

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

TUESDAY

10:00 A.M.

FEBRUARY 22, 2011

PRESENT:

**John Breternitz, Chairman**  
**Bonnie Weber, Vice Chairperson**  
**Bob Larkin, Commissioner**  
**Kitty Jung, Commissioner**  
**David Humke, Commissioner\***

**Amy Harvey, County Clerk**  
**Katy Simon, County Manager**  
**Melanie Foster, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

County Manager Katy Simon stated: "The Chairman and the 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."

*The presentation of the colors was conducted by the Color Guard of the Civil Air Patrol.*

**11-133      AGENDA ITEM 19 - APPEARANCE**

**Agenda Subject:** "Tom Pagnano, Lt. Colonel Civil Air Patrol. Briefing on what the Civil Air Patrol is, its history, who they are, what they do and request for support of same (requested by Commissioner Larkin)."

Tom Pagnano, Lt. Colonel, Civil Air Patrol (CAP), conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation covered the history and heritage of the CAP, the Congressional Charter, cost-effective

force multiplier, disaster relief, homeland security support, drug demand reduction, recent technologies, surrogate predator, orientation flights, Cadet Programs, investing in the future and the Nevada Wing.

Lt. Colonel Pagnano introduced Arianna Henry, 1st Lieutenant and Cadet Commander, who had been presented a Congressional nomination to the Air Force Academy, and Casey Stevenson, 1st Lieutenant, Assistant Cadet Commander, who would attend the University of Nevada, Las Vegas, (UNLV) to pursue a degree in Aviation through the Air Force.

Commissioner Larkin said the Nevada Wing of the CAP was training Predator aircraft pilots. He explained primary training was not conducted by the Military, which meant training fell upon agencies such as the CAP to train the next generation of pilots. Lt. Colonel Pagnano clarified that advanced training was still conducted by the Air Force, but the cost of training a pilot to the specifications of the Air Force was over \$1 million. He said there was a need for General Aviation pilots that would ascend either into the Military or the commercial ranks. Lt. Colonel Pagnano said five years ago he began working with the Reno Tahoe Airport Authorities (RTAA) for the CAP to be located on the grounds of the Reno-Tahoe Airport. He said there had been many challenges, but recently he began working with the Chairperson of the RTAA and had begun to see some acceptance.

Chairman Breternitz thanked Lt. Colonel Pagnano for attending. There was no action taken or public comment on this item.

**11-134      AGENDA ITEM 8 - SHERIFF**

**Agenda Subject: “Proclamation--150th Anniversary of the Washoe County Sheriff’s Office. (All Commission Districts.)”**

Chairman Breternitz read and presented the Proclamation to Sheriff Mike Haley. On behalf of the men and women of the Sheriff’s Office, Sheriff Haley thanked the Board for their recognition. He noted that Washoe County citizen Bruce Marr had spent over two years, at no expense to the County, producing a video that chronicled the 150 years of the Sheriff’s Office. Sheriff Haley announced that events would be held throughout the year to commemorate the 150th anniversary.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 8 be adopted.

**11-135      AGENDA ITEM 9 – RESOLUTION OF APPRECIATION**

**Agenda Subject: “Resolution of Appreciation--Helen Townsell-Parker. (Requested by Commissioner Weber.)”**

Commissioner Weber stated that Helen Townsell-Parker, granddaughter of one of the founding families of the Black Springs community, recently published a book entitled, “*A CRY FOR HELP*,” which was a chronological history of the small and determined community of Black Springs.

Commissioner Weber read and presented the Resolution of Appreciation to Ms. Townsell-Parker. Ms. Townsell-Parker thanked the Board for their acknowledgment and Commissioner Weber for all her support and encouragement. She stated that the Westbrook Foundation promoted scholarships and had awarded their first scholarship last year and hoped to award more this year.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 9 be adopted.

**10:37 a.m.**      Commissioner Weber temporarily left the meeting.

**11-136      AGENDA ITEM 10 – RESOLUTION**

**Agenda Subject: “Resolution--honoring Larry and Annette Barnes. (Requested by Commissioner Larkin.)”**

Commissioner Larkin read and presented the Resolution of Appreciation to Larry and Annette Barnes. Ms. Barnes thanked the Board for their recognition. Mr. Barnes said this was a tremendous honor. He stated that their ranch was open to the community and that tours were provided to share the beauty of the Clydesdale horses.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioners Humke and Weber absent, it was ordered that Agenda Item 10 be adopted.

**11-137      AGENDA ITEM 11 – HUMAN RESOURCES**

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

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

**Essentials of Management Development**

Alma Bermejo, Administrative Secretary Supervisor  
Stacey Jones-Morris, Social Services Supervisor

**Essentials of Train the Trainer Program**

Elizabeth Todd, Technology Systems Developer II

**10:44 a.m.** Commissioner Weber returned.

**11-138** **AGENDA ITEM 12 - APPEARANCE**

**Agenda Subject:** “Doug Johnson, President, Nevada Association of Counties and Jeff Fontaine, Executive Director, Nevada Association of Counties. Update on Nevada Association of Counties.”

Doug Johnson, President, Nevada Association of Counties (NACO), and Jeff Fontaine, Executive Director, NACO, provided an update to the Board. Mr. Johnson affirmed NACO’s commitment to advocate for all the counties in Nevada. He hoped the passing of the local revenue advisory question during the November 2010 General Election would demonstrate to the Legislature an indication of the level of authority wanted for local governing bodies to have in decisions regarding the use of local revenues. Mr. Johnson stated if the actions proposed by the Legislature were enacted, all counties in the State would be affected. He said NACO was aware of the potential impacts to Washoe County and that the County had taken the necessary steps and had been a showcase for the rest of the State in balancing the budget for several years. Mr. Johnson added other counties were also experiencing declining revenue and emphasized that no county could loose revenues to the State. He said NACO took the position that Clark and Washoe Counties should not be singled out by having property taxes diverted to help address the State’s budget shortfall.

Mr. Fontaine congratulated the Board for the National Conference hosted in the summer of 2010 and felt that was a positive impact on the community. He said NACO continued to represent counties on Statewide commissions, task forces and other groups. Mr. Fontaine said an advisory committee on intergovernmental relations was staffed and a recommendation was to give counties and cities functional Home Rule to manage day-to-day activities without returning to the Legislature. He said NACO monitored federal actions, access and multiple use issues and revenue payments. Mr. Fontaine said the Governor’s budget impact on counties was more than had been diverted since July of 2008 and many of those revenues, diversions and other actions were due to sunset, which had not been budgeted for since those were meant to be one-shot diversions. On behalf of counties, he said NACO was advocating and testifying at every opportunity and meeting with Legislators to inform them how the budget proposals

would impact the County. He said the message from NACO was consistent that county revenues were declining, but the demand for services were increasing. He stated the County had limited flexibility and was mandated by the State to provide certain regional services. Mr. Fontaine said Legislators inquired about what would happen, what services would be cut and how constituents would be impacted. Mr. Fontaine said NACO was gathering that information and would return to those Legislators with answers. He said the bottom line was the budget, County resources and working hard to protect those resources.

Commissioner Weber felt that NACO continued to work hard with the committees at the Legislature and attempted to make known their concerns.

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

**11-139            AGENDA ITEM 13 - APPEARANCE**

**Agenda Subject: “Dr. Kambiz Raffiee, University of Nevada, Reno. Presentation regarding the Economic Impact Report for Washoe County, February 2011. (All Commission Districts.)”**

Kathy Carter, Community Relations Director, said an economic study of the 2010 National Association of Counties (NACo) conference was conducted by the Center of Regional Studies in the College of Business at the University of Reno, Nevada (UNR), in July 2010. She said that study revealed a total economic impact, both direct and indirect, of about \$3.9 million. It was determined that a similar economic impact study should be conducted on the entire County’s operations to better understand the County’s role as a major economic engine in the community. Ms. Carter indicated that the Community Relations Department and the Community Development Department partnered on this project since Community Development was tasked with supporting sustainable regional economic development and identifying and shaping the role of the department in supporting sustainable regional economic development. Ms. Carter indicated that Dr. Kambiz Raffiee conducted the study in a timely and a cost-effective manner.

Dr. Kambiz Raffiee, Associate Dean of the UNR Business College, conducted a PowerPoint presentation, which was placed on file with the Clerk. He said the study was conducted using County data from the 2009/10 fiscal year, which included expenditures for wages, services, supplies and capital improvement projects. The study also included the \$3.9 million total economic impact of the 2010 NACo conference hosted by Washoe County last summer, previously determined by a UNR economic analysis. This study also included:

- Washoe County’s operations annual economic impact of \$465 million;
- Daily economic impact of \$1.3 million;
- 73 percent of all purchases made in 2009/10 were to Nevada vendors;
- Total impact of jobs generated and supported were 7,453 in all industries;

- Washoe County employed 2,593 in 2009/10, with 29 percent of those employees working in the downtown Reno area; and,
- The annual economic impact of those Washoe County employees in the downtown Reno area was \$43 million, accounting for 1,172 direct and indirect jobs.

In addition to Washoe County, Commissioner Larkin asked about the amount of jobs created and what percentage represented the total work environment within Washoe County. Dr. Raffiee said Washoe County was the third largest employer in the region and the estimated percentage would be approximately 15 percent. Commissioner Larkin stated while general input/output models would measure the amount of the exports going out and the amount of imports coming in, asked if there were estimates conducted on Washoe County's contribution to net imports. Dr. Raffiee remarked that level of detailed analysis was not conducted. He focused on the direct injection into the local economy since that was the essence of the economic impact analysis for capturing the direct local impact. He said economic impact was also significant in terms of imports and exports. Commissioner Larkin hoped future studies would add that component.

In response to Commissioner Jung, Dr. Raffiee explained that for every \$1.00 Washoe County spent; \$1.62 was invested in the community. Dr. Raffiee acknowledged the efforts of Ms. Carter and the Board.

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

**11-140      AGENDA ITEM 14 – PUBLIC COMMENT**

**Agenda Subject: “Public Comment. 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.”**

Richard Simmonds spoke on the Professional Service Agreement (PSA) that would be further discussed during the meeting. He applauded the efforts to proceed with the preparation of a revised PSA for the Regional Animal Services Center. He read from a prepared statement that was placed on file with the Clerk. Dr. Simmonds urged the Board to require that a specific date for extending or revising the PSA be specified without an ambiguous reference to the lease. In regard to the upcoming revisions to County Code Chapter 55, Dr. Simmonds said the last public workshop lasted seven hours and ended with a number of issues unresolved and felt that another workshop should be scheduled.

**11-141            AGENDA ITEM 15 – 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 Simon, County Manager, reported that the Organizational Effectiveness Committee (OEC) had moved forward and were earnestly undertaking the task directed by the Board.

Commissioner Larkin requested an agenda item for a Resolution of Support for the Civil Air Patrol.

Commissioner Weber acknowledged the passing of a Panther Valley resident who was a former North Valleys Neighborhood Advisory Board member and a citizen activist. She said she attended the recent Reno City Council meeting where a motion was unanimously approved for the Sierra Sage and Washoe Golf Course debt payment. Commissioner Weber stated she attended the Nevadaworks Board meeting and announced that their website displayed several job openings in the area. On February 23, 2011, the Regional Transportation Commission (RTC) would hold a conference at John Ascuaga’s Nugget Hotel and Casino to discuss the Pyramid/McCarran Environmental Impact Study (EIS). Commissioner Weber said the Nevada Association of Counties (NACO) Board recently met with Governor Brian Sandoval to discuss certain issues involving the County. She indicated meetings were being held with Gerlach/Empire citizens regarding the closing of the U.S. Gypsum Plant and said there were good ideas coming forward. Commissioner Weber requested an update on the Ruby Pipeline.

**CONSENT AGENDA**

**11-142            AGENDA ITEM 16A**

**Agenda Subject: “Cancel March 15, 2011 County Commission meeting.”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16A be approved.

**11-143            AGENDA ITEM 16B - ASSESSOR**

**Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2008/2009, 2009/2010, 2010/2011 secured and unsecured tax rolls; and if approved, authorize Chairman to execute Order and direct Washoe County Treasurer to correct the errors [cumulative amount of decrease \$1,697.88]. (Parcels are in various districts).”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16B be approved, authorized, executed and directed.

**11-144            AGENDA ITEM 16C – DISTRICT COURT**

**Agenda Subject: “Retroactively acknowledge and affirm the position status change as to the number of approved hours worked (e.g., part-time hours to full-time hours) consistent with the District Court Fiscal Year 2010/11 budget reduction plan [funds to support this full-time position already exist in the District Court Fiscal Year 2010/11 budget], the change in this position was necessary to meet restructured operational changes and implementation of this full-time position became effective September 1, 2010. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16C be acknowledged and affirmed.

**11-145            AGENDA ITEM 16D – MANAGEMENT SERVICES/EMERGENCY MANAGEMENT/GRANTS COORDINATOR**

**Agenda Subject: “Accept 2007 Public Safety Interoperable Communications Grant from State of Nevada, Division of Emergency Management [\$51,590 - requires match of \$12,897.50 which Las Vegas Metropolitan Police Department is providing] to purchase additional radios to supplement an existing radio cache to serve a vast area of Northern Nevada; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16D be accepted and directed.

**11-146            AGENDA ITEM 16E - PARKS**

**Agenda Subject: “Approve Department of Regional Parks and Open Space requesting proposals for selection of a qualified consultant to update the Master Plan for North Valleys Regional Park, including a site analysis; and if approved, authorize Purchasing and Contracts Manager to sign all necessary documents [not to exceed \$50,000 - funded from Parks Capital Fund 4440 Water Rights proceeds]**

associated with the selected consultant and authorize Finance to make appropriate budget adjustments. (Commission District 5.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16E be approved, authorized and executed.

**11-147      AGENDA ITEM 16F – RISK MANAGEMENT**

**Agenda Subject:** “Approve settlement of the claim Angela Albertson against Washoe County et al. [total sum \$75,000] for all claims against all defendants. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16F be approved.

**11-148      AGENDA ITEM 16G – SENIOR SERVICES**

**Agenda Subject:** “Accept Interest On Lawyers’ Trust Account grant award from Nevada Law Foundation for the Department’s Senior Law Project [\$22,500 - no County match] retroactively for the period January 1, 2011 through June 30, 2011. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16G be accepted.

**11-148      AGENDA ITEM 16H - SHERIFF**

**Agenda Subject:** “Accept direct grant award from the Secret Service [\$2,000 - no County match] to purchase equipment or training to enhance the capabilities of the Washoe County Sheriff’s Office Northern Nevada Fraud Task Force members; and if accepted, authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16H be accepted and authorized.

**11-150            AGENDA ITEM 16I – SOCIAL SERVICES**

**Agenda Subject:** “Reject sole proposal received on Invitation to Bid #2758-11 for drug testing services and approve 90-day extension of the current contract with Quest Diagnostics (expiring February 28, 2011) to provide time to rebid requirements. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16I be rejected and approved.

**11-151            AGENDA ITEM 16J – TRUCKEE RIVER FLOOD MANAGEMENT**

**Agenda Subject:** “Acknowledge receipt of Truckee River Flood Management Project status report for January 2011. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16J be acknowledged.

**11-152            AGENDA ITEM 16K – WATER RESOURCES**

**Agenda Subject:** “Approve Water Rights Deed transferring 5.00 acre-feet of water rights from Washoe County to Franktown Meadows, Inc.; and if approved, authorize Chairman to execute same. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16K be approved, authorized and executed.

**11-153            AGENDA ITEM 16L(1) – DISTRICT ATTORNEY**

**Agenda Subject:** “Approve Resolution requesting the assistance of the Attorney General in the possible prosecution of a male over the age of 18 for alleged theft and other matters properly related thereto; and if approved, authorize Chairman to

**execute same (alleged theft against Luis Roberto Mariscal-Garcia). (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16L(1) be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**11-154            AGENDA ITEM 16L(2) – DISTRICT ATTORNEY**

**Agenda Subject: “Approve Resolution requesting the assistance of the Attorney General in the possible prosecution of a male over the age of 18 for alleged theft and other matters properly related thereto; and if approved, authorize Chairman to execute same (alleged theft against Michael Anthony Johnson). (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16L(2) be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**11-155            AGENDA ITEM 16M(1) – DISTRICT HEALTH**

**Agenda Subject: “Approve amendments [totaling increase of \$28,225 in both revenue and expenses] to the Fiscal Year 2011 National Association of County and City Health Officials ACHIEVE Program Grant Budget (IO 10846) and approve payment for “Sponsor an Indicator” [\$1,000 - grant funded] for the Truckee Meadows Tomorrow; and if all approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16M(1) be approved and directed.

**11-156            AGENDA ITEM 16M(2) – DISTRICT HEALTH**

**Agenda Subject: “Accept client cash donations from the Family Planning, Immunization, Sexually Transmitted Disease and Tuberculosis Programs [\$10,593.28] for the period October 1, 2010 through December 31, 2010. (All Commission Districts.)”**

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

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16M(2) be accepted.

**11-157      AGENDA ITEM 16M(3) – DISTRICT HEALTH**

**Agenda Subject: “Approve amendments [totaling increase of \$7,207 in both revenue and expenses] to the adopted Fiscal Year 2011 Epidemiology and Laboratory Capacity-General Grant Program, IO 10677, to bring the Fiscal Year 2011 adopted budget into alignment with the grant; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16M(3) be approved and directed.

**11-158      AGENDA ITEM 16M(4) – DISTRICT HEALTH**

**Agenda Subject: “Approve amendments [totaling increase of \$4,029.78 in both revenue and expenses] to the adopted Fiscal Year 2011 Safe Drinking Water Grant Program, IO-10017, to bring the Fiscal Year 2011 adopted budget into alignment with the grant; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 16M(4) be approved and directed.

**BLOCK VOTE**

The following agenda items were consolidated and voted on in a block vote: Agenda Items 22, 23, 24, 25, 26, 27, 30 and 32.

**11-159            AGENDA ITEM 22 – DISTRICT HEALTH**

**Agenda Subject: “Recommendation to approve amendments [totaling decrease of \$774,690 in both revenue and expenses] to the adopted Fiscal Year 2011 H1N1 Phase 3 Grant Program, IO-10782, to bring the Fiscal Year 2011 adopted budget into alignment with the grant; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 22 be approved and directed.

**11-160            AGENDA ITEM 23 – DISTRICT HEALTH**

**Agenda Subject: “Recommendation to approve amendments [totaling decrease of \$435,313 in both revenue and expenses] to the adopted Fiscal Year 2011 Public Health Preparedness H1N1 Phase 1 Grant Program, IO-10780 and approve amendments [totaling increase of \$16,687 in both revenue and expenses] to the adopted Fiscal Year 2011 H1N1 Phase 2 Grant Program, IO-10781, to bring the Fiscal Year 2011 adopted budgets into alignment with the grant; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 23 be approved and directed.

**11-161            AGENDA ITEM 24 - PURCHASING**

**Agenda Subject: “Recommendation to award Invitation to Bid #2763-11, A Stocking & Inventory Program for Water Meters Boxes, Touch Read Lids and Miscellaneous Water Work Supplies, to the only responsive bidder, Western Nevada Supply Company [estimated annual value of this award for Washoe County is approximately \$350,000] (as these items are used in new construction, renovation and maintenance of water lines throughout Washoe County, exact requirements are unknown), this award shall run from the date of bid award through December 31, 2012 with Washoe County retaining an option for a one-year extension. (All Commissions Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 24 be awarded.

**11-162            AGENDA ITEM 25 - PURCHASING**

**Agenda Subject: “Request for authorization to utilize the U.S. Communities contract resultant from Request For Proposal No. 58795, administered by the City of Los Angeles, California, for multifunctional printers, copiers and related software, awarded to Ricoh/Savin/Lanier, for the duration of the contract period through September 30, 2012, and any extension period(s) granted by U.S. Communities, an estimated 48 copy machine rentals are set to expire during Fiscal Year 2010/11 and Fiscal Year 2011/12 and have a cumulative annual value of approximately \$193,000, actual expenditures for copy machine rentals are subject to the available budget within the requesting departments (this authorization does not authorize the expenditure of any funds that are not approved in departmental budgets, now or in Fiscal Year 2012. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 25 be authorized.

**11-163            AGENDA ITEM 26 – RISK MANAGEMENT/FINANCE**

**Agenda Subject: “Recommendation to authorize the Finance Director to renew the excess liability insurance policy with Insurance Company of the State of Pennsylvania [\$133,789 and pay a broker fee of \$16,391 to Wells Fargo Insurance Services - funding from Risk Management Fund source]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 26 be authorized.

**11-164            AGENDA ITEM 27 - PARKS**

**Agenda Subject: “Recommendation to approve an American Recovery & Reinvestment Act (ARRA) Funding Agreement between Washoe County and Sierra Business Council for the Martis Fire Rehabilitation Project [\$211,000 - no match required]; and if approved, authorize Chairman to execute Agreement and Finance to make appropriate financial adjustments. (Commission District 5.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 27 be approved, authorized and executed.

**11-165      AGENDA ITEM 30 – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject: “Recommendation to approve Amendment No. 1 to the Interlocal Agreement between the County of Washoe (on behalf of the Truckee River Flood Project) and the City of Reno for the Virginia Street TRAction Project, Phase 1 Bridge Design, to amend the agreement to add completion of final design and permitting and environmental documentation services and to authorize an additional amount not-to-exceed \$3,000,000, with a total contract amount not-to-exceed \$4,800,000, to be charged to Truckee River Flood Project capital fund account 494 (1/8 cent sales tax for Truckee River Flood Management Infrastructure); and if approved, authorize Chairman to execute Amendment 1 to the Interlocal Agreement. (Commission District 3.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 30 be approved, authorized and executed. The Agreement for same is attached hereto and made apart of the minutes thereof.

**11-166      AGENDA ITEM 32 – PUBLIC WORKS**

**Agenda Subject: “Recommendation to award bid for the “2011/2012 Slurry Seal of Selected Streets in Washoe County” to the low, responsive, responsible bidder (staff recommends Valley Slurry) [\$2,518,147 Base Bid + 2 Alternates]; and if awarded, authorize Chairman to execute the contract documents. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke absent, it was ordered that Agenda Item 32 be awarded, authorized and executed.

**\*11:33 a.m.** The Board convened as the South Truckee Meadows General Improvement District (STMGID) Board of Trustees. Commissioner Humke arrived during the Board of Trustees meeting.

**11:41 a.m.** The Board adjourned as the STMGID Board of Trustees and convened as the Truckee Meadows Fire Protection District (TMFPD) Board of Fire Commissioners.

**12:54 a.m.** The Board adjourned as the TMFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

**11-167 AGENDA ITEM 20 - APPEARANCE**

**Agenda Subject:** “Dr. Larry Weiss, Founder and Chief Executive Officer, Center for Healthy Aging. Presentation of the Aging and Caregiver Survey conducted by the Center for Healthy Aging. (All Commission Districts.)”

Dr. Larry Weiss, Founder and Chief Executive Officer, Center for Healthy Aging, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation highlighted a survey conducted of County employees on aging and their role as caregivers. He said as the community ages, the need for care giving would increase. Dr. Weiss said providing that care could affect the caregivers’ own health, both physical and mental. As provided in a 2010 MetLife Study, he said there were substantial costs associated and could cost employers 8 percent in health costs. Dr. Weiss summarized that elder caregiving in the workforce had significant impacts such as, lost productivity, the potential for a significant cost to an employer and health risks to an employee. He said solutions could be utilizing enhanced existing resources, education and services.

Chairman Breternitz said the survey indicated that Employee Assistance Programs (EAP) were not widely used; however, a recommendation encouraged employees to use available resources. He asked how employees could be persuaded to use those existing programs and resources. Dr. Weiss replied employees could be encouraged through e-mails and newsletters. He said most of the EAP’s had toll free numbers and distributed fact-sheets that supplied the information and directories.

Commissioner Jung announced that the potential for the Special Advocates for Elders (SAFE) Program through the Courts may be closed because the \$98,000 grant was not awarded. She indicated that 85 senior citizens were visited at least twice a month by those volunteers, which protected them from becoming further incapacitated. She stated she was working with Grady Tarbuton, Senior Services Director, and the Courts and suggested Dr. Weiss join them as an advocate in maintaining this program. Commissioner Jung indicated that Washoe County was the first in the country to provide this type of SAFE Program. She explained the \$98,000 annual budget was cut from the Governor’s proposed budget, and she felt something needed to be done as a community and as a Commission to preserve this program. Dr. Weiss agreed with Commissioner Jung’s comments and said he would welcome becoming an advocate.

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

**Agenda Subject:** “Dave Asher, Director, Presentation regarding “Live Local Reno Sparks” - an effort to stimulate the local economy by creating a shift of 10% of the region’s purchasing power to local vendors (requested by Commissioner Jung).”

Commissioner Jung stated that Dave Asher was a member of the Regional Jobs Team and headed the Team’s Task Force on stimulating the local economy. She said he created the “LiveLocal RenoSparks” Program to provide a shift of 10 percent of the purchasing power to the local vendors in the region.

Dave Asher, Director, LiveLocal RenoSparks, said he began a small steering committee to create a buy-local initiative. He created an online directory of approximately 2,800 locally-owned businesses that Reno-Sparks consumers could frequent and help bolster the region’s economy. He indicated if local residents shifted 10 percent of spending from chain stores or out-of-State markets to local businesses, the area could retain upwards of \$350 million. He said that money would circulate through the economy to support schools, infrastructure projects, public safety and parks without tax increases. Mr. Asher said the Business Alliance of Local Living Economies (BALLE) was North America’s fastest growing network of socially responsible businesses and noted he was a member of BALLE. He explained that BALLE had comprised over 80 community networks and represented over 22,000 locally-owned entrepreneurs across the country allowing him access to a vast library of economic development buy-local initiatives. He explained “leakage calculators” was a tool offered by BALLE that allowed statistics from Washoe County to be inputted, which would illustrate the leaks in the economy. Mr. Asher said consumers needed to first choose a locally-owned business and then choose a locally-owned franchise. He stated the enemy to the economy was shopping online and out-of State.

Mr. Asher stated the LiveLocal RenoSparks Program was now located in a new location. The Vassar and Cordone Non-Profit and Business Co-op was a Job Creation Enhancement Center.

Commissioner Jung remarked the thought of economic development was to bring people into the region and relocate their businesses, but best practices today was to expand businesses that already existed. She said this was a way for Commissioners to be role models for constituents and shop at locally-owned business.

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

**1:20 p.m.** The Board recessed.

**2:00 p.m.** The Board reconvened with all members present.

**Agenda Subject:** “Recommendation to accept grant [\$150,000 - no match required] from Nevada Department of Wildlife for the Verdi Pond liner project; and if accepted, authorize Regional Parks and Open Space Director to execute Intrastate Interlocal Contract Between Public Agencies (Nevada Department of Wildlife and Washoe County on behalf of Regional Parks and Open Space) and sign all subsequent documents and reports associated with this grant and authorize Finance to make appropriate budget adjustments. (Commission District 1.)”

Doug Doolittle, Regional Parks and Open Space Director, said the Verdi Pond Liner project was the final phase of the Verdi Pond Restoration project. He said the project would install a PVC pond liner in the Verdi Pond for the future stocking of fish and use as an urban fishing pond. Mr. Doolittle indicated the funding was provided by State Question 1, Truckee River Funds, Nevada Department of Wildlife and the U.S. Fish and Wildlife Service. He indicated that the Verdi Pond was located within Crystal Peak Park in Verdi and had been under construction for restoration of the pond, addition of benches, fishing piers, trails, picnic tables, interpretive kiosk and signage. The pond liner would complete the construction project and allow for public fishing.

Mr. Doolittle explained there had been some citizen concerns about using the PVC liner and felt that Betenite would be the proper material since it could be mined in eastern Nevada. Upon an engineers review of the materials and since there was limited access to the property where the Betenite was located, it was recommended to use a less expensive material that would last longer. He explained to obtain the Betenite would take hauling in an enormous amount to line the ponds and staff felt that the PVC was the correct material to use to line the three-acres of ponds.

Commissioner Weber asked if this was the second attempt of placing a pond liner in the Verdi Pond. Mr. Doolittle confirmed this was the first attempt. Commissioner Weber said the impression was that some citizens questioned spending money at this time to line the Pond. Mr. Doolittle indicated over the past few years many people had approached him and wanted the Ponds in place and for the Park to be completed. He said this was the final project and the majority of citizens wanted the Ponds completed as did the Department of Wildlife.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 28 be accepted, authorized and executed. The Agreement for same is attached hereto and made a part of the minutes thereof.

**Agenda Subject:** “Acknowledge report on the current status of the Federal Department of Housing and Urban Development sponsored Neighborhood Stabilization Programs known as NSP 1, NSP 2 and NSP 3 and provide direction to staff regarding the establishment of an internal Housing Security Team to provide coordination and focus in the County’s housing related efforts. (All Commission Districts.)”

Eric Young, Planner, said the federal Department of Housing and Urban Development (HUD) had sponsored three Neighborhood Stabilization Programs (NSP) aimed at mitigating and preventing the negative impacts of foreclosures on neighborhoods. He said the region, through partnerships with the Reno Housing Authority, the Cities of Reno and Sparks and Washoe County, had successfully implemented the NSP1 and NSP2 Programs in the community. Mr. Young indicated that development of the action plan for NSP3 was finishing and would be submitted to HUD on March 1, 2011.

Mr. Young stated that the NSP1 program funds were formula driven and the primary recipient was the State Housing Division. However, through the HOME Consortium, this region was awarded \$4.6 million for foreclosure mitigation in the three targeted areas, which were a portion of Stead, a portion of Sun Valley, and a portion of “old Sparks.” He explained NSP2 was a competitive grant based on competitive applications from local governments or other entities. Mr. Young said Washoe County, together with the Cities of Reno and Sparks, supported the Reno Housing Authority in the submission of a single comprehensive application for the entire region, which was successful, and brought in an additional \$20 million for foreclosure mitigation.

Mr. Young explained that the NSP3 program was formula driven, but the primary recipients included counties and cities as well as states. He said Washoe County had received an allocation of \$1,735,918 and noted that staff was developing the action plan for the County’s allocation in consultation with local and State partners. The action plan must be approved by HUD prior to receipt of funds. He said this program represented an opportunity to coordinate the foreclosure mitigation activities the program funded with the permanent supportive housing needs of Washoe County Social Services Department clients. Mr. Young said the NSP3 funds would be used to acquire and rehabilitate up to 10 multi-family units and, through a Request for Proposal (RFP) process, the County would partner with non-profit agencies to make the units available to a range of different clients currently being served by the Social Services Department.

Mr. Young said an inter-departmental Housing Security Team, which would function as a virtual department, could be established within the County organization. Initially, the Team would be composed of staff from Social Services, Senior Services, Community Development, and Management Services. He explained that specific participation would be flexible and aimed at “bringing the right people to the table at the right time” to identify and respond to housing issues and opportunities. He

said the Housing Security Team would be responsible for housing policy development, coordinating the various housing programs the County was involved in, identifying and applying for new housing program funding opportunities, and developing the housing programs that would implement the housing policies of the Commission.

Commissioner Weber stated she was very supportive of the Housing Security Team and thought it was a great concept.

Chairman Breternitz said time would need to be dedicated from various members of the Team to perform the services needed. He asked if this would have a negative impact on the other services the County was responsible to deliver. Mr. Young replied this would have a positive impact because it represented a more coordinated and integrated effort that created efficiencies.

Katy Simon, County Manager, noted this was part of the Board's strategic plan to review housing security in the region. She said the members of the Housing Security Team already worked on these issues and was a part of their general responsibilities. Because statistics showed that not having housing was a reason families ended up in the Child Welfare system, she said this had the potential to keep families out of the system.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the report on the current status of the federal Department of Housing and Urban Development sponsored Neighborhood Stabilization Programs known as NSP1, NSP2 and NSP3 be acknowledged. It was further ordered that staff be directed to establish an inter-departmental Housing Security Team to provide coordination and focus to the County's housing related efforts.

**11-171      AGENDA ITEM 31 – SENIOR SERVICES**

**Agenda Subject: "Introduction and first reading of an Ordinance amending Washoe County Code Chapter 45 to change the membership of the Senior Services Advisory Board by converting certain members to non-voting members, and other matters properly related thereto (set public hearing and second reading of Ordinance for March 8, 2011 at 6:00 p.m. (All Commission Districts)."**

Amy Harvey, County Clerk, read the title for Bill No. 1640.

There was no public comment on this item.

Bill No. 1640, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 45 TO CHANGE THE MEMBERSHIP OF THE SENIOR SERVICES ADVISORY BOARD BY CONVERTING CERTAIN MEMBERS TO NON-VOTING MEMBERS, AND OTHER MATTERS**

**PROPERLY RELATED THERETO,"** was introduced by Commissioner Jung, and legal notice for final action of adoption was directed. It was noted that the second reading and adoption would be scheduled for March 8, 2011 at 6:00 p.m.

**11-172            AGENDA ITEM 33 – PUBLIC WORKS**

**Agenda Subject: “Recommendation to accept Status Report on Lake Tahoe Total Maximum Daily Load. (Commission District 1.)”**

Dan St. John, Public Works Director, conducted a PowerPoint presentation for the upcoming Total Maximum Daily Load (TMDL) that was being proposed by the Nevada Division of Environmental Protection (NDEP) for Lake Tahoe, which was placed on file with the Clerk. The presentation highlighted the challenge for the Lake Tahoe clarity model, the amount of pollutant reaching Lake Tahoe, urban upland, fine sediment particle reduction targets, Lake Tahoe TMDL Report implementation assumptions, urban and groundwater pollutant control opportunities, enhanced street sweeping, major areas of action, stormwater pollution load reduction plan (SPLRP), memo of agreement, pollutant load tracking, administration of SPLRP, public outreach and input process, a conceptual schedule, current grant funded work and the estimated annual costs to administer pollution crediting program.

Commissioner Larkin asked if the establishment of the Memorandum of Understanding (MOU) helped in the eventual TMDL that would be on the Truckee River. Mr. St. John replied the Truckee River was expected to have a TMDL for the urban run-off.

Chairman Breternitz said the administration fees for oversight of the program could possibly be grant-funded. Mr. St. John replied any studies to arrive at the SPLRP may be able to receive grant funding. Chairman Breternitz asked if the anticipated expenses were currently provided for within the Department’s budget or would those be a reallocation. Mr. St. John replied those expenses were not within the departmental budget; therefore, staff would seek dedicated funding for the program.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 33 be accepted.

**11-173            AGENDA ITEM 34 – PUBLIC WORKS/ANIMAL SERVICES**

**Agenda Subject: “Discussion and possible direction to staff regarding possible amendments to the Professional Services Agreement with the Nevada Humane Society on matters related to the shared operation of the Washoe County Regional Animal Services Center (requested by Commissioner Larkin). (All Commission Districts.)”**

Katy Simon, County Manager, informed the Board that the original agreement had been omitted from the staff report. Amy Harvey, County Clerk, distributed the Professional Services Agreement (PSA) between Washoe County and the Nevada Humane Society and placed a copy on file with the Clerk. Ms. Simon stated she had a conversation with Commissioner Larkin to continue the item since there was no time to review the existing PSA. She said the Animal Ordinance would return during the March 8, 2011 meeting so there would be no flaw in continuing this item until that meeting.

Commissioner Jung moved to continue this item in its entirety to March 8, 2011. Commissioner Larkin seconded the motion.

Commissioner Larkin said since this PSA had been enacted, the Board had not had a policy discussion and felt the Board had relegated the policy duties to the Public Works Director.

Dan St. John, Public Works Director, apologized for not placing the original PSA in the staff report. He said the original PSA and the Standard Operating Procedures (SOP) were written prior to the opening of the Regional Animal Center. In anticipation of the major issues, an admirable job was completed and, for that reason, there had never been a cause to return to the Board and amend the PSA. Because the County Code was now being reviewed, Commissioner Larkin felt this was the time for a comprehensive policy discussion. Mr. St. John stated the big policy issues seemed to be working, but agreed some of the smaller issues could use improvement or an amendment. He said since the original lease was created and approved, the financial issues had been addressed twice. He added the overall mission and operations of the Center had not encountered any confusion in policies or roles.

As a Board, Commissioner Weber said there should be more policy discussion and felt it was important for the Board to be involved and in charge of policies. She did not think an additional workshop would be necessary, but appreciated the public comments and involvement and encouraged the continuance of that involvement. She announced that she would be absent from the March 8, 2011 Board meeting.

Commissioner Jung believed that the Board was the regulatory and policy setting body, but stated the Regional Animal Services and the partnership with the Nevada Humane Society was a model for the nation. She felt there were bigger issues in the community, particularly the budget deficit, and disagreed with picking something apart that worked well. Commissioner Jung commented that the community should be proud of the facility and proud of the operation and it was an embarrassment to nitpick.

Commissioner Humke stated just because something was a model did not mean the Board should not examine the policies from time to time. He agreed there was no need for an additional workshop and stated he had constituents who were dissatisfied with the workshops underway for the proposed animal ordinance amendments.

Commissioner Humke said the Board did direct the policy of the departments and then the Manager carried out those policies through the department heads.

Ms. Simon did not think there had been much direction from the Board about changing policies until the past year and a half. She felt staff had been listening and noted the animal ordinance was continued because staff made changes based on suggestions from citizens that had been provided to the Board. She said the fundamental issues were the areas the Board wanted to provide policy guidance. Ms. Simon explained the last workshop took so long because it was hard to find middle ground between two very passionate factions; animal welfare advocates and animal rights advocates.

Commissioner Larkin reiterated that the nexus between the PSA and the SOP needed to be discussed because this was the time to consider those, and he was concerned with the health and welfare of County taxpayers. He said many items in the PSA were policy decisions that needed to come before the Board.

Commissioner Weber believed the job as County Commissioners was to be responsible for the Regional Animal Center and to make that facility the best it could be, while providing services for taxpayers. She requested the Board consider whatever was done to the SOP, have it return to the Board in a period of time to review and, if applicable, make changes at that time. Commissioner Jung stated she would put Commissioner Weber's comments on the record during the March 8, 2011 meeting.

There was no public comment on this item.

On call for the question, the motion to continue Agenda Item 34 to the March 8, 2011 meeting passed on a 5 to 0 vote.

**11-174      AGENDA ITEM 38 - MANAGER**

**Agenda Subject: "Update on status of Shared Services efforts and possible direction to staff. (All Commission Districts.)"**

Commissioner Jung explained that a quorum was not present at the Shared Services Committee meeting. She said staff had inquired of Legal Counsel to determine what constituted a quorum for this Committee.

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

**11-175      AGENDA ITEM 39 - FINANCE**

**Agenda Subject: "Possible status report and directions to staff on Fiscal Year 2011/12 budget development. (All Commission Districts.)"**

Katy Simon, County Manager, indicated this was a standing agenda item. She noted at the present time there was nothing to report.

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

**11-176            AGENDA ITEM 40 – GOVERNMENT AFFAIRS**

**Agenda Subject: “Discussion and possible direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. (All Commission Districts.)”**

John Slaughter, Management Services Director, provided a legislative update, which was placed on file with the Clerk. He said during the second week of the legislative session, staff provided several “issue overview” presentations to legislative committees. Mr. Slaughter said the Legislative Team monitored various budget hearings, in particular the budget hearings with programs that were planned to have shifts or pushdowns of costs to the County, monitored various legislative bill hearings, and introduced themselves to some of the new Nevada Legislators. He reviewed the highlights from the past week and summarized the upcoming week.

Mr. Slaughter discussed AB 47, which required a base adjustment in the formula for the allocation of certain consolidated tax revenues and an interim legislative study of the current allocation formula. He said staff testified that the County would be in opposition of changing that formula Statewide and affecting Washoe County. He said the observation was made to the Chair that the County would be cautious about any type of study, but would be involved and provide necessary resources.

Mr. Slaughter stated no changes had been made to the Governor’s list of impacts to the County and said staff was monitoring those discussions. He said Social Services Director Kevin Schiller was preparing a “White Paper” to present to the Board that discussed the Human Services issues related to those proposed impacts.

Commissioner Humke inquired when both houses would have budgets presented that would be contained in the Executive Budget. He remarked dissatisfaction was occurring because the County received snippets of information about State services being sent to Washoe County and that the State was sending those services without any revenue and less explanation. He asked if Mr. Slaughter approached the County representatives and, in order to make a record, requested those questions be asked or should the Budget Director be asked to explain what those services involved. Mr. Slaughter was unsure of the actual date when the budgets would be presented. He felt that individual departments would be a better source of information about impacts rather than the Budget Director.

Katy Simon, County Manager, explained that questions were not generally planted ahead of time with Committee members; however, during the Committee hearings, e-mails were sent to members of the delegation to provide comment, questions or information. She remarked that the County had two knowledgeable individuals doing

the analysis regarding implications of the budget impacts. Ms. Simon said the County delegation was scheduled to meet with Senator Sheila Leslie on February 25, 2011 to provide some of that context and provide some real-life stories concerning the proposed impacts on County citizens.

Kevin Schiller, Social Services Director, said discussions were occurring surrounding the initial costs of the State programs and where the statistics were being pulled that supported the States data. In order to provide the Board the actual cost based on research, he said staff was reviewing Elder Protective Services in nursing homes to see the specifics for the costs being pushed down. Commissioner Humke said it had been mentioned that the State would send the County their services and have the County pay State employees to provide those services. He remarked that was an awful policy, and he would have no interest in participating or voting for that policy.

Commissioner Larkin appreciated Senator Leslie's intent to go to the source for direct information. He asked if there would be any representation from the County at that meeting or had an invitation been extended. Ms. Simon stated she would ask the Senator. Commissioner Humke stated he would not wait for an invitation and would attend the meeting.

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

#### **11-177      AGENDA ITEM 41 – REPORTS AND UPDATES**

**Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).”**

Commissioner Larkin reported as Vice Chairman of the Flood Project Committee, he would provide testimony related to flood control on March 4, 2011 before the Assembly Committee of Government Affairs.

Commissioner Weber stated she would not be in attendance for the March 8, 2011 Commission meeting since she would be attending the National Association of Counties (NACo) conference.

Commissioner Humke reported on a Regional Transportation Commission (RTC) retreat. He spoke on a former classmate, Dr. Jerry Nimms, who recently passed away. He said Dr. Nimms was a Court Appointed Special Advocate (CASA) and, as a result of that experience, developed a program for older individuals. He felt Dr. Nimms was the prime mover in creating the Special Advocates for Elders (SAFE) Program.

Commissioner Jung attended the “Entrepreneur of the Year” Awards and noted there were a number of new and expanding businesses. She said the Joint Fire Advisory Board (JFAB) would meet on February 28, 2011 to receive the report on the Reno Standard of Cover. Commissioner Jung covered the other meetings that she would be attending in the upcoming week.

**11-178      AGENDA ITEM 42 – CLOSED SESSION**

**Agenda Subject: “Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.”**

**3:34 p.m.**      On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Commission recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**4:30 p.m.**      The Board reconvened with Commissioner Humke absent.

**11-179      AGENDA ITEM 35 - APPEARANCE**

**Agenda Subject: “Randi Thompson and Mary Simmons, Washoe County’s Appointees to the Reno-Tahoe Airport Authority Board of Trustees. Update on airport matters, including but not limited to general aviation; discussion and direction to staff regarding the legal status of the Reno-Tahoe Airport Authority, the confidentiality of the compensation package of the Chief Executive Officer and other management officials of the Reno-Tahoe Airport Authority, and the role of the Authority Trustees vis a vis the appointing authority, i.e. the Board of County Commissioners; and discussion and possible action regarding a public records request for compensation information on the Chief Executive Officer and management officials and a possible request for resignation by the incumbent Washoe County appointees (requested by Commissioner Larkin). Continued from January 11, 2011 County Commission Meeting. (All Commission Districts.)”**

Previously, Commissioner Larkin said information had been requested from the Reno-Tahoe Airport Authority (RTAA), and a response had been received that was distributed to the Board and placed on file with the Clerk. He said there had also been prior discussions about issues related to General Aviation.

**4:35 p.m.**      Commissioner Humke arrived.

In regard to General Aviation, Randi Thompson, RTAA Board of Trustees Chairperson, said there had been several meetings held with the President and Vice President of the Reno-Tahoe Aviation Association. She stated another meeting was scheduled for March to determine issues and arrive at some resolution. Ms. Thompson said at this point the two key issues had been locating space on the airport for the Civil Air Patrol (CAP) and adequate hanger space for the needs of the General Aviation

community. She noted that the RTAA was working diligently to reach a solution. Commissioner Larkin said that was good news and was pleased to hear the progress. He stated that General Aviation was a vital portion of the economy and the tax base.

Ms. Thompson reported that she recently went on a tour of the Reno-Tahoe Airport (RTA) and visited several of the General Aviation facilities and businesses. She stated the RTAA should have done that a long time ago, but now she had a better understanding of the businesses that were operating at the RTA and the economic value of those businesses. She said much had been learned in the past two months, and she appreciated the opportunity to meet with the Reno-Tahoe Aviation Association.

Commissioner Larkin reiterated he was pleased with the progress regarding General Aviation. However, still in question were the transparency issue and the release for information. In regard to the planning issue, Commissioner Larkin said under the watch of the current Board appointed trustees, the Airport Master Plan was out of compliance with the Regional Plan. He stated that non-compliance could jeopardize the status of Federal Aviation Administration (FAA) funding. He said a requirement of the FAA funding was for the RTA to comply with all local land use plans. Commissioner Larkin questioned the RTAA's leadership and felt the ship was not being run very tight. He commented that the Chief Executive Officer (CEO) was supposed to know what was happening; however, there were two significant issues, and he was beginning to wonder about the competency of the CEO.

Mary Simmons, RTAA Trustee, indicated that the RTAA had not been informed of being in non-compliance with the Regional Plan and said the process had not changed in 20 years. Commissioner Larkin stated that was the problem. He added the Plan had been out of compliance since 1992 when it was last reviewed. Ms. Simmons disagreed since the RTAA had not been informed of non-compliance. She said she was not aware of any changes, but the issues were brought to the RTAA for review and they were in the process of submitting information to the Regional Planning Governing Board (RPGB) to ensure compliance. Commissioner Larkin said he attended a RPGB meeting in May of 2010 where the Board requested an update of the Master Plan, but there was no Master Plan or a timeframe when that Plan would return to the RPGB. He said his general question was what was occurring with the RTAA. Ms. Simmons said that would be investigated and reported back to the Commission.

Commissioner Larkin also requested the RTAA identify policies and procedures concerning planning for regular review. He stated each plan in the community was reviewed every five years and regular reports should have been submitted to the RPGB; however, a report had not been submitted since 1992. Ms. Simmons remarked there may be some different interpretations as to what applied, what did not apply and certain submissions.

Ms. Thompson said the RTA had hired a land planning consultant to assist in working with the Regional Plan. Commissioner Larkin emphasized this was not an insignificant item because it placed FAA funds in jeopardy.

In regard to the requested information, Commissioner Larkin appreciated the information the RTAA provided, but found it disturbing that the correspondence stated, “out of respect for our employees, we ask that the County not publicize the information for other purposes.” Ms. Thompson indicated for 30 years the RTA never had a request of this type. She said the RTAA would provide the Board with the requested information; however, stressed this had never been asked of the RTA employees. She questioned what was pushing this request. Commissioner Larkin stated this needed to be fully vetted and total transparency sought.

Ms. Simmons said the RTAA had always disclosed requested information. She felt this issue needed to be fully addressed as to the rules that governed the RTAA and the disclosures then move forward to vet the entire issue. Commissioner Larkin hoped that full disclosure would include how the RTAA arrived at the compensation package for the CEO. Ms. Thompson explained that was the first time the current RTAA Board had gone through negotiations of a CEO. She said because that process would begin again, she had begun to write policies and procedures. Ms. Thompson indicated that she had no problem with transparency.

Chairman Breternitz asked whether the RTAA was considered a public body. Melanie Foster, Legal Counsel, said for purposes under the provision in Chapter 241 that required public evaluations of officers, prior discussions occurred whether the CEO was a public officer. She said the original definition of a public officer stated, “that a public officer was someone whose position was created by law and duties were set by law.” However, that was not the case with the CEO for the RTA. She said the RTAA acted totally silent about that position, which was created by the RTAA and within their purview. She said the District Attorney’s (DA’s) opinion was that the RTA was a public entity, exempt from certain parts of public procurement laws and some of the rules for the RTAA were different, but they did comply with the Open Meeting Law. She said RTA employees were members of the Public Employees Retirement System (PERS) and were required to comply with a number of the general public laws that governed public entities. She said the DA’s opinion was that the RTAA was a public entity, albeit unique. Ms. Foster said the law made it clear that RTAA appointees exercised their own discretion and the Board could not attempt to substitute their discretion to the RTAA appointees. Chairman Breternitz asked if the interpretation was subject to RTAA’s counsel. Ms. Foster stated that was correct. Chairman Breternitz asked what it would take to receive a final disposition. Ms. Foster replied litigation would be deemed final, but since there was no real dispute, she felt there was nothing to litigate.

Commissioner Weber was disappointed, especially on the reluctance of the salaries being disclosed. She hoped the RTAA would emulate the County and expected them to contemplate that when discussions were held. Ms. Thompson explained that she would prefer to set policies to make the RTA more transparent. She stated it was a public entity with the Trustees being appointed by the Cities and the County and accountable to the community, but there was concern that after 30 years of operation it was suddenly a new game. She said she would follow Board direction to make changes and set policies in order to make the RTAA more transparent.

Commissioner Humke stated the true answer would arrive from litigation. In regard to the compensation package designed for the CEO, the RTAA had been tone-deaf and had not listened to what other public or quasi-public CEO's went through in the County and State and felt the RTAA was wrong in doing so.

Chairman Breternitz encouraged the RTAA to instill the highest level of transparency and suggested they move the procedures to a higher level of transparency and openness.

Commissioner Larkin stated the RTAA should consider and declare that they were a public agency and that all records were public, excluding confidential records. He requested an agenda item for a resolution that the County Commission encourages open transparency and for the RTAA to declare themselves a public body. Ms. Thompson stated she would approach the Cities of Reno and Sparks for a similar transparency request and the RTAA would follow the direction wanted by the community. Chairman Breternitz suggested in moving toward a transparent process, it should not depend on other entities for support.

In response to the call for public comment, John Howitt, Reno-Tahoe Aviation Association President, felt the only way to resolve their issues with the RTAA was to ensure that the best interests of the community and the users were represented, which was through an open and transparent form of government. He said because of the Board's actions, the RTAA appointees reached out to the Association and he was cautiously optimistic. At stake was an opportunity to develop a master plan that could lay out the framework for all types of air operations at the RTA. Mr. Howitt said this was essential to the flying community and hoped that the Commission would continue to watch the RTAA on this item and to encourage them to reach out to the users and the community. He said accountability was not always the easiest thing, but was the right thing.

Commissioner Larkin reiterated his request to have a future agenda item regarding a resolution for support of openness and transparency at the Reno-Tahoe International Airport.

There was no action taken on this item.

## **11-180      AGENDA ITEM 36 – WATER RESOURCES**

**Agenda Subject: “Recommendations to: 1) Review, discuss and give possible direction to staff on the proposed domestic well mitigation plan for Upper Mt. Rose and Galena Fan Areas; and, 2) Presentation on and acknowledge receipt of the Quarterly Report on Activities of the Washoe County Water and Sanitary Sewer Financial Assistance Program, Ordinance No. 1449 (Financial Assistance Program). (All Commission Districts.) TO BE HEARD BEFORE AGENDA ITEM No. 37.”**

Rosemary Menard, Water Resources Director, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation provided an overview of Nevada Water Law applicable to groundwater use for municipal and domestic well purposes, a review of specific conditions in Northeast Lemmon Valley and on the Mt. Rose-Galena Fan, an overview of factors that could affect domestic wells, a brief history of the Well Mitigation Hearing Board, a proposal for addressing domestic well mitigation on the Mt. Rose-Galena Fan, a proposed Mt. Rose area schedule of fees and charges and feedback from the February 15, 2011 community meeting.

Commissioner Humke appreciated the additional information not presented during the community meeting held on February 15, 2011. Included was the comparison of the Callahan Ranch area to the Heppner Subdivision, which was necessary in helping the Board reach a decision. Commissioner Humke asked if more detail was available regarding the differences between the Heppner Subdivision domestic well issue and the Callahan Ranch/Mt. Rose area. Ms. Menard replied a few cases regarding the Heppner Subdivision went before the Well Mitigation Board where some parties acknowledged that some residents were impacted from municipal pumping, but after further analysis it was determined that municipal pumping was not the cause of the problem in the Heppner Subdivision. She said the cause was fractured granite, poor saturation in terms of water-bearing strata and, because there was not much water available, the domestic wells suffered. She said the area qualified under the provisions of the Community Development Block Grant so money was obtained to help citizens hook-up, but when the values of homes decreased, the 2009 Legislature helped citizens obtain funds for the upfront costs to make the transition.

Commissioner Humke asked if the dry wells in the Heppner Subdivision predated the actions of the Well Mitigation Board. Ms. Menard said there were about four or five cases from the Heppner Subdivision that came to the Well Mitigation Board. She explained a large majority of those wells had been deepened, which showed the problem to be consistent. Ms. Menard stated the Heppner Subdivision was intended to be developed on a municipal system.

In reference to the proposed Mt. Rose area schedule of fees and charges, Commissioner Humke asked if that was the prime example of what was proposed and, if the additional schedule was the secondary example of working with well owners. Ms. Menard replied the proposal for the majority in the Callahan Ranch area was listed on page 34 of the presentation. She said this was an area where the County constructed the water system; however, in some cases developers paid to extend the service and place meter pits and service laterals to those meter pits, but not in other cases. She explained there were other unique situations in the area, but with respect to the fee structure this was the major proposal. She said staff attempted to reach a fair way to possibly mitigate residents who were impacted by municipal pumping. Commissioner Humke said if the proposal indicated the basic pattern of mitigation for the majority of the residents, and to be fair and equitable, asked if the residents who were far away from the water line would be taken on a case-by-case basis. Ms. Menard commented that direction was being sought on the type of mitigation the Board wanted staff to pursue. Then a policy would be

crafted to provide language in the Water Rate Ordinance stating specific tables of cost to be a combination of policy direction and cost.

Ms. Menard explained there were no water lines in the Fawn Lane area, but there were a number of domestic wells. She said this would be an area where well deepening would occur. She said staff had requested the State Engineer not “leap-frog” residents, but require residents with a water line in front of the property to hook-up and then work with the others who did not have a water line nearby to deepen their wells. As a result of the presentation last week, Commissioner Humke opined that the County may not be there yet. He said the residents still had many questions, and he suggested more work may need to be completed. Commissioner Humke said the tough cases were the unique ones and felt more work was needed in that area.

Commissioner Larkin asked how much of the growth in the affected area occurred in the past 10 years and exacerbated by the bubble. Ms. Menard replied a large portion occurred in the past 10 years. Commissioner Larkin felt some growth was brought on by Federal Reserve policies and asked if a Special Assessment District (SAD) or financing mechanism was considered in conjunction with a federal grant. Ms. Menard indicated a SAD was not considered because once the infrastructure was in the ground a SAD could not be completed. She explained grant funds were not sought because the infrastructure that was installed was paid for in cash and was not being debt-financed. Ms. Menard indicated the infrastructure itself was paid for, but the question was whose responsibility was it to reimburse and who was benefitting from the infrastructure. She said the proposal put forth stated that the people in the Callahan Ranch Estates, who had the infrastructure installed, were not the beneficiaries; the beneficiaries were the Arrowcreek residents and Saddlehorn areas. Commissioner Larkin said in this economic time and with the Well Mitigation credit, \$4,600 was still a great deal of money, even with a long-term financing option. Ms. Menard stated the rough calculation for payments on a \$10,000 loan would be approximately \$200 a quarter for 20 years. Commissioner Larkin stated that did not sound like much, but in this economy it was. To help mitigate that, he asked there be consideration for some type of grant funding.

Amy Harvey, County Clerk, stated there was an e-mail to be read into the record. Per Legal Counsel’s advice, Chairman Breternitz acknowledged the e-mail and directed it placed on file with the Clerk.

In response to the call for public comment, the following individuals spoke:

Ron Kennedy said he ran out of water over two years ago and lowered the pump 21 feet in his well. He requested the people who were harvesting his water pay to deepen his well an additional 200 feet. Mr. Kennedy stated his residence was not near a water line and he needed the Board’s protection. He placed on file with the Clerk a prepared statement and a map.

Bob Marshall said his well was being monitored and may need to be deepened within the next few years. He said there was a water line in front of his residence, but the total cost to hook-up to the system would be about \$4,000, plus the cost to abandon the well, equating to approximately \$12,000. He requested a flat fee be instated and, if there was a well and a meter pit, review them as individual cases.

**5:50 p.m.** Commissioner Larkin temporarily left the meeting.

Beth Honebein said many citizens that had deepened their wells due to the impact from County wells were omitted from the proposal and stated no mitigation was listed for those instances. She felt another community meeting was needed to discuss the unique situations. Ms. Honebein was stunned that Commissioner Larkin tried to blame the Federal Reserve for the problems the County was going through because of growth approved through the County Commission and the Planning Commission.

James Mack stated his displeasure over the taking of his water and asked why he was not informed of this issue.

Don Dunivan said he had been affected by the Tessa Well and did not have the recharge capabilities he had in the past. He felt it was unreasonable to charge him for his water a second time, plus additional fees to abandon his well if he hooked up.

Deb Gunzel read from a prepared statement and submitted a photograph, which were placed on file with the Clerk. She stated it would be approximately \$10,000 for her family to hook-up to the County system. She did not think it was fair that the County took their water and now residents had to hook-up to the County well and pay a monthly fee.

**6:01 p.m.** Commissioner Larkin returned to the meeting.

Harry Fahnestock and Joy Panella thanked staff for conducting the community forum. They read from a prepared statement that was placed on file with the Clerk.

Coopor Brown thanked staff for addressing the current problems in the Callahan Ranch area. He said his well ran dry in 2009 and at the time the fees were about \$15,000 for a meter on top of the \$8,000 to run the water line, which was unaffordable then and was still unaffordable.

Kathy Bowlin said municipal wells may not be the only factor drawing down the domestic wells, but were the main factor. She stated her well was decreasing five feet per year and noted she had deepened her well. At first glance, Ms. Bowlin said the proposed plan looked like a step in the right direction; however, after further review the plan placed most of the financial burden on domestic well owners. She stated the plan completely ignored residents who had previously deepened their wells. Ms. Bowlin

requested a more equitable solution be sought for the problem that was created by the County Commissioners when they approved the subdivision in the 1960's.

Tom Carpenter stated the plan did not address the residents who had previously deepened their wells. He said those residents would not hook-up as quickly and asked if there was a time frame included for the reduced hook-up offer.

Doug McIntyre thanked staff for addressing the current water issue in the Callahan Ranch area and read from a prepared statement, which was placed on file with the Clerk.

Virginia McLaughlin submitted a letter, which was placed on file with the Clerk. She stated there should be no charge for residents whose wells had gone dry or for those who had deepened their wells and now faced capping their functioning wells. She said more discussion and decision-making was needed.

Kevin Crifasi felt that an undue burden was thrust on the homeowners without adequate discussion and/or compensation. He encouraged the Board to postpone any decision or direction on the plan until there was time as a community to understand the implications.

Chuck Price read from a prepared statement, which was placed on file with the Clerk. He said prior to the Tessa Wells he did not have any well problems and noted his home was one of the closest domestic wells to the Tessa Well.

Geri Maruri stated she had gone through the expense of deepening a well. She said soon there would be the expense of drilling new wells because for some, the water table was under 15 feet, which was due to the deep wells drilled by the County.

Jay Laughlin said one of the biggest problems was the developer's perception of where water would be acquired from.

Andre Munoz agreed with many of the comments. He said it had been clear from the documentation presented that domestic well owners had noticed the draw down due to the pumping from municipal wells. He said there was a need for more discussion and urged the Board to continue with community dialogue.

Eric Scheetz thanked the Department of Water Resources for being involved and attempting to find a solution. He said this was a first step, but there were many more steps needed.

Commissioner Jung asked if the proposal had been brought forward to the affected Citizens Advisory Board (CAB). Ms. Menard said that had not occurred, but was scheduled to be presented to the Galena/Steamboat CAB during their March meeting. Commissioner Jung felt this needed more time to be flushed out and the CAB was a good example. She asked if there was a way for the County to create a fund so when the

preapproved unbuilt properties were purchased, a fee would be collected to help in eliminating the decimation of the current domestic wells. Melanie Foster, Legal Counsel, replied the approved unbuilt lots did not cause the draw down.

Peter Simeoni, Deputy District Attorney, said the Water Resources Department provided utility water service and sewer service. He said the establishment of rates, tolls and charges for the water service were a legislative function. Anytime a rate, toll or charge was established, substantial deference was given to the legislative function in establishing those rates, tolls and fees as long as those were non-discriminatory uniform. He said that did not mean that a charge could not be imposed for the service that was provided on different groups or classes of property owners the County provided the service to as long as there was a rationale basis for which those fees were imposed. Commissioner Jung asked if a fund could be created from an extra surcharge collected on the preapproved, non-built homes. Mr. Simeoni said in establishing those rates, tolls and charges the Board could impose a fee for providing a service, but a rationale basis had to be made for why those fees were imposed. Commissioner Jung requested that be explored and also requested a full report on that option.

Chairman Breternitz said the impact of future construction on an unbuilt lot could be assessed, but was not sure how to assess the impacts that occurred prior to the home being built.

Commissioner Humke asked about the equity for citizens who had deepened their wells and the estimation of the number of property owners that had deepened their wells. Ms. Menard believed the number of owners that had deepened their wells were between 50 and 100. Commissioner Humke asked how the Board could direct staff in order to move forward. Ms. Menard replied the quarterly report needed to be approved. She stated she would meet with the community and have further discussions. Ms. Menard said the proposal offered benefits to homeowners for hook-up, but she understood the opposite point of view. She would welcome Board direction for more community meetings and a different proposal.

Chairman Breternitz thought he saw a proposal for some type of mitigation for citizens that had deepened their wells. Ms. Menard stated that was not included in the proposal. She explained the basis for not including that type of mitigation was the residents who did deepen their wells had previously received a letter from Water Resources indicating the water lines were pending, and if they wished to deepen their wells now was the time. She noted it was a voluntary choice.

In order for the Board to establish a balance, Chairman Breternitz requested the financial impacts to the Department of Water Resources if the Board directed they handle all the costs outside of a property line, the financial impacts for those residents who proposed to deepen their well, if in fact 100 feet was a logical depth, and was \$5,000 a reasonable amount per well. He requested that information be available to the CAB and the public prior to it being returned to the Board.

Commissioner Weber felt that communication was the best part of the process and suggested a hotline allowing citizens the opportunity to ask questions. She said this was difficult but hoped that everyone could work together to find solutions.

Chairman Breternitz commented that the Board was inundated with information prior to a meeting and said it was helpful to have staff's comments before a meeting to give the Board the proper time to review the information.

Commissioner Jung felt that the timeframe needed to be addressed for the hook-up offer and the abandoning expense for a well to arrive at a fair and equitable solution.

Commissioner Humke agreed with quantifying all the costs since that was needed as a base for the Board's decision.

Ms. Menard stated she would return at a future date with proposals and additional information about financial implications.

Chairman Breternitz inquired about the viable method for abandonment of a well. Jason King, State Engineer for the Division of Water Resources, explained an abandonment of a well had to be performed by a State-licensed well driller. Chairman Breternitz asked if there were other means besides the \$13 a linear foot that would render a well abandoned. Mr. King believed there were other options, especially when there were dry holes. He said the State Engineers Office would work with the Water Resources Department and the domestic well owners to arrive at the least expensive way to plug the wells. Chairman Breternitz requested that information be incorporated into the new proposal.

Commissioner Humke asked how would a well owner make the decision regarding an underperforming well, cided to hook-up to the municipal water, or if well could still be used for irrigation. Mr. King explained if there was a problem with a domestic well, the homeowner would call the State Engineers Office for clarification.

Commissioner Jung requested information about residents who already had water rights dedicated to their property.

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered that the quarterly report be accepted. It was further ordered that the Water Resources Department accept all direction given and to perform additional community education and obtain additional information to formulate a more detailed plan.

**Agenda Subject: “Review, discuss and give possible direction to staff of a possible approach to modifying the loan application review process set forth in the Policies and Procedures for the Financial Assistance Program to provide an opportunity for reconsideration in the event of a loan denial. (All Commission Districts.) TO BE HEARD AFTER AGENDA ITEM No. 36.”**

Due to the specified information from the discussion heard on the previous item, Commissioner Larkin suggested this item be continued. Rosemary Menard, Water Resources Director, stated this was a separate issue.

Ms. Menard stated this was related to the implementation of the Washoe County Water and Sanitary Sewer Financial Assistance Program (AB 54 Loan Program) and possible strategies to address the needs of loan applicants who had been denied loans based on not meeting established eligibility criteria. She said staff had developed a possible approach to modifying the Water and Sanitary Sewer Financial Assistance Program loan application review process, as set forth in the Policies and Procedures for the Financial Assistance Program, to provide an opportunity for reconsideration in the event of a loan denial.

Commissioner Larkin asked for clarification when the loan program was instituted. Ms. Menard replied the Loan Program went into affect the summer of 2010. She said a customer had to be hooking up to the water and/or sewer, but not for well deepening.

Chairman Breternitz said he had spoken with Ms. Menard about questions related to the information generated on making the determination as far as the ability to pay and certain concerns he had about that information being distributed. From a policy standpoint, while it should be allowed for the public to have the opportunity for reconsideration if denied a loan, he did not believe reconsideration should be extended to citizens with a high likelihood of the loan not being repaid. He said the Board should have reasonable assurance that those loans, if granted, would be paid back.

Commissioner Larkin said this was discussed previously and asked why staff was seeking reconsideration. Ms. Menard said she had been asked if there was an appeal process and the answer was not at this time. She said there was a certain amount of concern about making decisions to offer money to people who did not seem to have the ability to repay the loan. Commissioner Larkin suggested an independent board discuss this matter and felt it needed to stay at the staff level.

Commissioner Jung said she understood the two extremes and asked if there was a provision to place a lien on a property if the loan were not repaid. Ms. Menard said a lien could be placed on the property, but when someone had a credit history that showed past due debts there was no guarantee if a lien were placed that the County would be first to be repaid. Commissioner Jung agreed and did not want to make

those decisions or make financial information a public record. However, there needed to be an appeal process to balance the public's needs and the risks being taken in providing that loan.

In response to the call for public comment Eric Sheetz said this issue was brought up because of the difficulties of the wells.

There was no action taken on this item.

\* \* \* \* \*

**7:35 p.m.** There being no further business to discuss, on motion by Commissioner Humke, seconded by Commissioners Jung, the meeting was adjourned.

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**JOHN BRETERNITZ**, Chairman  
Washoe County Commission

**ATTEST:**

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

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

RESOLUTION

A resolution requesting the assistance of the attorney general in the possible prosecution of a male over the age of 18 for alleged theft and other matters properly related thereto; and if approved, authorize the chairman to execute the resolution

WHEREAS, the Office of the District Attorney is responsible for the prosecution of certain criminal offenses which have occurred within the County of Washoe and has recently been called upon to prosecute a case involving potential charges of alleged burglary and larceny against Luis Roberto Mariscal-Garcia of Reno, Nevada (arrested October 28, 2010); and

WHEREAS, the victim of the alleged crime is an employee of the Washoe County District Attorney's office at all times relevant to the case against Mr. Mariscal-Garcia; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety and if the Washoe County District Attorney's Office proceeds with the prosecution of Luis Roberto Mariscal-Garcia, there may be some suggestion of impropriety or conflict of interest,

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

1. That in accordance with the provisions of NRS 228.130, the Nevada Attorney General is hereby requested to assume

11-123

162(1)

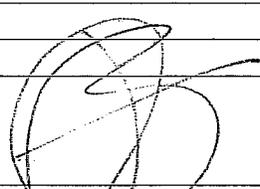
complete responsibility for the handling of the criminal prosecution of Luis Roberto Mariscal-Garcia for alleged theft and related charges.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

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

ADOPTED this 22<sup>nd</sup> day of February, 2011,  
by the following vote:

AYES: Breternitz, Weber, Jung, Larkin  
NAYS: \_\_\_\_\_  
ABSENT: Humke  
ABSTAIN: \_\_\_\_\_

  
\_\_\_\_\_  
JOHN BRETERNITZ, Chairman

ATTEST:  
  
\_\_\_\_\_  
AMY HARVEY, County Clerk

1110

RESOLUTION

A resolution requesting the assistance of the attorney general in the possible prosecution of a male over the age of 18 for alleged theft and other matters properly related thereto; and if approved, authorize the chairman to execute the resolution

WHEREAS, the Office of the District Attorney is responsible for the prosecution of certain criminal offenses which have occurred within the County of Washoe and has recently been called upon to prosecute a case involving potential charges of alleged theft against Michael Anthony Johnson of Reno, Nevada (arrested September 9, 2010); and

WHEREAS, Mr. Johnson's alleged victim is an employee of the Washoe County District Attorney's office at all times relevant to the potential criminal case against Mr. Johnson; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety and if the Washoe County District Attorney's Office proceeds with the prosecution of Michael Anthony Johnson, there may be some suggestion of impropriety or conflict of interest,

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

- 1. That in accordance with the provisions of NRS 228.130, the Nevada Attorney General is hereby requested to assume

11-154

1/21/10

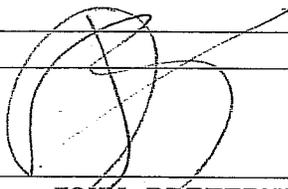
complete responsibility for the handling of the criminal prosecution of Michael Anthony Johnson for alleged theft.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

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

ADOPTED this 22<sup>nd</sup> day of February, 2011,  
by the following vote:

AYES: Breternitz, Weber, Jung, Harkin  
NAYS: \_\_\_\_\_  
ABSENT: Humke  
ABSTAIN: \_\_\_\_\_

  
\_\_\_\_\_  
JOHN BRETERNITZ, Chairman

ATTEST:  
  
\_\_\_\_\_  
AMY HARVEY, County Clerk

(Rev. 1-25-11)

INTERLOCAL AGREEMENT  
(Virginia Street TRAction Project, Phase 1 Bridge Design)

**Amendment No. 1**

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*Summary:* Expands the work to include Phase 2 Design of the bridge and increases the amount of financing to be provided by County to a total of \$4.8 million.  
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**A1.1 Recitals**

**WHEREAS**

A. The replacement of the Virginia Street bridge in downtown Reno is a key element of the Truckee River Flood Management Project, and has been approved by the Flood Project Coordinating Committee as a "TRAction" (Truckee River Action) Project. In July 2007, the parties entered into an Interlocal Agreement (which agreement was amended once) for the County to finance and City to conduct a study to determine the feasibility of replacing six downtown bridges including Virginia Street Bridge for purposes of flood reduction. The feasibility and visioning study was completed and in November of 2010, the parties entered into a new "Interlocal Agreement (Virginia Street Traction Project, Phase 1 Bridge Design)" in the amount of \$1,800,000 to begin designing the bridges (the "**Agreement**"). The Agreement superseded the July 2007 agreement and amendment.

B. The parties desire to amend the Agreement to add a Phase 2 final design element and increase the County's financial commitment to \$4.8 million.

NOW THEREFORE, in exchange for the mutual covenants contained in the Agreement as amended hereby, the Parties agree as follows.

**A1.2 General**

The Agreement is hereby amended and modified in all relevant places to accomplish the intents and effects stated herein. All other provisions in the Agreement remain in full force and effect without interruption as herein amended. The parties agree to execute any documents and take any action reasonably necessary to carry out the intent of this amendment. Unless otherwise stated below, this amendment does not constitute or imply any waiver of any default, right or obligation that exists as of the date of this amendment or ratify or approve any conduct that occurred before the date of this amendment. The parties further agree that any reference to the Agreement includes this and all subsequent amendments

11-165

**§A1.2 Addition of Phase 2 Design Tasks.**

§3.01 of the Agreement is amended to add to the purpose of the Virginia Street Design Project new Phase 2 Design tasks of completing all remaining engineered final design drawings, specifications, environmental documentation services and permitting for the Project. Notwithstanding contrary provisions of Paragraph 3.03.B of the Agreement, the Scope of Work for Phase 2 (including an identification of all tasks and associated costs) must first be reviewed and approved by the Project Management Team, and the approved Scope of Work must be submitted to and approved by the Flood Project Director before Reno may proceed with moving forward with the Phase 2 Design tasks (completion of bridge design, permitting, and environmental documentation, and development of construction bid documents.)

**§A1.3 County Financing Obligation**

§4.02 of the Agreement is amended to provide that subject to the terms and conditions in the Agreement, as amended, County agrees to immediately appropriate the sum of **\$4,800,000** from available funds in the Infrastructure Sales Tax Fund, and to grant funds from that appropriation to Reno for the Virginia Street Bridge Design Project.

**§A1.4 Counterpart Signatures**

This Amendment may be executed in counterparts and will be effective only when all parties have executed two counterpart signature pages and delivered them to County for distribution to all the parties.

//////////////////////////////////**Nothing Follows on this Page**//////////////////////////////////

Amendment No. 1 to Interlocal Agreement  
(Virginia Street TRAction Project, Phase 1 Bridge Design)

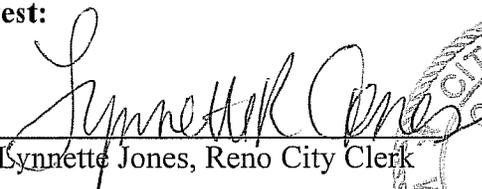
Counterpart Signature Page

CITY OF RENO  
a municipal corporation

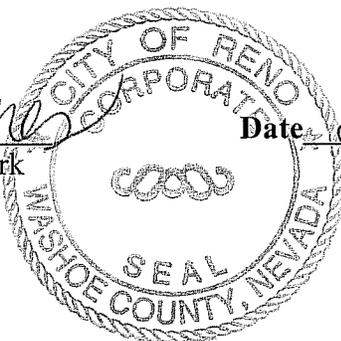
By   
Robert A. Cashell, Sr. Mayor

Date 2-11-11

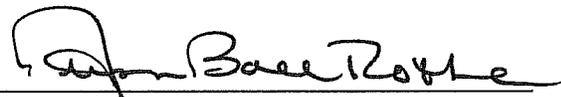
Attest:

By   
Lynnette Jones, Reno City Clerk

Date 2-11-11



APPROVED AS TO FORM:

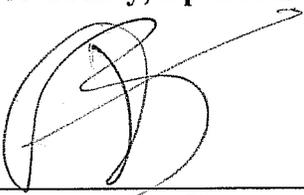
  
Susan Ball Rothe, Deputy City Attorney

Amendment No. 1 to Interlocal Agreement  
(Virginia Street TRAction Project, Phase 1 Bridge Design)

Counterpart Signature Page

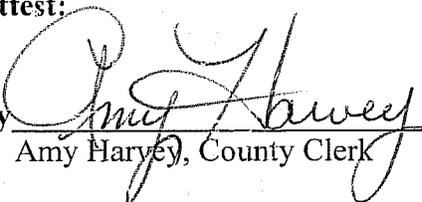
COUNTY

**Washoe County, a political subdivision of the State of Nevada**

By   
\_\_\_\_\_  
John Breternitz, Chairman  
Board of County Commissioners

Date 2/22/11

Attest:

By   
\_\_\_\_\_  
Amy Harvey, County Clerk

Date Feb. 22, 2011

## INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

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

Nevada Department of Wildlife  
1100 Valley Road  
Reno, Nevada 89512  
Phone (775) 688-1500  
Fax (775) 688-2939

and

Washoe County  
Department of Regional Parks and Open Space  
2601 Plumas Street  
Reno, Nevada 89509  
Phone Number (775) 823-6511  
Facsimile Number (775) 829-8014

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 hereinafter set forth are both necessary 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 **upon approval of the Nevada Board of Examiners to December 31, 2013**, 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 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 State and/or federal 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.

11-169

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

7. CONSIDERATION. Washoe County Department of Regional Parks and Open Space agrees to provide the services set forth in paragraph (6) at a cost **not to exceed \$150,000** with the total Contract or installments payable upon receipt of valid invoice and approval of project manager, with the total contract payments not to exceed \$150,000. Any intervening end to an annual or 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 other party, the State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with any applicable 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 other party, 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. All books, records, reports, and statements relevant to this Contract must be retained by each party for a minimum of 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.

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. To the extent applicable, actual contract damages for any breach shall be limited by NRS 353.260 and NRS 354.626.

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

13. INDEMNIFICATION. Neither party waives any right or defense to indemnification that may exist in law or equity.
14. INDEPENDENT PUBLIC AGENCIES. The parties are associated with each other only for the purposes and to the extent set forth in this Contract, and in respect to performance of services pursuant to this Contract, each party is and shall be a public agency separate and distinct from the other party and, subject only to the terms of this Contract, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Contract. Nothing contained in this Contract shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.
15. WAIVER OF BREACH. Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.
16. SEVERABILITY. If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the nonenforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.
17. ASSIGNMENT. Neither party shall assign, transfer or delegate any rights, obligations or duties under this Contract without the prior written consent of the other party.
18. OWNERSHIP OF PROPRIETARY INFORMATION. Unless otherwise provided by law or this Contract, any reports, histories, studies, tests, manuals, instructions, photographs, negatives, blue prints, plans, maps, data, system designs, computer code (which is intended to be consideration under this Contract), or any other documents or drawings, prepared or in the course of preparation by either party in performance of its obligations under this Contract shall be the joint property of both parties.
19. PUBLIC RECORDS. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.
20. CONFIDENTIALITY. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Contract.
21. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract and that the parties are authorized by law to perform the services set forth in paragraph (6).
22. GOVERNING LAW; JURISDICTION. This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the jurisdiction of the Nevada district courts for enforcement of this Contract.
23. ENTIRE AGREEMENT AND MODIFICATION. This Contract and its integrated attachment(s) constitute the entire agreement of the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto, approved by the State of Nevada 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 Department of Regional Parks and Open Space**  
Public Agency #1

\_\_\_\_\_  
Public Agency #1 Signature

\_\_\_\_\_  
Date Title

**NV Dept. of Wildlife**  
Public Agency #2

\_\_\_\_\_  
Richard Haskins

\_\_\_\_\_  
Date Title  
Deputy Director - NDOW

\_\_\_\_\_  
Patrick Cates

\_\_\_\_\_  
Date Title  
Deputy Director - NDOW

\_\_\_\_\_  
Signature – Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

Approved as to form by:

On \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Deputy Attorney General for Attorney General, State of Nevada

On \_\_\_\_\_  
(Date)

## ATTACHMENT A

### Scope of Work

- Project Name:** Verdi Pond (Crystal Peak Park) – Pond Liner Installation
- Location:** Crystal Peak Park  
Crystal Peak Road, Verdi, NV  
Washoe County  
Assessor's Parcel Number: 38-054-21, 38-081-01
- Ownership and Management:** Washoe County owns, operates and maintains Crystal Peak Park where the Verdi Mill Pond is located.
- Background:** In 2009, funding from State and Nevada Dept. of Wildlife (NDOW) Question 1 accounts was used to restore the historic Verdi Mill Pond to provide a recreational fishing pond and park. Additionally, USFWS provided funding to build a Lahontan cutthroat trout spawning channel and restore 600' of riparian corridor from the outlet of the Verdi Mill Pond to the Truckee River. Upon completion of the work, the pond was filled with water and it was discovered that the pond leaks. After consulting with engineers, it has been determined that the most effective means to seal the pond is to place a 30mil PVC liner on the pond bottom.
- Project Activities:** NDOW Question 1 funds may be used for any of the costs associated with the acquisition of materials and labor associated with the pond preparation and placement of the PVC liner. Liner placement and pond preparation will consist of the following components:
- Remove existing rip rap and island,
  - Excavate 1' of material from established grades in pond,
  - Place excavated material in designated area onsite,
  - Import and place 2" of bedding material for liner,
  - Place 30 mil PVC liner
  - Import and place 10" of material to cover liner,
  - Re-install rip rap
- Maximum cost to NDOW:** \$150,000\*
- Invoices:** Each invoice will include details concerning the amounts therein, including the number of hours and cost per hour for each laborer, and the cost by item of any materials.

\* NDOW Q-1 funding.