPORARILY, APPOINTING SUSAN DERISO AS A JUSTICE OF THE PEACE PRO TEMPORE AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, Susan Deriso was first elected as Justice of the Peace to the Department 1 seat of the Sparks Justice Court in November of 2000 and was re-elected in 2006 and 2012;

WHEREAS, Judge Deriso submitted a letter dated November 12, 2013 which provides that after 32 years of public service she is retiring and resigning her office effective February 9, 2014 and also submitted a follow-up letter dated December 10, 2013 making her resignation effective sooner on January 3, 2013;

WHEREAS, justices of the peace serve 6-year terms which begin the first Monday in January following the general election for their seats (NRS 4.025), the current term of office of Judge Deriso is from January 7, 2013 to January 6, 2019 and there are approximately 5 years remaining on her term;

WHEREAS, the general elections of 2014 and 2016 will be held before the term of office of Judge Deriso's seat expires and the Board of County Commissioners ("Board") desires that the electors of the Sparks Township of the Justice Court be afforded every possible opportunity to elect a justice of the peace as soon as the laws and the practicalities of the election system will permit;

WHEREAS, for several years the judges of the Sparks Justice Court Township with the support of their staffs have saved the taxpayers of Washoe County significant additional costs by forgoing the creation of a population-based additional department of the court and the Board

13-1078

14

desires to provide the court with assistance as may be needed as a result of the coming vacancy in Department 1 which will leave the court with a single sitting judge;

WHEREAS, when a vacancy in the office of justice of the peace occurs, NRS 4.150 provides the board of county commissioners in the county of the judicial township in which the vacancy occurs may choose to either: provide by resolution for an election procedure to fill the vacancy, or appoint a person to fill the vacancy in the manner provided for by NRS 245.170;

WHEREAS, NRS 245.270(1) provides if a vacancy is declared in a county office 30 days or more before the close of the usual period to file a declaration of candidacy for that office in a general election, the appointed person serves only until the a person is elected to the office and is seated the first Monday in January following the election and the newly-elected person serves the remainder of the term, and NRS 245.170(2) provides, in part: "At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the county to serve the remainder of the unexpired term.";

WHEREAS, NRS 293.177(1)(a) provides that in the year of a general election the period for filing a declaration of candidacy for judicial office is from the first Monday in January to the second Friday after the first Monday of that January and for the upcoming 2014 election cycle, that period opens January 6, 2014 and closes January 17, 2014;

WHEREAS, the vacancy in Judge Deriso's seat occurs on January 3, 2013 which is sooner than 30 days from the close of the filing period under NRS 245.270(1);

WHEREAS, if an appointment is made to fill the vacancy under NRS 245.170 such an appointment may invoke the provisions of section 2 of that statute and may cause a person appointed to the vacancy to serve for 5 years on the Sparks Justice Court despite the occurrence of 2 intervening general elections;

WHEREAS, in a case involving the governor's appointment of a person to a vacancy on the district court, the Nevada Supreme Court ordered in Lueck v. Teuton, 125 Nev. 674 (2009) that in a sitting judge being removed from office and declared it was the clear intent of the framers of the Nevada Constitution to "safeguard the people's election prerogative" and held that under the Nevada Constitution a person appointed as judge serves only until the "next general election" which is the election that most immediately follows the appointment;

WHEREAS, it would be disruptive to the justice system if a person appointed under NRS 245.270 to the "remainder of the unexpired term" as provided for in section 2 of that statute was subjected to a legal challenge similar to that which occurred in Lueck v. Teuton for holding office beyond the "next election" from the appointment;

WHEREAS, the authority of the Board under NRS 4.150(1)(b) to provide by resolution for the election procedure to fill a justice court vacancy is unqualified and unconditional; and

WHEREAS, NRS 245.180 provides when there is no officer duly authorized to execute the duties of a county office a "suitable person may be temporarily appointed by the board of county commissioners to perform the duties of such offices, until they are filled by election or appointment, as provided by law" and such a person "shall continue to exercise and perform the duties of the office to which he or she shall be so appointed until the election of his or her successor at the next ensuing biennial election, and the qualification of such successor thereafter.";

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

1. A vacancy in Department 1 of the Sparks Township Justice Court (the "Office") will occur due to resignation of the incumbent upon the effective date of the resignation and the

vacancy is hereby declared to exist on January 3, 2014 (the "Vacancy").

2. As between the 2 alternatives of NRS 4.150, the Board chooses to call an election for the Vacancy under NRS 4.150(1)(b) which election is to be held during the general election on November 4, 2014.

3. The name of a candidate for the Vacancy may be printed on the primary election ballot for any person who qualifies to hold the Office under Chapter 4 of the NRS and who complies with the provisions of Chapter 293 of NRS to become a candidate for the Office including, but not limited to NRS 293.177, which requires the filing of a declaration of candidacy.

4. The period for filing declarations for candidacy for the Vacancy shall be the same period as is used for other judicial offices under NRS 293.177, specifically: January 6, 2014 to January 17, 2014.

5. The primary election and general election for the Vacancy shall be conducted in every way as if they were being conducted for a regularly occurring vacancy in the Office.

6. Upon the Vacancy there is no officer duly authorized to execute the duties of the Office and the Board will at a duly-noticed meeting following the Vacancy appoint a suitable person pursuant to NRS 245.180 to serve temporarily and perform the duties of the office until the office is filled by the 2014 general election and the elected person takes office which is expected to occur on January 5, 2015.

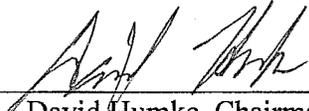
7. Susan Deriso is hereby added to the list of justices of the peace pro tempore for the Sparks Justice Court and may serve as needed by the court following the date of the Vacancy until the Board next approves a list of justices of the peace pro tempore at which time she may be considered for appointment as any other justice of the peace pro tempore.

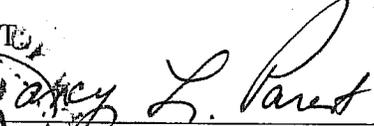
8. This resolution supersedes any other inconsistent action of the Board.

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

ADOPTED this 17<sup>th</sup> day of December, 2013, by the following vote:

AYES: Humke, Weber, Hartung, Jung, Berkebigler  
NAYS: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
David Humke, Chairman

  
ATTEST  
  
\_\_\_\_\_  
NANCY PARENT, County Clerk