

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

TUESDAY

10:00 A.M.

JUNE 21, 2016

PRESENT:

**Kitty Jung, Chair**  
**Bob Lucey, Vice Chair**  
**Marsha Berkgigler, Commissioner**  
**Vaughn Hartung, Commissioner**  
**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**  
**John Slaughter, County Manager**  
**David Watts-Vial, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:11 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:

Chair Jung asked for a moment of silence for the 49 victims of the Orlando, Florida shooting.

**16-0492      AGENDA ITEM 3 Public Comment.**

Tim Stoffel spoke regarding the improper distribution of donated funds to the Humane Society of the United States. He said they had been investigated about fund raising activities for Hurricane Katrina and about the animals seized from Michael Vick. He wanted to caution the Board about deceptive practices.

Cathy Brandhorst spoke about matters of concern to herself.

**16-0493      AGENDA ITEM 4 Announcements/Reports.**

County Manager John Slaughter read a portion of an email he received from Brittany Raymond of the National Association of Counties (NACO). He stated the email indicated Washoe County had been chosen to receive an award for the Crossroads Program in the Best of Category for Human Services.

Chair Jung stated that Presidential Candidate Hillary Clinton toured the Crossroads program when she was in town. She thanked everyone who worked to make it a great program.

Commissioner Lucey stated he and Assistant County Manager Kevin Schiller recently attended the Interstate 11 (I-11) Caucus in Washington, DC. He said it would be the first interstate built in Northern Nevada since the 1950's and it would be a great improvement for the State. He said he hoped the route would be close to Washoe County for the purpose of economic development and growth. He said he had a chance to speak with Congressman Shuster, Chairman of the Transportation Subcommittee for the House of Representatives, along with delegation Representatives Dina Titus and Paul Gosar. He stated they discussed airport and tourism issues. He stated the Reno Sparks Convention and Visitors Authority (RSCVA) Board would be finalizing the strategic plan soon. Erica Olsen, Chief Operating Officer and Co-Founder of OnStrategy and her team assisted with the plan.

Chair Jung thanked Commissioner Lucey for representing the Board in Washington, DC.

Commissioner Berkbigler thanked Mr. Slaughter, Communications Director Nancy Leuenhagen, and Community Outreach Coordinator Sarah Tone, for going above and beyond to ensure citizens were aware of the status of the fire situation. She commented that Tweets were sent every 30 minutes in order to keep the citizens up to date.

Commissioner Hartung requested representatives from the Nevada Department of Transportation (NDOT) to attend a Board of County Commissioners meeting to discuss issues on Pyramid Highway. He thought it was a dangerous roadway for residents and they needed to discuss some possible solutions.

Commissioner Lucey stated, with regard to Commissioner Hartung's request, there would be discussion at the next concurrent meeting regarding transportation which would include members from the NDOT and the Regional Transportation Commission (RTC).

Chair Jung stated she toured the Children's Advocacy Center (CAC) and she encouraged the Board to tour the facility. She noted Deputy District Attorney Nicole Hicks created the idea for the CAC and she relied on grants to run the Center. She said the County needed to find a way to assist with funding the Center. She stated all aspects of advocacy for children victims were handled under one roof. She thanked Ms. Hicks and her team for the amazing work they did at the CAC. She said she also toured the Sanford Center for Aging which was doing remarkable work with seniors and their prescriptions. She stated any person, 55 years old or older, with eight or more prescriptions could have their medications reviewed and assessed. She said there was an individual who was on more than 20 prescription medications a day; they were able to reduce the intake of medications down to four per day. She commented that seniors who saw more than one doctor could be over-prescribed without their knowledge. She thought this was a great program. She stated she would be requesting funding for the Sanford Center for Aging during the next Board meeting. She asked them for a presentation about the Center to be brought to the Board in August.

Commissioner Lucey stated he recently participated in the signing of a Memorandum of Understanding (MOU) with the District Health Officer, Kevin Dick, and the Reno Sparks Indian Colony Tribal Health Center. He said it was the first time there had been a MOU for the distribution of prophylaxis medications in public health emergencies. He commended the Department of Health and Mr. Dick for the work they did in the community and he noted the Reno Sparks Indian Tribe was a significant part of the community.

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

**16-0494**      **AGENDA ITEM 5** Declaration of Canvass of Vote and Order for 2016 Primary Election. Registrar of Voters. (All Commission Districts.)

Registrar of Voters Luanne Cutler spoke about the recent primary election. She stated it was a time for recognition because the efforts of hundreds and hundreds of people were required to organize and finalize an election. She reviewed a PowerPoint presentation, which included slides entitled: Fast Facts, Post-Election Activity, VVPAT Audit, Areas Under Review, New Legislation, and What's Next. She introduced her staff, Cate Salim, Equipment and Supply manager; Heather Carmen, Trainer; Sara Warr, Absent Ballot Coordinator; Deanna Spikula, Assistant Registrar of Voters; Jon Brown, Front Office and Correspondence Manager; Brian Takemoto, Technology Senior Business Systems Analyst, and she thanked them for their hard work and dedication. She presented a video about the polling process.

David Watts-Vial, Legal Counsel, stated the canvass was performed to comply with Nevada Revised Statute (NRS) 293.387, which indicated once the returns from all precincts and districts were received, the Board of County Commissioners were required to convene and canvass the returns. He said the canvass must be completed on or before the sixth working day following an election. He explained a canvass was a review of the election results by the Board of County Commissioners: wherein any errors within the election results were officially documented and the official election results were declared. He stated in order to properly complete the canvass, the Board was required to note separately any clerical errors that were discovered and document the changes resulting from the discovery. Subsequently the results would be declared representative of the true vote that was cast.

Mr. Watts-Vial asked Ms. Cutler whether the Registrar of Voters Office had the chance to review the election results and Ms. Cutler answered yes they did. Mr. Watts-Vial asked if there were any errors noted within the election results and Ms. Cutler answered no. Mr. Watts-Vial asked if there were any clerical errors that were discovered after the canvass of the results and Ms. Cutler explained there were not any clerical errors after the canvass. She stated there were some small clerical errors that were corrected prior to the canvass, but none to report after the canvass. Mr. Watts-Vial asked if there was a need for any changes to the vote and Ms. Cutler answered no.

Mr. Watts-Vial stated the answers Ms. Cutler provided were sufficient to declare the results of the election.

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

**16-0495**      **AGENDA ITEM 7** Introduction of new Washoe County Employees.

John Slaughter, County Manager, asked the following employees to introduce themselves to the Board:

Shawnette Andries	Health/Community Health Services
Michael Crawford	Health/Air Quality Management
Heather Dreiling	Sheriff's Office
Beau Duc	Community Services Department
Lori DuPriest	Medical Examiner's Office
Coi Greener	Assessor's Office
Fawna Gregory	Treasurer's Office
Henry Jonathan	Sheriff's Office
Donald LaQue	Recorder's Office
Vanessa Madera	Comptroller
Julie Orvald	Assessor's Office
Christopher Peterson	Environmental Health Services
Tamara Pierce	District Attorney
Koelyn Rollison	Assessor's Office
Shawn Ruedy	Board of County Commissioners
Ashley Taylor	District Attorney
Sandra Vasquez	Social Services
Kelly Verling	Health/Community Health Services
Martin Williams	Comptroller

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

**16-0496**      **AGENDA ITEM 8** 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 Support Staff**  
Julie Munoz, Assessors

**Promote Yourself! Mini Certificate Program**

Leslie Mondragon, Library

Randy Rice, Juvenile Services not present

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

**AGENDA ITEM 9** PROCLAMATIONS

**16-0497**      **9A** Proclamation – May 10, 2016 is Sheriff Maddie Day.

Commissioner Hartung read and presented the Proclamation to Madeline “Maddie” Grace Watkins.

Sheriff Chuck Allen spoke about Maddie’s day as acting Sheriff.

Maddie’s father, Tim Watkins, thanked the Sheriff’s Office.

Lieutenant Wendy Leonard stated the staff of Marine 9 made a special badge for Maddie. She presented the badge to Maddie.

There was no public comment on the Proclamation listed above.

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

**16-0498**      **9B** Proclamation – Faith Forum Proclamation commending Rajan Zed.

Chair Jung read and presented the Proclamation to Rajan Zed and others.

Rajan Zed said he was the producer of the Faith Forum column and he noted the 283rd column was recently published in the Reno Gazette-Journal (RGJ). He thanked the Board for their support. He introduced the other religious leaders from the community: Dr. Steve Bond (Christian Church), Dr. Sherif A. Elfass (Muslim), Reverend Matthew T. Fisher (Buddhist), Rabbi ElizaBeth Webb Beyer (Jewish), and Ryan J. Earl (The Church of Jesus Christ of Latter-Day Saints).

There was no public comment on the Proclamation listed above.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 9B be approved.

**16-0499**      **9C** Proclamation – Support of the EcoStudents Program at High Desert Montessori Charter School.

Commissioner Berkbigler read and presented the Proclamation to Principle, Tammie Stockton.

Ms. Stockton thanked the Board for the Proclamation. She stated the High Desert Montessori Charter School (HDMCS) was formulated 14 years ago starting with 40 students and now the school had more than 450 students. She said the students ranged in age from infants and toddlers through 9th grade. She noted the school was located near Oddie and Silverada Boulevards. She explained that Montessori education had been around for more than 100 years and most Montessori schools were private. She indicated HDMCS was formulated to provide access to a Montessori education in an at-risk neighborhood. She said they were proud of the EcoStudents Project, which started approximately two years ago during a sustainability fair at the school. She stated staff wanted the school and building to be Leadership and Energy Environmental Design (LEED) certified and she had been working with professionals in the field to ensure that happened. She emphasized the amount of support the school had including from Sustainable Nevada. She thanked the Board and the supporters for everything they had done for the school.

Jeneane Harter, Executive Director of Sustainable Nevada, stated Sustainable Nevada was a Reno-based non-profit organization and their mission was to help schools design, develop and implement eco-literacy programs. She said they had been working closely with HDMCS to achieve the LEED certification for the campus. She thanked the Board for acknowledging the program and said she looked forward to working with other schools in the County to implement this program.

There was no public comment on the Proclamation listed above.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 9C be approved.

### **DONATIONS**

**16-0500** **10A** Accept [\$10,604] in donation for the District Attorney's Office Child Advocacy Center equipment, improvements, and operational needs from the Builder's Association of Northern Nevada [\$10,000] and Tiffanie Story [\$604] and authorize Comptroller to make appropriate budget amendments. District Attorney. (All Commission Districts).

District Attorney Chris Hicks spoke about the importance of the Child Advocacy Center (CAC). He said the center revolutionized the way children were protected by social services and law enforcement. He stated the Builders Association of Northern Nevada (BANN) toured the CAC and immediately adopted the center. He thanked Tiffanie Story for her donation and support.

**16-0501**      **10B** Accept cash donations in the amount of [\$3,951.52] for the period of April 1, 2016 through May 31, 2016 and direct the Comptroller's Office to make the appropriate budget adjustments. Social Services. (All Commission Districts.)

**16-0502**      **10C** Accept a donation [\$187,425.00] from Friends of Washoe County Library, with no County match required, for restricted use towards the operational needs of Sierra View Library located at the Reno Town Mall, 4001 S. Virginia Street, Reno, Nevada; and, if approved, direct the Comptroller's Office to make the necessary budget amendments. Community Services. (Commission District 2.)

Dan Erwine, President of Friends of the Washoe County Library, said they were very pleased to be able to donate this money to the wonderful folks at the Washoe County Library.

**16-0503**      **10D** Accept cash donations in the amount of [\$1,642] for the period March 1, 2016 – May 31, 2016 and direct the Comptroller to make the appropriate budget amendments. Senior Services. (All Commission Districts.)

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Items 10A to 10D be accepted.

#### **CONSENT ITEMS 11A THROUGH 11C4**

**16-0504**      **11A** Approve a 60-day extension of existing Collective Bargaining Agreements beyond the current June 30, 2016 expiration date to August 29, 2016 as it affects NRS 288. Human Resources. (All Commission Districts.)

**16-0505**      **11B1** Approve updated Community Support Policy 2016. (All Commission Districts.)

**16-0506**      **11B2** Approve grant awards for FY 2016-2017 for Silver State Fair Housing Council (SSFHC) [in the amount of \$10,000;] Artown [in the amount of \$25,000;] and Reno-Tahoe Open Foundation [in the amount of \$10,000,] approve Resolutions necessary for same; and direct Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)

- 16-0507**      **11C1** Approve a Renewal of Lease Agreement for Joe Mitchell Community Center between Washoe County and the Boys and Girls Club of Truckee Meadows retroactive to June 1, 2016 and through May 31, 2021, to continue year-round youth services at the Joe Mitchell Community Center located in Lemmon Valley; and if approved, authorize the Community Services Director to execute the Renewal of Lease Agreement. (Commission District 5.)
- 16-0508**      **11C2** Approve an Interlocal Agreement between Washoe County, the City of Reno, and the City of Sparks for reimbursement to the City of Reno [\$9,200.00] for Washoe County's share of professional consulting services for a Pretreatment Local Limits Evaluation of the Truckee Meadows Water Reclamation Facility and the South Truckee Meadows Water Reclamation Facility. (Commission District 2.)
- 16-0509**      **11C3** Approve a Sublease Agreement between Washoe County, Roter Investments L.P., and the Friends of Washoe County Library from July 1, 2016 through June 30, 2021 to sublease a portion of the Sierra View Library space, located at 4001 South Virginia Street [at no cost]. (Commission District 2.)
- 16-0510**      **11C4** Possible action to adopt the Business Impact Statement for the Regional License and Permit Platform with a finding, based on staff's recommendation, that the proposed NRS 354.790 Regional Technology Fee does not impose a direct and significant economic burden on a business; nor does the proposed fee directly restrict the formation, operation or expansion of a business; and, set the public hearing for possible adoption of the proposed Regional Technology Fee for June 28, 2016. The fee would apply to customers using the new online Regional License and Permit Platform being created for the purpose of expediting and enhancing access to the county's licensing and permitting processes, including business licenses and building permits. The proposed fee in any case would be a minimum of \$1 and otherwise would apply (1) to all business licenses at the time of license application and for each license renewal as follows: \$2.75 for annual licenses, \$2 for quarterly licenses; and (2) to all other permits including permit renewals (includes building, engineering, planning, and utility permits) as follows: 4% of the total permit cost to include permit renewal. (All Commission Districts.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Consent Agenda Items 11A through 11C4 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 11A through 11C4 are attached hereto and made a part of the minutes thereof.

**16-0511**      **AGENDA ITEM 6** Approval of minutes for the Board of County Commissioner's concurrent meeting of May 2, 2016, special meeting of May 3, 2016 and regular meetings of May 10, 2016 and May 17, 2016.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 6 be approved.

**16-0512**      **AGENDA ITEM 12** Introduction and first reading of an ordinance (1) amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); (2) providing for a notice of a public hearing and other matters relating thereto, and (3) setting the public hearing for the second reading and possible adoption on July 12, 2016; AND Hold the first reading of an ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; (2) providing for a notice of a public hearing and other matters relating thereto, and (3) setting the public hearing for the second reading and possible adoption on July 12, 2016. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the titles for Bill Nos. 1764 and 1765.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

Bill Nos. 1764 and 1765 were introduced by Commissioner Berkbigler, and legal notice for final action of adoption was directed.

**16-0513**      **AGENDA ITEM 13** Introduction and first reading of an ordinance amending Chapter 100 of the Washoe County Code by (1) adding thereto a provision decreasing fees for various building permits, including general building permits, other inspection and permit fees, and plan review fees, (2) adding a new category of fees for projects with a value [in excess of \$10,000,000.00,] (3) increasing the fee for the renewal of all permits other than building permits to 100% of the original permit cost, and (4) providing other matters necessarily connected therewith and pertaining thereto; and set the public hearing for second reading and possible adoption to be held on July 12, 2016. Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Bill No. 1766.

There was no public comment on this item.

Bill No. 1766 was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

**16-0514**      **AGENDA ITEM 14** 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.

There was no Closed Session.

**16-0515**      **AGENDA ITEM 15** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

**16-0516**      **AGENDA ITEM 16** Announcements/Reports.

Chair Jung stated it was National Selfie Day and she asked the Commissioners to take a group selfie.

Commissioner Lucey stated 48 percent of votes came from early voting and he wanted staff to get information about offering more locations for early voting since it was so popular. He thanked the staff at the South Valley's Library who stayed late for his Community Advisory Board meeting. He stated Kevin Schiller, Assistant County Manager, was able to secure a free senior golf day in conjunction with the Barracuda Golf Tournament and any person 60 years and older was qualified to participate.

Commissioner Hartung stated Judge Terry Graham wanted to purchase a Lucas 2 Chest Compression Machine to be used in Wadsworth. He requested staff to provide Judge Graham with the details.

Chair Jung asked staff to address the need for all the Registrar of Voters staff to be located under one roof. She stated she liked the idea of saying a prayer at each Board meeting and she thought it should rotate between the religious faiths.

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

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**12:10 p.m.** There being no further business to discuss, the meeting was adjourned without objection.

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**KITTY K. JUNG**, Chair  
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:  
Doni Gassaway, Deputy County Clerk*

**RESOLUTION** – Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

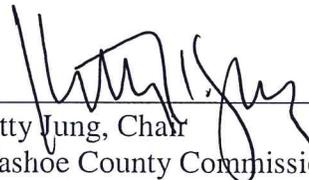
WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes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

WHEREAS, the Board of Commissioners of Washoe County has determined that \$10,000 in funding is needed to assist in providing services to encourage fair housing standards; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

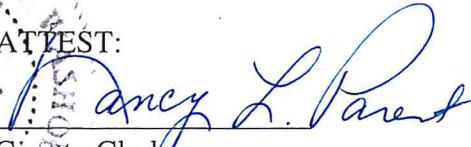
1. The Board hereby grants to Silver State Fair Housing Council, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2016-2017 in the amount of \$10,000 (Community Support).
2. The Board finds that in making this grant a substantial benefit will be provided to the inhabitants of the County by providing informational materials and education to increase community awareness of housing discrimination, Fair Housing Act protections, and fair housing rights and responsibilities.
3. The maximum amount to be expended is \$10,000.

Adopted this 21th Day of June 2016

  
Kitty Jung, Chair  
Washoe County Commission



ATTEST:

  
Nancy L. Parent  
County Clerk

16-0506

**RESOLUTION** – Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

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

WHEREAS, the Board of Commissioners of Washoe County has determined that \$10,000 in funding is needed to assist in providing services to support the Reno Tahoe Open a PGA Tour sanctioned professional golf tournament; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to the Reno Tahoe Open Foundation, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2016-2017 in the amount of \$10,000 (Community Support).
2. The Board finds that in making this grant a substantial benefit will be provided to the inhabitants of the County by providing a significant economic impact for the Reno/Tahoe region and contributing positively to the quality of life in our community.
3. The conditions and limitations upon the grant are as follows:
  - a) Event must be held for the purpose of improving public awareness, education and/or support for a specific community issue, topic, or concern. Including, but not limited to topics related to community, economic diversification, culture, the arts, the environment, and health and human service issues.
  - b) Event must be open to public participation without limiting participation to a specific target population.
  - c) Event must be annual or one-time events not on-going activities.

- d) Events for which the primary purpose is to raise funds to support programs or operation of the non-profit are not allowable.
- e) Any organization participating in partisan activity in the judgement of County Staff or the Commission, is not allowable.

Adopted this 21th Day of June 2016.

  
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Kitty Jung, Chair  
Washoe County Commission



ATTEST:

  
\_\_\_\_\_  
Nancy L. Parent  
County Clerk

**RESOLUTION** – Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

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

WHEREAS, the Board of Commissioners of Washoe County has determined that \$25,000 in funding is needed to assist in providing services to support a month-long summer arts festival, and encourage local artist participation in the festival; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Artown, a nonprofit organization created for religious, charitable or educational purposes, a grant for fiscal year 2016-2017 in the amount of \$25,000 (Community Support).
2. The Board finds that in making this grant a substantial benefit will be provided to the inhabitants of the County by providing a month-long summer arts festival, featuring about 500 in nearly 100 locations.
3. The conditions and limitations upon the grant are as follows:
  - a) Event must be held for the purpose of improving public awareness, education and/or support for a specific community issue, topic, or concern. Including, but not limited to topics related to community, economic diversification, culture, the arts, the environment, and health and human service issues.
  - b) Event must be open to public participation without limiting participation to a specific target population.
  - c) Event must be annual or one-time events not on-going activities.

- d) Events for which the primary purpose is to raise funds to support programs or operation of the non-profit are not allowable.
- e) Any organization participating in partisan activity in the judgement of County Staff or the Commission, is not allowable.

Adopted this 21th Day of June 2016.



ATTEST:

*Dancy L. Paret*  
County Clerk

*Kitty Jung*  
Kitty Jung, Chair  
Washoe County Commission

## INTERLOCAL AGREEMENT

### 1) PARTIES

This Interlocal Agreement ("Agreement") is entered into between the City of Reno ("Reno"), a municipal corporation, the City of Sparks ("Sparks"), a municipal corporation and Washoe County ("County"), a political subdivision of the State of Nevada, collectively the "Parties". In consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

### 2) RECITALS

2.1 The Parties are public agencies as defined in NRS 277.100(1)(a).

2.2 NRS 277.180 provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any public agency, entering into the contract, is authorized to perform.

2.3 Reno and CWA Consulting entered into a Consultant Agreement for Pretreatment Local Limits Evaluation in the amount of \$61,328.00 (the "Services"). The description of the work is set forth in Exhibit A.

2.4 County has agreed to reimburse Reno the sum of \$9,200.00 for the Services.

2.5 Sparks has agreement to reimburse Reno the sum of \$21,465.00 for the Services.

### 3) RIGHTS & DUTIES

3.1 Reno

3.1.1 Reno has contracted with CWA Consulting, who will perform the services the Project and submit invoices to Reno services described in Exhibit A. Reno will review and verify the invoices. Reno will then submit invoices for reimbursement to County and Sparks upon receipt by Reno.

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3.1.2 Reno will, through its designated representative, provide to County and Sparks any information requested relating to any invoice submitted for payment.

3.1.3 Reno will set up a separate account for the Service, if not already existing, so that check numbers along with copies of cancelled checks for all expenditures can be submitted, as well as an exact itemization of Project expenditures, and copies of itemized invoices.

### 3.2 County and Sparks

3.2.1 Upon the submission of an invoice for payment, pursuant to Paragraph 3.1.1 above, the County and Sparks' representative shall promptly review the invoice, request any further information or documentation required, and process the invoice for payment within thirty (30) days following his approval.

3.2.2 The total amount of invoices paid pursuant to this Agreement for County is the sum of \$9,200.00 and for Sparks is the sum of \$21,465.00.

## 4) INDEMNIFICATION

4.1 The Parties agree that each will be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost, or judgment made against that Party arising from any negligent act or negligent failure to act by any of that Party's employees, agents in connection with the performance of obligations assumed pursuant to this Agreement.

4.2 The Parties further agree, to the extent allowed by law pursuant to Chapter 41 of the Nevada Revised Statutes ("NRS"), to hold harmless, indemnify and defend each other from all losses, liabilities or expenses of any nature to the person or property of another, to which each may be subjected as a result of any claim, demand, action or cause of action arising out of the negligent acts, errors or omissions on the part of employees.

## 5) MISCELLANEOUS PROVISIONS

5.1 This Agreement is binding upon and inures to the benefit of the Parties and their respective heirs, estates, personal representatives, successors and assigns.

5.2 This Agreement is made in, and shall be governed, enforced and construed under the laws of the State of Nevada.

5.3 This Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter hereof, and supersedes and replaces all prior understandings and agreements, whether verbal or in writing, with respect to the subject matter hereof.

5.4 This Agreement may not be modified, terminated, or amended in any respect, except pursuant to an instrument in writing duly executed by the Parties.

5.5 In the event a party fails to appropriate or budget funds for the purposes as specified in this Agreement, Reno hereby consents to the termination of this Agreement. In such event, the party shall notify Reno in writing and the Agreement will terminate on the date specified in the notice. The Parties understand that this funding out provision is required under NRS 244.320 and NRS 354.626.

5.6 In the event either Party brings any legal action or other proceeding with respect to the breach, interpretation, or enforcement of this Agreement, or with respect to any dispute relating to any transaction covered by this Agreement, the losing Party or Parties in such action or proceeding shall reimburse the prevailing Party or Parties therein for all reasonable costs of litigation, including reasonable attorneys' fees.

5.7 No delay or omission by either Party in exercising any right or power hereunder shall impair any such right or power or be construed to be a waiver thereof, unless this Agreement specifies a time limit for the exercise of such right or power or unless such waiver is set forth in a written instrument duly executed by the person granting such waiver. A waiver of any person of any of the covenants, conditions, or agreements hereof to be performed by any other Party shall not be construed as a waiver of any succeeding breach of the same or any other covenants, agreement, restrictions or conditions hereof.

5.8 All notices, demands or other communications required or permitted to be given in connection with this Agreement, shall be in writing, and shall be deemed delivered when personally delivered to a Party (by personal delivery to an officer or authorized representative of a corporate Party) or, if mailed, three (3) business days after deposit in the United States mail, postage prepaid, certified or registered mail, addressed to the Parties as follows:

To Reno: John Flansberg, P.E., Director of Public Works  
City of Reno  
1 East First Street, 7<sup>th</sup> Floor  
Reno, Nevada 89501

To County: David Solaro, Director of Community Services  
1001 E. 9<sup>th</sup> Street  
Reno, NV 89512

To Sparks: Neil C. Krutz, P.E., Community Services Director  
431 Prater Way  
Sparks, NV 89431

-INTENTIONALLY LEFT BLANK-

5.9 This Agreement is effective upon the date the last signing Party signs this Agreement ("Effective Date").

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

WASHOE COUNTY

Dated this 21<sup>st</sup> day of June, 2016

By [Signature]  
Kitty K. Jung, Chair

ATTEST:  
[Signature]  
Washoe County Clerk

APPROVED AS TO FORM:

[Signature]  
District Attorney

CITY OF SPARKS

Dated this \_\_\_ day of \_\_\_\_\_, 2016

By \_\_\_\_\_  
Geno Martini, Mayor

ATTEST:

\_\_\_\_\_  
Sparks City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sparks City Attorney

CITY OF RENO

Dated this \_\_\_ day of \_\_\_\_\_, 2016

By \_\_\_\_\_  
Hillary L. Schieve, Mayor

ATTEST:

\_\_\_\_\_  
Ashley Turney, Reno City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Attorney

**Local Limits Development  
Proposal  
CWA Consulting Services, LLC.  
7-17-15**

**A. Background**

The City of Reno owns, co-owns and contracts with other jurisdictions for the purpose of providing wastewater treatment. The City desires to complete a local limits evaluation and development of Local Limits in accordance with the U.S. Environmental Protection Agency's (EPA) 2004 Local Limits Development Guidance document, as required by 40 CFR Section 403.5(c), 40 CFR 122.44(j)(2)(ii) and the City's National (Nevada) Pollutant Discharge Elimination System (NPDES) permit. CWA Consulting Services, LLC (CWACS) is proposing to provide a Local Limits evaluation for the wastewater treatment plants in the Reno and Sparks jurisdictions.

**B. Scope of Work**

The City holds NPDES and groundwater permits for and operates the following Publicly-Owned Treatment Works (POTW) and/or contracts for wastewater services with another jurisdiction as follows:

Name	Permit Number	Location of Treatment Works	Discharge made to Waters of the State	POTW Permittee(s)	Permit Effective/Expires
Truckee Meadows WRF	NV0020150	8500 Clean Water Way, Reno, NV 89502	Truckee River via Steamboat Creek	City of Reno and the City of Sparks	5/8/12-5/8/17
South Truckee WRF	NS0040024	8500 Mira Loma Road, Reno, NV 89501	Groundwaters of the State	Washoe Co Utility Division	10/04/07 - 10/4/12
Reno-Stead Water Reclamation Facility (RSWRF)	NS2008500 Groundwater Permit	4250 Norton Drive, Reno, Nevada 89506	Swan Lake (Lemmon Valley Playa) via Swan Creek. Swan Lake is not a Water of the US. Discharge is also made to groundwaters of the State and for reuse.	City of Reno	3/15/13 - 3/14/18

## C. The Local Limits Project

### 1. General Process

- a. Establish an agreed project schedule and tasks.
- b. Collect of data/information from the City and analyze data for further sampling/data needs.
- c. Compile all data, identify data needs and develop an initial Pollutants of Concern list. Evaluate the data to assure it is representative and exclude data where it is statistically different using Grubb's Test ( $\alpha = 0.05$ ).
- d. Collect, analyze and compile additional sampling data.
- e. Develop a final Pollutants of Concern (POC) list.
- f. Calculate a MAHL and MAIL for each POC and provide the data and assumptions to the City.
- g. Provide training to City staff and management on the local limits development.
- h. Make decisions regarding POTW specific decisions for setting final local limits.
- i. Develop legal authority language to reflect updates to local limits.
- j. Develop a submittal package and respond to Approval Authority comments.
- k. Provide Management and City Council support.
- l. Provide Public Notice support.

2. Local limits are those concentrations or loadings of pollutants that a POTW can accept and prevent Pass Through, Interference, adverse health effects, or a violation of the General and Specific Prohibitions. These limits are adopted by the POTW into their legal authority and apply at the point of discharge from the industrial user into the sewerage system. Local limits are Pretreatment Standards and are based on the Maximum Allowable Headworks Loading (MAHL).

*Maximum Allowable Industrial Loading (MAIL)* means the total mass of a pollutant that all Industrial Users (or a subgroup of Industrial Users as identified by the City) may discharge pursuant to the local limits developed under 40 CFR Section 403.5(c). *From CWACS.*

*Maximum Allowable Headworks Loading (MAHL)* means the maximum loading of a pollutant that can be received at the POTW's headworks without causing Pass Through, Interference, interfere with beneficial reuse of sludge, or cause an adverse effect on worker health and safety. *From CWACS.*

*Pollutant of Concern (POC)* means any pollutant that is measured or present in concentrations or mass where there is a reasonable potential for the pollutant to cause or contribute to Pass Through, Interference or exceed another environmental standard or criterion evaluated in the development of local limits. A POC may not be a POC for local limits unless discharged by an Indirect Discharger in levels that would cause or contribute to Pass Through or Interference or violate a Specific Prohibition. *From CWACS.*

The first step of the process is to review and compile data, supplementing data with additional monitoring where necessary. The POTW develops a list of Pollutants of Concern to further evaluate. When the final Pollutants of concern are identified, the POTW takes applicable standards and flows to calculate all applicable Allowable Headworks Loading (AHL) for each Standard. The POTW then uses the most stringent AHL, the MAHL, in calculating local limits.

To calculate the MAIL (or local limit), the POTW subtracts out an EPA recommended Safety Factor. The POTW then subtracts out domestic+commercial loadings to obtain the MAIL, which is the regulatory number that EPA approves. If the City is adopting uniform concentration-based local limits, the City may set aside some of the MAIL for expansion of existing industrial users or new industrial users. This "set aside" is at the full discretion of the POTW and may be implemented without further notice to EPA as long as the approved MAIL does not change (see 40 CFR Section 4093.18 and the 2004 EPA Local Limits guidance manual). The City may adopt uniform concentration limits or the MAIL or a combination of these.

Local limits must be calculated to protect each POTW and each discharge permit. This means that there would be three separate local limits evaluations occurring simultaneously. Whether or not the most stringent limit would be adopted to cover all dischargers within the jurisdiction or if separate local limits would be set for each POTW service area would be determined after the draft local limits are calculated.

CWACS will provide recommendations on specific areas where the cities have discretion in the local limits calculations. These discretionary decisions will often affect the specific numeric limitation. City staff will analyze the draft local limits against the maximum discharge level by Significant Industrial Users (SIUs). Where a SIU is required to meet a new local limit that is less than what the SIU discharges, the City will have several options. The City would generally recommend that the SIU evaluate sources of the pollutant and possible control measures. The City would include a permit compliance schedule to meet the local limit within

a reasonable amount of time. Alternatively, the City could issue a compliance schedule in an enforcement action.

3. Project Schedule

The project schedule below illustrates project tasks and timetable that would be projected based upon current information available for the three POTWs and the expectation that reviews would be completed on or before the target timeframes:

<b>Project start</b>	<b>Day 0: Written Notice to Proceed</b>
Consultant provides checklist for local limits information. Consultant on-site.	Days 2
City Project contact provides data and information as requested by consultant.	By day 32
Consultant provides initial list of Pollutants of Concern (POCs) and sampling data needed.	By day 77
Jurisdictions provide additional sampling data as needed.	By day 197
Consultant provides the final list of POCs and Draft 1 of Local Limits. Consultant on-site.	By day 230
Jurisdictions provide review and comment on Draft 1	By day 260
Consultant provides Draft 2 of the local limits for review	By day 290
Jurisdictions provide review and comment on Draft 2	By day 310
Consultant provides Final Draft intended for informal EPA review.	By Day 320
Consultant provides support for EPA questions and prepares a Final Draft for Jurisdiction actions.	EPA review timeframe unknown. Consultant to provide Final Draft within 10 days after resolving EPA comments.
Jurisdictions pass limits through 1 <sup>st</sup> reading by city councils/boards.	ASAP after consultant Final Draft
2 <sup>nd</sup> reading by city councils and board. Submit to EPA for approval with attorney statement. EPA or jurisdiction provides a 30 day public notice in a paper of meaningful circulation.	After 1 <sup>st</sup> reading

Adopt Local Limits at same time (or shortly after EPA approval).	After EPA approval.
Project completion	Day 365 (or earlier)

Note: Some dates can be accelerated where reviews are completed quickly or sampling data collected in a shorter timeframe.

**D. General Fee Schedule**

All project costs are as specified in the current year's CWACS Project Costs provided to the City as a separate document with this proposal. The CWACS Project Costs is a *Confidential Business Information* document and must not be distributed outside of City.

Local Limits Development including review of existing information and assisting in the development of a sampling plan. Includes compiling of all data, QA/QC review of data, data entry calculating local limits, reviewing and revising existing local limits ordinance language and submittal package provided with public notice support. The Turn-Key project price is \$17,640 per POTW. Project cost increases where the POTW design flow is >35 mgd or where there are >10 SIUs. Travel expenses and on-site time are included in this proposal.

Based upon the local limits evaluation for all three POTWs being conducted as a single project, is based upon the following costs (travel built into costs for each POTW):

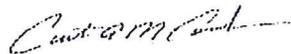
1. Truckee Meadows WRF (44 mgd design, >10 SIUs): \$23,844.00
2. So. Truckee Meadows WRF: \$19,869.00
3. Reno-Stead WRF: \$17,615.00 (Partial data already obtained).

Travel costs are based upon four trips, each for 2 days (including travel time). Costs include consulting time, airfare, hotel, parking, per diem and other hard costs. Timeframe for three trips defined below. One trip to be determined by City and Consultants.

Task	Scope	% of Project	Cost
	Complete Local Limits Re-Evaluation for the Truckee Meadows WRF, Reno-Stead WRF and the South Truckee WRF.	100	\$61,328.00
1	Review and compile existing data for each WRF and provide sampling recommendations for the		

	collection of additional data based upon initial Pollutants of Concern. Project Kick-Off Meeting: Consultant on-site.		
1.A.	Truckee Meadows WRF	35	\$8,345.40
1.B.	South Truckee WRF	35	\$6,954.15
1.C.	Reno-Stead WRF	35	\$6,165.25
2	Compile additional sampling data and provide a final Pollutant of Concern list.		
2.A.	Truckee Meadows WRF	20	\$4,768.80
2.B.	South Truckee WRF	20	\$3,973.80
2.C.	Reno-Stead WRF	20	\$3,523.00
3	Provide Draft 1 on Local Limits to the City. Consultant on-site.		
3.A.	Truckee Meadows WRF	20	\$4,768.80
3.B.	South Truckee WRF	20	\$3,973.80
3.C.	Reno-Stead WRF	20	\$3,523.00
4	Provide a draft submittal report and final draft of local limits for review. Consultant on-site.		
4.A.	Truckee Meadows WRF	20	\$4,768.80
4.B.	South Truckee WRF	20	\$3,973.80
4.C.	Reno-Stead WRF	20	\$3,523.00
5	Provide responses to EPA on the review of the draft Submittal Report and City Council and public notice support.		
5.A.	Truckee Meadows WRF	5	\$1,192.20
5.B.	South Truckee WRF	5	\$993.45
5.C.	Reno-Stead WRF	5	\$880.75

This firm proposal expires September 1, 2015.



Curt McCormick  
 Managing Member, CWACS