

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

TUESDAY

9:00 A.M.

FEBRUARY 26, 2013

PRESENT:

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

**Amy Harvey, County Clerk**  
**Nancy Parent, Chief Deputy Clerk**  
**Katy Simon, County Manager**  
**Paul Lipparelli, Legal Counsel**

The Washoe County Board of Commissioners convened at 9:04 a.m. in joint session with the Washoe County Library Board of Trustees in the Caucus Room of the Washoe County Administration Complex, 1001 East Ninth Street, 2nd Floor, Room A205, Reno, Nevada. Also present were Library Board of Trustees Chairman Fred Lokken, and Library Board Members Mark Brant, Tom Cornell, Alfred Stoess and Derek Wilson. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Boards conducted the following business:

**13-137      AGENDA ITEM 3 – 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.”

There was no response to the call for public comment.

**13-138      AGENDA ITEM 4**

**Agenda Subject:** “Acknowledge update on Library Programs, Activities and Accomplishments. (All Commission Districts.)”

Arnie Maurins, Library Director, highlighted ways in which the Library System was making an impact in the community and finding creative ways of serving their clientele. He said some of the impacts included the following and were described within the staff report:

- Supporting and promoting literacy in many forms.

- Supporting the County’s economic-development efforts.
- Providing venues for informing, entertaining and engaging members of the community.
- Benefitting from volunteers and, in turn, helping to support the community.
- Refashioning library facilities in order to meet changing needs and better utilize existing staff.
- Reducing Technology costs.

Mr. Maurins noted that the Library System migrated to the Koha Open-Source automated system in January 2012. This change produced an annual savings of \$75,000 in software maintenance costs. He distributed photos from “Snapshot Day” held on October 30, 2012 where the Library System participated with other libraries around the State. He said that event intended to provide Trustees, Friends groups, patrons and library staff with information about Nevada libraries for the purpose of advocacy on both State and federal levels. The distributed photos were placed on file with the Clerk.

Based on the report, Chairman Lokken indicated that the Library System switched to a non-licensed, open-sourced set of solutions that saved a tremendous amount of money and allowed them to become more creative with technology staff.

Commissioner Weber commented on the Library staff meeting held in August of 2012. Mr. Maurins replied that the Board of Trustees was invited and said it was the first chance in six years to have a staff meeting of Library personnel. Commissioner Weber asked if there was any discussion regarding volunteers. Mr. Maurins replied that volunteers were not specifically addressed at that meeting; however, there was an internal group that continually reviewed the utilization of volunteers.

In response to a question posed by Chairman Humke, Mr. Maurins explained that KohaCon 2013 was an annual conference for world-wide libraries that utilized the open-source Koha system for acquiring, cataloging and circulating print books, e-books, and other materials. Nancy Keener, Systems Librarian, explained that Koha was a fully functional, integrated library system that ran the cataloging, acquisitions and circulation. Chairman Humke said that Koha mentioned circulating books and other materials. He asked if an article was internet-based could that article be located and then listed as a valid source on a topic. Ms. Keener replied that could be cataloged.

John Crockett, Internet Librarian, stated that another benefit of Koha was that it was a non-commercial product, but was open-sourced and depended on the community to develop and move forward. He explained that KohaCon was librarian-driven and offered many innovative ideas. Chairman Humke asked if there were individuals licensed to make changes to the content and were there safeguards in place. Mr. Crockett stated this was not a licensed process, but there were experts for the program and was a world-wide system. He remarked there were librarians and information professionals that created the records enabling a curated system in cataloging.

Commissioner Hartung asked if the content was the only open-sourced portion or was the software also open-sourced. Mr. Crockett stated that the software was also open-sourced and librarian-driven. Commissioner Hartung said the software was being updated by various programmers. He inquired on the safeguards in place to ensure that malicious codes were not being written. Mr. Crockett explained that everything went through a quality assurance process, and each release was vetted by specialists and a release group that examined all the codes before going public.

Todd Goatley, Department Computer Application Specialist (DCAS), explained that staff spent about three years researching this particular system, which was Lenox-based. He said it was an open-sourced operating system and, the open-source Koha product, lived within the County's system.

Trustee Cornell asked if Isis was a proprietary program as opposed to an open-sourced program and, if Isis were adopted at a particular branch, would that cause problems for Koha. Mr. Goatley explained it was best to work within one system and reiterated after a long review, staff felt the Koha System was the best product for the Library System.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 4 be accepted.

### **13-139            AGENDA ITEM 5**

**Agenda Subject: "Accept staff report on the status of the Library Expansion Fund. (All Commission Districts.)"**

Arnie Maurins, Library Director, stated that the Expansion Fund was in its 19th year and had brought in between \$2 to \$3 million per year in property taxes from the \$0.02 override. Among other uses, the Expansion Fund paid for a County-owned Library in Northwest Reno and also financed construction of a new library in Incline Village. However, that funding would end in 2024, which meant that the fund would need to be spent down and less spent from that fund each year.

In going forward, Mr. Maurins said the Library System would be using or considering the following tactics to reduce spending within the Expansion Fund:

- Careful review of Expansion and General Fund positions which become vacant.
- Request above-base dollars in the General Fund when it was realistic to do so, in order to absorb spending authority from the Expansion Fund.
- Explore consortium-type purchasing arrangements for online resources offered by the Library in order to reduce spending within the books and materials line item.
- Increase revenues from fines and fees as an offset to General Fund expenditures, including acceptance of credit card payments and outsourcing of delinquent accounts to a collection company.

- Solicit financial assistance from local businesses and organizations.

Chairman Humke asked if this status report was suggested by the Manager's Office and should be periodically reviewed by the Board. Katy Simon, County Manager, indicated staff had been working with the Library System on this issue and knew this would come to an end at some point. She did not request this item, but agreed it should to be brought forward to the Board periodically and be a part of the budget considerations.

Commissioner Hartung questioned if it would be possible to reach out to voters in the next few years and inform them this fund would end in 2024, and the County would prefer an extension on the tax override, but would not take effect until Fiscal Year 2023/24. Mr. Maurins stated there was a citizens committee discussing the future of the Library System that recommended either developing a new funding source or extending the current funding source.

Trustee Wilson agreed with that position and felt that discussion needed to be brought to the forefront.

Chairman Lokken commented that there would have to be a longer-term discussion concerning the budget situation. The other reality may be consolidating the library district. He said in the Library planning and Capital Improvement Projects (CIP) process there was recognition that there should not be two urban Library branches and there was the advocacy to consolidate those branches.

Chairman Humke indicated if issues were placed on a ballot there would be competition. As a Library Board and a County Commission, he said if a decision was made four years out "dibs" needed to be called because of the competition on ballots. Commissioner Hartung stated there may be a marketing plan derived and then begin educating the public that this funding source would end in 2024.

Commissioner Berkbigler agreed. She said it had to be determined that there were no other educational oriented tax increases on the ballot and felt that 2014 would be a frightening period since an initiative proposal was anticipated to be on the ballot. However, libraries were important and the public needed to become aware that libraries would be negatively impacted further if something was not done for the future.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5 be accepted.

#### **13-140      AGENDA ITEM 6**

**Agenda Subject: "Acknowledge staff report regarding partnerships and collaborations, and discuss operating policies and proposals for operating innovations. (All Commission Districts.) Requested by Commissioner Weber."**

Arnie Maurins, Library Director, reviewed the list in the staff report of the many collaborations between the Library System and various outside entities. He also acknowledged that the Library System benefitted greatly from the assistance provided by the many dedicated volunteers. He commented that the Library System provided public library service at three schools, supported literacy and school curricula, and informed students, parents and School District staff about library resources and services. He also indicated that six libraries presented exhibits and displayed local artists, photographers, art groups, local residents and community organizations.

Commissioner Weber inquired on the hours of operation for the Duncan/Traner, Verdi and Gerlach branches. Mr. Maurins replied that:

- the Verdi branch was open on Wednesdays from 3:00 p.m. to 7:00 p.m. and Saturdays from 10:00 a.m. to 4:00 p.m.;
- the Duncan/Traner branch was open Tuesdays and Thursdays from 3:00 p.m. to 5:30 p.m.; and,
- the Gerlach branch was open to the public during school hours and open on Wednesday evenings for the public.

Trustee Cornell asked if the Library System paid the partnership libraries for the privilege of operating those libraries or did the School District reimburse the Library System. Mr. Maurin replied there was a contract, but there was no direct exchange of money. He explained that each entity operated their own library with their own staff, but the schools did pay for the maintenance of the facility. Chairman Lokken said the Duncan/Traner and Verdi branches were grants that were condition-based.

Commissioner Berkbigler was impressed with the amount of partnerships. She hoped the hours of operation could be increased in the future.

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

### **13-141      AGENDA ITEM 7**

**Agenda Subject: “Discussion of the authorities outlined in the Washoe County Code and Nevada Revised Statute regarding the Library Board of Trustees and the County Commission. Requested by Commissioner Weber.”**

Commissioner Weber thanked staff for the information and for providing provisions from the County Code and NRS pertaining to the respective authorities of the Board of County Commissioners (BCC) and the Library Board of Trustees, as related to the oversight, governance and operation of the Library System. She said the information was important and helped in understanding the system. Commissioner Weber asked if the term “publically supported” regarded financial support. Arnie Maurins, Library Director, replied that was correct.

Trustee Cornell reported during the last Board of Trustees meeting, he had requested a definition on the procedures for certifying librarians in the State, which may also pertain to volunteers.

Chairman Lokken stated there were two ways libraries could be chartered in the State. He said the BCC appointed the Trustees who were supposed to have autonomy to some degree, and added that the NRS had helped them understand their position and would place both entities on the same page.

Trustee Wilson explained there had been a proposal from a group in Incline Village to collaborate with the library. The position of the Board of Trustees was that collaborations were enjoyed and sought, and they would love to see more proposals. He said the group in Incline Village had expressed some frustration with library staff about their reluctance to pursue collaboration; however, it was a proposal that was legally not feasible.

Trustee Cornell commented there was some controversy as to whether the Trustees could negotiate with a non-profit entity. He said the NRS was passed in 1895 and, at that time, non-profits did not exist. He said there was a management opinion from legal counsel, which not based in the law, as a precedent or was in practice. He disagreed and voted against the approved resolution, which seated the authority to negotiate with non-profits to the BCC. Chairman Humke was unsure if the BCC wished to substitute their judgment for the Trustees and said it was a two-step process that had worked well for many years. Trustee Cornell said Trustee Wilson stated that the Trustees did not have the authority, but that Chairman Humke stated they did have that authority. Chairman Humke clarified he did not say that, he reiterated that he wanted to accept all input from the Board of Trustees.

Mr. Maurins clarified that the NRS dealing with Library Boards was passed in the 1970's and 1980's.

Commissioner Weber suggested an item be brought forward suggesting quarterly reports be submitted to the BCC and the governing body of the City concerning the budget and the programs of the library.

In response to the call for public comment, Catherine Kelly requested another analysis be conducted on Dillons Rule. She stated that Trustee Wilson was correct that there was a management type opinion submitted to the Board of Trustees, but she felt a more thoughtful legal analysis would challenge whether that analysis was correct. She questioned how the Library System could have entered into a lease agreement with the Sierra View Library. Ms. Kelly remarked that the question was back before the District Attorney's Office for a complete review on the intent of Dillons Rule, which seemed to be a very thoughtfully written rule to prevent overreach of government without precluding them from actually exercising their ability to manage their duties. She reiterated that she would prefer a more legal review with citations and a thorough legal analysis of Dillons Rule since it could affect many government activities in the State.

Martha Gould said she had qualms about the issue in Incline Village because Nevada was a Dillons Rule State, which meant the Library System could not negotiate with a for-profit entity, and the role of the library was to serve the community and not be a facility to house a for-profit entity. She said there were many cooperative programs that worked closely with literacy groups. Ms. Gould felt the request for another opinion on Dillons Rule would be a waste of time and stated her opposition to housing a for-profit entity in a library. She said an opinion was received and the powers of the Trustees were spelled out in the NRS, which were intended for all the public libraries in the State.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 7 be accepted.

**13-142            AGENDA ITEM 8**

**Agenda Subject: “County Commission, Library Board of Trustees and Staff Comments (limited to announcements, requests for information, statements relating to items not on the agenda or issues for future agendas).”**

Commissioner Berkbigler asked if all the Trustee members were appointed from the valley or was there a Trustee appointed from Incline Village. Arnie Maurins, Library Director, replied there was currently no Trustee appointed from Incline Village. He explained that there had not been a formal requirement that each District be represented.

Commissioner Weber asked if there was a way to receive a more in-depth legal opinion or analysis on Dillons Rule and have that presented to the County Commissioners and the Board of Trustees, or had that already been completed. Paul Lipparelli, Legal Counsel, replied that the District Attorney’s Office would be happy to look into any legal question the County Library Director or the Board of Trustees had from the Library perspective or any legal questions the County Commissioners had from the County Commission perspective.

Chairman Humke indicated that may be set as a County Commission agenda item. Commissioner Weber stated a report would be helpful. She said this conversation needed to be heard and needed to be transparent with everyone having the same information.

Commissioner Berkbigler requested a report regarding how Library Trustees were appointed.

**13-143            AGENDA ITEM 9**

**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.”**

There was no response to the call for public comment.

*Following Item #9 above, the Board of County Commissioners will recess and reconvene at 10:00 a.m. in the Washoe County Commission Chambers located on the 1<sup>st</sup> Floor of Building A at 1001 E. 9<sup>th</sup> Street, Reno, for the remainder of the County Commission Agenda.*

**10:08 a.m.** The Board recessed.

**10:17 a.m.** The Board reconvened with all members present.

**13-144 AGENDA ITEM 12 – 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.”**

Jeannie Nix spoke against the National Defense Authorization Act’s (NDAA) authorization of indefinite detention of any person on United States soil, under military detention, without charge, trial or access to legal counsel.

Howard Reynolds spoke on the State’s public pension fund and stated his concerns on that system.

Katie Colling said the NDAA, Sections 10.21 and 10.22, declared that the United States was part of the battlefield in the war on terror. She said on a battlefield military law took precedent over civilian law and felt that was an unnecessary act for Congress. She said the 2012/13 version of the NDAA received overwhelming bipartisan support in the House of Representatives and the Senate. Ms. Colling felt that Congress had an opportunity to appeal or amend Sections 10.21 and 10.22 of the NDAA or to clarify the language within those Sections. She urged the Commission and the Washoe County Sheriff’s Office (WCSO) to work with the People Against the National Defense Authorization Act (PANDA) and draft a meaningful Resolution acceptable to all stake holders.

Dr. Tom Morris spoke against the NDAA that was recently passed by Congress and stated that the Act must be repealed.

Joe Taqlieber said the Board should review their rules regarding public comment. He spoke on the Open Meeting Law and felt that the County had been in violation of the spirit of the Open Meeting Law.

Chris Corbett read from a prepared statement, which was placed on file with the Clerk. He criticized the Board over the lack of forewarning PANDA on the proposed anti-NDAA Resolution that was placed on the February 12, 2013 Commission meeting agenda.

Steven Donahue stated that the Sheriff was the absolute sovereign in law enforcement and that the Board had the authority to guide the Sheriff in what should be done about the NDAA.

Joannah Schumacher spoke out against the NDAA and said it was filled with gross violations against her constitutionally protected rights. She urged the Board to protect and serve the citizens and give this matter the time on an agenda it deserved and implement a Resolution to nullify the NDAA.

Marc Radow spoke against the NDAA and acknowledged and supported the efforts of PANDA in opposition to the NDAA.

Paul Lenard spoke in favor of the Board working with PANDA to exempt themselves and, if necessary, succeed from enforcement of the NDAA.

Gene Gardella spoke on the recent tragedies at the IHOP Restaurant in Carson City, Amish school children and Sandy Hook Elementary in Connecticut. He said the National Rifle Association (NRA) had built a daunting wall intended to prevent research, understanding and to intimidate those who were responsible at all levels of government to provide for the safety and security of citizens. He did not know what he could do, but said something needed to be done.

Chris Gardella said he had listened to gun-owning NRA members of Congress, the Senate, the President and the Vice President and it was becoming increasingly likely that nothing meaningful would pass through Congress for gun control. He said something must be done and had to come from the ground up. Mr. Gardella remarked that he would work with the Board to find compelling reasons to do something that may reduce the number of incidents involving certain weapons.

Valerie Tilson spoke on the two-minute time limit for public comment and felt that the allotted time should be increased.

Bert Tilson stated his disapproval and concerns regarding the NDAA.

Carole Fineberg spoke against the NDAA of 2012/13. She urged the Board to read the NDAA of 2012/13 and to implement a Resolution in the County nullifying this abusive and far-reaching bill.

Ted Levatter said that PANDA wanted to work with the Board on drafting a Resolution that was amicable to all parties and would back away from the original Resolution.

**13-145            AGENDA ITEM 13 – ANNOUNCEMENTS**

**Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”**

Commissioner Berkbigler requested a future agenda item to discuss the time limit for public comment. Having heard the comments from the People Against the National Defense Authorization Act (PANDA), she suggested that topic return to the Board for further discussion.

Commissioner Weber agreed with Commissioner Berkbigler to bring the PANDA Resolution back for further discussion. She announced that the new Sparks Justice Court opened.

Commissioner Jung volunteered to assist and construct a dialogue with the appropriate parties about the PANDA Resolution.

Commissioner Hartung commented that SK Baseball was scheduled to come before the Board during the March 26th meeting. However, he requested an item prior to that meeting asking for a continuance in the event SK Baseball had not paid their property taxes.

Chairman Humke commented that the Academy Award winning movie “ARGO” had a Nevada connection. He noted the main character portrayed in the movie had once lived in Eureka and Sparks, Nevada.

**13-146            AGENDA ITEM 14 – PROCLAMATION**

**Agenda Subject: “Proclamation--March 2013 as Professional Social Work Month--Social Services. (All Commission Districts.)”**

Commissioner Jung read and presented the Proclamation to Kevin Schiller, Social Services Director. She said social workers dedicated their lives to improve the conditions of children and adults in a community. Mr. Schiller thanked the Board and also thanked his entire staff for their exemplary work with their clients. Several members of the Social Services Department were present and introduced themselves to the Board.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 14 be adopted.

**13-147      AGENDA ITEM 19 – MANAGER/COMMUNITY RELATIONS**

**Agenda Subject: “Recommendation to approve a Resolution and letter of support to the Nevada Delegation for Sierra Nevada Job Corps Center (SNJCC). (All Commission Districts.) Requested by Commissioners Jung and Weber.”**

Commissioner Weber read and presented the Resolution to staff from the Sierra Nevada Job Corps Center. Helise Turner, Sierra Nevada Job Corps Center Business and Community Liaison, noted that watching the strides taken by youth they helped was tremendous. The reduction in funding was a national issue with Job Corps and was projected that 60,000 youths would not be helped because of the shortfall created by the national office. Ms. Turner stated for every dollar that came in from their program, there was a \$2.00 local impact. She thanked the Board for their support.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 19 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

**11:21 a.m.**      Chairman Humke temporarily left the meeting.

**CONSENT AGENDA**

**13-148      AGENDA ITEM 15A**

**Agenda Subject: “Cancel March 19, 2013 County Commission meeting.”**

There was no public comment on this item.

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

**13-149      AGENDA ITEM 15B - ASSESSOR**

**Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2012/2013, 2011/2012, 2010/2011 secured tax rolls; and authorize Chairman to execute order and direct the Washoe County Treasurer to correct the error(s) [cumulative amount of decrease \$6,130.31]. (Parcels are in various Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15B be approved, authorized, executed and directed.

**13-150            AGENDA ITEM 15C - LIBRARY**

**Agenda Subject: “Accept donation [\$4,000] from ByWater Solutions for sponsorship of the KohaCon 2013 conference; and direct Finance to make the appropriate budget adjustments.”**

On behalf of the Board, Commissioner Jung thanked ByWater Solutions for their generous donation.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15C be accepted and directed.

**13-151            AGENDA ITEM 15D(1) – COMMUNITY SERVICES/PLANNING AND DEVELOPMENT**

**Agenda Subject: “Adopt a Resolution to offer reconveyance of approximately 6.377 acres (Commonly known as a portion of Sky Ranch Park) to Pyramid Urban Achievers LLC (APN 534-091-06); review the draft reconveyance agreement and provide additional direction to staff regarding disposition of the property. (Commission District 4.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15D(1) be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-152            AGENDA ITEM 15D(2) – HEALTH DISTRICT**

**Agenda Subject: “Approve an eleven month Second Amendment to Lease Agreement between 601 W. Moana LLC and Washoe County, commencing retroactively to February 1, 2013, to accept a rental reduction for the District Health Department, WIC Program to provide the continued occupancy at 601 W. Moana Lane, Reno, Nevada. (Commission District 2.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15D(2) be approved.

**13-153            AGENDA ITEM 15E(1) – RISK MANAGEMENT**

**Agenda Subject: “Approve the recovery of extraordinary emergency related expenses [\$69,924.67] for all claims made to the Reno Air Race Association (RARA). (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15E(1) be approved.

**13-154            AGENDA ITEM 15E(2) – RISK MANAGEMENT**

**Agenda Subject: “Approve the settlement of the lawsuit Eric Barajas-Miramonte v. Washoe County et al., [\$40,000] for all claims against all defendants. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15E(2) be approved.

**13-155            AGENDA ITEM 15F(1) - SHERIFF**

**Agenda Subject: “Accept cash donation [\$277.51] from First Fruits Distributing to the Washoe County Sheriff’s Office, Special Operations Division to purchase equipment for the K9 Unit; and authorize Finance to make appropriate budget adjustments. (All Commission Districts.) ”**

On behalf of the Board, Commissioner Jung thanked First Fruits Distributing for their generous donation.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15F(1) be accepted and authorized.

**13-156      AGENDA ITEM 15F(2) - SHERIFF**

**Agenda Subject: “Accept various monetary donations [\$4,734.61] to Washoe County Regional Animal Services for the period October 1, 2012 – December 31, 2012 to be used for the humane care and treatment of sick and/or injured, stray or abandoned animals received; and authorize Finance to make the appropriate budget adjustments. (All Commission Districts.)”**

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

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Chairman Humke absent, which motion duly carried, it was ordered that Agenda Item 15F(2) be accepted and authorized.

**BLOCK VOTE**

The following agenda items were consolidated and voted on in a block vote: Agenda Items 20, 21, 22, 25, 26, 27, 28 and 29.

**11:30 a.m.**      Chairman Humke returned to the meeting.

**13-157      AGENDA ITEM 20 – DISTRICT ATTORNEY**

**Agenda Subject: “Recommendation to approve Agreement between Washoe County and New Dawn Technologies for the purchase of JustWare case management software to be licensed and installed for the Washoe County District Attorney’s Office Civil Division including certain training, project management, data conversion, maintenance, support and upgrades [estimated total cost \$139,354] to be paid for with restricted Forfeiture funds; and direct Finance to make the necessary adjustments, including a transfer from the Other Restricted Fund to the DA Justware Software PW920347 in the Capital Improvements Fund. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 20 be approved and directed.

**13-158      AGENDA ITEM 21 – PURCHASING/COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to authorize the Purchasing Office to release a new Invitation to Bid for Security Guard Services on behalf of the Operations**

**Division of the Community Services Department, for a term of two years commencing June 1, 2013 with the County retaining the option for one additional single year renewal option; estimated annual budget for the new contract [\$140,464]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 21 be authorized.

**13-159            AGENDA ITEM 22 – MANAGER/MANAGEMENT SERVICES**

**Agenda Subject: “Recommendation to approve a 2013 State Emergency Response Commission (SERC), Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Planning & Training Grant [\$110,984, no match required] from Nevada SERC; grant term retroactive from January 29, 2013 through September 30, 2013; and if accepted, authorize Chairman to execute a Resolution to subgrant funds to other governments and non-profits which make up the Local Emergency Planning Committee (LEPC) and authorize the County Manager, or her designee, to sign subgrant contracts with local LEPC members; and direct Finance to make the necessary budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 22 be approved, accepted, authorized, executed and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**13-160            AGENDA ITEM 25 – COMMUNITY SERVICES/PLANNING AND DEVELOPMENT**

**Agenda Subject: “Recommendation to award bid and approve the agreement for the “Washoe County Trails Rehabilitation Project” to Sierra Nevada Construction, the lowest responsive, responsible bidder [\$227,782 - funded by a Land and Water Conservation Fund Grant and Infrastructure Preservation Funds]; authorize the transfer [\$101,294.42] from Parks Capital Fund 404 to the Capital Improvement Fund 402; and authorize Finance to make all appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 25 be approved and authorized.

**13-161            AGENDA ITEM 26 – COMMUNITY SERVICES/ENGINEERING  
AND CAPITAL PROJECTS**

**Agenda Subject: “Recommendation to authorize the Community Services Department to advertise and solicit bid proposals for FY 13/14 annual contracts with one-year renewal options for the following: (1) Street Cut Pavement Repair Project Contract – Truckee Meadows Area [approximate amount \$100,000, funding source – Roads Special Revenue Fund]; (2) Street Cut Pavement Repair Project Contract – Incline Village Area [approximate amount \$100,000, funding source – Roads Special Revenue Fund]; (3) County-wide Quality Assurance Roadway Testing and Inspection Annual Contract [approximate amount \$60,000, funding source – Roads Special Revenue Fund]; and (4) Professional Services contract for the annual inspection of portions of Washoe County roads in support of PAVER program analysis [approximate amount \$70,000; funding source – Roads Special Revenue Fund]; and if approved, all contracts to be brought back to the Board of County Commissioners for award. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 26 be authorized and approved.

**13-162            AGENDA ITEM 27 - COMMUNITY SERVICES/ENGINEERING  
AND CAPITAL PROJECTS**

**Agenda Subject: “Recommendation to accept a Nonpoint Source Pollution Prevention Program 319(h) subgrant award from the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection [\$200,000] for the purchase of a High Efficiency Sweeper for the Lake Tahoe Basin [with a County in-kind match of \$269,414 for operation and maintenance of the sweeper through June 2016 – Roads Special Revenue Fund (216)]; and if accepted, authorize Chairman to execute Subgrant Agreement and any attachments; authorize the Community Services Department to advertise and solicit bid proposals for the equipment; and direct Finance to make the appropriate budget adjustments-Community Services/Engineering and Capital Projects. (Commission District 1.)”**

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 27 be accepted, authorized, executed and directed.

13-163

**AGENDA ITEM 28 - COMMUNITY SERVICES/ENGINEERING  
AND CAPITAL PROJECTS**

**Agenda Subject:** “Recommendation to accept a Federal Highway Administration Grant Award from the Nevada Department of Transportation [\$1,970,775, County match of \$103,000 funded through the Roads Special Revenue Fund 216] for the period of February 26, 2013 through December 31, 2014 for the Eastlake Boulevard Improvement Project; and if accepted, authorize Chairman to execute the Cooperative (Local Public Agency) Agreement Eastlake Boulevard Improvement Project and any attachments; authorize the Community Services Department to advertise and solicit bid proposals for the project; and direct Finance to make the appropriate budget adjustments. (Commission District 2.)”

There was no public comment on this item.

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

13-164

**AGENDA ITEM 29 - COMMUNITY SERVICES/ENGINEERING  
AND CAPITAL PROJECTS**

**Agenda Subject:** “Recommendation to approve the following Agreements to support continuing characterization of tetrachloroethene (PCE) contamination in three separate potential source areas: 1) Professional Services Agreement for the Central Truckee Meadows Remediation District Program with Kleinfelder, Inc. and Washoe County for the Vassar/E. Plumb Potential Source Area Investigation Project [\$397,644 – CTMRD dedicated fund]; 2) Professional Services Agreement for the Central Truckee Meadows Remediation District Program with Atwell, LLC and Washoe County for the Downtown Sparks Potential Source Area Investigation Project [\$433,508 – CTMRD dedicated fund]; and, 3) Professional Services Agreement for the Central Truckee Meadows Remediation District Program with Atwell, LLC and Washoe County for the El Rancho Potential Source Area Investigation Project [\$398,875 – CTMRD dedicated fund] in support of the Central Truckee Meadows Remediation District program. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 29 be approved.

**11:32 a.m.**

The Board convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

*The following item only (agenda item #17) will be heard by the Washoe County Board of Commissioners who will convene as the Board of Fire Commissioners for the Sierra Fire Protection District and the Washoe County Board of Commissioners. Agenda item #13 on the Board of Fire Commissioners' agenda.*

**13-165            AGENDA ITEM 17**

**Agenda Subject: “Recommendation to approve Purchase and Sale Agreement to sell the original Arrowcreek fire station parcel (donated/deed restricted parcel of land APN 152-921-02) to MPI Investments LLC and/or its nominee, and split the net proceeds with the parcel donor and Arrowcreek developer, Southwest Pointe Associates, per the Interlocal agreement, resulting in approximately \$41,047 revenue to the Sierra Fire Protection District, and if approved, authorize the Chairman to execute upon presentation all closing documents, deeds, warrants, and checks, as needed to facilitate the closing and transfer. (Commission District 2.)”**

Wendy Pitts, Property Program Manager, indicated that the Arrowcreek Fire Station was an originally donated parcel located close to a couple of schools, but in staff's research a better suited parcel was located. It had previously been agreed upon with the developer to sell the parcel dedicated to the County, in conjunction with an adjoining parcel owned by the developer.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 13 be approved, authorized and executed.

**1:25 p.m.**        The Board adjourned as the TMFPD/SFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

**13-166            AGENDA ITEM 18 – TRUCKEE MEADOWS FIRE PROTECTION DISTRICT**

**Agenda Subject: “Discussion and possible direction to staff to implement a process to determine the level of participation of other cooperating agencies and solicit citizen members for a Blue Ribbon Committee, whose charge will be to review and analyze regional fire service and prepare a comprehensive report to the Board of County Commissioners and other cooperating agencies.”**

Katy Simon, County Manager, noted there had been significant direction from the Board during the Truckee Meadows Fire Protection District (TMFPD) meeting held earlier to move forward. It was decided to be inclusive in advertising for members, and to ensure that the members were geographically represented to reflect the interest of various geographies of the County.

In response to the call for public comment, Tom Daly said the staff report indicated that other governing bodies from other jurisdictions would have appointment authority not just nomination authority. He urged the Board to maintain complete control of the County's committee.

Commissioner Jung stated it would not be a Blue Ribbon Task Force if it would only be for unincorporated County citizens when a full regionalization was being reviewed.

Chairman Humke commented if other entities were invited that would adhere to a regional agency. He felt the Committee would need to control their own destiny and select their own appointees.

Commissioner Hartung thought it would not be just unincorporated residents but include residents from the City of Sparks. He suggested rethinking the hiring of a paid facilitator in order to avoid that cost.

Ms. Simon indicated that a response had not been received from the City of Reno. She proposed the Board direct staff to begin the process of soliciting applicants and, if other agencies announced they would prefer to formally participate, then the Board could direct staff to allocate a number of members for each agency and allow them to make their appointments.

Chairman Humke asked if there was a recommended start date or would the process benefit by not taking any immediate action. Ms. Simon replied that she would reach out to their peers and colleagues; however, she felt this needed to move forward to give the public all the factors needed. TMFPD Chief Moore explained that the start time could take approximately three to four weeks in order to hear from other jurisdictions and solicit applicants.

Commissioner Weber requested more information on the actual start date and names of individuals that would want to be included.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that staff be directed to implement a process to determine the level of participation of other cooperating agencies and solicit citizen members for a Blue Ribbon Committee, whose charge would be to review and analyze regional fire service and prepare a comprehensive report to the Board and other cooperating agencies.

**1:35 p.m.** The Board recessed.

**3:07 p.m.** The Board reconvened with Commissioner Jung absent.

**AGENDA ITEM 31 - COMMUNITY SERVICES/ENGINEERING  
AND CAPITAL PROJECTS**

**Agenda Subject:** “Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case Number DA12-002 for Woodland Village (Tentative Subdivision Map Case Number TM03-004 that was previously approved by the Washoe County Planning Commission on April 1, 2003). The sole purpose of the Development Agreement is to extend the expiration date of said subdivision map until December 15, 2017. The project is located in the north-central portion of the Cold Springs Valley. The project encompasses a total of 2,028 potential residential parcels and is located within Section 9, T21N, R18E, MDM, Washoe County, NV. The project is located in the North Valleys Citizen Advisory Board Boundary. (APNs: 556-290-03 & -19; 556-490-03 & -05; 556-390-21 & -18); and, if supported, schedule a public hearing, approval of the Development Agreement, second reading and a possible adoption of the Ordinance for March 26, 2013. (Commission District 5.)”

Nancy Parent, Chief Deputy Clerk, read the title for Bill No. 1687.

Commissioner Weber questioned the extension of development agreements and if there was a policy regarding extensions. She disclosed that she had spoken to the appellant and was unclear why this would be extended. Roger Pelham, Sr. Planner, explained if a final map was filed, as part of a series of final maps under a tentative approval, the State would allow for a two-year extension to be requested. That guidance was being used from the State Subdivision Map law as the four-year basis for moving forward. Commissioner Weber said if the Planning Commission approved this in 2003 how did the extension date become 2017. Mr. Pelham replied that this applicant had recorded about 16 final maps since 2003 and, during the time period, many lots had been recorded and many homes constructed. The appellant was asking to have a Development Agreement rather than record the next in a series of final maps. Commissioner Weber suggested a process or a policy in which these applications took place and the number of years that were possible. Mr. Pelham said the policy had been to complete those in four year increments.

In response to Commissioner Hartung, Mr. Pelham stated that the State Subdivision Law granted two years approval after the recordation of a final map in a series under an approved tentative map and then allowed an additional two-year extension at the discretion of the Community Development Director. He stated this was requested by the applicant.

Bill No. 1687, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NUMBER DA12-002 FOR WOODLAND VILLAGE (TENTATIVE SUBDIVISION MAP CASE NUMBER TM03-004 THAT WAS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON APRIL 1, 2003). THE SOLE PURPOSE OF THE

**DEVELOPMENT AGREEMENT IS TO EXTEND THE EXPIRATION DATE OF SAID SUBDIVISION MAP UNTIL DECEMBER 15, 2017. THE PROJECT IS LOCATED IN THE NORTH-CENTRAL PORTION OF THE COLD SPRINGS VALLEY. THE PROJECT ENCOMPASSES A TOTAL OF 2,028 POTENTIAL RESIDENTIAL PARCELS AND IS LOCATED WITHIN SECTION 9, T21N, R18E, MDM, WASHOE COUNTY, NV. THE PROJECT IS LOCATED IN THE NORTH VALLEYS CITIZEN ADVISORY BOARD BOUNDARY. (APNS: 556-290-03 & -19; 556-490-03 & -05; 556-390-21 & -18),"** was introduced by Commissioner Weber, and legal notice for final action of adoption was directed.

**13-168            AGENDA ITEM 23 – MANAGER/GRANTS ADMINISTRATOR**

**Agenda Subject: “Discussion and direction to staff regarding grants provided by Washoe County through Community Support for Fiscal Year 2013-2014. (All Commission Districts.)”**

**3:16 p.m.**            Chairman Humke temporarily left the meeting.

Gabrielle Enfield, Grants Administrator, said that historically, the County had made Community Support funds available to local community-based providers to support services that addressed diverse health and human service needs in the community and were primarily non-profit grants. Additionally, special purpose grants had been provided to meet County obligations, mandates or regulations generally to the public and governmental entities. She said these were the two components of the Community Support budget and that non-profit grants and special purpose grants were reviewed separately in the staff report.

In the past, Ms. Enfield said that a competitive grant making process was conducted for non-profit grant awards through the Washoe County Human Services Consortium from 1996 until the Consortium was discontinued in 2011. For the past two years, the Board approved continuation of the previous awards without conducting a new grant process and extended Fiscal Year (FY) 2010/11 Consortium grants to FY 2011/12 and FY 2012/13. She said the non-profit grants base budget for FY 2013/14 was \$100,971 and indicated the following options were under consideration:

- **Option 1** – Continue with the current grant awards providing support for another year to the Food Bank of Northern Nevada, Crisis Call Center, Committee to Aid Abused Women (CAAW), and Kids to Senior Korner. The amount of each grant award could be proportional to the amount budgeted for non-profit grants in the next fiscal year.
- **Option 2** - Have a competitive grant-making process to non-profit community organizations.
- **Option 3** – Discontinue Washoe County grant making to non-profit entities.

Katy Simon, County Manager, stated this was a policy discussion and suggested that the Board choose Option 2, subsection 2B, the software-based application,

review and ranking system to develop funding recommendations, which would then be reviewed and acted on in a public meeting. She was concerned because there were 100's of qualified, non-profit organizations within the County that assisted in meeting the vulnerable populations in the community. While the agencies that had been receiving funding from the County were worthy, she was worried about not making County funding available to any other organizations.

There was no public comment on this item.

It was determined to continue this item to later in the meeting when Commissioner Jung and Chairman Humke returned.

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**3:20 p.m.** Commissioner Jung returned to the meeting.

Later in the meeting, Commissioner Jung remarked there had been discussions to donate the money to a community foundation and have them administer the funds. Ms. Simon stated that was correct, but the foundation requested a 15 percent management fee. Commissioner Jung agreed with Option 2B if staff felt that would not be a colossal waste of time. Ms. Enfield acknowledged that many groups were used to applying for grants online. She explained that the software was also used by Clark County for their Affordable Housing and fulfilled the entire grant process. She stated that a new committee would need to be formed since the Consortium no longer existed.

Ms. Enfield explained that the second part of the Community Services budget was Special Purpose grants and noted that the grant making process for Special Purpose grants was a non-competitive process. These grants were funded based on County obligations, mandates or regulations and, in some cases, specific needs. She said that Special Purpose awards were established as a result of requests from Commissioners, agencies, or County staff and evaluated during the budget process. She said the process included the previous year's Special Purpose grantees. Any new potential grantees identified by requests from Commissioners, agencies, or County staff were sent a Special Purpose Request for Support form to be submitted to the Grants Administrator. The Requests for Support were considered during the development of the Special Purpose budget. Ms. Enfield indicated that over the past several years these grants had significantly decreased. A number of Special Purpose grants were eliminated, leaving only those grants that met a health or human service need, were mandated by compact or regulatory requirement, or contributed to regional economic development. She said the Community Support policy was originally adopted by the Board in 2005 and included the Special Purpose Awards criteria.

Commissioner Jung asked why the Incline Village General Improvement District (IVGID) received Special Purpose funds. Ms. Enfield replied that was related to indigent care. Ms. Simon explained there were instances brought to staff's attention in which services that might be a benefit to citizens in Incline Village were not available to

them, but were available to residents in the valley such as senior services recreational programming. The County, through these grants over the years, had provided support through IVGID to serve their population with programs the County did for residents in the valley. Commissioner Jung questioned the Tahoe Regional Planning Agency (TRPA) receiving funds. Ms. Simon explained that was a federal and State requirement. Commissioner Jung commented that the Incline Village Community Hospital Foundation was similar to IVGID's share. Ms. Simon replied that was a result of the District Health's efforts in the valley versus health services provided in Incline Village.

Commissioner Hartung asked if there was an accounting on how IVGID spent their portion of the funds. Ms. Enfield replied that IVGID used those funds exclusively for senior citizen programming. Ms. Simon explained that all Community Support grants were made via a performance agreement contract with the grantees who then reported back to the County.

**3:45 p.m.** Commissioner Berkbigler temporarily left the meeting.

There was no public comment on this item.

Chairman Humke asked if Ms. Enfield wrote grants for Washoe County departments. Ms. Simon replied that was occurring. She noted there was a Grants Committee, a policy manual had been developed and there were currently \$40 million in grants being administered by the County. She indicated that several departments had their own grant writers, which was important to be able to tell the story of the program being supported in a grant application. She said that Ms. Enfield's role was to support that staff, to identify grant opportunities that may not be known and to ensure that the County, as an organization, had a clearinghouse for the process of grant applications.

Chairman Humke asked if this was a way around dealing with the same six or seven non-profits. Ms. Simon replied those recipients may be the successful applicants for the grants, but there were hundreds of others and she wanted to ensure that the opportunity was offered to other non-profits.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Berkbigler absent, it was ordered that staff be directed to take action regarding grants on Option 2B.

**3:27 p.m.** Chairman Humke returned to the meeting during Agenda Item 23.

**13-169 AGENDA ITEM 24 - MANAGER**

**Agenda Subject:** "Acknowledge the status and progress updates for the Fundamental Review Program Phase I, Phase II and departmental projects. (All Commission Districts.)"

John Berkich, Assistant County Manager, explained there were 54 projects currently being worked on as recommended by the Fundamental Review and were at various stages of completion. He reported that the staff report provided information for each project.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 24 be acknowledged.

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**The Board returned to Agenda Item 23.**

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**13-170      AGENDA ITEM 30 – COMMUNITY SERVICES**

**Agenda Subject: “Recommendation to acknowledge receipt of a status report on the creation of the Community Services Department and approve elimination of management level positions that are no longer needed, as well as planned modifications to other positions, as a result of the implementation of the organizational structure and departmental leadership staffing plan approved by the Board in July and August 2012. (All Commission Districts.)”**

Rosemary Menard, Community Services Director (CSD), conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation highlighted the CSD Key accomplishments, a description of Likert’s 4 Systems, examples of better customer service improvements, examples of regional initiatives to improve customer service and support economic development, team based initiatives, and examples of employee initiatives.

Commissioner Hartung said the staff report mentioned the Building and Safety Enterprise Fund, and he asked how that was funded. Ms. Menard replied that all enterprise funds came from user-fees for services. Commissioner Hartung said it stated that the Building and Safety’s County-wide Cost Allocation Plan (COWCAP) cost was \$314,810, but \$40,539 was being extracted for CSD administration and questioned why the Enterprise Fund would be utilized to fund administration. Ms. Menard explained that the leadership team of the CSD had listed the major funding sources and allocated a small portion of each staff members time to the various centers. They had to work within the existing budget and did not have an administrative fund. In the case of the Building and Safety Fund, she said an item was lined out related to the fact they would need to evaluate a fee increase because that fund was running in the red. The funding had been planned and used as a reserve created over time with the allocation of the cost for central services and noted there were benefits to being allocated. Commissioner Hartung said an

Economic Development Action Plan was mentioned, and he felt that raising fees in Building and Safety at this time would not be feasible. He said there should be a different accounting and was uncomfortable taking money out of an Enterprise Fund and it seemed to be disingenuous.

**3:52 p.m.** Commissioner Berkbigler returned to the meeting.

Katy Simon, County Manager, said a recommendation in the Fundamental Review included the very controversial subject of reflecting the true costs of all the operations. She said that led to cost allocations, which in many areas became a very difficult process. The theory was that there were overhead costs and overhead charges and, by centralizing that, staff had actually reduced the cost for administration in the Building and Safety Department. By consolidating the departments that cost had been reduced since the size of the administration and management group had been reduced and their costs had been applied to different funds. Commissioner Hartung felt it was still being paid for in the COWCAP. Ms. Simon said the overall COWCAP included everything and also included costs for retiree health benefits for employees from that particular area. She said this was the internal administration of a very large department and allocated internally over a large, complex set of funds. Commissioner Hartung restated that he was uncomfortable raising fees in Building and Safety when the economy was still delicate. Ms. Simon stated that the Board was not being asked to raise fees and indicated that action would return with a great degree of public input and analysis. She said this was simply a status report on the CSD. Commissioner Hartung requested a more detailed accounting of the Building and Safety Enterprise Fund.

Chairman Humke stated that was a reasonable request. He said the Building and Safety Enterprise Fund was an active group. He agreed that a full accounting was needed and that the status report should be set aside until the COWCAP public hearing could occur.

Commissioner Weber agreed. She suggested an accounting of all the Enterprise Funds and how those would be affected. She was also concerned with the concept that the Board appointed a building official, but now that building official was at the bottom of a list. She requested a clarification on how that could legally occur. Ms. Menard concurred that the building official was Board appointed. However, the classification for that particular position, which had nothing to do with NRS, established that position as a department head. For comparison, the Board also appointed a surveyor, which was three levels down in the engineering organization. She said the relevant nature of positions, whether Board appointed or not, may be driven by NRS, but there was not a requirement for specific duties assigned to the building official apart from those related to the building official's job. Commissioner Weber said there had been concerns raised about the building official and his status. She said the department was still there, but she was concerned because the building community had voiced concerns about the building official, the Building and Safety Division and the leadership role. Ms. Menard explained that the title was still in effect and indicated this also occurred within the Parks Department. She explained that the duties for some departments had been placed within

other parts of the CSD. Ms. Menard said those had been internally organized, but to the external world it was invisible. She remarked there was an individual who filled the building official role, was still doing that job and was still in charge of the part of the organization that handled building permitting. However, she clarified that the building official was not in a division director role or a department head.

Ms. Simon added that this was not unique to the County and that many local governments, nation-wide, consolidated similar functions under a department head. She confirmed that the function, and the person, were still there and still had the title. Ms. Simon commented these were difficult changes to make when the Board gave direction to consolidate five departments and eliminate four department head positions. Commissioner Weber reiterated her request for a legal opinion clarifying the building official position.

Paul Lipparelli, Legal Counsel, said it would be best to research that request and then return to the Board with the answer.

Commissioner Berkbigler understood the concept of merging departments and downsizing. She was confused about some of the different policies and programs, and before she would be willing to support the staff report, she requested a COWCAP breakdown, why it was done the way it was, and a further breakdown on where those key positions stood. Ms. Simon reiterated that staff would return with a full discussion of the COWCAP. She also said there would be further discussion on the transformations.

Commissioner Hartung remarked that the title for the building official still existed, but that person did not have autonomy and felt that department needed a certain amount of autonomy. In regard to some of the key roles, staff had to be careful in moving forward to ensure that everyone was happy or key individuals could be lost and that was a concern.

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

### **13-171      AGENDA ITEM 32 – MANAGEMENT SERVICES**

**Agenda Subject: “Recommendation to review and approve the 2013-14 Washoe County Strategic Plan, including mission, vision and values; strategic objectives; strategic goals, and goal measures.”**

John Slaughter, Management Services Director, said this review related to the Board’s Strategic Planning retreat in January. He reviewed the draft document and pointed out the revisions made to the Mission Statement and the Organizational Values. He said the 2013/14 Objectives and Goals expanded from two to five objectives and goals as noted in the draft document.

Katy Simon, County Manager, explained that the Strategic Leadership Team included representatives from several departments, elected and appointed, that

helped in identifying the goal statements of the strategic objectives, which were endorsed by that group.

There was no public comment on this item.

Ms. Simon indicated that measures were suggested for each of those goals. She said those measures would become the blueprint provided to departments to build departmental strategic plans and would be brought forward during the budget presentations.

Mr. Slaughter stated that key performance measures were listed on page four of the draft documents, which were not to be confused with the goal measures of the annual goals.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 32 be approved.

### **13-172            AGENDA ITEM 33 – MANAGEMENT SERVICES**

**Agenda Subject: “Discussion and 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, said there were 377 legislative measures and, at the present time, the County was tracking 257. He said staff had received 58 requests for fiscal notes to review specific pieces of legislation, and to give very specific and detailed analysis on how the legislative measure could fiscally impact the County. He said it was early in the session and an overall observation was that every piece of legislation was still in flux. He reviewed the following bills:

**AB 68**            The Consolidated-Tax (C-Tax) Formula bill, which the Board had approved a resolution. He said that bill passed the Assembly, would go to a work session in the Senate and was expected to go to the Governor early next week.

**AB 65**            Related to the Open Meeting Law and put various requirements on public bodies, specifically deliberation.

**AB 75**            Related to the publication of the Property Tax Roll. The bill would allow for the information posted online to be called the publication.

**AB 139**            Concerned the Secretary of State’s Business Portal . He said the goal was to have a state-wide location to receive all the business license information and other types of certifications.

Commissioner Hartung asked if a business could currently renew their business license with all the entities. Mr. Slaughter did not know the answer to that, but stated it was the goal.

**AB 46** This proposal came from the Washoe County School District (WCSD) for funding their capital project needs. He said there had been a hearing on the bill where an amendment was presented. In discussions with Legislators, he noted that the Board recognized the need the schools had, but as of yet the Commission had not taken a position on this bill. He said the amendment put in an intermediary step that the School District would have the authority, through a resolution, to request the County Commission enact ordinances to increase taxes.

Paul Lipparelli, Legal Counsel, explained that the School Board would be in a position to act very rapidly in order for the County Commission to act in a time which would allow the imposition of tax rate in the current budgeting process. If this went through, Mr. Lipparelli said it would allow a short time to produce those ordinances to the County Commission.

Commissioner Weber asked if a vote was necessary to show support. Mr. Slaughter believed it would be premature to vote on the specific language at the present time. Katy Simon, County Manager, agreed that taking an actual position may be premature since all the input had not been heard. Commissioner Weber said she had a difficult time with the School Board telling the County Commission had to pass a tax increase.

Commissioner Berkbigler shared her concern about precedent being set in this type of legislation and was also concerned about another elected Board, not the Legislature, ordering the County Commission to increase taxes.

Kevin Schiller, Social Services Director, spoke on the Indigent Accident Fund. He said the County contributed two and a half cents of assessed value into that Fund which supported indigent accidents. The two primary beneficiaries of that Fund were Renown Medical Center in Washoe County and the University Medical Center (UMC) in Clark County. Being the main contributors, he said those dollars had been swept by the State for the past seven years. He commented that the County had contributed those funds and, in doing so, was held harmless for certain costs such as in-patient costs. At issue was that the State had indicated they would not sweep that Fund. There had been dialogue about taking those dollars that Clark County and Washoe County contributed to the State, who in turn, would have those funds matched at a federal level in an attempt to double those dollars. Then the hospitals would be paid and, through some mechanism of passing of dollars, support the administrative claims. In contributing those dollars, he said there would be a bifurcated State because Clark County was not interested in continuing to invest those dollars since they had an upper payment limit and it would become an even trade for them. If Clark County did not participate, the ability for the State to take those dollars and make a match became significant. He said a Bill

Draft Request (BDR) was introduced that proposed to omit the Fund and figure another way to match those dollars. Mr. Schiller felt this bill would go through multiple revisions.

Chairman Humke stated there was the long-term care obligation and believed there was still a provision where Washoe County would be held harmless. He asked if that provision still existed. Mr. Schiller stated that provision still existed.

Commissioner Berkbigler asked if sequestration occurred would that impact the matching dollars. Mr. Schiller believed that the match would still be available, but that could change. Commissioner Berkbigler was concerned that the Board may agree to something and, due to sequestration, the match would cease to exist.

In response to the call for public comment, Joanna Schumacher spoke on assisting the public with bill drafts that the public supported and bill drafts that protected citizen's rights.

Amy Harvey, County Clerk, stated that a public comment card was submitted by Juanita Cox. Chairman Humke ordered it be placed in the record.

There was no action taken on this item.

**13-173      AGENDA ITEM 34 - MANAGER**

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

John Berkich, Assistant County Manager, reported that three status reports were presented at the recent Shared Services meeting. He said there was a focus on economic development with the context entered on the IBM Smarter Cities project. He indicated that the Shared Services meetings would now be held quarterly, rather than monthly, and the next meeting was scheduled for June 17, 2013.

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

**13-174      AGENDA ITEM 35 - WORK CARD PERMIT APPEAL - Susan Baker**

**Agenda Subject: "The Washoe County Commission will adjourn from the Commission Chambers and reconvene in the County Commission Caucus Room (1001 E. 9th Street, Building A, 2nd Floor, Reno) to consider the work card permit appeal for Susan Baker. The HEARING will be a CLOSED SESSION to discuss the applicant's character or other matters under NRS 241.030(1). Following the Closed Session, the Commission will return to open session in the Commission Chambers to take action on the appeal and finish the remainder of the February 26, 2013 Board Agenda."**

**5:21 p.m.** The Board convened in Closed Session to consider the work card permit appeal for Susan Baker pursuant to NRS 241.030(1).

**6:40 p.m.** The Board reconvened in open session in the Commission Chambers to take action on the work card permit appeal.

Commissioner Jung felt that the appellant should be entitled to be gainfully employed in the career of her choice. However, she recommended a condition and requested that the District Court provide the Board quarterly reports as to performance on the appellant's program and also send those reports to the Social Services Department.

Chairman Humke explained that findings needed to be made. He said disabling events for the work card in this situation would be a conviction of a felony or a gross misdemeanor. The finding was that this appellant had not yet been convicted of a felony, but that possibility was pending. If the appellant succeeded in Specialty Court, the conviction would become a misdemeanor; therefore, it would not be a disabling event. He also said the appellant had two and a half years remaining on her program. He inquired if the appellant would grant the County and the Social Services Department a release of information for all pertinent information from the Specialty Court so they could monitor and have early warning of any possible failure in the Specialty Court.

Paul Lipparelli, Legal Counsel, said those statements constituted as findings if added to a motion. He suggested the motion include a statement that the disposition of the Internal Review Board was sustained or reversed.

Chairman Humke asked if the appellant would provide the County with pertinent information from the Specialty Court. Susan Baker, appellant, agreed to follow those conditions and that decision was of her own volition and would be submitted in writing. Chairman Humke requested those records be sent to the Specialty Court and to the Social Services Licensing Division. Ms. Baker stated that would occur.

On motion by Commissioner Jung, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that the work card for Susan Baker be approved and the comments and findings made by the Chairman be adopted.

### **PUBLIC HEARING**

#### **13-175 AGENDA ITEM 36 – COMMUNITY SERVICES/PLANNING AND DEVELOPMENT**

**Agenda Subject:** “Second reading and adoption of an Ordinance amending the Washoe County Code at Chapter 110, Article 304, Use Classification System, and Article 902, Definitions, to remove confusing language in the existing use definition for Inoperable Vehicle Storage, and to re-establish a definition for inoperable vehicle for application to the Inoperable Vehicle Storage use, and providing for

**other matters properly relating thereto, as recommended for adoption by the Washoe County Planning Commission. (Bill No. 1686). (All Commission Districts.)”**

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

**6:48 p.m.** Commissioner Hartung temporarily left the meeting.

Garth Elliott spoke on the nuisance ordinance.

There being no one else wishing to speak, the Chairman closed the public hearing.

Amy Harvey, County Clerk, read the title for Ordinance No. 1504, Bill No. 1686.

On motion by Commissioner Weber, seconded by Commissioner Jung , which motion duly carried with Commissioner Hartung absent, Chairman Humke ordered that Ordinance No. 1504, Bill No. 1686, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110, ARTICLE 304, USE CLASSIFICATION SYSTEM, AND ARTICLE 902, DEFINITIONS, TO REMOVE CONFUSING LANGUAGE IN THE EXISTING USE DEFINITION FOR INOPERABLE VEHICLE STORAGE, AND TO RE-ESTABLISH A DEFINITION FOR INOPERABLE VEHICLE FOR APPLICATION TO THE INOPERABLE VEHICLE STORAGE USE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AS RECOMMENDED FOR ADOPTION BY THE WASHOE COUNTY PLANNING COMMISSION. (BILL NO. 1686),**" be approved, adopted and published in accordance with NRS 244.100.

**6:53 p.m.** Commissioner Hartung returned.

### **13-176 AGENDA ITEM 37 – REPORTS AND UPDATES**

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

Commissioner Weber announced that she would hold her “Commissioners and Conversations” with Commissioner Jung on March 16, 2013.

Commissioner Jung reported on the Regional Job Teams meeting that was held the previous week.

Commissioner Hartung stated that he attended the Investment Committee, the Truckee River Flood Management Committee and the Western Regional Water Commission meetings. He noted that his community meeting was scheduled for March 2, 2013.

Chairman Humke announced that he would also hold a Conversation with a Commissioner on March 14, 2013. He noted that the meeting held earlier in the day with the Library Board of Trustees was very informative and a successful meeting.

Commissioner Berkgigler noted that her community meetings were scheduled for February 28th and March 5, 2013.

**13-177      AGENDA ITEM 38 – CLOSED SESSION**

**Agenda Subject: “Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.”**

There was no closed session scheduled.

**13-178      AGENDA ITEM 40 – 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.”**

Garth Elliott spoke on Legislative issues.

\*   \*   \*   \*   \*   \*   \*   \*   \*

**7:00 p.m.**      There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, the meeting was adjourned.

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**DAVID E. HUMKE**, 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**  
*Sierra Nevada Job Corps Center*

WHEREAS, Over the course of 34 years, more than 18,000 youth have graduated from Sierra Nevada Job Corps Center with the education and training needed to change their lives; and

WHEREAS, Sierra Nevada Job Corps Center provides Nevada's economically disadvantaged youth with critical residential, academic and technical training services; and

WHEREAS, Youth enrolled in Job Corps, many of whom were homeless, dropped out of school, were foster children, or were otherwise disadvantaged, receive intensive academic remediation, gain employability, learn life skills and receive job placement assistance; and

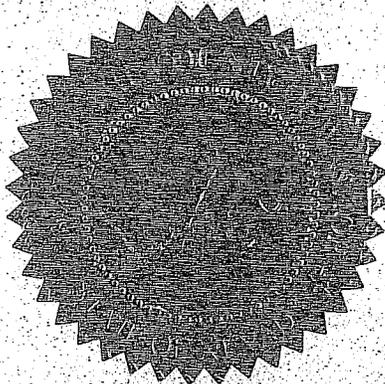
WHEREAS, Job Corps has saved the state of Nevada countless millions of dollars by educating youth who might otherwise be dependent on government support programs and stuck in the cycle of poverty; and

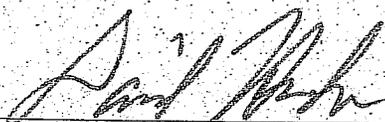
WHEREAS, Sierra Nevada Job Corps students and staff have contributed thousands of hours of community service, signaling the importance of giving back to their community; and

WHEREAS, Sierra Nevada Job Corps Center has made a tremendous positive impact on the youth of Nevada and made invaluable contributions to the fabric of our state; now, therefore, be it

RESOLVED, That the Washoe County Commission fully supports the efforts of the Sierra Nevada Job Corps and requests that the federal government hold harmless our local Job Corps and maintain their full funding.

ADOPTED this 26<sup>th</sup> day of February, 2013.



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

13.147

**RESOLUTION TO OFFER RECONVEYANCE OF APROXIMATELY 6.377 ACRES  
(COMMONLY KNOWN AS A PORTION OF SKY RANCH PARK)  
TO PYRAMID URBAN ACHIEVERS LLC**

WHEREAS, Washoe County, a political subdivision of the State of Nevada, owns a parcel of real property situated in the County of Washoe, currently APN 534-091-06 consisting of approximately 6.377-acres, commonly known as a portion of Sky Ranch Park (the "Property") as outlined in Exhibit A attached hereto and incorporated within; and

WHEREAS, the Property was dedicated by Mr. David Frear, an individual, for use as a public park, and has operated as such since said dedication; and

WHEREAS, Washoe County, through its Community Services Department, has determined that maintenance of property has become unnecessarily burdensome and reconveyance would be in the best interest of the County and its residents; and

WHEREAS, the County is authorized under NRS 244.290 to reconvey all the right, title, and interest of the County in any land donated or dedicated to the person by whom the land was donated or dedicated or to that persons heirs, assigns, or successors upon such terms as may be prescribed by the resolution of the Board of County Commissioners; and

WHEREAS, Mr. David Frear has assigned his right to reconvey the Property through an Option Agreement to Pyramid Urban Achievers, a Nevada Limited Liability Company; and

WHEREAS, the purchase price for the Property shall be determined by the average of two separate professional real estate appraisals, compliant with Washoe County Code; now, therefore, be it

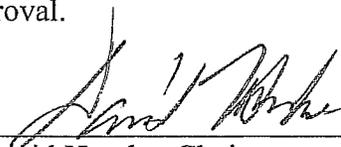
RESOLVED, that the Board of Washoe County Commissioners has determined that maintenance of the Property is unnecessarily burdensome to the County, and reconveyance would be in the best interest of the County and its citizens; and

BE IT FURTHER RESOLVED that under the authority of NRS 244.290 Washoe County offers to reconvey the property to Pyramid Urban Achievers LLC according to terms that shall be set forth in writing through a reconveyance agreement to be brought before the Board of County Commissioners should the offer of reconveyance be accepted such terms to include reserving back to Washoe County a relocatable access easement to parcel 534-091-07 ; and

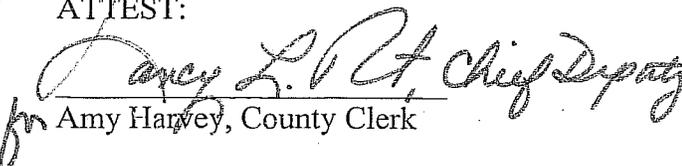
BE IT FURTHER RESOLVED, that should the offer of reconveyance be accepted, the Property shall be sold "AS IS, WHERE IS" to Pyramid Urban Achievers LLC.

This Resolution shall be effective on passage and approval.

ADOPTED this 26th day of February 2013.

  
\_\_\_\_\_  
David Humke, Chairman  
Board of Washoe County Commissioners

ATTEST:

  
for Amy Harwey, County Clerk

13-151

# RESOLUTION

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee and is a subgrantee of State Emergency Response Commission (SERC) consisting of the State Emergency Response Commission (SERC) Grant Program award in the amount of \$110,984.00, and

WHEREAS, For the grant listed above, Washoe County is either the recipient of grant funds for individual items for use of Washoe County, or is fiscal agent for other government entities or nonprofit organization that are also members of LEPC; and

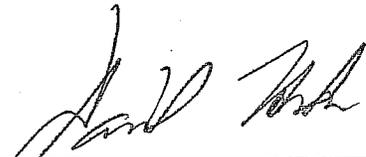
WHEREAS, NRS 244.1505 allows the Board of County Commissioners of Washoe County to make a grant of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County as fiscal agent for the other government entities or nonprofit organizations that are members of LEPC desires to pass through funds and grant assurances from the State grants as described on the attached grant award administrative grid for the uses herein and therein described; and therefore, be it

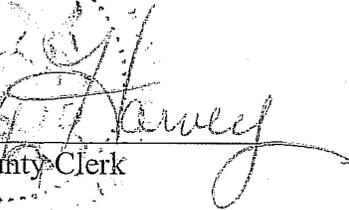
RESOLVED, That the Washoe County Board of Commissioners hereby grants to the government entities (other than Washoe County agencies for which the Board has accepted funds from the awards) and nonprofit organizations as listed on the attached grant award administrative grid, as a pass through of the amounts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

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ADOPTED this 26th day of February, 2013.

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

ATTEST:

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

COOPERATIVE (LOCAL PUBLIC AGENCY) AGREEMENT  
EASTLAKE BOULEVARD IMPROVEMENT PROJECT

This Agreement is made and entered the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the State of Nevada, acting by and through its Department of Transportation (hereinafter "DEPARTMENT") and Washoe County, acting by and through its Community Services Department, 1001 E. Ninth Street, P.O. Box 11130, Reno, NV 89520 (hereinafter "COUNTY").

WITNESSETH:

WHEREAS, agreements between the DEPARTMENT and local public agencies are authorized under N.R.S. (Nevada Revised Statutes) Chapters 277 and 408; and

WHEREAS, the DEPARTMENT and the Nevada Division of the Federal Highway Administration (FHWA) have entered into a Stewardship Agreement pursuant to Title 23 U.S.C. (United States Code) § 106; and

WHEREAS, N.R.S. 408.245 authorizes the DEPARTMENT to act as agent and to accept federal funds on behalf of local public agencies; and

WHEREAS, 23 C.F.R. (Code of Federal Regulations) § 635.105(c) provides that when a local public agency project is located on a street or highway over which the DEPARTMENT does not have legal jurisdiction, or when special conditions warrant, the DEPARTMENT may arrange for the local public agency having jurisdiction over such street or highway to perform the work with its own forces or by contract provided certain conditions are met; and

WHEREAS, the COUNTY and the State of Nevada entered into a settlement agreement which was approved by the Board of Examiners on September 11, 2012 which required the DEPARTMENT to obligate funds in an amount not to exceed Six Million and No/100 Dollars (\$6,000,000.00) for maintenance projects within Washoe County; and

WHEREAS, the COUNTY will design, advertise, award, and manage construction of road bed modification and micro sealing of Eastlake Boulevard as outlined in the Project Scope attached hereto and incorporated herein as Attachment A (hereinafter "PROJECT"); and

WHEREAS, the PROJECT is part of the settlement agreement between the COUNTY and the State of Nevada and shall be funded using Federal Surface Transportation Program (STP) funds; and

WHEREAS, the COUNTY is a sub-recipient of federal transportation funds and C.F.D.A. (Code of Federal Domestic Assistance) Number 20.205 will be used for reporting purposes; and

NOW, THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, it is agreed as follows:

ARTICLE I - DEPARTMENT AGREES:

1. To assist the COUNTY with: (a) completing the National Environmental Policy

13-163

Act (NEPA) documentation in conformance with 23 CFR § 771 and (b) obtaining the environmental permits and clearances.

2. To ensure that the COUNTY's actions are in accordance with applicable Federal and State regulations and policies.

3. To obligate Federal STP funding for a maximum amount of One Million Nine Hundred Seventy Thousand Seven Hundred Seventy-Five and No/100 Dollars (\$1,970,775.00).

4. To establish a Project Identification Number to track all PROJECT costs.

5. Once the funding is obligated, to provide the COUNTY with a written "Notice to Proceed" authorizing the preliminary engineering of the PROJECT.

6. To ensure that applicable environmental laws and regulations are met on the PROJECT and to certify the PROJECT to FHWA in accordance with Federal requirements.

7. To review and comment on the COUNTY's design (including plans, specifications and estimates) in fifteen working days and to ensure that American Association of State Highway Transportation Officials (AASHTO) and Manual on Uniform Traffic Control Devices (MUTCD) Guidelines are followed and that the design meets the requirements of the Americans with Disability Act (ADA).

8. To assign a Right-of-Way Agent to provide guidance and oversight to ensure all utility relocations are performed in accordance with State and Federal regulations including, but not limited to N.A.C. (Nevada Administrative Code) Chapter 408 and 23 CFR § 645.

9. To ensure that applicable right-of-way laws and regulations are met on this PROJECT and to document those actions in accordance with the DEPARTMENT's administrative requirements.

10. To review and approve the COUNTY's procedures utilized for advertising, bid opening and award of the PROJECT, so that the DEPARTMENT may satisfy itself that the same are in accordance with applicable Federal requirements.

11. To provide an overall Disadvantaged Business Enterprise (DBE) participation goal and/or training hours for the PROJECT based on the DEPARTMENT's DBE program, subject to and in accordance with Federal and State law and any other applicable laws, rules and regulations.

12. To ensure that all reporting and project documentation, as necessary for financial management and required by applicable Federal requirements, is submitted by the DEPARTMENT to the FHWA.

13. To authorize the COUNTY to proceed with the advertisement/award of the contract and construction of the PROJECT, once the final design (including plans, specifications and estimates) has been reviewed and approved by the DEPARTMENT, all certifications have been completed and the funding authorized. The DEPARTMENT shall issue such authorization through a written "Notice to Proceed".

14. To assign a Local Public Agency Coordinator and a resident engineer to act as

the DEPARTMENT's representative to monitor the COUNTY's compliance with applicable Federal and State requirements.

15. To review and approve when appropriate addenda, supplementals and change orders to the construction contract of the PROJECT to ensure compliance with the terms of this Agreement within five (5) working days. Failure to respond within five (5) working days constitutes approval. Approval of said addenda, supplementals and change orders does not alter the maximum reimbursement to the COUNTY as established in ARTICLE I Paragraph 3, minus any DEPARTMENT PROJECT COSTS as established in ARTICLE III Paragraph 7.

16. To review the COUNTY's as-built plans and to attend the COUNTY final inspection of the PROJECT.

17. To reimburse the COUNTY, monthly as work progresses on the PROJECT, for ninety-five percent (95%) of ELIGIBLE PROJECT COSTS based on supporting documentation minus any DEPARTMENT PROJECT COSTS. Total reimbursement shall not exceed the total obligated amount, as established in ARTICLE I Paragraph 3, minus any DEPARTMENT PROJECT COSTS as established in ARTICLE III Paragraph 7. ELIGIBLE PROJECT COSTS are those costs as defined in the applicable Federal Office of Management and Budget (OMB) Circulars including but not limited to those listed on Attachment B, attached hereto and incorporated herein.

18. To be responsible for the five percent (5%) match of the federal funds expended on DEPARTMENT PROJECT COSTS.

#### ARTICLE II - COUNTY AGREES:

1. To perform or have performed by consultant forces: (a) the design of the PROJECT (including the development of plans, specifications and estimates); (b) the completion of the NEPA documentation in conformance with 23 C.F.R. § 771; (c) the acquisition of environmental permits and clearances; and (d) the advertisement, award and construction management of the PROJECT, as outlined in Attachment A, in accordance with Federal, State and local laws, regulations, ordinances and policies, including but not limited to those listed in the FHWA "Contract Administration Core Curriculum Participant's Manual and Reference Guide" at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm>, incorporated herein by reference. The PROJECT shall be designed and constructed in accordance with COUNTY standards. The PROJECT shall be operated and maintained in accordance with applicable Federal, State and local laws, regulations, ordinances and policies.

2. To require those utility companies having franchise agreements with the COUNTY, when permitted under the terms of the franchise agreement, to relocate their facilities if necessary or otherwise accommodate the PROJECT at no cost to the PROJECT, DEPARTMENT or the COUNTY.

3. To coordinate and provide a liaison for the relocation or adjustment of utilities in accordance with applicable State and Federal regulations, including but not limited to N.A.C. (Nevada Administrative Code) Chapter 408 and 23 CFR § 645.

4. To ensure that any utility relocations are in compliance with ADA requirements.

5. To invite the DEPARTMENT to PROJECT meetings, including but not limited to

field reviews, right-of-way settings, review meetings and the pre-construction conference.

6. To submit to the DEPARTMENT for review and approval, preliminary plans at ninety percent (90%) and one hundred percent (100%) design phases. The ninety percent (90%) and one hundred percent (100%) submittals shall include the PROJECT specifications, cost estimate and bid documents, which must include the provisions listed in Attachment C "Required Documents In Bid Packets Of Projects with DBE Goals", attached hereto and incorporated herein.

7. To provide the DEPARTMENT a written certification, accompanied by supporting documentation evidencing that: (a) the proposed improvements will be constructed on property owned or authorized to be used by the COUNTY; and (b) any utility relocations and/or adjustments were completed in accordance with federal and state regulations. The COUNTY shall submit the certification to the DEPARTMENT concurrent with its provision of the ninety percent (90%) submittal.

8. To proceed with the PROJECT advertisement only after receiving a written "Notice to Proceed" from the DEPARTMENT.

9. To submit to the DEPARTMENT three (3) final sets of plans, specifications, estimates and bid documents for the DEPARTMENT's use.

10. To perform the contract administration of the construction contract by providing appropriate personnel to: (a) observe, review, inspect, perform materials testing; (b) be in responsible charge of the construction; (c) be capable of answering any question that may arise in relation to the contract plan and specifications during construction; (d) be responsible for ensuring that all applicable NEPA, environmental permits and clearances requirements for monitoring and mitigation during construction of the PROJECT are being met; and (e) to report to the DEPARTMENT's Resident Engineer on administration of the contract, compliance with Federal requirements and the contractor's acceptable fulfillment of the contract.

11. To submit to the DEPARTMENT for review and approval any addenda, supplementals and change orders and to obtain written DEPARTMENT approval for any addenda, supplementals and change orders prior to incorporating them into the PROJECT.

12. To allow the DEPARTMENT and its designated representatives to monitor all work associated with the PROJECT during construction.

13. To incorporate all required DBE goals into the contract for the PROJECT as well as all applicable Federal and State required provisions and terms regarding the DBE goals.

14. To monitor the consultant and/or contractor on the PROJECT, to ensure that DBE goals are being met in accordance with all applicable Federal and State laws, including but not limited to 49 CFR § 26, and to make available to the DEPARTMENT all necessary documents to support compliance with the DBE standards.

15. To perform PROJECT documentation and quality control during contract administration according to the COUNTY's established procedures, as approved by the DEPARTMENT. If the COUNTY does not have DEPARTMENT approved procedures, it must then follow the procedures contained in the DEPARTMENT's "Documentation Manual" and "Construction Manual," incorporated herein by reference. The manuals may be obtained from

the DEPARTMENT's Administrative Services Division.

16. To provide to the DEPARTMENT all reporting and project documentation, as necessary for financial management, required by applicable Federal requirements and any future Federal reporting requirements and to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 C.F.R. § 170, including Appendix A available at <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>.

17. As work progresses on the PROJECT, the COUNTY shall provide the DEPARTMENT with monthly invoices for payment of the PROJECT COSTS. The invoice shall be based upon and accompanied by auditable supporting documentation. Total reimbursement shall not exceed the total obligated amount, as established in Article I Paragraph 3, less any DEPARTMENT PROJECT COSTS, as established in Article III Paragraph 7. Invoices for the preliminary engineering shall be forwarded to the DEPARTMENT's Local Public Agency Coordinator for payment processing. Invoices for the construction phase including the final invoice shall be forwarded to the DEPARTMENT's Resident Engineer for review. The DEPARTMENT's Resident Engineer shall forward the invoice to the DEPARTMENT's Local Public Agency Coordinator for payment processing. ELIGIBLE PROJECT COSTS are those costs as defined in the applicable Federal OMB Circulars including but not limited to those listed on Attachment B.

18. To be responsible for the five percent (5%) match of the Federal funds expended by the COUNTY in an amount not to exceed One Hundred Three Thousand and No/100 Dollars (\$103,000.00) and for one hundred percent (100%) of all costs exceeding the obligated Federal funds. The COUNTY agrees the DEPARTMENT and the State of Nevada are not responsible for any costs exceeding the obligated Federal funds.

19. To complete and sign Attachment D – "Affidavit Required Under Section 112(c) of Title 23 United States Code, Act of August 27, 1958 and Part 29 of Title 49, Code of Federal Regulations, November 17, 1987" and Attachment E – "Certification Required by Section 1352 of Title 31, United States Code, Restrictions of Lobbying Using Appropriated Federal Funds," "Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities," and "Disclosure of Lobbying Activities" attached hereto and incorporated herein.

#### ARTICLE III - IT IS MUTUALLY AGREED:

1. The term of this Agreement shall be from the date first written above through and including December 31, 2014, or until the construction of all improvements contemplated herein has been completed and accepted by the DEPARTMENT, whichever occurs first, save and except the responsibility for maintenance as specified herein.

2. Costs associated with this Agreement will be administered in accordance with the cost principles contained in 2 C.F.R. § 225. Indirect costs are not eligible for reimbursement unless the COUNTY's indirect rate is approved by its cognizant federal agency and that approval is provided to the DEPARTMENT. Fringe benefit rates must be approved by the DEPARTMENT on an annual basis to be eligible for reimbursement.

3. The description of the PROJECT may be changed in accordance with Federal requirements and by mutual written consent of the parties.

4. All right-of-way for the PROJECT is in place and no utility facilities, having prior

rights or franchise agreements that require the COUNTY to pay for any relocation, will require relocation to accommodate the PROJECT. If it is subsequently determined that this is inaccurate, a written amendment to this Agreement shall be required.

5. Each party agrees to complete a joint final inspection prior to final acceptance of the work by the DEPARTMENT.

6. The TOTAL ESTIMATED PROJECT COSTS are Two Million Seventy-Four Thousand Five Hundred and No/100 Dollars (\$2,074,500.00), which includes: One Million Nine Hundred Seventy Thousand Seven Hundred Seventy-Five and No/100 Dollars (\$1,970,775.00), comprising Federal funding of ninety-five percent (95%) of the TOTAL ESTIMATED PROJECT COSTS; a match of One Hundred Three Thousand and No/100 Dollars (\$103,000.00), comprising COUNTY match funding of five percent (5%) of TOTAL ESTIMATED PROJECT COSTS expended by the COUNTY; and a match of Seven Hundred Twenty-Five and No/100 (\$725.00), comprising STATE match funding of five percent (5%) of DEPARTMENT PROJECT COSTS expended by the STATE. The parties acknowledge and agree that the TOTAL ESTIMATED PROJECT COSTS set forth herein are only estimates and that in no event shall the DEPARTMENT or federal portion exceed the total obligated amount, as established in Article I Paragraph 3, and furthermore in no event will the COUNTY be obligated under this Agreement to pay any additional PROJECT COSTS in excess of the match amount set forth above, except as otherwise approved by the governing body of the COUNTY.

7. The following is a summary of TOTAL ESTIMATED PROJECT COSTS and available funds:

TOTAL ESTIMATED PROJECT COSTS:

DEPARTMENT Preliminary Engineering Costs:	\$ 5,000.00
COUNTY Preliminary Engineering Costs:	\$ 10,000.00
DEPARTMENT Construction Engineering Costs:	\$ 9,500.00
COUNTY Construction Engineering Costs:	\$ 150,000.00
Construction Costs:	<u>\$1,900,000.00</u>

TOTAL ESTIMATED PROJECT COSTS: \$2,074,500.00

AVAILABLE FUNDING SOURCES:

Federal STP Funds:	\$1,970,775.00
COUNTY Funds:	\$ 103,000.00
STATE Funds:	<u>\$ 725.00</u>

TOTAL PROJECT FUNDING: \$2,074,500.00

8. The COUNTY may not incur any reimbursable PROJECT COSTS until this Agreement is executed by both parties and the DEPARTMENT has issued a written "Notice to Proceed."

9. The TOTAL PROJECT COSTS shall be determined by adding the total costs incurred by the DEPARTMENT and the COUNTY for preliminary engineering, completing the NEPA process and acquiring environmental permits and clearances, the relocation of utilities, construction engineering, and construction costs. The COUNTY match will be calculated using the applicable percent of the COUNTY PROJECT COSTS eligible for Federal funding. The COUNTY is responsible for one hundred percent (100%) of all costs not eligible for Federal funding. ELIGIBLE PROJECT COSTS are those costs as defined in the applicable Federal OMB Circulars, including but not limited to those listed on Attachment B.

10. An alteration requested by either party which substantially changes the services provided for by the expressed intent of this Agreement shall be considered extra work, and shall be specified in an amendment which will set forth the nature and scope thereof. The method of payment for extra work shall be specified at the time the amendment is written.

11. The COUNTY'S TOTAL ESTIMATED PROJECT COSTS may not be an accurate reflection of the final cost. The final costs may vary widely depending on the Contractor's bid prices.

12. Plans, specifications, and estimates shall be reviewed by the DEPARTMENT for conformity with the Agreement terms. The COUNTY acknowledges that review by the DEPARTMENT does not include detailed review or checking of major components and related details or the accuracy and sufficiency of such deliverables.

13. This Agreement may be terminated by mutual consent of both parties without cause. The parties expressly agree that this Agreement shall be terminated upon written notification if for any reason Federal and/or State and/or COUNTY funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

14. Should this Agreement be terminated by the COUNTY for any reason prior to the completion of the PROJECT, or the Agreement is terminated by the DEPARTMENT due to the COUNTY's failure to perform, the COUNTY shall reimburse the DEPARTMENT for any payments made to the COUNTY.

15. All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile or electronic mail 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 below:

FOR DEPARTMENT: Rudy Malfabon, P.E., Director  
Attn: Janelle K. Thomas, P.E.  
Local Public Agency Coordinator  
Nevada Department of Transportation  
Roadway Design  
1263 South Stewart Street  
Carson City, Nevada 89712  
Phone: (775) 888-7988  
Fax: (775) 888-7401  
E - mail: [jthomas2@dot.state.nv.us](mailto:jthomas2@dot.state.nv.us)

FOR COUNTY:

Greg Belancio, P.E.  
Washoe County  
P.O. Box 11130  
1001 E. Ninth Street  
Reno, NV 89512  
Phone: (775) 328-2052  
Fax: (775) 328-3699  
E -mail: [gbelancio@washoecounty.us](mailto:gbelancio@washoecounty.us)

16. Up to the limitation of law, including, but not limited to, N.R.S. Chapter 41 liability limitations, each party shall be responsible for all liability, claims, actions, damages, losses, and expenses, caused by the negligence, errors, omissions, recklessness or intentional misconduct of its own officers and employees.

17. The parties do not waive and intend to assert available N.R.S. Chapter 41 liability limitations in all cases. Agreement liability of both parties shall not be subject to punitive damages. Actual damages for any State or COUNTY breach shall never exceed the amount of funds which have been appropriated for payment under this Agreement, but not yet paid, for the fiscal year budget in existence at the time of the breach.

18. This Agreement 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 exclusive jurisdiction of the Nevada state district courts for enforcement of this Agreement.

19. The illegality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of the Agreement and this Agreement shall be construed as if such provision did not exist and the unenforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

20. Failure to declare a breach or the actual waiver of any particular breach of the Agreement and 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.

21. Except as otherwise expressly provided herein, all property presently owned by either party shall remain in such ownership upon termination of this Agreement, and there shall be no transfer of property between the parties during the course of this Agreement.

22. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of this Agreement to create any rights in any person or entity, public or private, a third party beneficiary status hereunder, or to authorize anyone not a party to this Agreement to maintain a suit pursuant to the terms or provisions of this Agreement.

23. Each party agrees to keep and maintain under generally accepted accounting principles full, true and complete records and documents pertaining to this Agreement and to present, at any reasonable time, such information for inspection, examination, review, audit and copying at any office where such records and documentation are maintained. Such records and documentation shall be maintained for three (3) years after final payment is made.

24. The parties are associated with each other only for the purposes and to the

extent set forth in this Agreement. Each party is and shall be a public agency separate and distinct from the other party and shall have the right to supervise, manage, operate, control and direct performance of the details incident to its duties under this Agreement. Nothing contained in this Agreement 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.

25. In connection with the performance of work under this Agreement, the COUNTY agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, pregnancy, sexual orientation, genetic information (GINA) or gender identity or expression, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including without limitation apprenticeship. The parties further agree to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

26. Pursuant to all applicable laws including but not limited to the Civil Rights Act of 1964, the Federal Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 12898 (Environmental Justice), and Executive Order 13166 (Limited English Proficiency), the COUNTY shall ensure that no person shall on the grounds of race, color, national origin, sex, age and handicap/disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally-funded or not. Breach of this covenant may be regarded as a material breach of this Agreement.

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

28. The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to engage in the cooperative action set forth herein.

29. Pursuant to N.R.S. 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 confidential by law or a common law balancing of interests.

30. 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.

31. All references herein to federal and state code, law, statutes, regulations and circulars are to them, as amended.

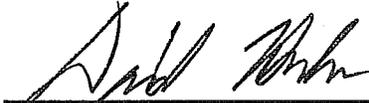
32. This Agreement shall not become effective until and unless approved by appropriate official action of the governing body of each party.

33. This Agreement constitutes the entire agreement of the parties and as such is 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 Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Attorney General.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Washoe County, acting by and through  
its COMMUNITY SERVICES  
DEPARTMENT

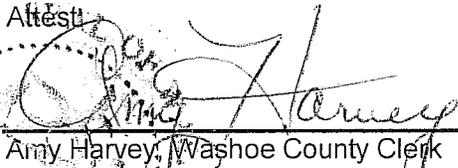
  
\_\_\_\_\_  
David Humke, Chairman  
Washoe County Commission

State of Nevada, acting by and through its  
DEPARTMENT OF TRANSPORTATION

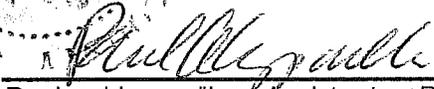
\_\_\_\_\_  
Director

Approved as to Legality & Form:

\_\_\_\_\_  
Deputy Attorney General

Attest  
  
\_\_\_\_\_  
Amy Harvey, Washoe County Clerk

Approved as to Form:

  
\_\_\_\_\_  
Paul Lipparelli, Assistant District  
Attorney

Attachment D

AFFIDAVIT REQUIRED UNDER SECTION 112(c) of Title 23 United States Code, Act of August 27, 1958 and Part 29 of Title 49, Code of Federal Regulations, November 17, 1987.

STATE OF NEVADA } COUNTY OF WASHOE }

SS

I, DAVID HUMKE (Name of party signing this affidavit and the Proposal Form) Chairman, Washoe County Commission (title).

being duly sworn do depose and say: That Washoe County

(name of person, firm, association, or corporation) has not, either directly or indirectly, entered into agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract; and further that, except as noted below to the best of knowledge, the above named and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(Insert Exceptions, attach additional sheets)

The above exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility and whether or not the Department will enter into contract with the party. For any exception noted, indicate on an attached sheet to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions. The failure to furnish this affidavit and required exceptions if any shall disqualify the party.

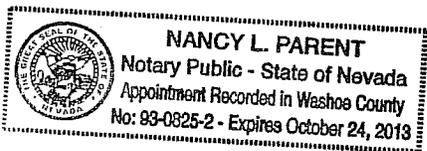
Handwritten signature of David Humke

Signature Chairman, Washoe County Commission

Title Handwritten signature of Nancy L. Parent

Signature Notary Public, Judge or other Official

Sworn to before me this 26th day of February, 2013



Attachment E

CERTIFICATION REQUIRED BY SECTION 1352 OF TITLE 31, UNITED STATES CODE  
RESTRICTIONS OF LOBBYING USING APPROPRIATED FEDERAL FUNDS

The undersigned certifies, to the best of his or her knowledge and belief that:

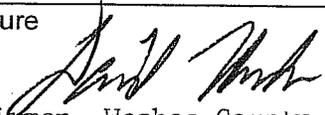
- (1) No Federal appropriate funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

David Humke

\_\_\_\_\_  
Name (please type or print)

\_\_\_\_\_  
Signature

  
Chairman, Washoe County Commission

\_\_\_\_\_  
Title

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity in and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-award recipient. Identify the tier of the sub-awardee, e.g., the first sub-awardee of the prime is the 1st tier. Sub-awards include but are not limited to subcontracts, sub-grants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Sub-awardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, first Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

