

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

JULY 24, 2007

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner
David Humke, Commissioner
Pete Sferrazza, Commissioner*

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

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

07-838 AGENDA

In response to Commissioner Galloway, Katy Singlaub, County Manager, said Item 29, the Comprehensive Plan Amendment Case No. CP05-004 South Valleys Area Plan Update, would be opened, public comments taken, and continued to August 28th. She stated Community Development staff attempted to notify everyone in the South Valley's area, but she was not sure that everyone was notified. Commissioner Galloway remarked if anyone was watching the proceedings and knew of someone who planned on coming, to please notify them the Board would not act today.

In response to Commissioner Weber, Ms. Singlaub said she would have an easel put outside the room to notify the public what would be happening with Item 29.

In response to the call for public comment, Guy Felton addressed why he did not believe the agenda should be approved. He also discussed public comment and the decorum statement. Neal Cobb said he would speak during public comment on Item 4, Interviewing applicants for Reno Justice of the Peace. Sam Dehne objected to public comment being two minutes, to the position of the speaker's podium, and to the meeting not starting promptly at 10:00 a.m.

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the agenda for the July 24, 2007 meeting be approved with the deletion of Item 29, Comprehensive Plan

Amendment Case No. CP05-004, the South Valleys Area Plan Update, which was being continued until August 28, 2007.

Katy Singlaub, County Manager, read the following disclaimer:

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

07-839 INTERVIEW APPLICANTS AND APPOINTMENT – RENO
JUSTICE OF THE PEACE

This was the time set for the Board to conduct interviews of the selected candidates for the Reno Justice of the Peace. Chairman Larkin explained the interview process and there was some discussion clarifying that process.

Commissioner Weber stated there had been comments by members of the public that it was not appropriate for the Board of County Commissioners to make this appointment because one of the candidates was a Commissioner. Melanie Foster, Assistant District Attorney, said the issue of a potential conflict of interest was raised earlier in the process resulting in a great deal of research and a discussion with the Executive Director of the Ethics Commission. She stated there was nothing in the code of ethical standards that prohibited the Commission from making the appointment. She explained by law, the Commission was the body that must make the appointment. She indicated the prohibition that people felt applied was the one that prohibited the Commissioners from acting when there was a commitment in a private capacity to the interest of others. She stated that was most often seen when an elected official had a financial interest that would affect their vote or a close personal relationship that would impact their ability to act in an unbiased fashion. She said those restrictions did not apply in this instance, and she was comfortable in stating the Board was not prohibited from making this appointment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the process for conducting the interviews for the Reno Justice of the Peace be approved.

In response to the call for public comment, Tonja Brown discussed why she opposed the appointment of Dorothy Nash-Holmes. Flo Jones read a letter in opposition of Ms. Nash-Holmes, which was placed on file with the Clerk. Vickie

Brubalker read a letter, which was placed on file with the Clerk, from Mary Hestor against the appointment of Ms. Nash-Holmes.

Irene Chappell, Trudy Herron, Michael Snell, Julie Sferrazza, Jessica Sferrazza, Mitchell Wright, Charles Ragusa, Dave Aiazzi, Lucille Adin, and Neal Cobb indicated why they favored the appointment of Commissioner Sferrazza. Dick Nachtsheim, Reno Firefighters Association Local 731 President, stated why the association supported Mr. Sferrazza's appointment.

Guy Felton asked if the Commissioners would swear that the subject of choosing who would be the next Reno Justice of the Peace had not already been decided.

Kris Coppa, Rebecca Loftis, Tom Vilorio, and Mary Harrison indicated why they favored the appointment of Ms. Nash-Holmes.

Sam Dehne discussed why he would prefer Commissioner Sferrazza remain on the Board of County Commissioners, and why he felt the new Reno Justice of the Peace should be elected.

Jeff Chandler indicated why he supported Lewis Taitel, and John Lefcourte spoke about why he and his wife supported Lewis Taitel.

There was no response to the call for further public comment and the Chairman closed public comment.

The order of the interviews was selected by a random drawing of names, the candidates were asked to exit the room and John Berkich, Assistant County Manager, confirmed the candidates had done so.

Chairman Larkin said the Commissioners who did the initial panel screening of the candidates determined the questions, which were placed on file with the Clerk. After discussion, each Commissioner selected one question to ask in addition to Chairman Larkin asking question number eight. It was also determined that the candidates would have two minutes to respond to each Commissioner's question and three minutes to respond to question number eight. The order in which the Commissioners would ask their questions was determined by a random drawing of names. After discussion, it was also determined the candidates could remain in the room after their interview was concluded.

The Board then proceeded to interview the following candidates in the order listed:

- Royle Melton
- Brian Brown
- Gayle Holderer
- Dorothy Nash-Holmes

- Linda Gardner
- David Neidert
- Peter Sferrazza
- Jenny Hubach
- Michael Radmilovich
- Lewis Taitel

Following the interviews, the Board members discussed the qualifications of each of the candidates they selected as their top two candidates.

In response to Chairman Larkin, Melanie Foster, Assistant District Attorney, said the Commissioners should take the vote and then consult with the candidate about when they could take the seat, because the prior Reno Justice of the Peace's retirement became effective earlier in the month.

Following deliberations, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Peter Sferrazza be appointed as Reno Justice of the Peace.

Commissioner Sferrazza said he was honored to accept the appointment, and he requested August 1, 2007 be his start date because of prior commitments.

In response to Chairman Larkin, Ms. Foster indicated the Board should make the appointment effective August 1, 2007 to allow Commissioner Sferrazza to participate in the remainder of today's meeting.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Peter Sferrazza's appointment as the Reno Justice of the Peace be effective August 1, 2007.

Chairman Larkin congratulated Mr. Sferrazza on his appointment. Commissioner Humke thanked the other candidates and requested that staff thank the candidates for their applications. He indicated he learned a great deal from each applicant.

In response to Chairman Larkin, Ms. Foster said Amy Harvey, Washoe County Clerk, would notify the Governor's Office of the vacancy on the Board of County Commissioners.

1:13 p.m. The Board took a temporary recess.

***2:10 p.m.** The Board reconvened with Commissioner Sferrazza joining the meeting.

07-840

**PRESENTATION – EXCELLENCE IN PUBLIC SERVICE
CERTIFICATES**

Katy Singlaub, County Manager, recognized the following employees for their successful completion of Excellence in Public Service programs administered by the Human Resources Department:

Essentials of Management Development
Kathy Sublett

Essentials of Personal Effectiveness and Essentials of Support Staff
Nicole Klitzke, Delene Pestoni, Renee Schebler, and Lorna Scholten

Essentials of Personal Effectiveness
Cherie Collins and Eileen McNeill

Essentials of Train the Trainer
Kathleen Weiler

07-841

PUBLIC COMMENT

Sam Dehne acknowledged Commissioner Sferrazza's appointment as Reno Justice of the Peace, and he commented on his disappointment that the Governor would appoint Commissioner Sferrazza's replacement. He thanked the brave firemen and women who saved the city from a potential disaster.

Jan Chastain congratulated Commissioner Sferrazza on his appointment. She discussed SB 1487, which would place Washoe County Elections under the control of the Elections Assistance Commission (EAC) and out of the hands of the people.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Humke requested an update regarding the new policy, which would hold someone responsible for the cost to fight a fire they caused.

Commissioner Weber announced she attended the National Association of Counties (NACo) Conference in Virginia last week. She said NACo was moving forward with Foster Care programs, and she looked forward to working with Social Services regarding those programs.

Chairman Larkin read a letter he received from Vivian Oates of Wadsworth requesting trash and weeds be removed from the lot behind her house without using poisons. He requested a report as soon as practical regarding her request.

Chairman Larkin announced the Washoe County Clerk's Board Records and Minutes Office moved into the historic Washoe County Courthouse, which consolidated all divisions of the Clerk's Office into one location.

Chairman Larkin read a letter from a constituent who said he appreciated the help he received from the friendly and experienced staff in the Health and Building Departments when he was trying to build his detached garage in Washoe Valley.

Chairman Larkin said an editorial in the July 17th *Las Vegas Review Journal* asked how much was being spent on illegal immigration at the local level. He asked if there was a mechanism in place to capture those costs. Katy Singlaub, County Manager, replied that information was not captured from the County's client base because many departments were not permitted to ask those questions. She said estimates could be made, but they would not be very accurate. Chairman Larkin said he was not asking for data to be collected or analyzed, but he was asking what policies, procedures or legislative action the County would need to collect that information. Ms. Singlaub said she would find out, but she felt much of it would be at the federal level.

Chairman Larkin read a letter from Darin Conforti announcing the Spanish Springs Cal Ripken baseball teams won four State titles and were representing Nevada in the Western Regional titles. Mr. Conforti said he would let the Chairman know what happened, and Chairman Larkin congratulated the teams on their stellar work.

Commissioner Galloway commented he never stated he was happy with electronic voting, and he would be more comfortable with scanned paper ballots. He said federal law dictated electronic voting, and he felt the citizens should direct their efforts towards the federal government who mandated this rather than the County. He also hoped the citizens would inform the State Legislators and Secretary of State that the paper trail should be made the official way of counting ballots.

Commissioner Galloway asked staff to look into the alleged high number of undecided Justice Court cases, which were brought up during the judicial interviews. He requested that information be brought back to the Board and to the forum being established on court operational efficiency. He stated he also would like to find out if there was some way to deal with the small claims cases that do not go forward so the judges could readjust their schedules.

Commissioner Galloway requested an agenda item for the Board to adopt a written procedure to recoup firefighting costs. He said there was discussion but there was no carefully worded document that detailed what the procedure would be, and he discussed a possible procedure. He felt the public would be upset if this was not done.

Commissioner Sferrazza thanked the Board for his appointment as Reno Justice of the Peace. He stated he would be happy to work with the Commissioners to improve the efficiency of the courts.

Ms. Singlaub thanked everyone who worked on the latest fire. She said today's Employee Lunch and Learn regarding the new Baldrige National Quality Program initiative had upwards of 90 employees attend. She stated that was the largest turnout the consultant had ever seen for the launch of the program.

07-842 RESOLUTION – INCREASE CHANGE FUND – TREASURER

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an increase to the Washoe County Treasurer's Office change fund in the amount of \$1,800, from \$4,200 to \$6,000, be approved. It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change and petty cash fund accounts; and

WHEREAS, The Washoe County Treasurer's Office has requested an increase to their change fund from \$4,200 to \$6,000 to assist in the administration of that office; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County, Nevada as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for an \$1,800 increase in the change fund for the Washoe County Treasurer's Office.
2. That the above \$1,800 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said change fund be used exclusively for transactions related to the Washoe County Treasurer's Office.
4. That the Washoe County Treasurer shall henceforth be held accountable for the change fund authorized by this resolution and will insure compliance with the Washoe County Cashiering Ordinance.
5. That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, and the Nevada Department of Taxation.

07-843 SEXUAL ASSAULT MEDICAL CARE PAYMENT – DISTRICT ATTORNEY

Pursuant to NRS 217.310, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses for initial emergency medical care for 50 sexual assault victims in an amount totaling \$15,038.32 and for follow-up treatment (up to \$1,000) for victims, victim's spouses and other eligible persons as set forth in a memorandum from Christina Conti, Program Coordinator, District Attorney's Office, dated July 1, 2007, be approved and the Comptroller's Office be authorized to process the invoices for payment.

07-844 AWARD OF BID NO. 2586-07 – CRIME LAB HVAC IMPROVEMENTS – PURCHASING

This was the time to consider award of the bid for Washoe County Crime Lab HVAC Improvements for the Purchasing Department.

Bids were received from the following vendors:

Highland Mechanical Contractors, Inc.
Gardner Engineering, Inc.

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Bid No. 2586-07 for Washoe County Crime Lab HVAC Improvements be awarded to the lowest responsive, responsible bidder, Highland Mechanical Contractors, Inc., in the amount of \$92,438.00, on behalf of the Washoe County Public Works Department. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement for the same.

07-845 GRANT ACCEPTANCE NO. AIR08-08 – NEVADA ARTS COUNCIL (NAC) – JUVENILE SERVICES

Commissioner Galloway said he did not have enough information to know if the grant was all public money or if some of it was private money, but he acknowledged the generous donation.

Upon recommendation of Carol Galantuomini, Division Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that a Nevada Arts Council (NAC) Grant, No. AIR08-08, in the amount of \$6,090.00 for the period of July 1, 2007 through June 30, 2008, be accepted with a County match of \$6,090.00 and the Finance Department be directed to make the appropriate budget adjustments.

07-846 **INTERLOCAL CONTRACT/DEPARTMENT OF PUBLIC SAFETY
– COMMUNITY WORK PROGRAM – SHERIFF**

Upon recommendation of Lisa Haney, Chief Deputy, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered the Interlocal Contract between the State of Nevada, Department of Public Safety, Division of Parole and Probation and the Washoe County Sheriff's Office for supervision of probationers assigned community service through the Sheriff's Community Work Program be renewed and the Chairman be authorized to execute the same. It was noted \$10,000 would be received per Fiscal Year from July 1, 2007 through June 30, 2009.

07-847 **SERVICES AND TECHNOLOGY ACT ALLOCATION –
ADAPTIVE SOFTWARE FOR VISUALLY IMPAIRED –
LIBRARY**

Upon recommendation of Nancy Keener, Systems Coordinator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the Library Services and Technology Act (LSTA) allocation, in the amount of \$15,000 for adaptive software for the visually impaired, be accepted.

07-848 **CORRECTION OF FACTUAL ERRORS – SECURED AND
UNSECURED TAX ROLLS – ASSESSOR**

Upon recommendation of Ivy Diezel, Department Systems Support Analyst, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that, pursuant to NRS 361.768 and NRS 361.765, the roll change requests for errors discovered for the 2006/2007, 2005/2006, and 2004/2005 secured and unsecured tax rolls as outlined in Exhibits A and B, which were placed on file with the Clerk, be approved in the reduced cumulative amount of \$8,790.84, the Chairman be authorized to execute the orders listed on the exhibits, and the Washoe County Treasurer be directed to correct the errors.

07-849 **REVISE GUIDELINES AND STANDARDS ELIGIBILITY
CRITERIA – HEALTHCARE ASSISTANCE PROGRAM –
SOCIAL SERVICES**

Upon recommendation of Ken Retterath, Adult Services Division Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered the Director of Social Services be authorized to revise the Guidelines and Standards to the eligibility criteria for the Health Care Assistance Program (HCAP) by increasing the income eligibility to \$1,064, which is 125 percent of the 2007 Federal Poverty Guidelines (FPG), and to add \$363 for each additional person in the household, effective July 1, 2007.

07-850 GRANT – YOUNG WOMEN’S HEALTH PROGRAM – DISTRICT HEALTH

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the amendments totaling an increase of \$4,000 in both revenue and expenses to the Washoe County Young Women’s Health Grant Program, FY 2007/08 Budget, in support of Operating expenditures funded by an Award from the Nevada Women’s Fund, be approved. It was further ordered that the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
2002-IO-TBD-484195	Nongovernmental Grants	\$4,000
2002-IO-TBD-710502	Printing	\$1,340
2002-IO-TBD-710721	Lab Outpatient	\$2,660
	Total Expenditures	\$4,000

07-851 INTERLOCAL AGREEMENT – CONSULTATIVE AND CLINICAL SERVICES – DISTRICT HEALTH

Upon recommendation of Patsy Buxton, Fiscal Compliance Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Interlocal Agreement between the Washoe County Health District and Washoe County through its Department of Juvenile Services in an approximate amount of \$500, to provide consultative and clinical services for the period upon ratification through June 30, 2008, be approved and the Chairman be authorized to execute the same. It was noted the Interlocal Agreement was attached hereto and made part of the minutes hereof.

07-852 RESOLUTIONS – HUMAN SERVICES CONSORTIUM CONTRACTS – VARIOUS AGENCIES – MANAGEMENT SERVICES

Upon recommendation of Gabrielle Enfield, Community Support Administrator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following Washoe County Human Services Consortium contracts for the Food Bank of Northern Nevada in the amount of \$35,083, Family Promise in the amount of \$35,083, Crisis Call Center in the amount of \$46,674, Safe Embrace in the amount of \$25,000, and CARE Chest in the amount of \$62,900, and a grant to Health Access Washoe County (HAWC) in the amount of \$12,660 for Fiscal Year 2007/08, be approved. It was further ordered that the following resolutions be adopted and the Chairman be authorized to execute the same:

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2007-2008 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to the Food Bank of Northern Nevada, Inc. a private, nonprofit organization, a grant for fiscal year 2007-2008 in the amount of \$35,083 (Community Support).
2. The purpose of the grant is to provide food support services for Washoe County nonprofit agencies and the clients they serve.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2007-2008 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to Family Promise a private, nonprofit organization, a grant for fiscal year 2007-2008 in the amount of \$35,083 (Community Support).

2. The purpose of the grant is to provide transitional shelter and comprehensive assistance for homeless families in the Truckee Meadows.

3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2007-2008 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to Crisis Call Center a private, nonprofit organization, a grant for fiscal year 2007-2008 in the amount of \$46,674 (Community Support).

2. The purpose of the grant is to provide a crisis call line 24 hours a day, 7 days a week to Truckee Meadows residents.

3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2007-2008 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to Safe Embrace, a private, nonprofit organization, a grant for fiscal year 2007-2008 in the amount of \$25,000 (Community Support).

2. The purpose of the grant is to provide support for victims of domestic violence through shelter services at the Safe Embrace shelter.

3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2007-2008 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to C*A*R*E Chest, a private, nonprofit organization, a grant for fiscal year 2007-2008 in the amount of \$62,900 (Community Support).

2. The purpose of the grant is to provide support for diabetes supplies and medications and durable medical supplies.

3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

RESOLUTION

Authorizing the Grant of Public Money to a Private Nonprofit Organization

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2007-2008 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations; now, therefore, be it

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

1. The Board hereby grants to Health Access Washoe County (HAWC), a private, nonprofit organization, a grant for fiscal year 2007-2008 in the amount of \$12,660 (Community Support).
2. The purpose of the grant is to provide support access to health care for the uninsured.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract.

**07-853 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) –
GERLACH AND SUN VALLEY FOOD DELIVERY –
MANAGEMENT SERVICES**

Upon recommendation of Gabrielle Enfield, Community Support Administrator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that a Community Development Block Grant (CDBG) award in the amount of \$90,811, from the State of Nevada, for the Gerlach and Sun Valley Food Delivery grant to purchase a new vehicle for home delivery to seniors in the Gerlach area, replace kitchen equipment in the Gerlach Senior Center, and purchase a new vehicle for home meal delivery to seniors in the Sun Valley area, with the term of this award being July 1, 2007 to June 30, 2008, be accepted and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
Increase Revenue:		
TBD-431100	Gerlach and Sun Valley Food Delivery / Federal Revenue	\$90,811
Increase Expenditures:		
TBD-TBD	Gerlach and Sun Valley Food Delivery	\$90,811

**RESOLUTION – HAZARDOUS MATERIALS EMERGENCY
PREPAREDNESS MID-CYCLE TRAINING GRANT –
EMERGENCY MANAGEMENT**

Upon recommendation of Cathy Ludwig, Emergency Management Grants Coordinator, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the 2007 State Emergency Response Commission (SERC), Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Training Grant in the amount of \$6,312, be accepted and the Chairman be authorized to execute a resolution to subgrant funds to other governments and nonprofits which make up Local Emergency Planning Committee (LEPC). It was further ordered that the County Manager, or her designee, be authorized to carry out the subgrants by signing Contracts and/or Memorandums of Understanding with local LEPC members concerning the subgrants of these funds and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
Increase Revenue		
I.O. 10599-431100	Federal Grant Revenue	\$6,312
Increase Expenditure		
I.O. 10599-710119	Sub-Recipient Payment	\$2,800
I.O. 10599-711210	Travel	\$2,112
I.O. 10599-710504	Registration	\$1,400
		\$6,312

RESOLUTION

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee and is a subgrantee of the State Emergency Response Commission (SERC), which is the recipient of the Hazardous Materials Emergency Preparedness (HMEP) Mid-Cycle Training Grant Program award in the amount of \$6,312.00, and

WHEREAS, For the grant listed above, Washoe County is either the recipient of grant funds for individual items for use by Washoe County, or is fiscal agent for other government entities or nonprofit organizations 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 a 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 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.

07-855 TRAVEL REIMBURSEMENT – TRIP TO WASHINGTON D.C. – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Commissioner Sferrazza indicated he would abstain from voting to approve this item because it involved reimbursing his daughter, Jessica Sferrazza.

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza abstaining, Chairman Larkin ordered that the Travel Reimbursement in the amount of \$982.12 for Flood Project Coordinating Committee Chair Jessica Sferrazza's trip to Washington, D.C., March 8, 9, and 10, 2007 with other flood partner's representatives to encourage Congressional support for the Truckee River Flood Project be approved. It was noted this expense would come from the 1/8-cent sales tax dedicated to planning, implementing, and operating the Truckee River Flood Project.

07-856 STATUS REPORT – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT – JUNE 2007

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the Truckee River Flood Management Project Status Report for June 2007 be accepted.

07-857 FEDERAL TITLE III GRANTS – SENIOR SERVICES

In response to Chairman Larkin, Melanie Foster, Assistant District Attorney, indicated his serving in another public capacity that gave him some granting authority did not mean there was conflict of interest that would require him to abstain from voting on this item.

Upon recommendation of Lee Derbyshire, Interim Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the various Federal Title III grant awards passed through the Nevada Division for Aging Services for Senior Services programs in the total

amount of \$503,489 (with \$27,645 in kind and \$47,865 cash match) retroactively for the period of July 1, 2007 through June 30, 2008, be accepted and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
10086-431100	Adult Day Care-Federal Revenue	\$ (8,815.00)
10086-701110	Adult Day Care-Base Salaries	\$ (8,815.00)
10085-431100	Advocacy-Federal Revenue	\$ (6,375.00)
10085-710500	Advocacy-Other Expense	\$ (6,375.00)
10087-431100	Case Management-Federal Revenue	\$ (5,691.00)
10087-701110	Case Management-Base Salaries	\$ (5,691.00)
10089-431100	Legal-Federal Revenue	\$ (11,424.00)
10089-701110	Legal-Base Salaries	\$ (11,424.00)
10559-431100	NVCC Caregiver-Federal Revenue	\$ (6,704.30)
10559-701110	NVCC Caregiver-Base Salaries	\$ (6,704.30)

07-858 REFRESHMENTS – PUBLIC MEETINGS AND EVENTS – SENIOR SERVICES

Upon recommendation of Lee Derbyshire, Interim Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the purchase of refreshments for Department of Senior Services’ sponsored public meetings and events, in an amount not to exceed \$3,000 for fiscal year 2007/08, be approved.

07-859 ACCEPT CASH DONATIONS – SENIOR SERVICES

Upon recommendation of Trish Yohey, Senior Services, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the following cash donations in the amount of \$1,060 for the period of June 6, 2007 through June 30, 2007, be acknowledged with the gratitude of the Board:

Donor	Purpose/Program	Cash Value
Charles Clelland	Sun Valley Angel Fund	\$75.00
Anonymous	Mental Health Program	5.00
Anonymous	Senior Law Project	100.00
Edward Dowling	Reno General Donations	50.00
Priscilla Dorazio	Adult Day Care Donations	50.00
WCEA Scholarship Fund	Reno General Donations	500.00
Anonymous	Reno General Donations	80.00
Anonymous	Angel Fund	<u>200.00</u>
	Total Cash Donations	\$1,060.00

07-860 **ANNUAL SPONSOR FEES – NORTH CAL-NEVA RESOURCE
CONSERVATION AND DEVELOPMENT COUNCIL –
COMMUNITY DEVELOPMENT**

Upon recommendation of Bill Whitney, Senior Planner, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that payment of the annual \$300.00 sponsor fees for the North Cal-Neva Resource Conservation and Development Council be approved.

07-861 **APPOINTMENTS – INCLINE VILLAGE/CRYSTAL BAY
CITIZEN ADVISORY BOARD**

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Deborah Nicholas be appointed as an At-Large Member to fill an unexpired term to June 30, 2009 and Susan Fagan be appointed as an At-Large Alternate to fill an unexpired term to June 30, 2008 on the Incline Village/Crystal Bay Citizen Advisory Board (CAB).

07-862 **AGREEMENT – WATER RIGHTS DEED – SIERRA TRIPLE NET,
LTD. – WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Water Rights Deed conveying 3.00 acre-feet of Truckee River water rights from Jimmy Rodriguez on behalf of Sierra Triple Net, Ltd., and the associated Agreement between Sierra Triple Net, Ltd. and Washoe County, be approved and the Chairman be authorized to execute the same. It was further ordered that the Water Rights Manager be directed to record both documents.

07-863 **TRANSFER PROPERTIES – SOUTH TRUCKEE MEADOWS
GENERAL IMPROVEMENT DISTRICT – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Quitclaim Deeds on APN's 049-401-08, 049-401-09, 150-162-04, 016-730-46, 049-281-01, 150-111-18, 152-020-05, and 160-794-03, currently under title to Washoe County transferred to the South Truckee Meadows General Improvement District be approved and the Chairman be authorized to execute the same. It was further ordered that the Engineering Manager be directed to record the Quitclaim Deeds at the office of the County Recorder.

REGIONAL AVIATION ENFORCEMENT (RAVEN) PROGRAM
HH-1H HUEY HELICOPTER – FIREFIGHTING USE – FIRE
SERVICES COORDINATOR

Kurt Latipow, Fire Services Coordinator, said the staff report addressed the availability and control of air assets. He indicated the County did not control any aircraft firefighting assets. He said the federal government controlled the majority of those assets with the exception of those under the Nevada Division of Forestry (NDF), which he discussed. He explained the County requested all bases remain open within the County; however, NDF continued to discuss closing the Minden base. He said the State also had access to available California resources through NDF.

Mr. Latipow stated he worked with the Sheriff's Office to arrive at the recommendation to retrofit the Regional Aviation Enforcement Program (RAVEN) HH-1H Huey helicopter as addressed in the staff report. He said the plan was to train a crew by next fire season so the helicopter could unload a hand crew after performing its initial drops. He stated that was found to be an effective one, two punch to keep fires small. He explained the helicopter could be fighting fires in September if the Commission approved the retrofit. He further stated if the retrofitting was authorized and with the Board's approval, he would sit down with all of the agencies in the County, including the two city fire departments, to develop an Interlocal agreement to assist in funding the fire related maintenance costs, which would include any increased staffing.

For next season, Mr. Latipow requested direction to meet with NDF and the other counties and their agencies along the Sierra front to determine what kind of cost sharing could be worked out to fund an aircraft that would be committed to the front. He explained that craft would be a backup for the initial attack and would replace the RAVEN helicopter during an extended attack. He said it was not the intent to detail the RAVEN helicopter to missions outside the County nor to missions of extended duration. He said the true value of retrofitting the helicopter with the tank was for the initial attack.

Todd Vinger, Chief Deputy, thanked the Board for being proactive in this issue of assessing the County's resources to enable them to be used to the best of their ability. He agreed RAVEN was a regional resource and this was one more aspect RAVEN could provide. He stated the HH-1H Huey helicopter was one resource that was not used for day-to-day patrols and using it to fight fires would not affect those patrols. He said he agreed with the staff report and felt it was very accurate.

Commissioner Humke asked if there was the possibility of contracting with neighboring counties to provide a public service to help stop fires while they were still small.

Chief Deputy Vinger reminded everyone that RAVEN's first priority was Washoe County and its primary function was law enforcement. He stated the Sheriff's had a number of agreements between them to assist each other in any way they could. Mr. Latipow said there were brief discussions regarding border assignments, and he

explained RAVEN could be requested to fight a fire on the California side of the border to minimize the impact on Washoe County. He said he would team up with the Sheriff's Office to have discussions with neighboring counties if so directed, but he was concerned about having the aircraft somewhere else fighting a fire.

In response to Commissioner Galloway, Mr. Latipow replied the hand crew was seasonal and would remain based with the Sierra Fire Protection District (SFPD) because of contractual issues with the Truckee Meadows Fire Protection District (TMFPD). He said the TMFPD co-funded the hand crew and the crew was used in the Truckee Meadows.

Commissioner Galloway asked if the delivery of hand crew would delay the delivery of the water. Mr. Latipow stated the delivery of the hand crew versus the water depended on the scenario involved.

Commissioner Humke felt everyone should be cautious in committing to other agencies, because flying hours were very costly for the helicopter and that cost factor would have to be addressed. Mr. Latipow said potential staffing patterns were being discussed, but the hours RAVEN was flying aligned with the critical burning period. He stated the adjustments would be for additional days.

Commissioner Galloway said he read a newspaper article inviting donations, and he asked if any had been received. Deputy Chief Vinger replied private citizens donated \$2,000 since the article. Commissioner Galloway stated the agenda item stated discussions and direction to staff, and he wondered if there needed to be an additional agenda item to fund this item. Melanie Foster, Assistant District Attorney, confirmed it would have to come back because any funding would come out of the Contingency Fund and would require specific Board action.

Deputy Chief Vinger said the staff report provided a possible motion. He explained this was a critical issue because it was already fire season. He said it would take time to purchase and outfit the helicopter. Commissioner Galloway said the problem was the agenda item's wording. Ms. Foster said identifying the actual funding source would require action. She stated if the Board wanted to go forward, the Board could direct staff to proceed up to the purchase order, which would have to have an account identified.

Mr. Latipow stated the intent was to install the fire-suppression system at the same time the engine was retrofitted. He said being in a declared state of emergency gave them some latitude in the purchasing process. Katy Singlaub, County Manager, replied State law prohibited taking \$250,000 from Contingency.

In response to Chairman Larkin, Ms. Foster confirmed that the Board could authorize the Sheriff's Office to proceed and to bring back a specific agenda item to identify funding account numbers.

In response to Commissioner Galloway, Mr. Latipow replied the standard procedure was to unload the hand crew and then have the helicopter pick up water. Thomas Delaney, RAVEN Deputy/Pilot, confirmed the crew and the water could not be picked up all at once. He said sequencing it right gets the job done.

Chairman Larkin supported moving forward because having the helicopter available during the Hawkins fire might have made a difference. He clarified he would like to move forward with the specific intent to figure out a funding mix for the capital investment, which was the \$250,000, and for staff to seek out partnerships for the maintenance. Chairman Larkin commented if the federal government was not going to pick up costs on fires on their wild lands, then it would be up to local government and cost sharing on these fires would change significantly.

Commissioner Galloway suggested checking, to the extent the helicopter was used within Reno, whether or not the County might get credit for its share paid under the fire service contract because this was a Sheriff's Office asset.

Commissioners Sferrazza and Humke indicated their support for this item. Commissioner Weber stated the participants at the Joint Fire Advisory Board meeting felt this needed to be done for all of the citizens in Washoe County.

Chief Deputy Vinger said the Sheriff's Office was pleased to be able to offer this resource to the County, but it needed to be remembered that the helicopter's primary function was law enforcement.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered, in so far as possible, to proceed with all steps allowable at this time to outfit the Sheriff's Office HH-1H Huey helicopter with a belly tank style fire suppression system. It was noted the aircraft would be only used for "initial attack" and/or on city and county lands to minimize the impact on overall operations of the RAVEN unit, and that it was not the desire or recommendation to use this aircraft on long-term fire events. It was further ordered that staff be authorized to negotiate an Interlocal Agreement with the fire service agencies for the purpose of offsetting the cost of fire mission related maintenance and staffing, to explore a partnership with other Sierra-Front Counties and fire agencies to partially fund one of Nevada Division of Forestry's (NDF) firefighting helicopters, and to come back to the Board as early as possible with the additional action item to complete the funding. It was also noted the cost for partially funding an NDF helicopter was unknown at this time.

**07-866 PROFESSIONAL SERVICES AGREEMENT – JUVENILE
DRUG/ALCOHOL REHABILITATION SERVICES – JUVENILE
DRUG COURT – QUEST COUNSELING AND CONSULTING,
INC. – SECOND JUDICIAL DISTRICT COURT**

Upon recommendation of Sheila Leslie, Specialty Court Coordinator, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion

duly carried, it was ordered that the Professional Services Agreement for Juvenile Drug/Alcohol Rehabilitation Services between Washoe County, through the District Court, and Quest Counseling and Consulting, Inc. for Juvenile Drug Court in the amount of \$42,000 be approved retroactive to July 1, 2007 and the Chairman be authorized to execute the same.

07-867 **PROFESSIONAL SERVICES AGREEMENTS – FAMILY
DRUG/ALCOHOL REHABILITATION SERVICES – FAMILY
DRUG COURT – BRISTLECONE FAMILY RESOURCES – STEP 2
– SECOND JUDICIAL DISTRICT COURT**

Chairman Larkin commented the Family Treatment Drug Court Evaluation Final Report was the standard being set. He stated this was the kind of information he had been requesting. He expected this report to come back to the Board at a local level to explain what the program was doing, its effect, and why it should continue to be funded at this level or even at an increased level.

Mike Capello, Social Services Director, stated the report highlighted the department's success. He apologized for not forwarding it to the Board, and he committed to doing so in the future. He indicated he was confident that this program was helping obtain more successful outcomes and saving money for the County.

Joey Orduna, Assistant Family Court Administrator, placed a copy of the Family Treatment Drug Court Evaluation Final Report on file with the Clerk. She thanked Chairman Larkin for his suggestion to come back to the Board with a presentation on the report.

Upon recommendation of Sheila Leslie, Specialty Court Coordinator, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Professional Services Agreements for Family Drug/Alcohol Rehabilitation Services between Washoe County, through the District Court, and Bristlecone Family Resources for Family Drug Court in the amount of \$60,000 retroactive to July 1, 2007 and between Washoe County, through the District Court, and Step 2 for Family Drug Court in the amount of \$60,000 retroactive to July 1, 2007 be approved and the Chairman be authorized to execute the same.

07-868 **PURCHASE REQUISITION NO. 3000007805 – MEDICAL CLINIC
OPERATION – PHARMACEUTICAL PRODUCTS – DISTRICT
HEALTH**

Commissioner Weber indicated she would not vote for this item nor item 07-869. She believed there needed to be a breakdown on what the funds were being used for. Mary Brown, Community and Clinical Health Services Assistant Division Director, replied Fiscal Impacts in the staff report defined the amounts per program and staff could provide detail within those programs on what the medications were.

Commissioner Weber asked if the breakdown could be provided today or could the items be continued. She felt she might be able to support funding some of these programs if she had the breakdown.

Commissioner Galloway felt the problem was the items were not divided into separate agenda items. He asked if this could be separated or did it have to be done in advance. Melanie Foster, Assistant District Attorney, replied because of the way the item was styled and the way it was presented, there was no way Commissioner Weber could separate her vote.

Katy Singlaub, County Manager, said staff felt they were being responsive to Commissioner Weber's request for specifics about how the medical supplies were being spent. She was not aware anyone understood Commissioner Weber wanted the names of the drugs. Commissioner Weber said the breakdown she wanted was the \$250 allocation for Maternal Child Health and the \$10,000 allocation for Sexually Transmitted Diseases.

Commissioner Galloway suggested separate agenda items for those exclusive of birth control and family planning versus those pertinent to birth control and family planning. Commissioner Weber said the issue might be some constituents might not want fluoride supported.

In response to Commissioner Weber, Ms. Brown replied the \$4,000 for Tuberculosis was for antibiotics to treat latent Tuberculosis disease. Commissioner Weber said that type of explanation was helpful and was what she was looking for.

Commissioner Sferrazza motioned to approve the FY 07/08 Purchase Requisition No. 3000007805. Commissioner Galloway seconded the motion. Both Commissioners supported Commissioner Weber's request to have it broken down into the type of medicine and its use.

Chairman Larkin stated this item had to be brought back because this was the same exact conversation held last year, and he supported Commissioner Weber's request. Commissioner Humke agreed.

Commissioner Galloway said he heard the Manager say she was not aware of the degree of specificity, and he felt there was a communication issue. He stated he would vote for approval because he did not want to delay getting the medications.

On a call for the vote, Commissioner's Galloway and Sferrazza voted "yes," and Chairman Larkin and Commissioners Humke and Weber voted "no." The motion failed.

Ms. Singlaub noted the item had been denied rather than continued.

Commissioner Humke said having voted on the prevailing side, he would move to reconsider the motion to continue. Commissioner Sferrazza seconded the motion. All voted in favor of the motion to reconsider.

On motion by Commissioner Humke, seconded by Commissioner Weber it was ordered that the approval of the FY 07/08 Purchase Requisition No. 3000007805 issued to Cardinal Health (Contract No. MMS24001) in the approximate amount of \$83,950 for pharmaceutical products in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the District Health Department be continued to the first Board of County Commission meeting in August 2007.

Commissioner Weber clarified she wanted each item broken down by program, what they were being used for, and the type of medication. She felt it would be helpful to combine the items under the two different companies (this item and item 07-869). Ms. Brown said it could be defined in both areas and they could be combined.

07-869 **PURCHASE REQUISITION NO. 3000007875 – MEDICAL CLINIC OPERATION – MEDICAL SUPPLY PRODUCTS – DISTRICT HEALTH**

See the discussion on item 07-868.

On motion by Commissioner Humke, seconded by Commissioner Weber it was ordered that the approval of the FY 07/08 Purchase Requisition No. 3000007875 issued to McKesson General Medical Corp (Contract No. M-487(6)) in the amount of \$69,800 for medical supply products in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the District Health Department be continued to the first Board of County Commission meeting in August 2007.

07-870 **LAWSUIT SETTLEMENT – JANE DOE AND JOHN ROE V. WASHOE COUNTY – RISK MANAGEMENT**

In response to Commissioner Sferrazza, Jim Jeppson, Risk Manager, explained the Board was being asked to approve a settlement that was negotiated in federal court last month. He said the suit involved six plaintiffs who filed an action against Washoe County and the Washoe County Sheriff's Office arising from certain strip-searching practices used at the Sheriff's Office when people were brought in for detention.

In response to Commissioner Humke, Mr. Jeppson explained the practice began nationwide after attending law enforcement training. He said lawsuits were brought forward in other jurisdictions that were settled as class action lawsuits. He stated a complaint was lodged in Washoe County and, when it came to the attention of the District Attorney's Office and Risk Management, the Sheriff's Office was contacted. The

Sheriff's Office stopped the practice because they agreed what they were trained to do fell within the scope of what was ruled by a federal court as a Constitutional violation. Mr. Jeppson said that still left the six individuals who had filed suit against Washoe County. He explained the Court entered summary judgment against the County the week before the settlement conference. He stated the County lost the case and only the damages needed to be determined.

In response to the call for public comment, Sue Voyles, *Reno Gazette-Journal*, felt not naming the individuals in the staff report was a way of making it difficult to find out what the settlement was all about. Gary Schmidt stated he supported Ms. Voyles' inquiry.

After the conclusion of public comment, Melanie Foster, Assistant District Attorney, stated she would get the case number to Ms. Voyles.

Commissioner Galloway felt the Doe/Roe was to protect the anonymity of the litigants.

Commissioner Sferrazza agreed the information should be provided to Ms. Voyles.

Upon recommendation of Jim Jeppson, Risk Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the settlement of the lawsuit Jane Doe and John Roe v. Washoe County et al for a total sum of \$182,000 for all claims be approved.

**07-871 INTERLOCAL AGREEMENT – CITY OF RENO – FEASIBILITY/
VISIONING STUDY DOWNTOWN BRIDGES REPLACEMENT –
TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

Commissioner Galloway commented he talked with someone from the State Historical Commission who indicated the Commission was dismayed because the promised mitigation of the Center Street Bridge, which was supposed to be the Virginia Street Bridge, was never done. He said it looked like this study was being done to determine how many additional bridges might have to come down. He asked if this study covered the mitigation aspect of doing that. He stated many promises were made over the years, but no mitigation occurred.

Naomi Duerr, Truckee River Flood Management Project Director, explained there was an agreement between the City of Reno, the State Office of Historic Preservation, and the Nevada Department of Transportation (NDOT) on the Center Street Bridge to mitigate its historical loss. She stated the implementation of that agreement was in abeyance because it required the preservation of the Virginia Street Bridge, and everyone was waiting to see how the flood project would work regarding the Virginia Street Bridge. Ms. Duerr explained a year ago the "Living River Plan" was adopted that included restoration of the bridge. She said since then the Flood Project Coordinating

Committee found replacement of the bridge would be necessary. She stated during that process they went back to the City of Reno, who had initiated negotiations with the State Historic Preservation Office and NDOT, to reconfigure that agreement. She said that commitment to the community through the State Historic Preservation Office was still not off the table.

Commissioner Galloway said he appreciated the recap, but he asked if the feasibility and visioning on replacing the bridges and the mitigation for those actions could be studied at the same time. Ms. Duerr said this particular agreement was to look at the feasibility and the impact of the bridges on flooding in downtown Reno. She stated the City of Reno had already begun this work under another umbrella process and it would have been redundant to include it in two separate processes. Commissioner Galloway asked if Reno, independently, was already studying how to mitigate for taking down three or possibly four bridges. Ms. Duerr said Reno was not doing it independently but in concert with the Flood Project. She stated the only thing being discussed was mitigation for an action that happened nine years ago regarding the replacement of the Center Street Bridge. She said the mitigation for the Virginia Street Bridge would have to be developed as part of any replacement plan. She stated the US Army Corp of Engineers had a separate negotiation process on any historic resources associated with the flood project that had to be worked through with the State Historic Preservation Office. She stated she was simply explaining the ones already done must be reevaluated and the ones yet to come, like the Virginia Street Bridge or any other historic structures, bridges, etc. were all happening under a separate process. Commissioner Galloway said his question was answered. He stated he did not want to hold up the flood project, but he was not happy about this. He felt there should be coordination of the mitigation with the decision making so it was concurrent. In the business world, he indicated a contract could not be broken unless the other party agreed, but here breaking a contract was being studied.

Upon recommendation of Naomi Duerr, Truckee River Flood Management Project Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the City of Reno for use of flood project funds for the TRAction Project, concerning conducting a feasibility and visioning study on replacement of the bridges downtown Reno, in an amount not to exceed \$600,000 based on time and materials with expenses to be charged to the Truckee River Flood Project capital fund account 494 be approved and the Chairman be authorized to execute the Interlocal Agreement upon receipt. It was noted the Interlocal Agreement was attached hereto and made part of the minutes hereof.

**07-872 ACCEPT – WASHOE COUNTY STORMWATER MANAGEMENT
PLAN STATUS REPORT – PUBLIC WORKS**

Upon recommendation of Dan St. John, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Washoe County Stormwater Management Plan Status Report be accepted.

07-873

**AWARD OF BID – SALE OR AUCTION OF SURPLUS FLEET
HEAVY EQUIPMENT - BID NO. 2602-07 – PURCHASING/
GENERAL SERVICES DIVISION/PUBLIC WORKS**

This was the time to consider award of Bid No. 2602-07 for the sale or auction of surplus fleet heavy equipment for the General Services Division of the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 7, 2007. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Ritchie Bros. Auctioneers (America) Inc.
TNT Auctions

In response to the call for public comment, Gary Schmidt said he supported the award of the bid to Ritchie Bros. Auctioneers because they operated safe, clean, professional auctions and had a reputation for high ethics and credibility. He felt the opposite was true for TNT Auctions. He was aware the County did business with TNT Auctions, which he opposed in the past.

Upon recommendation of Michael Sullens, Purchasing Senior Buyer, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Bid No. 2602-07 for the sale or auction of surplus fleet heavy equipment be awarded to the highest, responsive, responsible bidder, Ritchie Bros. Auctioneers in the guaranteed amount of \$1,510,000 with any monies collected over \$1,750,000 at the time of auction split 80 percent to Washoe County and 20 percent to Ritchie Bros. Auctioneers.

07-874

**ACCEPT – FUND TO ASSIST FORMER FOSTER YOUTH
(FAFFY) – STATE DIVISION OF CHILD AND FAMILY
SERVICES (DCFS) – SOCIAL SERVICES**

Commissioner Galloway commented economic self-sufficiency was an important issue and it was great the County was receiving grant money to do it, but it was something that needed to be done regardless of whether or not the County received grant money. He stated youths must be provided with some minimal job experience, a driver's license, and a social security card before leaving foster care because no one should be put on the street with no idea of what they needed to do.

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered the Director of Social Services be authorized to accept \$228,000 annually beginning July 1, 2007 through June 30, 2010 for the Fund to Assist Former Foster Youth (FAFFY), formerly know as AB94 monies, the State Independent Living Grant from the State Division of Child and Family Services (DCFS) to assist

youth in making the transition from foster care to economic self-sufficiency. It was further ordered that the Finance Department be directed to make the appropriate budget adjustments.

07-875 ACCEPT – FEDERAL CHAFEE FUNDS – STATE DIVISION OF CHILD AND FAMILY SERVICES (DCFS) – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Social Services Director be authorized to accept \$285,000 annually beginning July 1, 2007 through June 30, 2010 in federal Chafee funds from the State Division of Child and Family Services (DCFS) to assist youth in making the transition from foster care to economic self-sufficiency and the Finance Department be directed to make the appropriate budget adjustments including \$5,625 for staff travel and \$8,125 for youth travel to attend Leadership Conferences.

3:47 p.m. The Board took a temporary recess.

4:05 p.m. The Board reconvened with Commissioner Sferrazza temporarily absent.

07-876 UPDATE - PIONEER PROPERTY TEMPORARY PARKING LOT - PUBLIC WORKS

Dan St. John, Public Works Director, explained negotiating additional parking spaces within a three to four block radius of the Courts complex might be more cost efficient than a temporary parking lot. He indicated staff was proceeding with a selection of a developer for the redevelopment of the Pioneer property in coordination with the Court Master Plan project. Mr. St. John said in conjunction with the cost of the project and the availability of additional leased parking in the area, the best course of action would be to suspend the plans for building the temporary parking lot and continue to lease parking. He commented because of the internal features, such as lighting and irrigation within the property, the estimated costs were higher than previously stated. He said the remainder of the estimate was based on improvements to the sidewalks within the City's right-of-way. Mr. St. John commented by installing permanent trees and lights it would essentially cut the existing sidewalk so often it would be best to remove the entire sidewalk, replace the lights and trees, and then reconstruct all the sidewalks. Under that scenario the County would be required to reconstruct the sidewalk to the current City standards utilizing colored and textured concrete. He indicated the estimated costs of those improvements would be over \$600,000. Mr. St. John explained the County appealed the City of Reno Planning Commission's denial of the variance in regard to permanent landscaping and the three year waiver, but before that appeal reached the Reno City Council, City staff drafted an amendment to their Development Code that attempted to reduce the requirements for a temporary parking lot type development in the downtown area. Unfortunately, concerning the permanent trees, staff recommendations were not followed. Mr. St. John commented in the subsequent redevelopment of the site the County would salvage approximately \$250,000 of the improvements.

4:12 p.m. Commissioner Sferrazza arrived.

Chairman Larkin clarified the recommendation would be to rent additional parking spaces between now and January 2011. Mr. St. John concurred.

Commissioner Galloway asked if a longer variance had been discussed with the City of Reno. Mr. St. John replied the result of those discussions was the amended ordinance that stated "temporary up to three years," and then it would be a case-by-case one-year extension following approval of the City Council.

In response to Commissioner Sferrazza, Mr. St. John replied the County appealed to the City Council and, based on that appeal, City staff was directed to write an amendment to their Ordinance, but there was never a hearing before the City Council concerning the variance. Commissioner Sferrazza asked why a hearing was not pursued. Mr. St. John said staff continued to receive negative indications on making a legal finding, and he believed the ordinance would provide the County some relief, but because of the permanent tree issue it did not provide enough relief to achieve a price staff could recommend to the Board. Commissioner Sferrazza suggested receiving that information on the variance from the City Council before additional leased parking was located. Mr. St. John stated staff would do what the Board directed, but added the City was adamant on the need to redevelop their streetscapes.

Commissioner Weber agreed with Commissioner Sferrazza and said in conversations she had with Councilmembers there was an interest in attempting to work with the County. She suggested the Chairman contact Reno Mayor Bob Cashell to see if it were possible to further discuss the matter, and if not, then pursue the leased parking. Mr. St. John explained the City staff that wrote the amendment to the Ordinance understood the position the County was in and what was trying to be achieved with a temporary parking lot; however, the Reno Planning Commission changed that recommendation, which in turn went to the City Council. He noted the City Council endorsed the recommendation from the Planning Commission.

Chairman Larkin said the choices would be to spend approximately \$600,000 and comply with the City Council's requirement for permanent removable vegetation with the potential of losing that in the upgrade or locate and lease 200 additional parking spaces. Mr. St. John agreed, and he indicated staff had begun to look for, and in fact, had found spaces within two to three blocks of the Court complex.

In response to Commissioner Galloway, Mr. St. John replied the estimate presented to the Board for the temporary parking lot was approximately \$600,000, but that number did not include improvements to the streetscape since at that time those improvements were not known. Commissioner Galloway said since the estimate had increased, little would be recovered when the permanent parking structure would be built. He remarked he was inclined to support staff's recommendation.

Katy Singlaub, County Manager, suggested the Board direct staff to pursue leases, but not execute the leases without first going back to the City Council for discussions.

Commissioner Humke asked if the additional parking was pursuant to the Mills B. Lane Justice Center construction agreement with the City. David Solaro, Capital Projects Division Director, replied the County was attempting to provide relief parking in the downtown area, not only for the employees, but also for the public who utilized the facilities. He explained there was no requirement for the County to provide additional parking for the Mills Lane building or any of the County facilities downtown. Mr. Solaro indicated the County had to provide 58 spaces for Reno Municipal Court and added the benefit of those additional spaces would eliminate 120 of the existing leases and utilize the remaining spaces for the public. Commissioner Humke suggested parking where there were existing spaces on the exterior of the downtown core and offer a shuttle service instead of enriching downtown parking lot owners with leases in the City of Reno.

Commissioner Sferrazza asked how the public would be notified on the location of the additional spaces. Mr. St. John indicated he was not prepared to discuss that at the moment. Chairman Larkin requested information on the additional spaces before proceeding with funding to know where the parking would be located, and he recommended pursuing both strategies of identifying the locations of the proposed additional parking spots and returning to the Reno City Council for continued discussion. Mr. St. John indicated staff would return to the Board with the requested information.

In response to the call for public comment, Gary Schmidt said he supported the staff recommendation and spoke on the amount of money the County had spent to purchase the Pioneer property. He suggested moving the Court's complex away from the river redevelopment.

Commissioner Galloway moved to accept the update on the Pioneer parking lot and provide direction to staff from the discussion that occurred. Commissioner Weber seconded the motion.

Mr. St. John clarified staff would return to the City and re-file a variance; concurrently staff would begin a process to evaluate the parking commitments downtown and prepare a technical document and continue to investigate opportunities to lease parking. He stated that recommendation would not be back until such time that the variance request was completed.

On call for the question the motion passed with a 5 to 0 vote.

07-877

BILL NO. 1518 - AMENDING WASHOE COUNTY CODE
CHAPTER 15 - PURCHASING

In response to Commissioner Galloway, John Balentine, Purchasing and Contracts Administrator, explained SB 137 moved the formal bidding limit, and where two or more written quotations were required, the informal bidding limit. Commissioner

Galloway stated he did not want to omit subsection 2 and would introduce the Ordinance with the change that the text shown under 15.530 Section 1, subsection 2 would not be stricken.

In response to the call for public comment, Gary Schmidt said he was opposed to the new Ordinance and stated his reasons. He suggested proposals and contracts from Purchasing be placed on the Internet for public viewing.

Bill No. 1518, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CLARIFYING THE AMOUNT FOR WHICH PURCHASES MUST BE SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS AND REMOVING A PROVISION REGARDING AGREEMENTS FOR CONSULTANT SERVICES**" was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

5:10 p.m. The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District.

5:35 p.m. The Board recessed.

6:27 p.m. The Board reconvened with all members present.

07-878 **BUSINESS IMPACT STATEMENT - RELATED TO ORDINANCE NO. 1336 - BILL NO. 1513 AMENDING WASHOE COUNTY CODE CHAPTER 25 - COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 13, 2007 to consider second reading and adoption of Bill No. 1513. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance and the Business Impact Statement. There being no response, the hearing was closed.

Upon recommendation of Bob Webb, Planning Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Business Impact Statement related to an ordinance amending the Washoe County Code at Chapter 25 by revising provisions related to licensing definitions and fees for certain types of liquor distributors and producers; and, further determine that the ordinance did not impose a direct and significant economic burden upon a business, nor did it directly restrict the formation, operation or expansion of a business be approved.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1336,

Bill No. 1513, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 25 BY REPEALING REGULATIONS RELATED TO SERVICE OF COMPLAINT ACTIONS AGAINST BUSINESS LICENSES, AND CONCERNING LICENSE REVOCATION HEARINGS, MASSAGE THERAPISTS PERMITS, AND THE BOARD OF MASSAGE EXAMINERS; BY ADDING PROVISIONS FOR NOTICES OF AND CONDUCT OF LICENSE HEARINGS AND RELATED CLOSED SESSIONS; AND, BY REVISING PROVISIONS RELATED TO LICENSING DEFINITIONS, INVESTIGATIONS AND FEES, SPECIAL EVENT LICENSES, MATTERS RELATED TO DENIALS OF LICENSES AND SUSPENSION OR REVOCATION OF LICENSES, INTOXICATING LIQUOR LICENSES AND FEES, AND ADMINISTRATIVE PROCESSING FEE FOR CERTAIN TYPES OF LIQUOR DISTRIBUTORS AND PRODUCERS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. be approved, adopted and published in accordance with NRS 244.100.

07-879 ORDINANCE NO. 1337 - BILL NO. 1516 - AMENDING WASHOE COUNTY CODE CHAPTER 25 - TRANSIENT LODGING

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 13, 2007 to consider second reading and adoption of Bill No. 1516. Proof was made that due and legal Notice had been given.

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

Melanie Foster, Legal Counsel, explained language had been omitted from Section 8 of the proposed ordinance, which would be Section 25.1501 of the County Code. She stated the addition to be added was "...or accommodation having three or more rooms for rent to transient guests...". Ms. Foster explained it would narrow the definition of transient lodging and would not be a substantial change.

Tim Smith, Vice President of Finance, Reno-Sparks Convention and Visitors Authority (RSCVA), said the language originally was in the Ordinance and included in the RSCVA's Rules and Regulations. He said the omission was brought to their attention and recommended it become part of the Ordinance and stated the RSCVA concurred with the recommendation.

John Sandy, Legal Counsel RSCVA, stated he preferred the wording "units" rather than "rooms". He clarified that real estate companies offered units for rent, which would be taxable as opposed to individuals that had their own units they would personally attempt to rent or barter. He requested the definition in 25.141 "Rental Business" that was previously stricken be added to the Ordinance. He suggested the language read "... or accommodation having three or more rooms for rent in real estate rental services offering three or more units for rent..." to replace what Ms. Foster had indicated under the definition of Transient Lodging in 25.1501.

In response to Commissioner Galloway, Mr. Smith explained a room was a room for rent, where a unit could have three, four or five bedrooms.

In response to the call for public comment, Bill O'Donnell, Karen Dennison, and Rick Strode stated they were in support of the amended changes to the Ordinance.

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

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1337, Bill No. 1516, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING CHAPTER 25 RELATING TO TRANSIENT LODGING, INCLUDING BUT NOT LIMITED TO MODIFYING OR ADDING TO THE DEFINITIONS OF GROSS RECEIPTS, OCCUPANCY, OCCUPANT, OPERATOR, TRANSIENT GUEST AND TRANSIENT LODGING, DELETING OBSOLETE PROVISIONS; MAKING MODIFICATIONS TO THE PROVISION RELATED TO THE TAXATION OF TIMESHARE USES; AND OTHER MATTERS PROPERLY RELATING THERETO,**" be adopted with the minor change in Section 8, 25.1501, Transient Lodging defined, and published in accordance with NRS 244.100.

07-880 ORDINANCE NO. 1338 - BILL NO. 1517 - APPROVING DEVELOPMENT AGREEMENT CASE NO. DA07-004 - COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 13, 2007 to consider second reading and adoption of Bill No. 1517. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Sferrazza, seconded by Chairman Larkin, which motion duly carried, it was ordered that Ordinance No. 1338, Bill No. 1517, entitled, "**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA07-004 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM0009-004 FOR PEBBLE CREEK SUBDIVISION AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION,**" be approved, adopted and published in accordance with NRS 244.100.

07-881

UPDATE - COMPREHENSIVE PLAN AMENDMENT CASE NO. CP05-004 (SOUTH VALLEYS AREA PLAN) - COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 13, 2007 to consider review and action on the Planning Commission's Report prepared pursuant to NRS 278.220(4) on the issues raised and remanded by the Washoe County Commission on May 22, 2007, concerning the proposed South Valleys Area Plan Update, Comprehensive Plan Amendment Case Number CP05-004, and determine:

1. If the Planning Commission's recommendations, including approval, should be upheld or reversed or modified, based on the complete record from the Planning Commission hearings and the information received in the public hearing;
2. If the proposed update/amendment was an appropriate change to the South Valleys Area Plan, and consistent with the goals, policies and standards of the elements of the Washoe County Comprehensive Plan;
3. If any modifications, revisions, additions, or deletions were necessary in response to the Report and the proposed amendment to the South Valleys Area Plan; Proof was made that due and legal Notice had been given.

Katy Singlaub, County Manager, reaffirmed this was announced at the beginning of the meeting that the Board would open the public hearing; however, continue the item to August 28, 2007 at 5:30 p.m.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the South Valleys Area Plan Update, Comprehensive Plan Amendment Case Number CP05-004.

Betty Kelly spoke against the South Valleys Area Plan and objected to developers coming to Washoe Valley and testing the surface water. She spoke on a noxious weed, White Top, which was overtaking much of the replaced wetlands.

Commissioner Galloway asked Ms. Kelly for clarification on developers taking her water since there were water right laws and asked how the White Top would affect the Area Plan. Ms. Kelly replied the planned development to expand the Washoe Valley area and the White Top would destroy the landscape. She indicated she was concerned that the developers checking the surface water would affect the wells in the area.

In response to Commissioner Humke, Ms. Kelly replied she was against clustered development and lot sizes. She indicated as the natural habitat was encroached upon the numbers of bird species in the region had decreased.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried, it was ordered that the Comprehensive Plan Amendment Case No. CP05-004 (South Valleys Area Plan) update be continued to the August 28, 2007 Board of County Commission meeting.

07-882 **BILL NO. 1519 -AMENDING WASHOE COUNTY CODE**
CHAPTER 15 - WATER RESOURCES

In response to Commissioner Galloway, Paul Orphan, Engineering Manager, read the following explanation concerning the proposed Ordinance: "The Managing Board shall have the authority, subject to the provisions of Washoe County Code Sections 15.150 to 15.530, inclusive, and applicable provisions of state law, to submit to the Washoe County Purchasing and Contracts Administrator for the execution and purchase of supplies, materials, equipment, and contractual and consulting services required by the South Truckee Meadows General Improvement District for the effective furnishing of water service and facilities."

Bill No. 1519, entitled, "**AN ORDINANCE AMENDING THE POWERS OF THE LOCAL DISTRICT MANAGING BOARD FOR THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT BY DELEGATING ADDITIONAL POWERS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

07-883 **RESOLUTION - NOTICE OF INTENT TO CREATE A QUIET**
ZONE - MANAGER

Adrian Freund, Community Development Director, explained this proposed resolution was a result of a 2005 Rule by the Federal Railroad Administration (FRA) that allowed local governments to designate "Quiet Zones" for the purpose of train horn use at private and public at-grade crossings. Mr. Freund indicated there were two specific approaches, a declaration of a local government of intent to create a quiet zone that did not require formal approval by the FRA, and a direct application to the administrator of the FRA to create a quiet zone. He indicated the area in question was an approximately 5.6 mile section that included 12 private and four public crossings. He remarked the private crossings were equipped with the required signage, and as part of the process, the public crossings would undergo further evaluation by a diagnostic team. Mr. Freund explained the proposed resolution would authorize the County Manager to submit two administrative forms, a notice of intent to create a new quiet zone, and a notice of quiet zone establishment. He noted the Notice of Intent would initiate the process of a quiet zone and provide notices to Union Pacific and Amtrak of the intent to create a quiet zone, and to the Nevada Department of Transportation (NDOT) for a 60-

day notice window for their comments. He explained during that time the County would receive comments from the railroads with suggestions on additional safety measures needed at various crossings. Mr. Freund said the Rule operated under a theory of acceptable risk, and explained when the crossings were lowered into the model followed by the FRA it calculated a Quiet Zone Risk Index that was required to be lower than the National Threshold Risk Index. He said, in this particular quiet zone, that criterion was met. He said if the FRA required additional controls at the various crossings staff would return to the Board and provide a progress report on those additional measures. Mr. Freund said the City of Reno had completed a feasibility study on busier crossings east of the discussed segments that raised an issue on assumption of shifting of liability from the railroads to local governments inherent in the FRA Rule from 2005. Mr. Freund felt that needed some attention before going forward so there would not be a situation for a Quiet Zone created under that Rule with the potential for future local liability should an accident occur at one of those crossings.

Commissioner Galloway asked if the County would have to pay for any additional measures. Mr. Freund said the cost allocation was variable depending on where the work occurred and the interest from the railroads. He explained the risk index for each crossing was based on average daily crossings. Commissioner Galloway thought crossings were either required to be closed or the measures would be placed on it. Mr. Freund said that changed under the new rule, which provided a standard for a national measure of risk if the segments came in below the National Risk Index. He said then it may not be required to install all or any of the supplemental safety measures, but could still order the train not to blow the whistle. Commissioner Galloway stated he was not comfortable with that law, and he may not go forward if he felt a federal law allowed something to be done, but in the future put the public at undue risk.

Commissioner Sferrazza asked if the train could use the horn if someone was in the crossing. Mr. Freund replied they would be allowed to use the horn if they anticipated a danger, an emergency, or they knew a person was in the crossing.

Chairman Larkin asked why would the County want to consider a quiet zone. Mr. Freund replied the major reason would be for the peace and quiet, improved environment, and enjoyment of the individuals who lived close to the railroad, as in this stretch, the unincorporated communities who experienced the train horn on a regular basis. Chairman Larkin asked what did the Verdi Area Plan call for. Mr. Freund explained the Verdi Area Plan was still underway, but it called for a character district in Central Verdi that was attempting to revive businesses and maintain a predominately residential community.

Commissioner Weber stated she attended all of the Verdi Citizen Advisory Board (CAB) meetings and met with individuals who were responsible for the research on the proposed quiet zone. She commented there were many residents who came before the CAB and requested other intersections and crossings to be included in the proposed quiet zone. Commissioner Weber suggested moving forward with the submissions to the FRA and NDOT while continuing to research the liability issues.

In response to Commissioner Galloway, Mr. Freund replied if the quiet zone included all of the crossings in a segment then the entire length would be designated a quiet zone. Commissioner Galloway stated there was still much to be debated such as the issue if protective crossings created noise once they were put into place. Mr. Freund commented there would not be additional noise from the gated crossings and explained the public crossings already had gates and signals.

Commissioner Sferrazza remarked the City of Reno had a speed limit for trains; however, because of the federal law it was unenforceable. He was concerned that someone might get trapped in a quiet zone crossway and, if the train did not see them, the horn would make a difference. Commissioner Sferrazza asked if there had been any discussion on a companion speed limit for safety within residential areas. Mr. Freund remarked there had not been any discussion on that, and he said the maximum timetable speed of trains in this segment did not exceed 40 miles per hour. He said if the Notice of Intent went out the County could engage the railroads in discussion concerning speed limits and enforcement.

Mr. Freund explained the Notice of Intent Part I was a public review period for the railroads and NDOT, and Part II was a self-declaration document the Rule allowed; however, the quiet zone would only go into effect when the required supplemental safety measures were installed.

Chairman Larkin asked how many quiet zones were on this particular segment of the railroad. Mr. Freund replied there were quiet zones located in Auburn and Grass Valley, California and two of the newest ones located on the Union Pacific Line were in Sacramento and West Sacramento, California, which were considered high-density urban areas. He explained the Theory of Acceptable Risk was acceptable to that particular railroad with the understanding the FRA had defined a nationwide risk threshold. He explained that threshold was calculated on a five-year rolling accident data at 3,800 public grade crossings then recalculated on an annual basis.

Chairman Larkin said the notion to proceed with a Notice of Intent intrigued him, but he requested due diligence before the County embarked on that notice. He said he would like to have the advantage of hearing from experts to fully explore this possibility. Mr. Freund said to initiate the railroads in a public comment period would be to proceed with the Notice of Intent and have them return with their recommendations.

Commissioner Galloway said he was reluctant to vote for the Notice of Intent until there were answers on the liabilities. Chairman Larkin indicated he would prefer to continue the item to a time certain to speak to the experts.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the resolution and intent to create a quiet zone be continued to the August 28, 2007 Board of County Commission meeting or a workshop scheduled for August 27, 2007.

07-884 **APPOINTMENT - REGIONAL PLANNING COMMISSION -
COMMUNITY DEVELOPMENT**

On motion by Commission Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Washoe County Planning Commissioner Dian Vanderwell be appointed to the Regional Planning Commission for a term to commence on July 24, 2007 and end on July 1, 2010, or until a successor was appointed.

07-885 **AMENDING WASHOE COUNTY CODE CHAPTER 110 - PUBLIC
WORKS PROJECTS**

Grace Jenson, Planner, explained the Ordinance would amend the distancing requirements of Public Works Contractors Yards from 2,000 feet away from any commercial, residential or civic use to within 1,000 feet of the Public Works project.

Commissioner Galloway stated the wording was not clear and asked if the construction yard could be on the site itself. Ms. Jenson said this would allow the yard to move closer to a project site.

In response to Commissioner Galloway, Paul Orphan, Engineering Manager, replied under the existing County Code the contractors yard had to be within 1,000 feet of the project, but it had to be more than 2,000 feet away from anything zoned.

Commissioner Galloway reiterated it had to be within 1,000 feet of the construction site, but this would reduce the distance from a residence to 1,000 feet. Mr. Orphan explained it would eliminate the 2,000-foot separation from any zoned development.

Mike Harper, Planning Manager, indicated this was only for Public Works projects and would not apply to a private contractor. He explained there was no place outside of 2,000 feet that public works departments could locate in order to complete those projects. He said the idea was to eliminate the storage of material in a public works project, but retain the distance for the heavy equipment. Mr. Harper agreed this was structured in a confusing way, and he suggested continuing this item for clarification from the Planning Commission.

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it was ordered that this bill be referred back to the Planning Commission for modification.

07-886 **DISCUSSION - COUNTY COMMISSIONERS' VARIOUS
BOARDS/COMMISSIONS**

Commissioner Sferrazza indicated which Boards and Commissions he currently served on. He said these seats needed to be filled now that he had been appointed as Reno Justice of the Peace.

After discussion Commissioner Galloway stated he would serve on the Internal Audit and Investment Committees. Commissioner Weber said she would replace Commissioner Sferrazza on the Reno-Sparks Convention and Visitors Authority (RSCVA) Board, and Commissioner Humke stated he would sit on the Nevada Association of Counties (NACO) and Senior Services Advisory Boards.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Commissioner Sferrazza's seats on the above mentioned Boards and Commissions be filled by the remaining Commissioners.

07-887 BILL NO. 1520 -AMENDING WASHOE COUNTY CODE
CHAPTER 65 - MANAGER

Bill No. 1520, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE, CHAPTER 65 BY CLARIFYING THE POWERS WHICH MAY BE EXERCISED BY THE COUNTY MANAGER DURING A DECLARED EMERGENCY AND OTHER MATTERS PROPERLY RELATED THERETO**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

REPORTS AND UPDATES FROM COUNTY COMMISSION
MEMBERS

Commissioner Galloway spoke on fuels removal and did not believe permits should be required by the Tahoe Regional Planning Agency (TRPA) for fuel removal or tree cutting inside the urban areas, and if they were, they should be minimal. Commissioner Galloway announced that Nevada Governor Jim Gibbons and California Governor Arnold Schwarznegger would be signing a Memorandum of Understanding (MOU) regarding the Angora Fire on July 25, 2007, and would be establishing a Blue Ribbon Commission.

Commissioner Humke said he attended the Regional Transportation Commission (RTC) meeting where there was a briefing on a list of priority projects from the Nevada Department of Transportation (NDOT).

Chairman Larkin stated there would be a joint meeting with the Cities of Reno and Sparks on August 6, 2007. He announced the groundbreaking ceremony for the Family Shelter would occur on August 10, 2007 on Record Street in Reno.

Commissioner Sferrazza thanked the Board for their support and appointment as Reno Justice of the Peace. He said it had been a pleasure and an honor to serve on the Board of County Commissioners with his fellow Board members over the past several years and was leaving with mixed emotions.

* * * * *

8:42 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Jan Frazzetta and Stacy Gonzales
Deputy County Clerks*