

**WASHOE COUNTY COMMISSION
RENO CITY COUNCIL
SPARKS CITY COUNCIL**

JOINT MEETING

FRIDAY

8:30 A.M.

APRIL 30, 2004

PRESENT:

Jim Shaw, Washoe County Commissioner, Chairman
Bonnie Weber, Washoe County Commissioner, Vice Chairman
Jim Galloway, Washoe County Commissioner
David Humke, Washoe County Commissioner
Pete Sferrazza, Washoe County Commissioner

Dave Aiazzi, Reno City Councilmember
Dwight Dortch, Reno City Councilmember
Toni Harsh, Reno City Councilmember *
Pierre Hascheff, Reno City Councilmember
Jessica Sferrazza, Reno City Councilmember

Tony Armstrong, City of Sparks, Mayor
Phil Salerno, Sparks City Councilmember

ABSENT:

Robert A. Cashell, City of Reno, Mayor
Sharon Zadra, Reno City Councilmember
Michael Carrigan, Sparks City Councilmember
Geno Martini, Sparks City Councilmember
John Mayer, Sparks City Councilmember
Ron Schmitt, Sparks City Councilmember

The Board and Councils met in joint session in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada, with Sparks Mayor Tony Armstrong presiding. Also present were Washoe County Manager Katy Singlaub, Deputy District Attorney Paul Lipparelli, Chief Deputy Clerk Nancy Parent, Reno City Manager Charles McNeely, Reno City Attorney Patricia Lynch, Reno City Clerk Lynnette Jones, Sparks City Manager Shaun Carey, and Sparks Deputy City Clerk Lenda Azcarate. Following the Pledge of Allegiance to the flag of our Country, the Clerks called the roll for their respective entities, and the Commission and Councils conducted the following business. It was noted that the City of Sparks did not have a quorum present.

04-396 **PUBLIC COMMENT**

Gary Schmidt, Washoe County resident, advised the Washoe County Board of Equalization will be conducting several workshops and encouraged citizen participation. He also addressed the Boards concerning access to public records.

Al Hesson, Reno resident, expressed his opposition to President Bush and the war in Iraq.

Sam Dehne, Reno resident, voiced his concerns about the Reno-Sparks Convention and Visitor's Authority.

04-397 **AGENDA**

In accordance with the Open Meeting Law, on behalf of the City of Reno, on motion by Councilmember Aiazzi, seconded by Councilmember Dortch, and on behalf of Washoe County, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motions duly carried, Mayor Armstrong ordered that the agenda for the Joint Meeting of April 30, 2004 be approved.

04-398 **MINUTES**

For Washoe County, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, and for the City of Reno, on motion by Councilmember Aiazzi, seconded by Councilmember Sferrazza, which motions duly carried, Mayor Armstrong ordered that the minutes of the joint meetings of April 15, July 15, and October 21, 2003 be approved. It was noted that since the City of Sparks did not have a quorum present, they would consider approval of these minutes at a regularly scheduled Council meeting.

04-399 **CRIMINAL JUSTICE ADVISORY COMMITTEE REPORT -
RESOLUTION SUPPORTING ALTERNATIVES TO
INCARCERATION**

Sheriff Dennis Balaam presented a PowerPoint demonstration of the daily average population of the consolidated jail, noting the jail capacity is 1,124 inmates and today's population is 1,100. The Sheriff displayed several charts of jail population statistics sorted by male/female, type/level of crime, pre-trial/post-trial inmates, etc. He explained the County is currently planning the next jail expansion because the jail population continues to climb in proportion to the general population increase in the Truckee Meadows. Sheriff Balaam also discussed the various alternative to incarceration programs the courts are using that have inmates under other supervision programs instead of just housing them at the jail and noted the very high success rate of those programs with over 5,200 people under some type of supervision.

Sheriff Balaam emphasized that this expansion needs to be a "hardened" type facility due to the increasing number of more serious pre-trial felons in custody. The

Sheriff described the previous jail expansion projects and advised the proposed expansion will start in 2005 and be completed in 2007; it will be 52,000 square feet at \$272 per square foot; and the estimated total project is \$18.24-million. He also stressed that it will be three years before any more beds are available in the jail.

Mayor Armstrong commended the Sheriff, the judges and CJAC (the Criminal Justice Advisory Committee) for their efforts at keeping the jail population under control and keeping the "bad guys" locked up.

Councilmember Sferrazza asked why the cost is so high. Sheriff Balaam explained construction costs in general have gone up tremendously, but it is also because this expansion will be a different type of facility with single cells due to the increasing number of felony inmates as opposed to misdemeanants.

Commissioner Galloway asked if there was any chance of receiving any help from the State, especially with the pre-trial felons. Sheriff Balaam reminded the Boards that the State has put this back on the Counties.

Councilmember Aiazzi remarked about the increasing number of violent criminals needing to be housed now compared to a few years ago. He asked if the judges are having to release more misdemeanants and gross misdemeanants. The Sheriff stated that was correct.

Sam Dehne, Reno citizen, stated this is a direct result of what he calls the cancerous growth that has occurred in the community.

Judge Hardesty warned that the risk of not having enough jail space would be federal lawsuits from inmates and the possibility of the federal government telling the Sheriff how to run the jail under consent decrees. He stated, to address this situation and avoid such problems, legislative changes were made in the last session that empowered the Chief Judges of the urban districts to relieve the pressure of jail over-crowding by allowing them to release defendants. Judge Hardesty advised that he has had to release inmates six times since the first of the year. He cautioned that this is a very scary thing to do and stated he is gravely concerned about what will be required between now and 2007. The Judge responded to various questions concerning inmates on hold from other States, Immigration, or Parole and Probation where the Sheriff's only choice is to hold the people until the other jurisdiction takes action.

*** 9:35** Councilmember Harsh arrived.

Councilmember Dortch noted there are companies who build and operate prisons and asked if that opportunity had been explored. Sheriff Balaam advised the State of Nevada tried that idea with a women's facility, and the State is currently being sued and taking the facility back from a private contractor.

Judge Polaha stated CJAC meets monthly and explores every facet of the criminal justice system with the intent of controlling all of these problems. The Board members concurred in thanking and congratulating the CJAC members for their hard work and accomplishments. Councilmember Salerno asked when the City of Sparks would be able to act on the resolution. Sparks City Manager Shaun Carey stated it would be on the May 17, 2004 agenda.

Upon recommendation of CJAC, on motion by Commissioner Galloway, seconded by Commissioner Humke on behalf of Washoe County, and on motion by Councilmember Aiazzi, seconded by Councilmember Sferrazza on behalf of the City of Reno, which motions duly carried, Mayor Armstrong ordered that the following resolution be adopted and duly executed:

RESOLUTION

WHEREAS, On October 21, 1997, the Board of County Commissioners adopted Resolution No. 97-1073; and

WHEREAS, The jail population since then has continued to increase resulting in the facility exceeding its operational capacity on six separate days in the past four months causing emergency measures to be implemented pursuant to SB317; and

WHEREAS, Assuring public safety is one of the primary purposes of government; and

WHEREAS, Washoe County operates a consolidated jail utilized by local, state and federal agencies; and

WHEREAS, NRS 211.120 authorizes the Washoe County Sheriff to establish programs to release prisoners from jail confinement for work or education; and

WHEREAS, Despite the implementation of appropriate management policies and increased efficiency in the operation of the Washoe County jail, the jail population has increased at or beyond the design capacity of the jail; and

WHEREAS, All Washoe County criminal justice agencies and institutions, the County Manager's Office, and the Board of County Commissioners have cooperated over the past eleven years assisting in the development and implementation of programs and processes to address jail overcrowding, consistent with public safety, including the Sheriff's Community Work Program, House Arrest, Inmate Assistance, Homeless Evaluation Liaison, issuing citations rather than incarceration, Court Services, work/education furlough, Alternative Sentencing, early case resolution, fast track, weekly grand jury, Mental Health Court, Adult, Family and Juvenile Drug Courts, Diversion Court, Counseling Compliance Program and suspended sentences with Court supervision; now therefore be it

RESOLVED, The Washoe County Criminal Justice Advisory Committee, the Board of County Commissioners, the Reno City Council and the Sparks City Council hereby encourage the continued cooperation and understanding among all Washoe County criminal justice agencies to support existing policies and programs as alternatives to jail incarceration and to streamline the criminal justice system, consistent with public safety. The Washoe County Criminal Justice Advisory Committee, the Board of County Commissioners, The Reno City Council and the Sparks City Council also support the development and implementation of additional such programs as long as said programs comply with current laws and the advice of appropriate legal counsel. The Washoe County Criminal Justice Advisory Committee, the Board of County Commissioners, the Reno City Council and the Sparks City Council urge all criminal justice agencies, the County Manager's Office, the Commission, and the City Councils to accept responsibility for the creation and implementation of these programs and commit to carefully monitoring, evaluating and maximizing the effectiveness of such programs.

04-400 RESOLUTION - CRIMINAL JUSTICE ADVISORY COMMITTEE
- LEGISLATION FOR CONSOLIDATION OF JUSTICE AND
MUNICIPAL COURTS

Upon recommendation of the Criminal Justice Advisory Committee, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway on behalf of Washoe County, and on motion by Councilmember Aiazzi, seconded by Councilmember Hascheff on behalf of the City of Reno, which motions duly carried, Mayor Armstrong ordered that the following resolution be adopted and duly executed:

RESOLUTION

WHEREAS, The Judicial Assessment Commission, created by Chief Justice Robert E. Rose and the Nevada Supreme Court, issued in September 1994, a report entitled Simplifying the Maze which provided rationale for and a recommendation by the Commission that municipal and justice courts be consolidated; and

WHEREAS, At the April 2003 Joint Retreat of the Washoe County Commission and the City Councils of Reno and Sparks to discuss consolidation, staff was directed to establish a working group of the Criminal Justice Advisory Committee to explore the interest and feasibility of court consolidation in Washoe County; and

WHEREAS, a subcommittee which included municipal and justice court judges, the Public Defender, the District Attorney, members of the Washoe County Commission and the Reno City Council and staff representatives of the courts, County and City Managers' offices, reviewed the above referenced report and conducted a survey of affected parties to determine interest and feasibility; and

WHEREAS, In October 2003, the subcommittee, based on the results of the survey, determined that consolidation was feasible; that it could improve service to the public, enhance operating efficiencies and avoid duplicative costs and that there is

sufficient support to advance the concept and forwarded such a recommendation to the Criminal Justice Advisory Committee; and

WHEREAS, In October 2003, the Criminal Justice Advisory Committee accepted the subcommittee's recommendation and likewise recommended its support for continuing efforts to further explore consolidation; and

WHEREAS, In February 2004, at a Joint Meeting of the County Commission and City Councils a discussion occurred on the survey results and staff was asked to prepare a resolution for advancing the discussion on consolidation; now therefore, be it

RESOLVED, That the Washoe County Commission and the City Councils of Reno and Sparks support improving court services to the citizens of the region, enhancing operating efficiencies and avoiding duplicative costs, and therefore, direct that a working group be established of the Criminal Justice Advisory Committee comprised of four volunteer judges, two judges each from both the Justice and Municipal court systems, the District Attorney, Reno and Sparks City Attorneys, staff representatives of the courts, City and County Managers, and any other interested department or agency to prepare a preliminary fiscal analysis and draft the necessary enabling legislation for the 2005 Legislature to allow for consolidation of the Justice Court of Washoe County and the Municipal Courts of City of Reno and Sparks, respectively, and present the analysis and the bill draft request to the July 2004 Joint Meeting for consideration and possible direction.

04-401 UPDATE/STATUS REPORT - REGIONAL ANIMAL SERVICES CENTER

William Bowen, Animal Services Director, and Tom Gadd, Public Works Director, presented written status reports to the Board and Councils concerning design and construction of the new Regional Animal Services Center.

Councilmember Sferrazza advised that the Humane Society has asked if the property owned by the City of Reno could be donated to them for a state-of-the-art dog park, and she has requested the issue be on a future agenda. She also asked if there would be any way to have the current Reno animal shelter facility included in the demolition contract. Mr. Gadd stated that the building would first have to be abated for asbestos, and there are no funds budgeted in the project for that.

04-402 REGIONAL INTERGOVERNMENTAL SERVICES AND ISSUES MATRIX

Nicole Lamboley, Legislative Affairs Manager, City of Reno, distributed the Regional Services Issues Matrix listing the joint projects and providing the status of each. Councilmember Sferrazza requested the Boards receive this update on a regular basis.

10:00 a.m. Mayor Armstrong turned the gavel over to Chairman Shaw, and he and Councilmember Salerno left the meeting as the remaining items on the agenda pertain to Washoe County and Reno only.

04-403 MILLS B. LANE JUSTICE CENTER - BID RESULTS - BUDGET

Tom Gadd, Washoe County Public Works Director, reported that the bids for the Mills B. Lane Justice Center were opened on April 15, 2004. The lowest responsive bidder was Clark & Sullivan Construction Company at \$36,015,000 plus the five percent contingency for a total project budget of \$37,815,750. He stated Washoe County's share would be \$22,689,450 and the City of Reno's share would be \$15,126,300; and, if the Board and Council accept the bid, both entities would need to establish a new maximum construction budget and approve an addendum to the interlocal agreement revising the time and manner for depositing the additional construction funds.

Mr. Gadd further explained the escalation and de-escalation clauses included in the contract necessary because of the current situation with steel pricing.

Councilmember Sferrazza asked if staff had identified a funding source for the City's additional costs. City Manager Charles McNeely stated the court has come up with some additional operating funds that would be available to close the gap. Councilmember Sferrazza then asked if revenues from the public safety sales tax could be used for this project. County Manager Katy Singlaub referred to a memorandum from Bond Counsel John Swendseid and advised that the flood control project is yet to be funded from that 1/8-cent sales tax, so County staff's recommendation would be not to release funds from that revenue source.

Councilmember Aiazzi suggested an agreement whereby the County would use the 1/8-cent sales tax to fund the additional \$6.5 million and; in the future, when the justice and municipal courts are consolidated, the City would turn their portion of the building over to the County without requesting funds.

Councilmember Hascheff stated he believes the argument could be made that the project is related to public safety, which would allow use of the sales tax. He noted Councilmember Aiazzi put one option on the table, and another option would be for both parties to put up the money needed.

Councilmember Harsh stated that the Reno Municipal Court has been in a state of disarray and confusion for a long time. She said this project needs to be done as soon as possible.

Councilmember Dortch asked if the \$3.4-million shortfall could be funded through court construction fees and on-going cost savings identified by the court. Andy Green, Reno Finance Director, stated that it could. The Councilmember then asked what those funds would be used for if not for this and whether any other on-going expenses

would be affected. Mr. Green stated the construction fees are being specifically set aside for the court construction. He also listed court security and lease expenses that will not have to be paid once the new building is completed. Councilmember Dortch noted those expenses would still be incurred during construction.

Commissioner Sferrazza asked if the County also has to supplement the budget. Mr. Gadd advised the County has to contribute \$6.548-million more to the project budget. Commissioner Sferrazza also said, when he met with B. J. Sullivan, the project was at \$34-million; and Mr. Sullivan indicated to him that they could design-engineer and possibly reduce the project another \$2-million. He said it is now at \$36-million and asked what has occurred since then. He also asked if the design-engineering was still an option. Mr. Gadd stated he does not believe anything else can be taken out of this building without a complete redesign.

Commissioner Weber asked for the total dollars, by entity, that have been contributed to this project, which Mr. Gadd provided. She expressed her hope that the Commission and the Council would work through the difference and move forward with the project. Chairman Shaw agreed.

Chairman Shaw read written comments urging the bodies to move forward with the project from Steve Muchicko representing the Carpenter's Union and John Madole of the Associated General Contractors.

Chuck Weller, Chairman of the Justice Facilities Working Committee, stated that committee made the original recommendation to co-locate the municipal and justice courts noting it would save millions of dollars in the future. He said the bodies cannot allow this project to fall apart at this juncture.

Sam Dehne, Reno resident, spoke in support of the project.

Gary Schmidt, Washoe County resident, said the County could have built all needed facilities across the street from the Administration Complex for less than the cost of the current overrun on the subject project. He stated such facilities would also have easy access and parking.

On behalf of Washoe County, Commissioner Humke moved to:

A. Establish a maximum construction budget for the Mills B. Lane Justice Center at \$37,815,750, which includes a five percent contingency, with the County's share set at \$22,689,450;

B. Approve an addendum to the Interlocal Agreement to revise the time and manner for the depositing of additional construction funds;

C. Approve proportionately shared costs by each entity in the event that the "escalation clause" provisions are activated; and

D. Award the bid for construction of the Mills B. Lane Justice Center to Clark and Sullivan Constructors in the amount of \$36,015,000 and authorize Chairman Shaw to execute the contract documents upon presentation, contingent upon the City of Reno approving similar actions for their proportionate share of the budget.

Commissioner Galloway seconded the motion noting the key issue is "proportionate share." He said the project has turned out to be more expensive than expected, but commitments have been made that need to be honored.

Commissioner Sferrazza stated he would support the motion, but he would rather see the funds come out of the sales tax, and he would further support funding for some prorata share of the Reno portion being paid with the sales tax revenue.

Ms. Singlaub reiterated that the projected requirements for the flood control project costs would consume all of the projected revenues from the 1/8-cent sales tax, and there are no additional revenues available for the flood control project. She said staff would strongly encourage the joint body not to tap that resource particularly because a specific project has not yet been approved.

Councilmember Aiazzi presented his reasons for why he believes it would be appropriate to use the special sales tax revenue to fund the additional budget needed for this project.

Commissioner Humke emphatically stated he would not support raiding the flood control money for this project because that is not what he voted for as a Legislator back in 1997.

Following further discussion, Chairman Shaw called for the vote on the motion. The motion carried unanimously, and it was so ordered.

Councilmember Sferrazza stated the City has previously come up with additional funds to help the County and even assisted with leasing space for the District Attorney. She stated she believes it would be fiscally irresponsible to approve this project when it is \$10-million over budget.

Councilmember Aiazzi stated the costs are not going to go lower and postponing would result in higher costs. He stated he is not opposed to awarding the bid and approving the contract, but the issue is who is going to pay and how will it be paid. He stated it is the citizens paying for this project, not the City or the County. Councilmember Aiazzi further stated the County has raided the flood control funds for other projects; Congress has not approved a project yet; he believes other funds would be available for flood control; and the entities have to deal with projects as they come up. He moved that the City of Reno accept the bid, but that the City's share of the project be set at the original amount of \$12.516-million. Councilmember Sferrazza seconded the motion.

Councilmember Dortch asked how the bid could be awarded when the funds have not been identified.

Councilmember Hascheff stated this project is already two to three years behind schedule; and, while he is disappointed with the County's response, he would support a motion to go forward and complete this project. Councilmember Harsh agreed.

Reno City Attorney Patricia Lynch cautioned that, if the Council approves awarding the bid, the funds must be identified to pay for the project.

Councilmember Aiazzi stated the County is again making the citizens of Reno pay, but he is willing to move forward. He stated he would amend his motion to accept the bid and fund the extra \$2.6-million.

Commissioner Sferrazza suggested that, when the Courts are consolidated, the County should consider buying the building from the City.

On behalf of the City of Reno, Councilmember Aiazzi moved, and Councilmember Hascheff seconded the motion, that:

1. The maximum construction budget be augmented to \$37,815,750, which includes a five percent contingency with the City share set at \$15,126,300;
2. The addendum to the Interlocal Agreement to revise the time and manner for depositing additional construction funds be approved; and
3. Proportionately shared additional costs for each entity be approved in the event that the "escalation clause" provisions are activated; and

As part of the motion, Councilmember Aiazzi also requested that the County start analyzing what it would cost to purchase this building in the future if regionalization occurs.

City Manager Charles McNeely advised the agreement requires the funds be deposited in 30 days and Reno staff would request that time frame be extended to 60 days since the City will have to finance the additional funds. Mr. Gadd advised that the bids would expire June 14. Councilmember Aiazzi stated he would include the request to extend the timeframe as part of his motion. Councilmember Hascheff seconded the addition to the motion.

Deputy District Attorney Paul Lipparelli advised that the date in the addendum to the Interlocal Agreement would be changed to April 30 as the date the joint budget for the project was established, and he will further amend the agreement to reflect that funds be deposited within 60 days of the original bid opening.

Following discussion, Mayor Pro-tem Sferrazza called for the vote on the motion, which carried unanimously by the Councilmembers present; and it was so ordered.

Commissioner Sferrazza asked staff to work with the contractor to try to identify savings as the project proceeds. Tim Hayden, Clark and Sullivan Constructors, said he is confident some money could be taken out of the project, but not in the magnitude of millions.

11:30 a.m. Councilmember Harsh and Commissioner Humke left the meeting.

04-404 STATUS REPORT - LAW ENFORCEMENT CONSOLIDATION

Ralph Jaeck, Reno Assistant City Manager, provided the current status of the discussions concerning law enforcement consolidation. Councilmember Sferrazza asked if the County had a new contract with the Sheriff's Deputies and was advised there is no agreement yet. She also requested a matrix comparing the wages and benefits of the two groups.

Katy Singlaub, County Manager, responded to questions from Councilmember Sferrazza concerning redistribution of Sheriff patrols when unincorporated areas are annexed into the City.

Michael Cleveland, President, Reno Police Protective Association, stated the Association is willing to sit down and discuss the concept of consolidation and develop an appropriate means of accomplishing it; but they are not willing to set aside NRS Chapter 280 unless there is a more appropriate way of doing business. He said they are not going to give up the rights of the members, and there are some concerns by the members that need to be honestly addressed.

Councilmember Aiazzi suggested the Associations get together and attempt to work out a contract they could live with and then present it to the joint body, such as the fire personnel did. Mr. Cleveland advised that members of the Deputies' Association have been sitting down at the table with them, and they have been trying to find common ground. He said one of the problems is that the numbers provided to them are constantly changing, and they are concerned about the validity of the numbers. Steve Watson, Labor Relations Manager, stated he would provide the matrix comparing wages and benefits of the two groups and the cost of "cherry-picking."

Sam Dehne, Reno resident, stated he is in favor of consolidating law enforcement.

Commissioner Weber suggested everyone review the Law Enforcement Task Force report from 1996 because it includes some very good information.

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There being no further business to come before the Board, the meeting adjourned at 11:40 a.m.

ATTEST:

JAMES M. SHAW, Chairman
Washoe County Commission

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

ATTEST:

ROBERT A. CASHELL, Mayor
City of Reno

LYNNETTE R. JONES, City Clerk
City of Reno

ATTEST:

TONY ARMSTRONG, Mayor
City of Sparks

DEBORINE J. DOLAN, City Clerk
City of Sparks

*Minutes Prepared by
Sharon Gotchy
Deputy County Clerk*