

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

FEBRUARY 12, 2008

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairperson
Jim Galloway, Commissioner
David Humke, Commissioner
Kitty Jung, Commissioner

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

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

County Manager Katy Singlaub stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

08-92 AGENDA ITEM 5 – RESOLUTION FOR JOANNE RAY

Agenda Subject: “Presentation of Resolution of Recognition and Appreciation for Joanne Ray (former Director of Human Resources).”

Katy Singlaub, County Manager, read and presented the Resolution to Joanne Ray. Ms. Ray thanked the Board and said it had been a wonderful opportunity to work for Washoe County.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 5 be adopted and the

Chairman be authorized to execute the same. The Resolution for same is attached hereto and made a part of the minutes thereof.

08-93 AGENDA ITEM 6 – RESOLUTION FOR NANCY CUMMINGS

Agenda Subject: “Presentation of Resolution of Recognition and Appreciation for Nancy Cummings (former Library Director).”

Katy Singlaub, County Manager, read and presented the Resolution to Nancy Cummings. Ms. Cummings thanked the Board and said it had been an incredible journey.

There was no response to the call for public comment.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 6 be adopted and the Chairman be authorized to execute the same. The Resolution for same is attached hereto and made a part of the minutes thereof.

08-94 AGENDA ITEM 7 – RESOLUTIONS OF ACCOMPLISHMENT

Agenda Subject: “Presentation of Resolutions of Accomplishment to Sierra Pacific Power Company, Burning Man, MMW Renewable Ventures, SCHOTT Solar and the Washoe County School District for their efforts to encourage and implement renewable energy measures at the Gerlach School Campus.” (Commission District 5)

Commissioner Weber read and presented Resolutions to representatives from the Sierra Pacific Power Company, Black Rock City LLC, MMW Renewable Ventures, SCHOTT Solar and the Washoe County School District for their efforts to encourage and implement renewable energy measures on the Gerlach School Campus.

In response to the call for public comment, Sam Dehne applauded the efforts of the above individuals.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 7 be adopted and the Chairman be authorized to execute the same. The Resolutions for same were attached hereto and made a part of the minutes thereof.

08-95 AGENDA ITEM 8 – COMMUNITY RELATIONS

Agenda Subject: “Presentation of National Awards for Communication Programs and Recognition of Community Partners.”

Kathy Carter, Community Relations Director, acknowledged and thanked staff members who were instrumental in contributing their assistance to the County

receiving national awards for Communication Programs. She presented a short video that showcased a particular program for which the County received recognition.

Bob Harmon, Regional Parks and Open Space, remarked it was a tribute to the Regional Parks and Open Space Department to have the parks highlighted in the region and thanked the Community Development Department for the opportunity to bring Washoe County parks to the forefront.

In response to the call for public comment, Sam Dehne congratulated the Community Relations Department on their awards. Gary Schmidt applauded the work of Sierra Nevada Community Access Television (SNCAT).

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 8 be approved.

08-96 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: “Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”

Nancy Johnson, Lynn Silva, Gwen Reeves, Barbara Gaydos, Roger Taylor, Brenda Taylor, Stephanie Schuh, and Lisa Kroon stated their reasons for opposing the Special Use Permit that had been granted to the Sierra Nevada Teen Ranch by the Board of Adjustment.

Guy Felton suggested the region needed a new daily newspaper.

Sam Dehne said he was opposed to the two minute time limit allowed for public speakers.

Gary Schmidt addressed the Board regarding citizen participation.

08-97 AGENDA ITEM 21 – MANAGER

Agenda Subject: “Discussion and possible action on a request from Nevada Land LLC to fund the debt service reserve requirement in an amount not to exceed \$1.45 million dollars, in connection with the issuance of the senior lien car rental fee revenue bonds for the minor league baseball stadium project.” (All Commission Districts)

John Berkich, Assistant County Manager, explained this item concerned possible consideration to prefund the debt service reserve as requested from developers with other than baseball stadium funds. He said the following items were alternatives to

issuing the senior bonds and the subordinate bonds. He said staff sought the Board's authorization to issue this debt privately, to sell the bonds privately and to sell a subordinated note for \$11 million to be supported by the car tax revenues created by the Legislature and dedicated to the creation of the stadium. Mr. Berkich explained Agenda Item 26 would contemplate staff needing the ability to issue interim debt to finance the on-going construction of the project; however, if the Board took action on this item and the items prior to Agenda Item 26 staff may not need the Board to take action on that final item.

Chairman Larkin asked why the County was moving away from public placement of the bonds to private placement. Mr. Berkich replied the credit market had taken a historic change and credit conditions had deteriorated to the point that as a municipal agency, secure and assurance to issue the public sale of these bonds would not generate the proceeds needed for this project. Therefore, to maximize the proceeds from the car tax revenue, staff was seeking the Board's approval to issue the bonds to private investors.

Commissioner Galloway asked what the total amount of debt would be if the entire subsequent bond issues were aggregated. Mr. Berkich replied the total amount of possible debt would be \$33 million. He said there was an offer from a private investment group to issue bonds in addition to the \$11 million in the subordinated bonds, so in that scenario, the total was approximately \$28.5 million. He said staff sought the Board's authorization to go to a maximum amount; however, the offer at the moment was \$28.5 million. Commissioner Galloway asked if the difference could be borrowed, what the market would furnish and what the total price of construction absorbed by SK Baseball LLC would be. Mr. Berkich replied it could be borrowed and to date the developer had contributed millions into this project and contemplated placing an additional \$11 million in a subordinated bond.

In response to Commissioner Galloway, Mr. Berkich clarified staff was seeking the Board's authorization for \$1.4 million, which would be a debt service reserve contemplating the public sale that would not be financially possible on the current market, and therefore, suggested a minimum of \$750,000 debt service reserve or a private sale for a maximum \$1.4 million should the market change. Commissioner Galloway asked what source would obtain these funds and how long would the funds be private. Mr. Berkich indicated this was not an expenditure, but a creation of a reserve to be used in the event the revenue stream was insufficient to meet the debt service payment on the bonds. He explained the three options listed under fiscal impact on the staff report and commented the funds dedicated to the Sparks Justice Court could be used. He added staff fully intended to come up with another instrument rather than come before the Board with that request. He said the team believed the commitment would not be needed longer than two years and expected this reserve to be replaced with a different credit instrument.

Jerry Katzoff, SK Baseball LLC, stated they were requesting the money to be put up for one year with the right for an additional year extension and noted a letter would arrive shortly for the Board with that request.

Judge Kevin Higgins and Judge Susan Deriso, Sparks Justice Court, commented the funds that would be put toward the new Sparks Justice Court were not currently being used and understood those funds could be used for this project. Judge Deriso stated they did not want to hold up the project, but hoped that the money would be replaced for the new courthouse.

Commissioner Galloway said if the Board approved this request and directed staff to move forward with the option of using the combination to rotate interfund loans amongst various funds this allowing the flexibility to use the funds for the Sparks Justice Court, those funds should be replaced by other interfund loans.

Commissioner Weber said the interest on the loan should also be given back to the Sparks Justice Court.

In response to Commissioner Jung, Mr. Katzoff stated to date \$15 million had been invested for the purchase of the baseball team, \$6 million for the purchase of a motel on the site, a \$3 million working line of credit, \$11 million in subordinated debt, a \$10 million line of credit was secured to carry any overages of the \$33 million and, indicated there was a commitment for a \$10 million personal loan to the City of Reno to relocate the fire station.

Alfredo Alonzo, Nevada Land LLC, submitted a letter, which was placed on file with the Clerk, that stated Nevada Land LLC agreed that the Debt Service Reserve (DSR) would only be funded by the County until June 1, 2009, with one option to extend that period until June 1, 2010. At that time Nevada Land LLC would be required to substitute the DSR with another financial instrument to satisfy the bond holders.

Commissioner Galloway stated he did not believe this was a County project; however, with the assurance of the letter, it fit the initial vote of the Board to issue the rental car bonds and commit the rental car tax.

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

In response to Commissioner Humke, Mr. Berkich replied the \$11 million in subordinated debt was to be invested in the stadium project. He said the baseball development group was purchasing that debt, supported by the car tax revenues.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 21 be approved. It was further ordered that this be premised on the commitment in the letter received from Nevada Land LLC for takeout of that reserve fund at two-year maximum.

Commissioner's Weber, Humke and Jung disclosed they had met with Mr. Alonzo. Chairman Larkin disclosed he had met with Mr. Katzoff and Mr. Alonzo.

08-98 AGENDA ITEM 22 – MANAGER

Agenda Subject: “Introduction and adoption of an Ordinance designated as the “2008 Senior Public Sale Revenue Bond Ordinance”; authorizing and directing the issuance of Washoe County, Nevada, senior lien car rental fee revenue bonds (minor league baseball stadium project), Series 2008 in the maximum aggregate principal amount of \$22,000,000 secured by pledged revenues; providing the form, terms and conditions of the bonds, the security therefor, the sale thereof; providing for adoption as if an emergency exists; repealing Ordinance No. 1353; and other details in connection therewith.”

Kendra Follett, Swenseid and Stern, explained in preparation for this meeting it was requested the following five bond ordinances be prepared in anticipation of the decision of Agenda Item 21 listed above. She said, with the Board having voted unanimously in favor of Agenda Item 21, she recommended proceeding with Agenda Items 24 and 25 since those were the two bond ordinances that evidenced the preferred transaction.

Chairman Larkin indicated Agenda Items, 22, 23 and 26 would not be considered and no action would be taken on those items.

08-99 AGENDA ITEM 23 – MANAGER

Agenda Subject: “Introduction and adoption of an Ordinance designated as the “2008 Subordinate to Public Sale Revenue Bond Ordinance”; authorizing and directing the issuance of Washoe County, Nevada, subordinate lien car rental fee capital appreciation revenue bonds (minor league baseball stadium project), Series 2008 in the maximum initial principal amount of \$11,000,000 secured by pledged revenues; providing the form, terms and conditions of the bonds, the security therefor, the sale thereof; providing for adoption as if an emergency exists; repealing Ordinance No. 1354; and other details in connection therewith.”

* See discussion and explanation in Agenda Item 22, 08-98.

08-100 ORDINANCE NO. 1360 - BILL NO. 1541 – 2008 SUBORDINATE REVENUE BOND ORDINANCE

Agenda Subject: “Introduction and adoption of an Ordinance designated as the “2008 Senior Revenue Bond Ordinance”; authorizing and directing the issuance of Washoe County, Nevada, senior lien car rental fee revenue bonds (minor league baseball stadium project), Series 2008 in the maximum aggregate principal amount of \$22,000,000 secured by pledged revenues; providing the form, terms and conditions of the bonds, the security therefore, the sale thereof; providing for adoption as if an emergency exists; and other details in connection therewith.”

In response to the call for public comment, Gary Schmidt said he was glad to see the project move forward; however, was offended by the fact that some Board members chose to discuss this item off the record in violation of the Open Meeting Law. Sam Dehne inquired on the fire station funding.

Commissioner Galloway asked if an Open Meeting Law violation had occurred. Melanie Foster, Legal Counsel, replied communications of that sort constitute serial communications when they were used for the purpose of obtaining a decision on how members of public bodies would act when a matter came before them. She said it was not improper for the Board to communicate with members of the public on an issue, or in this situation to discuss with the representatives and did not violate the Open Meeting Law or constitute a serial communication.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1360, Bill No. 1541, entitled, "**AN ORDINANCE DESIGNATED AS THE "2008 SENIOR REVENUE BOND ORDINANCE"; AUTHORIZING AND DIRECTING THE ISSUANCE OF WASHOE COUNTY, NEVADA, SENIOR LIEN CAR RENTAL FEE REVENUE BONDS (MINOR LEAGUE BASEBALL STADIUM PROJECT), SERIES 2008 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$22,000,000 SECURED BY PLEDGED REVENUES; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFORE, THE SALE THEREOF; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND OTHER DETAILS IN CONNECTION THEREWITH,"** be approved, adopted and published in accordance with NRS 244.100.

08-101 ORDINANCE NO. 1361 - BILL NO. 1542 - 2008 SUBORDINATE REVENUE BOND ORDINANCE

Agenda Subject: "Introduction and adoption of an Ordinance designated as the "2008 Subordinate Revenue Bond Ordinance"; authorizing and directing the issuance of Washoe County, Nevada, subordinate lien car rental fee capital appreciation revenue bonds (minor league baseball stadium project), Series 2008 in the maximum initial principal amount of \$11,000,000 secured by pledged revenues; providing the form, terms and conditions of the bonds, the security therefore, the sale thereof; providing for adoption as if an emergency exists; and other details in connection therewith."

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1361, Bill No. 1542, entitled, "**AN ORDINANCE DESIGNATED AS THE "2008 SUBORDINATE REVENUE BOND ORDINANCE"; AUTHORIZING AND DIRECTING THE ISSUANCE OF WASHOE COUNTY, NEVADA, SUBORDINATE LIEN CAR RENTAL FEE CAPITAL APPRECIATION REVENUE BONDS (MINOR LEAGUE BASEBALL STADIUM PROJECT), SERIES 2008 IN THE MAXIMUM INITIAL PRINCIPAL AMOUNT OF \$11,000,000 SECURED BY PLEDGED REVENUES;**

PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, THE SALE THEREOF, PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND OTHER DETAILS IN CONNECTION THEREWITH," be approved, adopted and published in accordance with NRS 244.100.

08-102 AGENDA ITEM 26 – MANAGER

Agenda Subject: “Introduction and adoption of an Ordinance designated as the “2008 Revenue Bonds Ordinance”; authorizing and directing the issuance of Washoe County, Nevada, minor league baseball stadium project revenue bonds, Series 2008 in the maximum principal amount of \$10,000,000 secured by pledged revenues; providing the form, terms and conditions of the bonds, the security therefore, the sale thereof; providing for adoption as if an emergency exists; and other details in connection therewith.”

* See discussion and explanation in Agenda Item 22, 08-98.

08-103 AGENDA ITEM 4 - COMMISSIONERS’/MANAGER’S ANNOUNCEMENTS

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

Katy Singlaub, County Manager, said the following agenda items would be pulled; Item 9I, interlocal agreement between Washoe County (Family Court of Second Judicial Court and Reno Justice Court) and the City of Reno for Court Childcare Services; Item 9H, agreement between Washoe County and Marcus, G. Faust for Congressional and Federal Lobbying Services for the Truckee River Flood Project; Item 9K(1), easement agreement between Washoe County and William C. Davis; and Item 28, agreement between Washoe County and the Carmen Group, Inc. for Federal Lobbying Services.

Commissioner Humke requested a future agenda item to deal with security needs for the Washoe County Government Executive Branch, which was prompted by the recent shootings in the State of Missouri at a local government facility. He thanked Judge Douglas Herndon of Clark County and the prosecuting team of the Clark County District Attorney’s Office for the professional manner in which they prosecuted and tried the Darren Mack murder case.

Commissioner Weber requested a future agenda item to appoint a Commissioner as an alternate to the Reconstruction of the Virginia City – Truckee (V&T) Railroad Committee.

Chairman Larkin stated he received a letter from the Regional Transportation Commission (RTC) that they would be developing a ballot question for the November 2008 election. He received a request from a citizen to investigate the potential

use of the Spanish Springs Flood Control Project as practice fields. Chairman Larkin acknowledged student award winners from the Spanish Springs High School ROTC.

Commissioner Galloway said he attended a meeting for the Korean/American Association of Reno and noted it was a delightful event that showed the groups willingness to bring relations closer between the Country of Korea and the local Korean government. He spoke on alternate ways to notice citizens of upcoming Citizen Advisory Board (CAB) meetings. Commissioner Galloway said construction should begin on the Hunter Creek Canyon Trailhead.

Commissioner Jung announced she attended the inaugural Jim Joyce Endowment in Political Communication panel discussion. She said it was a well attended presentation, but it was discerning to hear that the University of Nevada, Reno had placed a bid to host a presidential forum and debate for next fall; however, because of funding shortfalls had to withdraw. She attended the Northeast Neighborhood Advisory Board meeting and was working with them on the Pat Baker Park project and received a verbal commitment from the Sierra Nevada Job Corp for student participation. Commissioner Jung said she was disappointed the County could not reclaim the \$100,000 from the Darren Mack case and felt the media should have highlighted that case as the ultimate tragic result of domestic violence. She commended the Washoe County Sheriff's Office, the Reno Police Department and the FBI for their work on the Brianna Denison case.

4:25 p.m. The Board recessed.

4:36 p.m. The Board reconvened.

08-104 AGENDA ITEM 9A – APPROVAL OF MINUTES

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meetings of December 11 and 18, 2007 and January 15, 2008.”

Commissioner Weber commended the Clerk’s Office for adding additional information to a portion of the December 11, 2007 minutes that she had requested and for their hard work in composing accurate and timely minutes for the Board.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9A be approved.

08-105 AGENDA ITEM 9B - COMPTROLLER

Agenda Subject: “Acknowledge receipt of Interim Financial Report for Washoe County Governmental Funds for the six months Ended December 31, 2007 – Unaudited.” (All Commission Districts)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9B be acknowledged.

08-106 AGENDA ITEM 9C - FINANCE

Agenda Subject: “Notification of budget adjustment made [\$8,000] in order to accommodate travel expenditures in excess of the original budget, but within the Washoe County Assessor restricted funding for technology improvements approved in the Fiscal Year 2007/08 budget.”

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9C be approved.

08-107 AGENDA ITEM 9D – MEDICAL EXAMINER/CORONER

Agenda Subject: “Approve use and form of Interlocal Agreements between Washoe County and all other counties for the provision of forensic services by the Medical Examiner/Coroner’s Office and authorize Chairman to execute the Agreements upon receipt.” (All Commission Districts)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9D be approved, authorized and executed.

08-108 AGENDA ITEM 9E - PURCHASING

Agenda Subject: “Award Bid No. 2636-08 for the Washoe County Variable Air Volume and Air Handling Unit Temperature Control Parts to the lowest responsive, responsible bidders, TAC Americas [net amount \$72,222.41] and Refrigeration Supplies Distributor [net amount \$17,554.67], total award dollar value \$89,777.08; award is on behalf of the Facility Management Division of the Washoe County Public Works Department.” (Commission District 3)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9E be awarded.

08-109 AGENDA ITEM 9F – RISK MANAGEMENT

Agenda Subject: “Approve settlement of bodily injury claim of Jane Doe and Baby Doe against Washoe County [total \$50,000].”

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9F be approved.

08-110 AGENDA ITEM 9G – TECHNOLOGY SERVICES

Agenda Subject: “Approve issuance of a Request For Proposal for the purchase of an Email archiving software package to meet regulatory compliance standards.” (All Commission Districts)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9G be approved.

08-111 AGENDA ITEM 9J(1) – DISTRICT COURT

Agenda Subject: “Accept donation [\$20,000] from CASA Foundation of Washoe County for security services at the Family Peace Center through June 30, 2008, authorize Family Peace Center to enter into a contract to expend funds on security services to protect and benefit children and families who use the Family Peace Center; and, direct Finance Department to make necessary account changes.” (All Commission Districts)

On behalf of the Board, Commissioner Galloway thanked the Court Appointed Special Advocate (CASA) Foundation for their generous donation.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9J(1) be accepted and directed.

08-112 AGENDA ITEM 9J(2) – DISTRICT COURT

Agenda Subject: “Authorize Chairman to Execute a Professional Services Agreement for Adult Drug Court and Diversion Court Life Skills Services between the County of Washoe, Second Judicial District Court and Case Management Services of Nevada [\$55,996] for services provided March 1, 2008 – June 30, 2008.” (All Commission Districts)

Commissioner Weber questioned the amount of money for the four month time period indicated in the staff report.

Judge Peter Breen, Senior Judge for Drug and Specialty Courts, explained in November 2007, Project Care had a disagreement with the Adult Drug Court and the Diversion Court concerning the contract. He remarked the disagreement was not resolved so the contract was cancelled. Judge Breen stated the people who administered the drug testing and provided the life skills worked as individuals on a month-to-month basis. He

explained the remaining part of the contract was put out to bid and noted one bid was received.

Commissioner Galloway asked if this was the result of a competitive process and not a sole source. Judge Breen stated it was a competitive process. Commissioner Galloway asked what the source of funds for payment was if the people in the program did not pay. Judge Breen replied that AB 29 funds would cover the cost.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9J(2) be authorized and executed.

08-113 AGENDA ITEM 9K(2) – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Authorize Regional Parks and Open Space Department to bid the Sun Valley Regional Park construction project.” (Commission District 5)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9K(2) be authorized.

08-114 AGENDA ITEM 9K(3) – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Authorize Regional Parks and Open Space Department to bid the Pah Rah Trailhead construction project at Golden Eagle Regional Park.” (Commission District 4)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9K(3) be authorized.

08-115 AGENDA ITEM 9K(4) – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve Backyard Monsters Exhibit Agreement between the County of Washoe and Adventure Edutainment LLC [\$46,880] for the 2008 spring exhibit entitled “Snakes, Bugs and other ‘Backyard Monsters’; approve Agreement between the County of Washoe and Mace Loftus [\$22,500] for curation and provision of live snakes and insects for the Wilbur D. May Museum; and if both approved, authorize Chairman to sign the Agreements.” (Commission Districts 3 and 5)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9K(1) be approved, authorized and executed.

08-116 AGENDA ITEM 9K(5) – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve conceptual design and development of a Disc Golf Course in the northeast section of Rancho San Rafael Regional Park as identified on attached Locator Map A.” (Commission Districts 3 and 5)

In response to Chairman Larkin, Doug Mullens, Operations Superintendent, replied a portable toilet would be near the entry of the trail access point where people would enter the Disc Golf Course and citizens going to the Basque Monument. He explained how the golf course worked and remarked this would be the first Disc Golf Course in the State.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9K(5) be approved.

08-117 AGENDA ITEM 9L(1) – PUBLIC WORKS

Agenda Subject: “Award Agreement for Professional Engineering Services for the West Spanish Springs Hydrologic Study [\$56,000] to the most qualified proposer (staff recommends Quad-Knopf, Inc.); and if awarded, authorize Chairman to execute Agreement.” (Commission District 4) (Continued from January 22, 2008 Commission Meeting.)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9L(1) be awarded, authorized and executed.

08-118 AGENDA ITEM 9L(2) – PUBLIC WORKS

Agenda Subject: “Approve 36-month Lease Agreement between the County of Washoe and Edward F. and Carol Jean Newman to provide uninterrupted occupancy for the Incline Village Community Health Clinic (lease term February 1, 2008 through January 31, 2011) [annual lease expense \$22,080 - funding allocated in Community Support Program within Management Services Division]; and if approved, authorize Chairman to execute Lease.” (Commission District 1) (Continued from January 22, 2002 Commission Meeting.)

In response to Commissioner Weber, Wendy Pitts, Property Manager, replied there was a standard funding out clause required by statute and noted a termination clause was within the agreement.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9L(2) be approved, authorized and executed.

08-119 AGENDA ITEM 9L(3) – PUBLIC WORKS

Agenda Subject: “Approve Interlocal Agreement between the County of Washoe and State of Nevada, Department of Transportation, for design, installation and construction oversight for a traffic signal at Sun Valley Boulevard and First Avenue; and if approved, authorize Chairman to execute Agreement.” (Commission District 5) (Continued from January 22, 2002 Commission Meeting.)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9L(3) be approved, authorized and executed.

08-120 AGENDA ITEM 9M(1) – SHERIFF

Agenda Subject: “Authorize Chairman to execute Interlocal Contract between Public Agencies: the County of Washoe, Washoe County Sheriff’s Office Forensic Science Division and State of Nevada, Department of Public Safety, Division of Parole and Probation for DNA testing pursuant to SB 471 of the 2007 Nevada Legislative Session, NRS 179D.240, 170D.443 and 179D.460 effective upon approval to June 30, 2009 [estimated income \$150 for each biological specimen processed and stored].” (All Commission Districts)

In response to Chairman Larkin, Renee Romero, Acting Laboratory Director Forensic Science Division, replied as a result of the recent Legislative session where there was a new requirement that if an offender was required to register, as a result of a sex offense or a crime against a child, they had to provide a DNA sample and said Parole and Probation (P&P) was omitted from the Legislative session. She said to get this program going there was some appropriation to P&P. Ms. Romero said the agreement allowed the laboratory to receive the sample then advise P&P the sample had been received from the offender and then P&P would provide the Sheriff’s Office with the \$150 for that sample.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9M(1) be authorized and executed.

08-121 AGENDA ITEM 9M(2) – SHERIFF

Agenda Subject: “Authorize Chairman to execute Interlocal Contract between Public Agencies: the County of Washoe, Washoe County Sheriff’s Office Forensic Science Division and State of Nevada, Department of Public Safety, Highway Patrol Division of Highway Patrol for Photo Lab Services for the period January 1, 2008 to December 31, 2011 [estimated income not to exceed \$9,000].” (All Commission Districts)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9M(2) be authorized and executed.

08-122 AGENDA ITEM 9M(3) – SHERIFF

Agenda Subject: “Authorize Chairman to execute amended Interlocal Contract between Public Agencies: the County of Washoe, Washoe County Sheriff’s Office Forensic Science Division and State of Nevada, Department of Public Safety, Divisions of Investigation and Highway Patrol for the provision of toxicology services for the term July 1, 2007 through June 30, 2009 [estimated income \$266,000].” (All Commission Districts)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9M(3) be authorized and executed.

08-123 AGENDA ITEM 9M(4) – SHERIFF

Agenda Subject: “Authorize Chairman to execute the amended Interlocal Contract between Public Agencies: the County of Washoe, Washoe County Sheriff’s Office Forensic Science Division and State of Nevada, Department of Public Safety, Division of Parole and Probation for DNA testing of Compact Parole and Probation Cases for the term July 1, 2007 through June 30, 2009 [estimated income \$150 per client].” (All Commission Districts)

In response to Chairman Larkin, Renee Romero, Acting Laboratory Director Forensic Science Division, explained the State was required to collect \$150 from interstate compact cases where a DNA sample was being collected; however, if the State collected less than \$150 the Sheriff’s Office still received \$150.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9M(4) be authorized and executed.

08-124 AGENDA ITEM 9M(5) – SHERIFF

Agenda Subject: “Accept Grant Awards Project 97004LS4 and 97004HS4 [\$27,764.20 - no County Match] from Nevada Division of Emergency Management to purchase Avon Gas Masks and canisters, SWAT tactical suits and training for the Wireless Communications Expo; and if accepted, direct Finance to make necessary budget adjustments.” (All Commission Districts)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9M(5) be accepted and directed.

08-125 AGENDA ITEM 9N(1) – WATER RESOURCES

Agenda Subject: “Approve Regional Water Planning Commission’s recommendation that the Board of County Commissioners approve an expenditure from the Regional Water Management Fund; and if approved, authorize the Chairman to execute an Agreement for Consulting Services between the County of Washoe and Kennedy/Jenks Consultants [\$54,325] to develop a River Construction Site Permitting Handbook and Web-based Information to Assist in Permitting.” (All Commission Districts)

Chairman Larkin explained all items dealing with the Regional Water Planning Commission (RWPC) should be forwarded to the Western Regional Water Commission (WRWC) for action and consideration. He recommended that if a motion was made that this item be forwarded to the WRWC.

Commissioner Galloway asked if this was a sole-source justification. Jeanne Ruefer, Planning Manager, replied this was a recommendation from the RWPC to contract specifically with Kennedy/Jenks Consultants because of their expertise in previous work that was related to the development of this product. Commissioner Galloway said there should have been a sole-source justification attached, which was Board policy when it was based on a sole source without a Request for Proposal (RFP). Ms. Ruefer stated because there was no sole-source justification attached, staff would pull the agenda item and bring it back to the Board for review. Commissioner Galloway requested forwarding the sole-source justification to the WRWC.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9N(1) be forwarded to the WRWC for review and attaching a sole-source justification document.

08-126 AGENDA ITEM 9N(2) – WATER RESOURCES

Agenda Subject: “Approve adjustments to the 1996 service territory boundaries between Truckee Meadows Water Authority and Washoe County for parcels located in the Sun Valley area.” (Commission District 5)

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Agenda Item 9N(2) be approved.

08-127 AGENDA ITEM 9N(3) – WATER RESOURCES

Agenda Subject: “Approve and authorize Chairman to execute Water Rights Deed conveying 4.04 acre-feet of water rights from Washoe County to Frank Caffaratti due to recordation of a Reversion to Acreage Map which eliminated two newly created

**parcels previously created by Mr. Caffaratti through the parcel map process.”
(Commission District 2)**

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9N(3) be approved, authorized and executed.

08-128 AGENDA ITEM 9N(4) – WATER RESOURCES

Agenda Subject: “Approve and authorize Chairman to execute an Agreement for Professional Consulting Services between the County of Washoe and Marcus G. Faust, P.C. for congressional and federal agency lobbying services for a 12-month period (February 1, 2008 - January 31, 2009) [\$51,527.40 plus related travel expenses].”

Katy Singlaub, County Manager, explained over the years millions of dollars had been received with the help of Marcus Faust. She explained per their direction the Board had received and reviewed this contract.

Commissioner Galloway stated there was an indemnity clause in the contract, but asked if Mr. Faust had the resources to indemnify or did he need to have insurance. Rosemary Menard, Water Resources Director, replied Mr. Faust was listed as a corporation and stated the contract had been reviewed by the District Attorney’s Office. Melanie Foster, Legal Counsel, remarked the insurance provisions were very detailed and were reviewed and approved, and required that business and worker’s insurance be carried with additional insurance to cover any risk to the County.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 9N(4) be approved, authorized and executed.

08-129 AGENDA ITEM 12 – WATER RESOURCES

Agenda Subject: “Recommendation to approve and authorize the Water Resources Director to execute Change Order No. 1 [\$40,630] with AMEC Earth and Environmental for additional material testing and inspection services for the North Spanish Springs Floodplain Detention Facility, increasing the contract amount to \$165,630.00.” (Commission District 4)

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 12 be approved, authorized and executed.

08-130 AGENDA ITEM 14 – RISK MANAGEMENT

Agenda Subject: “Recommendation to authorize the Risk Manager to renew the excess liability insurance policy with Insurance Company of the State of Pennsylvania for \$131,179 and pay a broker fee of \$15,914 to Wells Fargo Insurance Services.”

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 14 be authorized.

08-131 AGENDA ITEM 15 – MANAGEMENT SERVICES/EMERGENCY MANAGEMENT

Agenda Subject: “Recommendation to accept a 2007 State Homeland Security Training Grant from the State of Nevada, Division of Emergency Management, to Washoe County [\$75,000 - no County match required]; and if accepted, authorize Purchasing and Contracts Administrator to execute a professional services contract in the amount of \$80,000 [with \$5,000 from Internal Order 10623] with the Industrial Emergency Council (sole source) to fund two Rescue Systems Training Classes and direct Finance to make appropriate budget adjustments.” (All Commission Districts)

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 15 be accepted, authorized, executed and directed.

08-132 AGENDA ITEM 19 – SPARKS JUSTICE COURT

Agenda Subject: “Recommendation to approve an Interlocal Agreement between the County of Washoe and Sparks Justice Court, deferring creation of the third judicial seat for Sparks Township Justice Court [impact for Fiscal Year 2008/09 \$101,897]; and if approved, authorize Chairman to execute the Agreement.” (Commission Districts 3, 4 and 5)

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 19 be approved, authorized and executed.

08-133 AGENDA ITEM 20 – RENO JUSTICE COURT

Agenda Subject: “Recommendation to approve an Interlocal Agreement between the County of Washoe and the Justices of the Peace of the Township of Reno-Verdi, deferring creation of the sixth judicial seat for Reno-Verdi Township Justice Court [Fiscal Year 2008-09 impact of \$100,000]; and if approved, authorize Chairman to execute the Agreement.” (All Commission Districts)

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

5:45 p.m. The Board convened as the Sierra Fire Protection District (SFPD) Board of Directors.

6:10 p.m. The Board adjourned as the SFPD Board and convened as the Truckee Meadows Fire Protection District Board of Directors.

6:41 p.m. The Board recessed.

7:24 p.m. The Board reconvened as the Board of County Commissioners with Commissioner Humke temporarily absent.

08-134 AGENDA ITEM 34 – APPEAL CASE NO. ZX07-013 TEEN RANCH

Agenda Subject: Appeal Case No. AX07-013 (Sierra Nevada Teen Ranch).

“Appeal of the Board of Adjustment’s Action Approving Special Use Permit Case No. SB07- 019 to establish a teen group care facility that will include housing, counseling, education and recreational opportunities for up to 40 at-risk teenagers, as authorized in Article 810 of the Washoe County Development Code. The proposed facility will include the phased construction of four 5,200-square-foot residential buildings, one 1,500-square-foot vocational building, one 4,000-square-foot multi-purpose building, one 1,000-square-foot reception area, one 1,500-square-foot barn and an obstacle course. The project is located in Bedell Flat, east of the Sierra Ranchos/Rancho Haven communities. The ±29-acre parcel is designated General Rural (GR) in the North Valleys Area Plan, and is situated in a portion of Section 4, T23N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN:079-210-15)”

Chairman Larkin commented the Commission would hear all public comments and noticed the public of the Board’s decorum statement.

Katy Singlaub, County Manager, conveyed apologies for Commissioner Humke and explained he needed to teach a class at the University of Nevada, Reno (UNR), but would return to the meeting after his responsibility was fulfilled.

Trevor Lloyd, Senior Planner, stated this was an appeal of an item that was approved by the Board of Adjustment (BOA) subject to 27 conditions, during their December 6, 2007 meeting. He described the location of the subject property and noted access to the site was primarily off Bird Springs Road and the secondary emergency access would be through the Moonrocks recreational area to the east and connecting to Winnemucca Ranch Road. Mr. Lloyd stated the project was reviewed by the North Valleys

Citizen Advisory Board (CAB); however, the CAB did not make a recommendation for or against the project, but requested their comments be forwarded to the Board. He said the Special Use Permit (SUP) entailed a phased construction of a teen group care facility and would be phased over a period of approximately 10 years. He said each phase would involve construction of a 5,200 square foot home with each home housing up to 10 children and two adults. Mr. Lloyd said the first phase would begin within the next two to three years. He explained the living arrangements and stated each house would include basements that would comprise of classrooms, recreational areas and freezers and added the teens would receive their education on site.

Commissioner Galloway asked if the secondary road needed to be separate or independent of the primary road. Mr. Lloyd replied typically they needed to be separate, but that determination would be made by the Fire Department; however, a secondary access would be required. Commissioner Galloway asked how the 27 conditions would be enforced. Mr. Lloyd replied some would be easy to enforce, but others would be more difficult and may require compliance based on a complaint basis. He remarked staff felt comfortable that the conditions could be enforced.

Commissioner Jung said based on a map she requested and received from staff, she visited the site, but did not go the direction of the proposed roads and asked if she arrived in the general area of the proposed facility. Mr. Lloyd stated she had. Commissioner Jung asked if the BOA recommendation was upheld what other uses would the owner be entitled. Mr. Lloyd said if the SUP was upheld that would allow the applicant to develop the phased project. Commissioner Jung said she was concerned about the conditions and did not feel they could be easily enforced and felt it was terrible to put conditions on a property in which it relied on the neighborhood to enforce. Mr. Lloyd commented one condition was to have the applicant return to the BOA following the first year of operation to ensure compliance of the conditions.

Commissioner Weber asked if Highway 395 was indicated on the map. Mr. Lloyd replied it was not. Commissioner Weber found that interesting since that was the route needed. She asked if the applicant had the opportunity to make changes to the primary access. Mr. Lloyd replied this had been the primary access the whole time and the secondary access had been changed after the CAB meeting; however, there had been no changes since the BOA had approved the SUP. Commissioner Weber asked for clarification concerning Bureau of Land Management (BLM) land. Mr. Lloyd indicated on the map what was privately owned land and noted the remaining was BLM land. Commissioner Weber said typically the BLM did not want to work with the property owners and had their own agenda. Mr. Lloyd remarked in this case the BLM was willing to work with the applicant.

Chairman Larkin said Condition 26 stated, "if turf is placed adjacent to impermeable surfaces, a minimum of 18 inch no sod setback shall be required from the back face of these surfaces. A wind sensor control unit will also need to be included as part of the irrigation system." He asked if this was typical of a project of this scope. Mr. Lloyd replied it was typical.

Commissioner Jung asked when it was planned to open the facility. Mr. Lloyd replied that would depend upon when the applicant completed all the necessary permitting and licensing. He commented the first phase of the construction was given until December 6, 2009 to have those requirements and conditions met. He explained time would start when the business license was received to the start of operation. He said the applicant felt comfortable this timeframe could be met with the understanding if they were arriving at expiration and needed additional time they could go before the BOA and show they were making progress and give rationale for the delay. Commissioner Jung requested that condition be more specific. Mr. Lloyd noted that condition could be amended.

Commissioner Weber inquired on the evacuation plan. Mr. Lloyd explained that level of detail had not been fully discussed since the licensing requirements from the Washoe County Social Services Department and the State require stringent evacuation plans as part of the licensing process. Commissioner Weber asked if the neighbors in the area questioned how evacuation procedures would occur. Mr. Lloyd added the Fire Department would determine compliance with conditions for two means of access. He indicated during the BOA meeting there were representatives from the Fire Department, and he spoke to the Washoe County Sheriff's Office, the Health Department, and Social Services concerning issues pertaining to those departments.

Chairman Larkin said what was the rationale of the Community Development Department when the original use SUP application was submitted. Mr. Lloyd remarked the Department did not get involved regarding the need of the facility, and looked at this as a land use issue and based analysis on the findings and how those findings affected land use issues as listed in the staff report.

Commissioner Jung said it appeared December 6, 2009 was when the first residential building would be available with further expansion completed in 2011. Then Phase three would be completion of a vocational building and in 2017 there would be an additional residential building and a multi-purpose building. She asked before the vocational building was completed would there be vocational training available from 2009 to 2013. Mr. Lloyd replied the applicant would be better equipped to answer those questions; however, noted each residential building would have classrooms located in the basement. Commissioner Jung said it was noted that a helipad would be constructed and asked if that was a condition or a voluntary nonenforceable addition and who would make the decision to call the helicopter for assistance. She asked what would be the liability of the County if the Board upheld the BOA recommendation and there was a loss of life because of the public findings. Melanie Foster, Legal Counsel, said any liability asserted against the County would be based upon the discretionary decision issuing the SUP and those decisions under Nevada law were immune from liability regardless whether that discretion was abused. She said if the Board's decision of findings were based on the evidence heard and exercising discretion that would make the Board immune.

In response to Commissioner Jung, Mr. Lloyd replied the residents would be from Washoe County, but that was not a condition. Commissioner Jung stated the

residents should be Washoe County residents and requested that be a condition. She was hesitant on the location and was concerned on the wildlife migration through that canyon and the environmental effects.

Marvin Neil, Sierra Teen Ranch Founder, addressed the need for the facility in the State and explained some of the risk factors that youths faced nationally. He said the building of the program was being funded by church supported groups and stated he was not asking for any taxpayer money from the County. He said all of the objections were based on speculation and conjecture and felt this program would be a benefit to the region. Mr. Neil explained this was a nonprofit, tax-exempt, Christian organization whose mission was to rescue, redeem, and restore young lives. He said the primary goal was to establish, maintain and operate a home or homes for needy, neglected, underprivileged, dependant or delinquent children. He said the secondary purpose included on-site education, vocational training, spiritual guidance, individual and group counseling, recreation, ranching and gardening experiences.

Jan Neil, Sierra Teen Ranch Co-Founder, did not apologize for her husband's passion and stated she stood by him and his dream. She said it was difficult to hear the thinking process and said much of the opposition was based upon lies and untruths. Ms. Neil explained they attended the CAB and BOA meetings to set the record straight on who they were and what they did and still found inflammatory accusations. She asked citizens to look at what they were, offering to do before making such speculations.

Mr. Neil referenced the County Code that covered appeal hearings and said based on that language, specifically in Article 810, he did not see the inadequacies for an appeal.

Commissioner Weber disclosed she had met Mr. and Mrs. Neil. She said she did not hear from the applicant that the project would be placed in the middle of a community. She stated she understood their passion and that was admirable, but felt they needed to work with the community. Mr. Neil replied the project was not located in a community; the project would be in Bedell Flats and indicated in that particular area there were no other residents. He said the community Commissioner Weber was referring to was Rancho Haven and Sierra Rancho, but the project would not be in their neighborhood and clarified there would be approximately 80,000 acres of separation. Mr. Neil said he attempted to talk to the appellant, but the appellant chose not to speak to him. Ms. Neil said since there was so much distance between properties she did not view the community as neighbors. Commissioner Weber stated they were neighbors and it would impact the neighborhoods; however, those neighbors did not give due respect to the applicants at the CAB meetings and stated the applicants felt offended, but that relationship had to be developed. Commissioner Weber asked why the applicant did not feel this would impact taxpayers. Mr. Neil replied private roads would be used. He said they requested the BLM give them their own easements and their own access. Mr. Neil said there were no residents on the primary access of Bird Springs Road.

In response to Chairman Larkin, Mr. Neil indicated this would be a faith-based facility and did not feel it was similar to the Teen Challenge located in the City of Sparks.

Peter Hackenbush, appellant, Sierra Ranchos Property Owners Association (SRPO), conducted a PowerPoint presentation explaining why the SRPO opposed the SUP application, how the group felt it would impact their community, the adverse affects on property values and the detrimental change to the environment, which was placed on file with the Clerk.

Commissioner Weber asked if the applicant ever approached the SRPO. Mr. Hackenbush replied the only direct contact was a phone call within the past two weeks.

In response to the call for public comment, the following citizens were **against** the Teen Ranch: Nancy Johnson, Lynn Silva, Gwyn Reeves, Roger Taylor, Brenda Taylor, Arthene Saicheck, Bonnie McLaughlin, Dave Gaskill, Stephanie Burzynski, Robert Rollins, Lynn Pieren, Amy Bodner, Chrysann Collatos, Jeannie Fow, Elizabeth Van Slyka, Bruce Battaglia, Kathy Raymer, Ray Kingford, Kayce Dorsey, Dean Dorsey, Macy Milligan, Chris Bodner, Maryalyce Bensen, Howard Bensen, Judy Vose, Roger Seifert, Suzy Anderson, Susan Reaney, Barbara Gaydos, Gabe Kennedy, Laurie Laguna, and Jim McGill.

The following citizens were **in favor** of the Teen Ranch: Obert Reslock, Patricia Reslock, Joseph Giampapa, Russ Gardner, Jeanne Gregory, Daneen Isenberg, Gerald Squires, James Kennan, Pam Durio, Paula Steenis, Randy Siever, Janice Neal, Jan Alaksa, Erin Hiibel, James Kilgore, Doran Simonson, Mel Fraley, William Dobson, Mary Paden, Jeff Francom, Bonnie Miller, Colleen Lemus, Stephen Lemus, Tandra Puentes, Kathy Wise, and John Graves.

9:58 p.m. Commissioner Humke returned.

Mr. Neil responded to some issues raised by the public comments. He stated the concerns for decreased valuation on property and traffic flow was speculation and conjecture. Mr. Neil spoke on the animal migration patterns that occurred in the area and added when the project was completed there would be only four homes and commented approximately 800 homes were already in the community. He addressed the statements made in regard to the BLM and said the BLM had been contacted concerning easements and felt there was no substantial evidence that the private roads in the area would be affected. Mr. Neil addressed the energy concerns and noted the facility would not be run off large generators. He said the plan was to use solar and wind, with battery storage for their energy needs and noted a generator would be used as back-up, in an enclosed building, but would never run continuously. Mr. Neil did not believe there would be a big impact on the open space in the proposed area and encouraged the residents of the community to continue to enjoy the open space. He explained a condition of the BOA was that the facility had a SnowCat and a snowplow and indicated those had been purchased.

He stated the SnowCat had a cabin that seated eight to ten individuals and, if needed, would be used as an evacuation tool.

Commissioner Humke asked what type of youths would be accepted into the program. Mr. Neil replied a child that had been removed from their home for neglect and/or abuse, a homeless child, a child meeting those criteria and had contact with the juvenile detention center, but did not rise to the level of a violent offender. Commissioner Humke commented children who had been adjudicated delinquent by a Juvenile Court could be accepted, but not children with a violent offense pattern. Mr. Neil clarified children would not be accepted with felony offenses since those children would need to be in a different environment. Commissioner Humke inquired what agencies would place children in the facility. Mr. Neil responded the family courts, Social Services, and juvenile detention centers. The populace would consist primarily of Washoe County residents with the age range between nine and 17. Commissioner Humke stated the BOA recommended 27 conditions and asked if all of those conditions could be met. Mr. Neil believed those conditions could be met.

In response to Commissioner Galloway, Mr. Lloyd replied statutorily requirement was not necessary to allow these facilities, but local jurisdictions had a process and in this case a SUP process for allowance of residential group home facilities with 10 or fewer children. Commissioner Galloway asked if it was lawful for the Board to say there could be no record of felony, criminal conviction or arrest for violent behavior allowed for residents to receive services of this facility. Ms. Foster said the County needed to be careful of limitations on who could be placed in the facility because of the Commerce Clause of the United States Constitution. She said licensing of the facility by either the Department of Social Services or the State would set the parameters on the population. Ms. Foster said if the Board chose to impose an additional condition she would add the condition be severable if that condition was found to be a violation of law. Commissioner Galloway stated at the moment he would deny the appeal because this was within reasonable land use. Ms. Foster commented this was a land use determination and the only part of the Board's findings that would consider the issue of the children who would be placed would be the finding on no detriment, but the Board would not be empowered to be conditioning the types of children placed as that would be the function of the licensing agency.

Chairman Larkin said a statement was made by the BOA that the proposed use was consistent with the action, programs, policies, standards and maps of the Comprehensive Plan and the North Valleys Area Plan, and he asked what the specific reference within those plans was. Mr. Lloyd said he completed a thorough analysis and did not find any inconsistencies within those plans. Chairman Larkin said the physical suitability of the site had to be compatible with the actions and staff reported this area appeared to be consistent with any planned area within this SUP. Mr. Lloyd said the development constraints were all reviewed and found the site suitable for this development.

Commissioner Humke commented the questions were probing and it had been established that the findings had been met and those findings were made by the BOA. He said Commissioner Galloway had inquired about a restriction offense pattern of the youths at the facility, and he believed the legal advice was good.

Commissioner Weber remarked this was a hard decision and felt the appeal should be upheld. She stated she represented District 5 where this facility would be located. She felt there were issues of inconsistency and felt it would be detrimental to the community and a safety issue for the youths who would be housed at the facility, and she did not want teens jeopardized at this location. Commissioner Weber said the idea for the Teen Ranch was incredible and she shared that vision; however, she was very concerned about placing this project at that remote location. She felt the neighbors had been pitted against each other and that was unfortunate. Commissioner Weber requested the Chairman continue this item to see if the neighbors could have ongoing discussions, or if the Board chose to deny the appeal, there be a condition this come back to the Board for direction to have the community work with the applicants.

Commissioner Jung stated she agreed with Commissioner Weber. She remarked this was an excellent project, but the wrong location. She remarked the residents who would be directly affected by this project did not want it located in that area.

Commissioner Galloway commented when zoning regulations were made they become law and law did not work by asking just some people. He said he could not go by the percentage of people present at this meeting and would consider how the Code was written.

Chairman Larkin said he had reviewed and participated with the Teen Challenge facility in his District, which also faith-based, and stated the results from that project were incredible. He said there was true change within the individuals who participated in the program and added the need existed for these facilities. He said there was no other site better suited than Bedell Flats since it was an area that was destined for growth.

Commissioner Jung said she did not believe this project was consistent with the policies and programs of the County and did not believe there were adequate facilities for this project and that it would be injurious and detrimental to the open space environment. She did not think this would be fair to the at-risk youth or fair to the County or the community and suggested upholding the appeal.

Chairman Larkin commented the applicant needed to meet with the community for the proposed project.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioners Weber and Jung voting "no," Chairman Larkin ordered that Appeal Case No. AX07-013 be denied and the BOA approval of Special Use Permit Case SB07- 019 be affirmed based on the findings;

consistency, improvement, site suitability, issuance not detrimental, reasoned consideration by the BOA and reasoned consideration by the Board of County Commissioners as described in the staff report.

08-135 AGENDA ITEM 33 – APPEAL CASE NO. AX07-014 CECCHI

Agenda Subject: Appeal Case No. AX07-014 (Gregory and Amy Cecchi).

“Appeal of the Board of Adjustment’s denial of Variance Case No. VA07-020 (Gregory and Amy Cecchi) to reduce the front yard setback from 15 feet to 4 feet in order to facilitate the construction of a new single-family home. The project is located at 995 Wander Way, Unit #5, 150 feet west of the intersection of Apollo and Wander Way in Incline Village. The ±0.2747-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan and is situated in a portion of Section 3, T16N, R18E, MDM, Washoe County, Nevada. The property is location in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1.” (APN: 125-431-21)

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX07-014.

Don Morehouse, Planner, stated this was an appeal of the Board of Adjustment’s (BOA) denial of Variance Case No. VA07-020 to reduce the front yard setback from 15 feet to 4 feet in order to facilitate the construction of a new single-family home. He described the location of the parcel and explained the applicant was requesting a variance to reduce the front yard set-back for the tear-down and construction of a new residence with an attached four car garage. Mr. Morehouse summarized the applicant’s request as stated in the staff report. He said the variance application was reviewed by all of the appropriate agencies and the case had gone before the Incline Village/Crystal Bay Citizen Advisory Board (CAB) and was approved. Mr. Morehouse indicated the lot was not exceptional such as narrow, shallow, oddly-shaped or more constrained than the surrounding lots and stated a residence could be reconstructed on the site without a variance. He added the existing residence was approximately 2,452 square feet.

Attorney Robert Angres, representative for the appellant, said the variance application satisfied the statutory standards for the finding of hardship. He explained there was a 50 to 60 percent slope on the property and remarked that similar properties in Incline Village/Crystal Bay had been granted variances based on hardships. He indicated this land had three Tahoe Regional Planning Agency (TRPA) land qualifications and height limitation issues. He said the CAB unanimously approved this application; however, staff made the same erroneous instruction to the BOA as previously and told them they could not consider TRPA regulations in determining whether there was a hardship. Mr. Angres stated there was a crucial need for maximum off-street parking at high altitudes and the appellants needed a garage to house high altitude snow cars. Mr. Angres read a letter from Fire Marshal Tom Smith that addressed the need for off-street parking. He said a detached

garage would create safety problems and added the exact same house would be built, but the garage would be in the set-back.

In response to Commissioner Galloway, Leslie Barkley, Architect, replied the new house would have the same footprint so the increase in the square footage was within the design. She said instead of a small two-car garage a newer larger garage was needed to park the cars off the road. Ms. Barkley said the variance requested 235 additional square feet to exceed the set-back line.

Greg Cecchi, appellant, conducted a PowerPoint presentation, which was placed on file with the Clerk, that highlighted the new home verses the existing home, the Apollo Neighborhood Description, the variance approved by the community, the reasons for the variance, homes with a reduced set-back, typical neighborhood homes, Community Development's recommendations, problems with the detached garage solution, options, consequences of denial of the variance, and images of the proposed new structure. He commented the existing home was a fire hazard.

In response to the call for public comment, Stuart Fishman stated with the condition of the property the existing house should have been torn down 20 years ago. He stated Mr. Cecchi and his family would be full-time residents and that was needed in the community. John Falk addressed the findings and said there were strong arguments for those findings and stated he was in favor of the variance. Gary Feero stated the CAB was going against staff's recommendations and saw there was no hardship as presented.

Chairman Larkin closed the public hearing.

Commissioner Galloway said in previous cases there were identified hardships and said a detached garage was allowed by the County Code. He stated he could not identify a hardship.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Variance Case No. VA07-020 be denied and the Board of Adjustment's decision be upheld.

08-136 AGENDA ITEM 32 – PUBLIC HEARING AUTUMN WOOD

Agenda Subject: "Development Agreement Case No. DA08-001 (Autumn Wood) Tentative Subdivision Map Case No. TM06-002."

Consider adoption of Development Agreement Case No. DA08-001 for Autumn Wood, Tentative Subdivision Map Case No. TM06-002 that was previously approved by the Washoe County Planning Commission. The sole purpose of the Development Agreement is to extend the expiration date of said subdivision map until March 7, 2010. (APN: 044-320-48)

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Development Agreement Case No. DA08-001. There being none the Chairman closed the public hearing.

Sandra Monsalve, Planner, explained the purpose of the Development Agreement was to extend the expiration date of the subdivision map to March 7, 2010.

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 32 be approved.

08-137 BILL NO. 1538 - DEVELOPMENT AGREEMENT CASE NO. DA08-001 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM06-002

Bill No. 1538, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA08-001 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM06-002 FOR AUTUMN WOOD AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

08-138 AGENDA ITEM 31 – PUBLIC HEARING WATER RESOURCES

Agenda Subject: "Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project.) (Commission District 2) The Board of County Commissioners will meet to hear and consider protests or objections to the project, and act on a Resolution considering protests made at the hearing on the Provision Order, and considering hardship applications for Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); directing that the Engineer prepare and file a revised and detailed estimate of cost, full and detailed final plans and specifications, and a revised map and assessment plat; and providing other matters related thereto; and, Consideration and possible adoption of a Resolution considering protests made at the hearing on the provisional order and considering hardship applications for Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) at an estimated cost of \$1,500,000; directing that the Engineer prepare and file a revised and detailed estimate of cost, full and detailed final plans and specifications, and a revised map and assessment plat; and providing other matters relating thereto."

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Special Assessment District No. 39.

Rosemary Menard, Water Resources Director, said this was a follow-up to Board action of January 22, 2008 to initiate the creation of Special Assessment District

(SAD) 39 using the provisional order methodology. She indicated protests had been received.

In response to the call for public comment, Robert Angres said he did not understand why citizens were being asked to pay an additional \$1.5 million for water. Charlie Cockerill indicated he was on the Board of Directors for the Franktown Estates Homeowners Association (HOA) and stated the HOA was aware of the water shortage for six months and had worked closely with County staff. He noted the Board of Directors of the HOA voted to support the creation of the SAD. Roger Block said he was not opposed to the SAD, but had concerns and a question as to whether the division of water would meet what was written. Gale Block said she would benefit from the proposed SAD and felt this was an opportune time to rectify some of the existing problems. Randolph Tucker said he was in support of the SAD, but had concerns about the costs and how those costs would be transferred to the ratepayers. Cliff Lowe praised the staff of the Water Resources Department for their responsiveness and response in writing to wide-ranging questions of affected parcel owners.

Ms. Menard remarked equalizing the revenue collection from property assessment, rates and surcharges had been discussed with bond counsel. She believed there was an opportunity to bring forward a proposal to allocate some of the charges of the project to the rate revenue and to make an agreement to dedicate specific rate revenue to a surcharge which would be levied against those customers to the bonds. She said that would be explored between the time the SAD was created and the time the assessment was levied.

In response to Commissioner Galloway, Ms. Menard said there were issues involving the easements for the construction of the new pipeline and indicated those issues would be addressed.

Commissioner Humke questioned the split between ratepayers SAD charges and asked if the 25/75 percent split was correct. Ms. Menard remarked without reviewing the water usage and patterns that could be the case. She stated it could be more if a surcharge was levied that changed water use patterns or citizens could change their habits, which would not generate much in the way of funds out of the surcharge, and then the assessments would have to be based on the properties. Commissioner Humke asked if the ratepayer method of recovering the costs would be an acceptable pledged revenue. Ms. Menard replied if the revenue was pledged from a surcharge and it was specific revenue from a surcharge that would be adequate. She said a decision had been made to allocate the SAD cost equally among the 121 parcels.

Chairman Larkin closed the public hearing.

Commissioner Humke asked Mr. Lowe if he felt satisfied this would work for the HOA. Mr. Lowe commented he was not an elected representative of the HOA, but felt there were some concerns, such as allowing other users to join the system as well as the possibility there might be a municipal well drilled in the same aquifer that appeared at the time.

Commissioner Humke commented the citizens who spoke did not actually rise to the level of protests and felt the SAD could be initiated. He commented this had to be initiated in order for staff to move forward.

Commissioner Galloway asked if the County formed a SAD would there be an additional expense maintaining service and would that expense rest on the ratepayers of the Department of Water Resources (DWR). Ms. Menard remarked that was a point made by some of the protests and explained the residents were already customers of DWR. She said the reason the SAD was proposed for improvements was the level of supplies in the two original wells was not adequate to meet the level of demand being placed on the system.

Mr. Lowe clarified his concerns were both on the demand and the supply. He said if all the plans for demand of the supply dropped that may be in correlation with another well working off the same aquifer. Commissioner Galloway said it may be a policy issue that could be addressed, and he did not know if it had to be addressed in the SAD, but it should be discussed.

Commissioner Humke said the East Washoe Valley Citizen Advisory Board (CAB) had just learned of this initiative, and he asked if the North Washoe Valley CAB had been contacted. Ms. Menard said Jeanne Ruefer, Water Resources Planning Manager, attended the meeting for the North Washoe Valley CAB.

Kendra Follett, Swenseid and Stern, commented the County Clerk had received written protests, but noted they were less than 51 percent of the District.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried it was ordered that Agenda Item 31 be adopted and the Chairman be authorized to execute the same. It was noted that less than 51 percent of affected property owners protested and no hardships were filed.

**08-139 BILL NO. 1537 - SPECIAL ASSESSMENT DISTRICT NO. 39 -
LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT
PROJECT**

Bill No. 1537, entitled, "**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT) AT AN ESTIMATED COST OF \$1,500,000; ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

08-140 AGENDA ITEM 31 – FINANCE DEPARTMENT

Agenda Subject: “Recommendation to execute a Resolution authorizing an interfund loan [not to exceed \$1,500,000] - Department of Water Resources Sewer Fund to Special Assessment District 39 Fund; and, direct Finance Department to make the appropriate adjustments.”

Rosemary Menard, Water Resources Director, said staff was proposing to borrow money from the sewer connection fee to fund the actual construction project, which would be paid back to the sewer connection fee fund when the bonds were sold in October 2008. She said staff proposed a 4 percent interest charge on that interfund loan, which was recommended by Finance Director John Sherman.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Resolution be adopted to authorize an inter-fund loan not to exceed \$1.5 million from the Department of Water Resources Sewer Fund to Special Assessment District 39 Fund. It was further ordered that the Chairman be authorized to execute the same and the Finance Department be directed to make the appropriate adjustment. The Resolution for same is attached hereto and made a part of the minutes thereof.

08-141 AGENDA ITEM 31 – FINANCE DEPARTMENT

Agenda Subject: “Recommendation to reject a bid for production well drilling and construction on the Davis Ranch in West Washoe Valley (Humboldt Drilling & Pump Co., Inc., was the only bidder in the amount of \$248,560).”

Rosemary Menard, Water Resources Director, requested the Board reject the bid from Humboldt Drilling for the construction of the production well on the Davis Ranch property since the bid came in approximately 50 percent higher than the engineers estimate.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the bid from Humboldt Drilling for the construction of the production well on the Davis Ranch property be rejected.

08-142 AGENDA ITEM 18 – REGISTRAR OF VOTERS

Agenda Subject: “Request for authorization to purchase 25 Sequoia Edge II Voting Machines and related equipment from the Nevada Secretary of State’s Office [\$117,020] for the Registrar of Voters Department.” (All Commission Districts)

Dan Burk, Registrar of Voters, explained for the past three years the Board issued the department \$100,000 for the specific purpose of keeping the County supplied with enough voting machines for the polling places. He said staff was going to purchase

machines in fiscal year 2006/07 for \$117,000; however, the Nevada Secretary of State's Office was purchasing additional machines for many counties and was negotiating a better price. Mr. Burk requested forwarding the \$117,000 to the State and then the Secretary of State's Office would give the County 115 new machines instead of the 25 that was originally being sought.

Greg Neuweile, Blue Ribbon Task Force Chairman, stated the task force met and discussed and endorsed the expenditure. He indicated he was the Chairman of the State Certification Board for the past 15 elections, and for those elections a vote had never been lost. He explained the Certification Board did not leave until every vote cast by precinct had balanced. He believed the voting system was very secure and applauded the Board for allowing Mr. Burk to implement such secure features. He explained the testing the Certification Board used for securing the voting machines and said the system was very accurate.

Chairman Larkin stated this information was reassuring and commended the caliber of people on the Blue Ribbon Task Force. Commissioner Galloway stated the paper trail needed to be maintained and defended since that was the physical permanent validation the machines were working.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 18 be authorized.

08-143 AGENDA ITEM 10 – WATER RESOURCES

Agenda Subject: “Recommendation to review Water Rights Applications 76350 and 76351 proposing to export 1634.88 acre-feet of groundwater from Hualapai Flat basin to Lyon and Storey counties; and, authorize the Chairman to recommend denial of the subject applications to the Nevada State Engineer.” (Commission District 4)

Commissioner Weber stated the Water Rights Application stated it impacted District 4, but believed the Hualapai Basin was in District 5. Vahid Behmaram, Water Rights Manager, replied he would review the application and correct the District if applicable.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 10 be authorized. It was further ordered that staff be directed to point out the need of this water being available for the growth areas of Washoe County.

08-144 AGENDA ITEM 11 – WATER RESOURCES

Agenda Subject: “Recommendation from the Regional Water Planning Commission that the Board of County Commissioners approve an expenditure [not to exceed \$108,276] from the Regional Water Management Fund; and if approved, authorize the Chairman to execute an Interlocal Agreement between the County of Washoe and

the City of Reno to develop and implement a community outreach education program on the process and costs of raising the base flood elevation at Silver Lake Playa with a Letter of Map Revision.” (Commission District 5)

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 11 be forwarded to the Western Regional Water Commission.

08-145 AGENDA ITEM 13 – WATER RESOURCES

Agenda Subject: “Recommendation to approve the purchase of 100 gallons per minute of well capacity in Callamont Wells Number 1 and 2 (50 gallons per minute in each well) from PKE Holdings, Ltd. [\$554,600]; and if approved, authorize the Water Resources Director to issue the purchase order to PKE Holdings, Ltd.” (Commission Districts 1 and 2)

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 13 be approved and authorized.

08-146 AGENDA ITEM 16 – PURCHASING

Agenda Subject: “Recommendation to award Bid No. 2637-08 for a new Self-propelled Dry-Type Sweeper, to the lowest, responsive, responsible bidder, Tennant Sales and Service Company [net amount \$152,123.36], on behalf of the Equipment Services Division of the Washoe County Public Works Department.” (Commission District 1)

Katy Singlaub, County Manager, stated this sweeper was for Incline Village and said there were no comparable dry type sweepers available to be shared from another entity and was a requirement in the Tahoe Basin.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 16 be awarded.

08-147 AGENDA ITEM 17 – EQUIPMENT SERVICES

Agenda Subject: “Recommendation to approve an increase in revenues and expenses in the Equipment Services Fund (6069) [estimated amount \$125,000] for unanticipated costs of tires, parts and supplies associated with program responsibilities for repair, maintenance and preventative service of fire suppression equipment for Sierra Fire Protection District and Washoe County’s Fire Suppression Program (acknowledging that Equipment Services will bill the respective agency for services rendered); and if approved, direct Finance to make appropriate budget adjustments.” (All Commission Districts)

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that Agenda Item 17 be approved and directed.

08-148 AGENDA ITEM 27 – JUDICIAL RETIREMENT PLAN

Agenda Subject: “Request to authorize the Judicial Retirement Plan as a retirement plan option for Justices of the Peace and direct the Human Resources Department to take any necessary actions to effectuate this option (requested by Justices of the Peace Finley, Graham, Lynch, Sferrazza and Tiras).” Continued from January 8, 2008 Commission Meeting.

Commissioner Galloway said if before that date there was an obligation to review the compensation for the judges and added this was a request from some judges for additional compensation. He asked it be continued until such time that there was discussion on the compensation of all the justices.

Katy Singlaub, County Manager, said the Board could discuss implementation that would not occur until after July 1, 2008, as a function of the budget.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 27 be continued. It was noted that the comments of Commissioner Galloway and Ms. Singlaub be included.

08-149 AGENDA ITEM 35 – REPORTS AND UPDATES

Chairman Larkin stated there would be a Regional Planning Governing Board meeting on February 14, 2008.

* * * * *

1:30 a.m. There being no further business to discuss, on motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, Chairman Larkin ordered that the meeting be adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Catherine Patterson, Deputy County Clerk
Stacy Gonzales, Deputy County Clerk*

1000

RESOLUTION

A RESOLUTION AUTHORIZING AN INTERFUND LOAN – DEPARTMENT OF WATER RESOURCES SEWER FUND TO THE SPECIAL ASSESSMENT DISTRICT 39 FUND

WHEREAS, the Department of Water Resources Sewer Fund of the County has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$1,500,000 without adversely affecting its cash needs; and

WHEREAS, the Special Assessment District 39 Fund is in need of a short-term loan to cover expenses until receipt of bond proceeds for the water system supply improvements; and

WHEREAS, the short-term loan will not in any way have an adverse or deleterious effect upon the Department of Water Resources Sewer Fund or the Special Assessment District 39 Fund ;

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

Section 1. The County Comptroller is hereby directed to transfer in amounts as needed, up to \$1,500,000, from the Department of Water Resources Sewer Fund to the Special Assessment District 39 until bond proceeds are received, and make appropriate accounting entries.

Section 2. The cash interfund transaction for this loan is as follows:

<u>Department of Water Resources Sewer Fund</u>	<u>Increase</u>	<u>Decrease</u>
Due from SAD 39 Fund	\$1,500,000	
Cash		\$1,500,000
<u>Special Assessment District 39 Fund</u>		
Cash	\$1,500,000	
Due to Department of Water Resources Sewer Fund		\$1,500,000

Section 3. The term of the interfund loan shall be twelve calendar months, commencing on the day of the first transfer, to be repaid on or before twelve calendar months.

Section 4. Interest will be charged at the rate of 4% per year on the outstanding balance on the loan.

Section 5. The Resolution shall be effective upon passage and approval.

Section 6. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, the Budget Division and the Department of Water Resources within 30 days.

ADOPTED this 19th day of February, 2008.

Robert M. Larkin

Chairman
Washoe County Commission

ATTEST:

Amy Hervey
County Clerk

08-140

Resolution of Accomplishment

WHEREAS, Nevada has one of the most aggressive programs in the nation to encourage solar energy; and

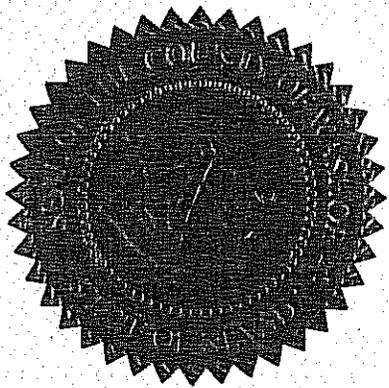
WHEREAS, The installation of a 90-kilowatt photovoltaic solar power system will provide nearly enough electricity to supply the energy needed for the Gerlach School Campus; and

WHEREAS, This new solar power system will provide a yearly rebate of \$20,000 to the Gerlach campus which will be used directly by the Campus to provide educational supplies to their students; and

WHEREAS, This is a pioneering collaboration between Sierra Pacific Power, Burning Man, MMW Renewable Ventures, SCHOTT Solar and the Washoe County School District; now therefore, be it

RESOLVED, That the Washoe County Board of Commissioners recognizes the significance of renewable energy and congratulates Sierra Pacific Power Company, Burning Man, MMW Renewable Ventures, SCHOTT Solar and the Washoe County School District for their effort to improve the quality of life for the Gerlach students.

ADOPTED this 12th day of February, 2008.



Robert M. Larkin
Robert M. Larkin, Chairman
Washoe County Commission

08-94

Clerk

RESOLUTION OF RECOGNITION AND APPRECIATION

WHEREAS, Nancy Cummings served as Washoe County Library Director for 13 years with great passion for libraries and for the positive change they can make in people's lives; and

WHEREAS, She was instrumental in getting new libraries built, many of which are design-award winners, including the Incline Library, South Valleys Library, and the Northwest Library, which was also featured in the national book, *Heart of the Community: The Libraries We Love*, remodeling others such as the Sparks Library, along with re-establishing the mobile library service; and

WHEREAS, Nancy promoted a management culture within the Library that encourages all employees to participate in decision and policy-making through the use of service teams and "bottom-up" communication; and

WHEREAS, She also initiated the Library's Leadership Development Program to cultivate future leaders among all levels of staff and led the Library in a Balanced Scorecard project to develop a new, more responsive strategic plan, including a new vision of being a "Destination for Discovery"; and

WHEREAS, Nancy supported major projects for the libraries, such as DeWitt Wallace/Readers Digest Youth Initiative Project, *To Kill a Mockingbird* community reading program, "Northern Nevada Reads" community reading program which was aligned with the national "Big Read" Project, and READ Local, READ Global-current partnership with libraries in Nepal to improve library service in that country and foster mutual understanding; and

WHEREAS, Nancy was an enthusiastic sponsor of the 2002 Parks and Libraries Bond Initiative and was also involved with the local Community in numerous programs including United Way-Board Member; Sierra Arts-Board Member; Truckee Meadows Literate Community Project-Chairperson; Washoe County Human Services Strategic Plan-Steering Committee; and Truckee Meadows Tomorrow-member; and

WHEREAS, Nancy was influential in setting up outstanding projects such as the Early Voting in Libraries, the Anne Frank Exhibit at the Downtown Reno Library, the Holocaust Project, and the development of art galleries at the Northwest Reno, South Valleys, and the Downtown Reno libraries; and

WHEREAS, Nancy received professional recognition and was honored as one of the distinguished alumni at the 40th Anniversary Celebration of the San Jose State University School of Library and Information Science for her "profound impact in both the public and private sectors"; now, therefore, be it

RESOLVED, That the Board of Washoe County Commissioners extends its sincere appreciation to Nancy Cummings for her outstanding leadership, dedication to Washoe County and its residents, as well as her excellent skills as a manager and mentor, and be it further

RESOLVED, That the Board wishes Nancy all the best in her well-deserved retirement and her future endeavors.

ADOPTED this 12th day of February 2008.



Robert M Larkin
Robert M. Larkin, Chairman
Washoe County Commission

08-93

RESOLUTION OF RECOGNITION AND APPRECIATION

WHEREAS, Joanne Ray served as Director of Human Resources for 20 years and through her leadership in the field, held the IPMA-CP designation from the International Personnel Management Association; and

WHEREAS, Joanne had an unwavering commitment to attaining organizational goals that supported the County Vision, Mission, and Strategic Priorities and was a key member of the staff team which led the initiative to implement an Enterprise Resource Planning System and ultimately recommended the selection of SAP as the preferred system; and

WHEREAS, With the resources and contributions that Joanne Ray brought to the project, the SAP Enterprise System now provides the County with one of the single most effective tools to improve Washoe County government efficiency and financial stability; and

WHEREAS, Joanne was instrumental in the development and implementation of the SAP online recruitment and applicant tracking; and

WHEREAS, Joanne Ray was instrumental in developing the Sexual Harassment , Discrimination and Harassment, Workplace Violence, Flexible Time, Telecommuting and Whistleblower policies, as well as developing the Diversity in Action (Diversity Plan) and the Americans With Disabilities Act Guide; and

WHEREAS, Joanne Ray was chiefly responsible for the implementation and management of the Hay Point Factor compensation system; and

WHEREAS, Joanne Ray was deeply committed to developing the Washoe County workforce which was evident in her implementation of the Excellence in Public Service Certificate Programs, which provide employees with world-class training opportunities and recognition of their achievements in building their competencies to better serve the citizens of Washoe County; and

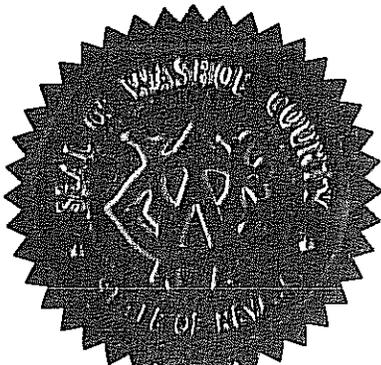
WHEREAS, Joanne's efforts to develop the strategic workforce development planning process have heightened awareness of the importance of managing human capital as a strategic asset; and

WHEREAS, Joanne was very proud of her Human Resources staff, gave them support every day, and was an exemplary leader in the organization and in her profession; now, therefore, be it

RESOLVED, That the Board of Washoe County Commissioners extends its sincere appreciation to Joanne Ray for her outstanding leadership, dedication to Washoe County and its residents, and her excellent skills as a mentor and manager; and, be it further

RESOLVED, That the Board wishes Joanne all the best in her well-deserved retirement and the next chapter of her life.

ADOPTED this 12th day of February 2008.



Robert M Larkin
Robert M. Larkin, Chairman
Washoe County Commission

08-9a

INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

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

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

And

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

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

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

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

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.

2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.

3. CONTRACT TERM. This Contract shall be effective July 1, 2007 to June 30, 2009, unless sooner terminated by either party as set forth in this Contract.

4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until thirty (30) days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason federal, State, or local funding ability to satisfy this Contract is withdrawn, limited, or impaired.

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

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

ATTACHMENT A: SCOPE OF WORK

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917 (4)

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

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

9. INSPECTION & AUDIT.

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

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

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

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

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

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

13. INDEMNIFICATION.

a. To the fullest extent of limited liability as set forth in paragraph (11) of this Contract, each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable

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attorneys' fees and costs, arising out of any alleged negligent or willful acts or omissions of the indemnifying party, its officers, employees and agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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ment 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 Sheriff's Office

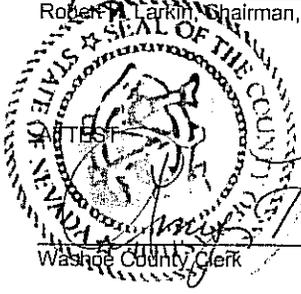
Michael Haley 1-16-08
Washoe County Sheriff's Office Date

Sherriff
Title

WASHOE COUNTY

Robert M Larkin
By: Robert M Larkin, Chairman, Washoe County Board of County Commissioners

2/12/08 Chairman
Date Title



Harvey
Washoe County Clerk

Department of Public Safety

John Gorska (P)
John Gorska, Chief, Parole & Probation Division

2-14-08
Date

Mark Teska
Mark Teska, Administrator, Administrative Services Division

2/15/08
Date

[Signature]
Signature - Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On 3-11-08
Date

Approved as to form by:

[Signature]
Deputy Attorney General for Attorney General, State of Nevada

On 2-14-08
Date

[Signature]

08-123

2/12/08

ATTACHMENT A: SCOPE OF WORK

DNA TESTING

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PAROLE AND PROBATION
AND
WASHOE COUNTY SHERIFF'S OFFICE – FORENSIC SCIENCE DIVISION**

Parole and Probation:

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

Washoe County Sheriff's Office Forensic Lab:

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

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

For the State of Nevada, Department of Public Safety:

Contracts Manager
Department of Public Safety, Administrative Services Division
555 Wright Way
Carson City NV 89711-0200

For the ~~Las Vegas Metropolitan Police Department:~~

WASHOE COUNTY SHERIFF'S OFFICE
Director of Lab Services, Forensic Laboratory
Washoe County Sheriff's Office, Forensic Science Division
911 Parr Blvd.
Reno, Nevada 89512

4/16/08
Pfeiffer

08-123