

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

SEPTEMBER 14, 2010

PRESENT:

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

Nancy Parent, Chief Deputy Clerk (10:06 a.m. to 3:02 p.m.)
Amy Harvey, County Clerk (3:02 p.m. to 7:30 p.m.)
Katy Simon, County Manager
Melanie Foster, Legal Counsel

The Washoe County Board of Commissioners convened at 10:06 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

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

10-824 AGENDA ITEM 3 – PUBLIC COMMENT

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

Garth Elliott expressed concern about property taxes catching up with decreased property values, particularly in Sun Valley. He suggested small businesses would be the community's economic salvation.

Sam Dehne talked about the voting system and his son's candidacy.

Ardena Perry provided three handouts, which were placed on file with the Clerk. She requested oversight of Regional Animal Services. She indicated a 15-year-old dog that was surrendered by its owner due to financial hardship had been kept for nine days before being cleared for euthanasia by the Nevada Humane Society.

Sarah Thomas discussed the impact of Reno fire station brown outs on the Truckee Meadows Fire Protection District. She placed a report on file with the Clerk concerning emergency incidents that took place on September 10, 2010.

Donna Peterson wondered if there had been Board items regarding the County's enforcement power over builders and developers and the institution of false alarm fees. She said she had noticed that both fire chiefs did not come to the podium when the Board convened jointly as the Board of Fire Commissioners for the Sierra Fire Protection District and the Truckee Meadows Fire Protection District.

Later in the meeting (6:04 p.m.), an e-mail was read into the record by County Clerk Amy Harvey. The e-mail was from Gary Schmidt to Assistant District Attorney Paul Lipparelli, and a copy was placed on file with the Clerk. Mr. Schmidt complained that the County website was down on the morning of September 14, 2010 when he attempted to access the Commission Agenda for the meeting on that same date. He alleged there was therefore a technical violation of the Open Meeting Law in regard to posting public notice of the meeting.

Katy Simon, County Manager, explained a planned launch for the County's new website on September 7, 2010 was delayed to September 14th in order to accommodate additional security protocols and testing. She stated the website was down for a total of 105 minutes. She noted the Open Meeting Law statute provided that technical problems with a website excused any failure to use it for posting agendas and there was no violation of the Open Meeting Law.

10-825 AGENDA ITEM 4 – ANNOUNCEMENTS

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

Chairman Humke asked County manager Katy Simon to respond to questions raised by Ms. Peterson during public comment. Ms. Simon indicated alarm fees were recently adopted by ordinance after a properly noticed public hearing was conducted. She stated memos had been provided to the Board concerning builders and developers, but she did not think there had been a specific agenda item. She explained it was customary to have a representative present from the Truckee Meadows Fire Protection District (TMFPD) during joint agenda items, although there were times when the representative was in the audience and not at the podium.

Commissioner Weber requested an updated presentation to the Board from Animal Services and asked that euthanasia policies be included in the discussion. She requested a copy of the comments turned in by Ms. Thomas during public comment. She expressed concern that there had been no updates from either the TMFPD or the Washoe County Sheriff's Office during three recent Citizen Advisory Board (CAB) meetings. She acknowledged the budget reductions made it difficult for staff to attend and requested information as to how the CAB's could at least get written reports. Commissioner Weber stated the Nevada Commission for the Reconstruction of the V&T Railway had added another railroad car and a new train run because tickets were selling out to visitors from all over the country. She said the Commission was trying to find a way for people to take the train up to Virginia City, stay the night, and return the next day.

Commissioner Larkin announced an upcoming pancake breakfast to celebrate the 40th anniversary of the Spanish Springs Airport. He pointed out the Airport had once been the initial site for what was now the Reno Air Races.

In reference to alarm fees, Commissioner Breternitz stated he had worked with the Sheriff and his staff about the complaints he had received. A new ordinance was proposed and subsequently adopted by the Commission with provisions that waived the annual alarm fee if there were no false alarms. He said he was looking forward to attending the Reno Air Races. He indicated he was also interested in hearing the Animal Services report requested by Commissioner Weber.

Commissioner Jung asked that a future Animal Services update include information about the policies for owner-surrendered animals and owner-requested euthanasia, as well as a comparison between costs in the community and costs at the Animal Services Center. She requested information about code enforcement for buildings and enforcement of conditions on specific development approvals in order to determine whether builders actually performed as they agreed they would. She asked for staff proposals to ensure developers would pay any costs involved in enforcing compliance with their conditions. She stated she was a lifelong 4-H member and had recently been Mistress of Ceremonies at a 4-H Camp Alumni reunion held at Lake Tahoe. She announced that she would be Mistress of Ceremonies at the upcoming Adelante Awards Dinner for Nevada Hispanic Services.

Chairman Humke agreed with the requests to take up issues concerning Animal Services at a future meeting. He reported a community meeting had taken place September 1, 2010 to discuss fire station staffing. He noted staff from the Sheriff's Office and from the Sierra Fire Protection District (SFPD) had been present at a recent meeting of the Galena-Steamboat CAB, but TMFPD personnel did not attend. He suggested written reports submitted to the CAB chairs by email would provide updates regarding law enforcement and fire services.

DISCUSSION – CONSENT AGENDA (SEE MINUTE ITEMS 10-826 THROUGH 10-848 BELOW)

Chairman Humke disclosed that he served on the Nevada Juvenile Justice Commission, which was awarding grants to Juvenile Services under Agenda Items 5N1, 5N3 and 5N4. He indicated Juvenile Services did not receive any disparate or favorable treatment during the awarding of the grants, and he would still vote on the agenda items.

10-826 AGENDA ITEM 5A – MINUTES

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meetings of April 13 and August 10, 2010.”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5A be approved.

10-827 AGENDA ITEM 5B – PROCLAMATION

Agenda Subject: “Proclamation--September 27, 2010 as Family Day - A Day to Eat Dinner with Your Children - requested by Commissioner Humke. (All Commission Districts)”

In response to the call for public comment, Sam Dehne said it was a good idea to eat dinner with your kids.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5B be approved and adopted.

10-828 AGENDA ITEM 5C – ASSESSOR’S OFFICE

Agenda Subject: “Acknowledge receipt of Change Log for the 2010/11 Assessment Roll (on file in County Manager’s Office). (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5C be acknowledged.

10-829 AGENDA ITEM 5D – COMMUNITY DEVELOPMENT

Agenda Subject: “Appoint Dave Cooper to fill an unexpired term as an At-Large member to June 30, 2011, on the Gerlach/Empire Citizen Advisory Board. (Commission District 5)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5D be approved.

10-830 AGENDA ITEM 5E – COMPTROLLER

Agenda Subject: “Approve establishment of a minimum capitalization threshold policy for intangible assets, for financial reporting purposes only, at \$100,000 effective retroactively to July 1, 2009. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5E be approved.

10-831 AGENDA ITEM 5F – DISTRICT ATTORNEY’S OFFICE

Agenda Subject: “Approve Resolution requesting the assistance of the Attorney General in the possible prosecution of a female over the age of 18 for alleged driving under the influence of drugs or alcohol, hit and run, child endangerment and other matters properly related thereto; and if approved, authorize Chairman to execute the Resolution. (All Commission Districts)”

In response to the call for public comment, Sam Dehne questioned why the Attorney General needed to get involved.

Chairman Humke noted wording in the staff report that said the District Attorney might have a conflict of interest. He explained it was the normal course for any agency to request assistance when there was a possible conflict of interest.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5F be approved, adopted, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-832 AGENDA ITEM 5G – HUMAN RESOURCES

Agenda Subject: “Approve seven mid-year reclassification requests submitted through the job evaluation and classification process [annual fiscal impact associated with these reclassifications is approximately \$30,944 to the General Fund and approximately \$25,318 to the Senior Services Fund]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5G be approved.

10-833 AGENDA ITEM 5H – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve Wildlife Extension Agreement and a Right of Entry Agreement between the County of Washoe (Department of Regional Parks & Open Space) and U.S. Fish and Wildlife Service for restoration efforts to Horse Creek at the Swan Lake Nature Study Area [in-kind services valued at \$10,000 - no Washoe County contributions]; and if approved, authorize Regional Parks and Open Space Director to sign both Agreements. (Commission District 5)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5H be approved and authorized.

10-834 AGENDA ITEM 5I – PUBLIC WORKS/ANIMAL SERVICES

Agenda Subject: “Accept monetary donations to Washoe County Regional Animal Services [\$4,252], received December 1, 2009 through March 31, 2010, used for the humane care and treatment of sick and/or injured, stray or abandoned animals; and if accepted, express Board appreciation for these thoughtful contributions, approve budget amendment acknowledging donations and direct Finance to make appropriate budget adjustments. (All Commission Districts)”

Commissioner Jung thanked various individuals for their generous donations to Regional Animal Services. She observed there were 12 pages in the staff report containing the names of all those who donated.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5I be accepted, approved and directed.

10-835 AGENDA ITEM 5J – SENIOR SERVICES

Agenda Subject: “Authorize additional non-County employee travel expenses specific to the Senior Services Department to reimburse contracted services staff for per diem expenses [\$517.80] related to authorized travel to foreclosure mitigation training; and if authorized, direct Finance to make appropriate budget adjustments to the grant previously accepted by the Board. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5J be authorized and directed.

10-836 AGENDA ITEM 5K – TREASURER’S OFFICE

Agenda Subject: “Authorize Washoe County Treasurer to auction all newly delinquent lands held in trust with the exception of those parcels listed on Exhibit A; and if authorized, approve and authorize Chairman to execute Resolution authorizing the County Treasurer to transfer to other governmental entities, real property held in trust due to property tax delinquencies and other matters properly related thereto (Tax Delinquent Property List 2010 on file in County Manager’s Office). (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5K be authorized, approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-837 AGENDA ITEM 5L – WATER RESOURCES

Agenda Subject: “Approve the Correction Water Sale Agreement between Washoe County and Truckee Meadows Water Authority (reflects corrected amount of water rights actually held and leased by Washoe County to Truckee Meadows Water Authority for water service demands); and if approved, authorize Chairman to execute Agreement and direct the Water Rights Manager to record the document. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5L be approved, authorized, executed, and directed.

10-838 AGENDA ITEM 5M – RISK MANAGEMENT/FINANCE

Agenda Subject: “Acknowledge liability coverage for volunteers as required under the Volunteer Protection Act, adopt Amendment to the Volunteer Service Agreement and authorize Risk Management, on behalf of the District Health Department, to secure liability coverage for the Medical Reserve Corps [approximate annual premium \$5,000]. (All Commission Districts)”

Commissioner Breternitz said he had received some constituent feedback related to volunteerism. He indicated a citizen volunteering to pull weeds in Anderson Park was sent five pages of forms to fill out. He characterized this as bureaucracy run amok. He noted the idea of having liability coverage under Item 5M was a step forward but he requested that staff look into the volunteer paperwork. Katy Simon, County Manager, observed the purpose of Agenda Item 8 was to brief the Commission on issues and concerns related to volunteerism.

In response to the call for public comment, Sam Dehne stated that Agenda Item 5M should have been considered after Item 8.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5M be acknowledged, adopted and authorized.

10-839 AGENDA ITEM 5N1 – JUVENILE SERVICES

Agenda Subject: “Accept Fiscal Year 2010/11 Formula Grant [\$65,000 - no County match] from the Juvenile Justice Commission to fund Wraparound Services for seriously emotionally disturbed youth; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5N1 be accepted and directed.

10-840 AGENDA ITEM 5N2 – JUVENILE SERVICES

Agenda Subject: “Accept Continuation Grant [\$15,000 - no County match] from the Annie E. Casey Foundation to support activities related to the replication of the Juvenile Detention Alternatives Initiative; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5N2 be accepted and directed.

10-841 AGENDA ITEM 5N3 – JUVENILE SERVICES

Agenda Subject: “Accept Fiscal Year 2010/11 Juvenile Accountability Block Grant [\$75,862 - County match \$7,586.20] from the Juvenile Justice Commission to fund

the Supervised Release Program; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5N3 be accepted and directed.

10-842 AGENDA ITEM 5N4 – JUVENILE SERVICES

Agenda Subject: “Accept Fiscal Year 2010/11 Title V Grant [\$15,090.50 - no County match] from the Juvenile Justice Commission to fund the Gang Reduction for Achieving Success Program; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5N4 be accepted and directed.

10-843 AGENDA ITEM 5N5 – JUVENILE SERVICES

Agenda Subject: “Approve travel for one non-County employee serving on the Juvenile Detention Alternatives Initiative Stakeholders Committee to attend the 2010 Juvenile Detention Alternatives Initiative National Inter-Site Conference October 4-6, 2010 in Kansas City, Missouri [estimated cost \$600 - paid from a Juvenile Detention Alternatives Initiative Continuation Grant.] (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5N5 be approved.

10-844 AGENDA ITEM 5O1 – MANAGER’S OFFICE/FIRE SERVICES COORDINATOR

Agenda Subject: “Retroactively accept additional funding from the Bureau of Land Management 2009 Rural Fire Assistance Grant for the Gerlach Volunteer Fire Department [\$10,000 - County match \$1,000 in-kind services] for purchase of a Wildland Firefighting Skid Unit with ultra high pressure including an engine, pump, tank and hose for use on a Polaris Ranger 10 ATV; and if accepted, confirm the Chairman’s signature on the acceptance documents and direct Finance to make appropriate budget adjustments- (Commission District 5)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5O1 be accepted, confirmed and directed.

10-845 AGENDA ITEM 5O2 – MANAGER’S OFFICE/INTERNAL AUDIT

Agenda Subject: “Acknowledge receipt of the Three-Year Schedule of Audits for Internal Audit Division. (All Commissioner Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5O2 be acknowledged.

10-846 AGENDA ITEM 5P1 – SHERIFF’S OFFICE

Agenda Subject: “Approve donation of equipment from the Washoe County Forensic Science Division to the Center for Undergraduate Research Experience in the Department of Biology at University of Nevada, Reno [equipment outdated and has minimal market value]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5P1 be approved.

10-847 AGENDA ITEM 5P2 – SHERIFF’S OFFICE

Agenda Subject: “Approve Memorandum of Understanding between the County of Washoe (Sheriff’s Office) and United States Marshals Service (USMS) to participate in the USMS Fugitive Apprehension Task Force; and if approved, authorize Sheriff Haley to execute same on behalf of Washoe County Sheriffs Office. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5P2 be approved, authorized and executed.

10-848 AGENDA ITEM 5Q – FINANCE

Agenda Subject: “Approve the reallocation of budgeted travel funding of \$15,000 for the 2010 National Association of Counties (NACo) Annual Conference for other NACo conferences and other necessary Board of County Commissioner travel expenditures for Fiscal Year 2010-2011 and direct the Finance Department to make the necessary adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5Q be approved and directed.

10:44 a.m. The Board convened as the Board of Fire Commissioners for the Sierra Fire Protection District with all members present.

12:00 p.m. The agenda for the Board of Fire Commissioners of the Sierra Fire Protection District was continued to a later time. The Board reconvened as the Board of County Commissioners with all members present.

10-849 AGENDA ITEM 7 – SHERIFF’S OFFICE

Agenda Subject: “Presentation of status report for Sheriff’s Office Fiscal Year 2009/10 and acknowledgement of same. (All Commission Districts)”

Washoe County Sheriff Mike Haley conducted a PowerPoint presentation, which was placed on file with the Clerk. He said it had been a very challenging year for the community. He stated the Washoe County Sheriff’s Office (WCSO) had been tasked with using fewer resources to do a lot more, but understood the expectations for success had not changed. He noted the WCSO had made budget cuts over the last three years that were nearly double the amount requested by the Commission. He thanked the Commissioners for their emphasis on public safety.

Sheriff Haley indicated the WCSO managed grant programs that brought in nearly \$14 million, submitted applications for more than 20 new grants totaling approximately \$10 million, and received 14 new grant awards totaling over \$3 million for the current fiscal year. He emphasized the grant funds had allowed the WCSO to avoid greater service reductions and to tackle several vital projects. Although they were not a panacea for the long term, he indicated grant funds were helping to keep public safety mechanisms functioning at a reasonably effective level.

Sheriff Haley said the organization had been successful in reducing 2009/10 violent property crimes by 13 percent when compared to 2008/09. He stated the reduction was attributed to programs such as inmate management, knock and talk enforcement, and a data driven approach to crime and traffic safety, as well as to good relationships with the District Attorney’s Office and the courts. He noted a 12 percent

reduction in 2009/10 for crimes such as petty larceny, destruction of property, and other misdemeanors, as well as a 1.54 percent reduction in DUI-related crimes. Sheriff Haley displayed statistics showing increased numbers of arrests by the Detective Division. He discussed several successes under the newly formed Special Operations Division, including activities related to weapons, narcotics, violent offenders, sexual predators, drug offenders, and arrests of wanted fugitives. He talked about cases and notable arrests under the Cyber Crimes Unit, which investigated Internet and computer-related crimes such as child pornography. He reviewed cases managed under the Regional Sex Offenders Unit, which monitored a total of 1,180 sex offenders using three detectives from the WCSO, the Reno Police Department, and the Sparks Police Department.

Sheriff Haley indicated the Detention Center was one of the safest and most secure facilities in the nation. He highlighted improvements over the last few years that had significantly reduced the number of inmate batteries, attempted suicides, and other injuries. He noted there had been a downward trend in the average daily population since 2006/07, which was the result of good custody management, alternatives to incarceration, and specialty court management practices. He observed the decreased number of inmate bookings over the previous year was likely due to a population shift in the community, fewer officers on the street, management intervention to ensure that only those who needed to be in jail were put in jail, alternatives to incarceration, and specialty courts programs. He stated the inmate health services contract had been successfully renegotiated to save nearly \$500,000 per year over the next three years.

Sheriff Haley said the WCSO continued its successful partnership with Keep Truckee Meadows Beautiful (KTMB) to combat illegal dumping. Common dump sites were identified and actively patrolled, and offenders were aggressively cited. The County's Community Relations team worked closely with KTMB to support prevention. Sheriff Haley indicated work was underway on a project to place cameras at the most abused dumping sites. He stated the involvement of local businesses and homeowners made a major impact on efforts to create a cleaner and more beautiful region.

Sheriff Haley observed that underage drinking was a serious public health and safety concern. He discussed actions taken by the WCSO to vigorously enforce minimum drinking age laws, which had been shown to reduce traffic fatalities and alcohol-related injuries.

Commissioner Larkin complimented Sheriff Haley for the Regional Aviation Enforcement Program (RAVEN) and for being the first in the State to institute the Immigration and Customs Enforcement (ICE) Secure Communities Program. Commissioner Jung said Sheriff Haley was probably the best law enforcement leader in the State. She thanked him for his tireless work in enhancing public safety, as well as for his ability to find alternative revenue sources. Commissioner Breternitz and Chairman Humke agreed. Commissioner Breternitz noted the Sheriff was always open to input and was innovative in his approaches. Chairman Humke emphasized the Sheriff's achievements in finding budget reductions over and above those requested by the Board.

Sheriff Haley stated many of his achievements were possible because of good working relationships with County Manager Katy Simon and her staff.

12:24 p.m. The Board reconvened as the Board of Fire Commissioners for the Sierra Fire Protection District with all members present.

1:11 p.m. The agenda for the Board of Fire Commissioners of the Sierra Fire Protection District was continued to a later time. The Board reconvened as the Board of County Commissioners with all members present.

10-850 AGENDA ITEM 8 – COMMUNITY RELATIONS / HUMAN RESOURCES

Agenda Subject: “Presentation, discussion and possible direction to staff on Washoe County’s Volunteer Program. (All Commission Districts)”

Community Relations Director Kathy Carter introduced several volunteers who had been invited to talk about their activities.

Mary Ellen Harlow said she had worked at the May Museum at Rancho San Rafael Regional Park for 17 years, and had been a volunteer for almost ten years. She described volunteering as a part of her family life and listed many of the things she loved about being a volunteer. She talked about some of the challenges faced by the volunteers, including being at the front lines when the Great Basin Adventure Park closed down and the inability of volunteers to handle money.

Jessica Johnson, a 14-year-old high school student, discussed her experience as a volunteer at the Sierra View Library. She indicated she had been responsible for setting up, hosting, and cleaning up during 14 movie events for 254 patrons during the summer of 2010. She hoped to continue volunteering at the Library and in many other areas of the community.

1:23 p.m. Chairman Humke declared a brief recess.

2:02 p.m. The Board reconvened with Chairman Humke absent. Vice Chairperson Weber took the gavel.

Joan Atkinson said she worked full-time for a local law firm, and was a writer and marathon runner who volunteered at the Spanish Springs Library in her spare time. She volunteered because she wanted to help and to make a difference. She described her volunteer training and activities. She pointed out the volunteer-run book sale had raised nearly \$25,000 for the Spanish Springs branch since it was taken over from staff members in 2007. She said she was treated as a valued member of the staff whose opinions were heard and considered, and the Library staff had pushed her to grow in many directions.

In response to the call for public comment, Kass Kirkham indicated she had been volunteering in the Arboretum with the Rancho San Rafael Botanical Society for a number of years. She said she enjoyed the gardens and worked for Horticulturist Bill Carlos on non-sensitive administrative issues. Her work included answering phones, greeting people, giving directions, and coordinating other volunteers. She stated the volunteers were very dedicated, but the Arboretum and gardens were not looking as good as they had in the past due to lack of staffing.

Louise Jensen said she had an environmental management background, spent a number of years working for the Garden Conservancy, and was a professional member of the American Gardens Association. She noted she had lived in the area for six months and came out on volunteer day to weed the gardens. She pointed out that gardens were an important part of a community's civic pride and economic development strategy, although they were often forgotten and it was difficult to find resources to support them. She indicated she would be leading a strategic planning program and hoped the Commissioners would participate.

Marilynn Clarke, President of the Rancho San Rafael Botanical Society, observed plans were underway to celebrate the 25th anniversary of the Botanical Garden. She stated the large gala would bring people from all over the world and the Garden needed to look its very best. Although there were ten to twelve volunteers, she indicated the Garden was looking seedy because staff members were also responsible for maintaining Rancho San Rafael Regional Park. She invited Commission members to give input and to attend a planning session for the 25th anniversary celebration.

Garth Elliott said his family had unofficially adopted the Highland Ranch Park located between Sun Valley and Spanish Springs. He suggested volunteer opportunities should be pushed out to people on a regular basis, there should be a streamlined application form, and orientation was necessary to minimize liability. He noted he had been a volunteer with the federal government, and had been allowed to handle money after going through an approved training program.

Ms. Carter referenced a timeline in the staff report that showed activities over the past 12 to 18 months to recognize volunteers and encourage their participation. She indicated about 320 residents had responded over the last year to an online volunteer application form. A volunteer recruitment fair had been held during the previous year and staff was planning to distribute election and volunteer information at an upcoming Expo sponsored by Nevada's Center for Entrepreneurship and Technology (NCET).

Julie Paholke, Human Resources Analyst and Chairperson of the Volunteer Task Force, noted the current volunteer program had been implemented in September 2009. Over 33,000 volunteer hours had been recorded since January 2010. She estimated the positive fiscal impact to the County at \$689,000, based on a value of approximately \$25.80 per hour. She said regular meetings were held to resolve issues with the departments that used volunteers. For instance, background checks were conducted by a local agency because it was more efficient, less expensive and less

intrusive than sending volunteers to the Sheriff's Office for fingerprinting. She stated the program was in its infancy and staff looked forward to the Commission's input for making it better.

Commissioner Breternitz wondered if a background check was necessary for someone who wanted to pick weeds in a park. Ms. Paholke indicated the policy allowed for some interpretation. She stated some processes could be waived after weighing the liability and risks, such as for an organization that wanted to work in a park for a single day. Commissioner Breternitz questioned why there was not a list of volunteer job categories and requirements, and asked what was preventing staff from streamlining the process. Ms. Paholke noted there were requirements for those who worked around children. She said staff had discussed the issue of categorizing volunteers, but wanted everyone to feel like they were performing a meaningful duty. The policy for conducting background checks was consistent with the County's background policy for employees. She observed the requirements did not prevent volunteers from starting work while the process was being completed. Commissioner Breternitz said he did not think a background check was necessary for someone who wanted to come in and pull weeds. Vice Chairperson Weber agreed. She talked about a volunteer in Cold Springs who wanted to teach a bridge class to adults. After going through the orientation, the volunteer felt there was too much liability for him to sign his name to the paperwork. County Manager Katy Simon said staff shared some of the frustration and would do whatever the Board directed. She stated staff from Human Resources and the District Attorney's staff could provide guidance and explain some of the concepts behind the policies.

Katey Fox, Human Resources Director, indicated the background and reference check policy and procedure had been approved by the Board in 2005. She explained the direction given to department heads was driven by statutory requirements and by the nature of the volunteer work. She stated the departments were encouraged to use some judgment about the volunteer activity to be performed when deciding whether or not to require a background check. She noted one-time events for groups of volunteers like the Rotary Club or the Lion's club did not require reference checks, background checks, or policy training. Human Resources recommended a background check if the volunteer activity involved interaction with children or seniors, public trust, or risk.

Deputy District Attorney David Watts-Vial indicated volunteers could create liability for the County in the same ways that employees could. He stated the processes related to volunteer agreements, policy training, reference checks, and background checks provided legal defenses and protected the County from liability. He said it sounded very simple to say a volunteer simply wanted to pick weeds, but it was necessary to consider whether that would be done at Anderson Park or Anderson Elementary School. He pointed out that department heads had some flexibility but were asked to check with Human Resources if they wanted to waive policy training or a background check. Human Resources could also refer questions to the District Attorney's Office. He observed there were 3,537 volunteers who appeared to have completed all of the required processes. He did not know how many potential volunteers had been turned away or had refused to sign the required paperwork. He suggested the County should be

concerned about why someone might refuse to sign. Vice Chairperson Weber said there was reason enough for the requirements if the County stopped even one person who should not be there. She acknowledged there were proven cases where background checks had identified people who should not be working with children.

Doug Doolittle, Director of Regional Parks and Open Space, said he supported the idea of a volunteer policy and was not opposed to the structure that was in place. He stated the Volunteer Task Force had come up with a policy that made sense and provided protections for the County. He indicated staff had previously been told to go forward with one-time events if there was a safe environment with adequate supervision, and he was glad to hear there might be some flexibility for longer events. He noted his department had converted one position to a volunteer coordinator position and greatly valued the volunteers who came forward. He observed that background checks had been done on those who worked with children for all of the 35 years he had been involved. He commented that volunteers sometimes showed up on the weekends when Human Resources was not available and it would be helpful for the department heads to be able to make decisions if they felt the situation was safe.

Vice Chairperson Weber recalled there was a waiver signed by volunteers during community clean-up events. Ms. Carter explained the community clean-ups were coordinated by Keep Truckee Meadows Beautiful (KTMB), so the volunteers for those events were not working for the County.

Commissioner Breternitz requested formalization of the policy related to waiving volunteer requirements, so that it was clear what level of volunteerism required a formal process. He wondered if the County's system was based on best practices or was similar to what other agencies and communities were doing. Mr. Watts-Vial noted there were thousands of duties within the County and it was difficult to quantify every volunteer situation that could come up. He indicated there was an outside company that analyzed duties for County employees. He advised there was potential liability for letting volunteers go to work on the weekends without checking with Human Resources.

Commissioner Breternitz directed staff to investigate and explore the possibilities. He remarked that volunteers were not being asked to do all the tasks that were done by County employees. He said it was not necessary to implement a panel or hire a consultant in order to make down-to-earth determinations that would make the lives of department heads and volunteers a lot easier. Mr. Watts-Vial agreed staff could narrow down the list of volunteer activities by department. Vice Chairperson Weber suggested volunteer comments should also be considered.

No further action was taken on this item.

2:43 p.m. The Board reconvened as the Board of Fire Commissioners for the Sierra Fire Protection District with Chairman Humke absent.

3:02 p.m. The Board reconvened as the Board of County Commissioners with Chairman Humke absent and Vice Chairperson Weber at the gavel.

10-851 **AGENDA ITEM 9 – COUNTY CLERK’S OFFICE**

Agenda Subject: “Acknowledge receipt of report from County Clerk concerning the first month of reduced operational hours in marriage license bureau; discussion and possible action concerning hours of operation for the issuance of marriage licenses. (All Commission Districts)”

Nancy Parent, Chief Deputy Clerk, conducted a PowerPoint presentation, which was placed on file with the Clerk. She reviewed the history of steady declines in the issuance of marriage licenses since 1980. She noted there was a similar downward trend in Clark County, which was projecting a 15.8 percent decline for 2010. She indicated Washoe County was on track for a 5.2 percent decline in 2010.

Ms. Parent stated the Board previously approved reduced operating hours that went into effect on June 28, 2010. The new operating hours amounted to a reduction of 24 hours per week and were based on a study of marriage license sales during various hours and days of the week. She explained the Marriage License Bureau was still open seven days per week, with reduced hours of 8:00 a.m. to 8:00 p.m. Monday through Thursday and 10:00 a.m. to 6:00 p.m. on Sunday. Marriage licenses were still available from 8:00 a.m. to midnight on Friday and Saturday. Special hours were offered on busy days such as Valentines Day and New Years Eve day. The Bureau was closed on Christmas Day and Thanksgiving Day, and had reduced hours of 10:00 a.m. to 6:00 p.m. on other County holidays.

Ms. Parent compared marriage licenses issued each July and August for the past six years. She noted July 2010 showed a 2 percent decline from the previous year and August 2010 showed a 5.3 percent decline over the previous year. She stated the year-to-date trend was an average decrease of 8.4 percent, indicating the decreases in July and August were not significant despite the reduced hours. Ms. Parent said the Clerk’s Office had previously estimated savings of more than \$100,000 for energy, court security and salaries when the Board adopted the new hours. Based on a preliminary estimate after the first month of reduced hours, the revised estimate was approximately \$90,000 in savings for fiscal year 2010-11.

Ms. Parent observed there was positive feedback from customers who were glad that licenses were available after 5:00 p.m. and on weekends despite the economy. She indicated calls had been received from couples who wanted to marry on Sunday 10/10/10, when the office would be open from 10:00 a.m. to 6:00 p.m. She said the Clerk’s Office had lost 30 percent of its staff and the reduced hours allowed proper staffing of the department as well as the ability to catch up on backlogged tasks such as microfilming and scanning of public records.

Ms. Parent noted the Clerk's Office held meetings with chapel owners and with some of the Commissioners, where options were explored for going back to the previous hours of 8:00 a.m. to midnight seven days per week. She presented the estimated cost of operations based on several different scenarios. Issuing marriage licenses from the Sheriff's Office facility at Parr Boulevard was the least expensive option at an increased cost of \$7,750. She stated that chapel owner George Flint had offered to pay half of the cost for operating at Parr Boulevard.

In response to the call for public comment, Ronald Fisk, Chairman of the Reno Wedding Chapel Coalition and owner of Agape Love Wedding Chapel, talked about increased business to the community on wedding dates such as 7/7/7, 8/8/8, and 9/9/9, particularly when the date fell on a weekend. An increase was anticipated on 10/10/10 because it would fall on a Sunday. He emphasized the importance of the Marriage License Bureau being open from 8:00 a.m. until midnight on such dates. Mr. Fisk used information from the Reno-Sparks Convention and Visitors Authority (RSCVA) to estimate that approximately \$1,000 was spent by each visitor to the area. He stated an average of ten people attended each wedding. He asserted a drop of 29 marriage licenses over the July 4, 2010 weekend equated to a loss of \$290,000 in income for the local business owners. He indicated he and other chapel owners had received complaints from people who could not get married on July 4th because the courthouse was closed after 6:00 p.m. He disputed some of the Clerk's figures, particularly those from Clark County. He noted that many customers were standing in line to get marriage licenses on busy Sundays and holidays.

Commissioner Breternitz wondered what Mr. Fisk was requesting. Mr. Fisk replied that he would like to see the License Bureau open from 8:00 a.m. to midnight on October 10, 2010. He observed the day was followed by Columbus Day, which would be a holiday for federal agencies and many banks.

Commissioner Breternitz asked if there was a problem for the Clerk to accommodate the request. Amy Harvey, County Clerk, stated she could probably make scheduling arrangements but there was no budget authority for increased costs. She said she had planned to have more work stations open during the hours of 10:00 a.m. to 6:00 p.m. to keep the lines moving. Commissioner Breternitz questioned why one employee could not work a later shift rather than staffing more stations during the day. Karen Erickson, Supervisor of the Marriage License Bureau, explained there were additional costs for shift differential after 6:00 p.m. She indicated she could not answer for the Sheriff's Office with respect to increased security costs after 6:00 p.m. Ms. Parent estimated additional costs of about \$1,000 per day for two security guards, more Clerk's staff, and increased energy costs. She said she had not approached the Sheriff but was estimating based on previously provided information. Commissioner Breternitz asked if security costs could be eliminated by selling licenses at 350 South Center instead of at the courthouse. Ms. Parent explained there were no computer facilities to accommodate a one-day operation, although an alternate location could be arranged if the setup was to be more permanent.

Vice Chairperson Weber wondered if Mr. Flint could be asked to help out with the additional \$1,000 for October 10, 2010. Katy Simon, County Manager, noted there had been discussions with the Clerk's Office and the District Attorney's Office. Although such an arrangement was not prohibited, she pointed out it represented a gray area because Mr. Flint was a client who also had a regulatory relationship with the County. Vice Chairperson Weber indicated an attempt should be made to find the funding. She said it should also be made clear that the County Commission was responsible for granting budget authority and for determining the hours of operation.

Commissioner Jung commented that she heard the Clerk say she could work it out. She suggested Ms. Harvey be allowed to act under her own budget authority instead of asking a member of the industry to fund a special day. Ms. Parent clarified there was no authorized budget for extra staffing in the Clerk's Office. She emphasized the extra hours would also require the Sheriff to find money for another security shift in his budget and would result in extra energy costs. She stated such funding had already been cut from everyone's budgets.

Commissioner Larkin observed the Clerk's initial estimate of \$101,981 in cost savings for fiscal year 2010-11 was being revised to \$90,000, which was within about 10 percent. He asked how the budgeted amount would be made up. Ms. Parent indicated most of the cost savings were not out of the Clerk's budget, but represented cost avoidance through energy savings and court security costs. Ms. Harvey stated there was about \$4,900 in anticipated budget savings from her department, and the remainder had come from the Sheriff's Office and Facilities Management (Public Works). Commissioner Larkin questioned where the money would come from to extend operating hours on October 10, 2010. Ms. Harvey said she did not have the money to extend her operating hours. Ms. Simon observed the Board had the discretion to go into the County's \$1 million contingency fund and a future agenda item could be brought back if the Board wished to do that.

Vice Chairperson Weber suggested the Board direct the Clerk to take a look at her budget and give her the authority to make the decision if she could find the funds.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried with Chairman Humke absent, the Board acknowledged receipt of the report. The Clerk was authorized to expand hours of operation for the Marriage License Bureau on October 10, 2010 if she was able to find funding.

DISCUSSION – BLOCK VOTE – AGENDA ITEMS 11, 12, 13 AND 17 (SEE MINUTE ITEMS 10-852 THROUGH 10-855)

The Board consolidated Agenda Items 11, 12, 13, and 17 into a single block vote.

10-852 AGENDA ITEM 11 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to accept federal Land and Water Conservation Fund Grant [\$224,744 - County match 50% cash/in-kind (\$215,744 from Residential Construction Tax and \$9,000 park staff labor)] for Washoe County Playground Rehabilitation Projects; and if accepted, authorize Regional Parks and Open Space Director to execute the Project Agreement with Nevada Division of State Parks and sign all subsequent documents and reports associated with this grant; authorize Finance to make appropriate budget adjustments; authorize the District Attorney to deed restrict the lands for public outdoor recreation in perpetuity; and further, authorize the Regional Parks and Open Space Department to request proposals for selection of a qualified contractor to construct the projects. (Commission Districts 2 and 4)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 11 be accepted, authorized and executed.

10-853 AGENDA ITEM 12 – PURCHASING DEPARTMENT

Agenda Subject: “Recommendation to award Invitation to Bid #2741-10 for New Factory Law Enforcement Ammunition on a multiple award basis to the lowest responsive, responsible bidders who represent various manufacturers of ammunitions for use by Washoe County Sheriff’s Office, Washoe County Courts, Constables, Animal Services and participating joinder agencies including the City of Reno, City of Sparks, Washoe County School District, Reno Airport Authority and the City of Henderson, award shall run from the date of bid award and be in effect until September 14, 2011, with Washoe County retaining the option for two, one-year extensions [estimated Washoe County will spend over \$117,500 in Fiscal Year 2010/11 for ammunition requirements]. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 12 be awarded.

10-854 AGENDA ITEM 13 – SENIOR SERVICES

Agenda Subject: “Recommendation to accept Nutrition Grant Awards from the State of Nevada Aging and Disability Services Division [\$288,430 - County match \$50,905 for the Home Delivered Meals Program and \$214,063 - County match \$37,780 for the Congregate Meals Program] from September 30, 2010 through September 29, 2011; and if accepted, authorize Chairman to sign the Notification of

Grant Award and direct Finance to make appropriate budget adjustments. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 13 be accepted, authorized and directed.

10-855 AGENDA ITEM 17 – MANAGEMENT SERVICES

Agenda Subject: “Recommendation to approve Agreement for Professional Services between Washoe County and Lewis and Roca, LLC for legislative services for the period September 15, 2010 to December 31, 2011 [\$131,000 for Fiscal Year 2010/11; \$48,000 for Fiscal Year 2011/12 - plus pre-approved expenses]; and if approved, authorize Chairman to execute Agreement. (All Commission Districts)”

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 17 be approved, authorized and executed.

10-856 AGENDA ITEM 10 – PUBLIC WORKS

Agenda Subject: “Recommendation to award contract [\$2,982,064 - funding source Capital Improvement Fund] to an Energy Service Company to perform Energy Conservation Measures for Washoe County (staff recommends NORESKO); and if approved, authorize Chairman to execute the Energy Services Agreement between Washoe County and NORESKO LLC. (All Commission Districts)”

Commissioner Breternitz said he thought the contract arrangement demonstrated a good use of County funds because the County received annual savings from its energy investments over a period of time. He noted there was a formal process used by NORESKO to verify and measure savings, but the measurement and verification section of the contract stated no annual reporting would be performed. He questioned how the County would know what money was being saved and whether or not it was getting value for its investment. Dave Solaro, Assistant Public Works Director, indicated the County would not be paying NORESKO to do the measurement and verification. He explained the County had a Utility Manager program in place that contained data about all of the utility bills for all County facilities dating back to January 1999. The program allowed staff to track facility expenses on a month-to-month and year-to-year basis. He stated there was a State law requiring one year of measurement and verification with NORESKO to ensure everything was operational and working properly, and staff would utilize the in-house computer program to verify savings after that.

Commissioner Breternitz asked how the increases included in the contract for utility rates and other resources would be tracked by the County program, which did not necessarily use the same factors of inflation that were included in the contract. Mr. Solaro indicated the contract was negotiated based on numbers and projected utility rates that had been reviewed by a third party energy consultant. He said staff would be responsible for tracking against the rates shown in the contract, as well as the actual utility rates. He observed the contract would be fair on both sides, and NORESCO would neither be penalized nor get the benefit of changes in utility rates.

Commissioner Breternitz wondered if the Commission would receive periodic formal presentations about the actual energy savings. Mr. Solaro said staff could provide an annual Board presentation or send reports to the Board as requested.

Commissioner Breternitz asked if other similar types of contracts were in place for energy savings and retrofits. Mr. Solaro stated there were other contracts but probably none that would guarantee savings for 15 years. He noted some in-house energy projects were also being tracked. Commissioner Breternitz said he was under the impression there was a lighting program. Mr. Solaro indicated a lighting program was implemented in 2001 but had run its course. He observed the County was still receiving energy benefits from the program but there was not currently a contract. Commissioner Breternitz wondered if there had been a report to the Commission on how much was saved. Mr. Solaro replied that savings were reported through the Green Team but he was not sure if there had been a formal report to the Commission.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 10 be awarded, approved, authorized, and executed.

10-857 AGENDA ITEM 14 – FIRE SERVICES / MANAGEMENT SERVICES

Agenda Subject: “Discussion and possible direction to staff on the membership composition of the Multi-Stakeholder Emergency Medical Services Task Force previously approved by the Board August 10, 2010. (All Commission Districts)”

Commissioner Larkin indicated he received a call from Dr. John Cassani, who was the Chairman of the local Physician Medical Advisory Committee (PMAC) and a potential member of the Task Force. Dr. Cassani had been called away and requested that the Board continue the Agenda Item. Commissioner Larkin noted the information from PMAC would be vital to the Board’s consideration of Task Force membership and Dr. Cassani wanted to provide the information personally. Commissioner Larkin asked the Board to consider continuation until the Commission meeting on September 28, 2010.

Commissioner Jung asked how an extension would delay the overall implementation of the Master Plan and Standards of Cover (SOC) documents. Kurt Latipow, Fire Services Coordinator, indicated the SOC was not tied to the Agenda Item. He noted the development of criteria by which the Emergency Medical Services (EMS) system would be evaluated could be delayed until December 2010. He stated the only other delay would be in the time it took to generate letters asking the host agencies to appoint their representatives before a Task Force could convene.

There was no response to the call for public comment. It was noted that representatives from St. Mary's Regional Medical Center and Renown Health had been present earlier in the meeting and also would appreciate a two-week extension.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 14 be continued to September 28, 2010.

10-858 AGENDA ITEM 15 – COMMUNITY DEVELOPMENT

Agenda Subject: “Recommendation to adopt, by Resolution, a Master Fee Schedule for Fiscal Year 2010/11 (including new fees) as required by Article 906, Fees, Section 110.906.05, Fee Schedule, of the Washoe County Code Chapter 110, (Development Code), including the addition of various new fees, such as noticing, legal ads, building permit appeal fees, TMRPA Regional Plan Amendment costs, administration review for detached accessory dwellings fees, display vehicle permits and Master Plan and Regulatory Zoning Amendments, and authorizing the Chair to execute the Resolution, and directing staff to return in no more than three years to review the Master Fee Schedule. (All Commission Districts)”

Kim Robinson, Community Planning Services Manager, conducted a PowerPoint presentation, which was placed on file with the Clerk. She reviewed the strategic objectives and provided some background on the master fee schedule. She said staff was recommending the addition of fees for the master plan and regulatory zoning amendments following adoption of a two-map system that was found to be in conformance by the Regional Planning Commission on September 8, 2010. She reviewed the fees that were shown in the staff report and compared them to fees charged by the Cities of Reno and Sparks for similar services. She noted there was a potential for adding building and safety fees for discretionary permits, but such discussion would be brought to the Board by the County's Director of Building and Safety.

Ms. Robinson indicated staff was not recommending annual fee increases based on the Western Regional Consumer Price Index (CPI), as had been done in the past. She pointed out the CPI was 1.4 percent, which would equate to approximately \$2,300 in additional revenue for the County. She said staff hoped to give residents an incentive to apply for permits given the economic climate. She observed there had been a reduction of 3.87 percent in fees across all categories due to a reduction in staff pay and benefits, as well as a reduction in indirect costs to Washoe County. She noted a reduction

in health fees was also put forward by the District Board of Health. She stated the proposed decrease in the overall average permit fees was the only current example of fee reduction in the Truckee Meadows. She indicated the City of Sparks had not adjusted their fees since 2007 and the City of Reno increased their fees on July 1, 2010. She said the decrease highlighted the County's commitment to recognizing community needs and responding with good customer service.

3:55 p.m. Commissioner Jung temporarily left the meeting.

Based on estimates of the average annual revenue and volume of fees received over the past three years, Ms. Robinson estimated an overall decrease of about \$8,000 in resources to the County. She stated the result would be a decrease of approximately \$6,000 in revenue to the General Fund, and a decrease of about \$1,000 each to the Health Fund and the Water Resources Fund. She indicated Board approval of the fee schedule was key to the full implementation of a two-map system. September 15, 2010 was expected to be the first application date under the new two-map framework. Ms. Robinson said the fee schedule information had been shared with the Builders Association of Northern Nevada (BANN). Representatives of BANN indicated they were supportive of the overall decline in fees and requested the opportunity to work with staff the next time a fee schedule was put together, which would be in about three years.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried with Chairman Humke and Commissioner Jung absent, it was ordered that Agenda Item 15 be adopted, authorized, executed, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

10-859 AGENDA ITEM 16 – COMMUNITY DEVELOPMENT

Agenda Subject: "Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 110 to amend the use table for detached accessory dwellings within Article 302 (Allowed Uses) by eliminating inconsistencies regarding required minimum lot size and uses allowed by regulatory zone, allowing by right a detached accessory dwelling in the General Rural regulatory zone and introducing a new administrative review procedure for establishing a detached accessory dwelling in certain regulatory zones; to amend the residential use type definitions and standards within Article 304 (Use Classification System) for attached and detached accessory dwelling units and detached accessory structures; to amend Article 902 (Definitions) to reflect the above amendments to Article 304 and to add new definitions relating to the below amendments to Article 306 (Accessory Uses and Structures); and to incorporate various amendments identified by staff and the Planning Commission to the following sections of Article 306 (Accessory Uses and Structures): Section 306.05, applicability to add clarifying language that a main use must exist and to add heavy equipment; Section 306.10, Detached Accessory

Structures to amend buildable area regulations and create lot coverage thresholds by regulatory zone, eliminate restrictions on 2-story accessory structures, require a deed restriction for connection to water and sewer, and to require an Administrative Permit (pursuant to Article 808) for accessory structures larger than the main dwelling; Section 306.15, Main Structures Required to clarify a main structure or use must exist prior to establishing accessory uses; Section 306.20, Attached Accessory Dwellings to amend the definition and size standards of attached accessory dwellings; Section 306.25, Detached Accessory Dwellings to amend the definition and size standards of detached accessory dwellings, reduce the minimum lot size required, and create a new staff level administrative review permit process; a new section titled Section 306.30, Hallways, Breezeways and Other Similar Connections to establish definitions and standards for such connections; Section 306.35, Outdoor Storage/Outdoor Display to define and regulate commercial vehicles, clarify language defining outdoor storage versus temporary storage, and to incorporate changes necessitated by approval of the Nuisance Code; and other matters properly relating thereto. Set public hearing and second reading of the Ordinance for September 28, 2010 at 6:00 p.m.. (All Commission Districts)”

Amy Harvey, County Clerk, read the title for Bill No. 1631.

Chad Giesinger, Senior Planner, indicated two minor changes to the Ordinance were necessary because of a recent conformance finding for the new two-map system by the Regional Planning Commission. He noted there was a slight change to the table in Article 302 as well as one minor semantic change that substituted the term “Master Plan” for the term “Comprehensive Plan” in one section of Article 306. Copies of the updated pages were distributed and placed on file with the Clerk.

There was no response to the call for public comment.

4:10 p.m. Commissioner Jung returned to the meeting.

Bill No. 1631, entitled, “AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110 TO AMEND THE USE TABLE FOR DETACHED ACCESSORY DWELLINGS WITHIN ARTICLE 302 (ALLOWED USES) BY ELIMINATING INCONSISTENCIES REGARDING REQUIRED MINIMUM LOT SIZE AND USES ALLOWED BY REGULATORY ZONE, ALLOWING BY RIGHT A DETACHED ACCESSORY DWELLING IN THE GENERAL RURAL REGULATORY ZONE AND INTRODUCING A NEW ADMINISTRATIVE REVIEW PROCEDURE FOR ESTABLISHING A DETACHED ACCESSORY DWELLING IN CERTAIN REGULATORY ZONES; TO AMEND THE RESIDENTIAL USE TYPE DEFINITIONS AND STANDARDS WITHIN ARTICLE 304 (USE CLASSIFICATION SYSTEM) FOR ATTACHED AND DETACHED ACCESSORY DWELLING UNITS AND DETACHED ACCESSORY STRUCTURES; TO AMEND ARTICLE 902 (DEFINITIONS) TO REFLECT THE ABOVE AMENDMENTS TO ARTICLE 304 AND TO ADD NEW DEFINITIONS RELATING TO THE BELOW AMENDMENTS TO ARTICLE

306 (ACCESSORY USES AND STRUCTURES); AND TO INCORPORATE VARIOUS AMENDMENTS IDENTIFIED BY STAFF AND THE PLANNING COMMISSION TO THE FOLLOWING SECTIONS OF ARTICLE 306 (ACCESSORY USES AND STRUCTURES): SECTION 306.05, APPLICABILITY TO ADD CLARIFYING LANGUAGE THAT A MAIN USE MUST EXIST AND TO ADD HEAVY EQUIPMENT; SECTION 306.10, DETACHED ACCESSORY STRUCTURES TO AMEND BUILDABLE AREA REGULATIONS AND CREATE LOT COVERAGE THRESHOLDS BY REGULATORY ZONE, ELIMINATE RESTRICTIONS ON 2-STORY ACCESSORY STRUCTURES, REQUIRE A DEED RESTRICTION FOR CONNECTION TO WATER AND SEWER, AND TO REQUIRE AN ADMINISTRATIVE PERMIT (PURSUANT TO ARTICLE 808) FOR ACCESSORY STRUCTURES LARGER THAN THE MAIN DWELLING; SECTION 306.15, MAIN STRUCTURES REQUIRED TO CLARIFY A MAIN STRUCTURE OR USE MUST EXIST PRIOR TO ESTABLISHING ACCESSORY USES; SECTION 306.20, ATTACHED ACCESSORY DWELLINGS TO AMEND THE DEFINITION AND SIZE STANDARDS OF ATTACHED ACCESSORY DWELLINGS; SECTION 306.25, DETACHED ACCESSORY DWELLINGS TO AMEND THE DEFINITION AND SIZE STANDARDS OF DETACHED ACCESSORY DWELLINGS, REDUCE THE MINIMUM LOT SIZE REQUIRED, AND CREATE A NEW STAFF LEVEL ADMINISTRATIVE REVIEW PERMIT PROCESS; A NEW SECTION TITLED SECTION 306.30, HALLWAYS, BREEZEWAYS AND OTHER SIMILAR CONNECTIONS TO ESTABLISH DEFINITIONS AND STANDARDS FOR SUCH CONNECTIONS; SECTION 306.35, OUTDOOR STORAGE/OUTDOOR DISPLAY TO DEFINE AND REGULATE COMMERCIAL VEHICLES, CLARIFY LANGUAGE DEFINING OUTDOOR STORAGE VERSUS TEMPORARY STORAGE, AND TO INCORPORATE CHANGES NECESSITATED BY APPROVAL OF THE NUISANCE CODE; AND OTHER MATTERS PROPERLY RELATING THERETO” was introduced by Commissioner Breternitz along with the changes presented by staff, and legal notice for final action of adoption was directed. It was further ordered the public hearing and second reading would be conducted on September 28, 2010.

10-860 AGENDA ITEM 18 – FINANCE

Agenda Subject: “Discussion and possible approval of a Resolution allocating all or a portion of the County’s remaining \$4,251,000 Volume Cap for Recovery Zone Economic Development Bonds to other governmental entities pursuant to the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof; and if approved, authorize Chairman to execute Resolution. (All Commission Districts)”

John Sherman, Finance Director, explained the Recovery Zone Bonds came in two groups: Economic Development Bonds under the current Agenda Item and Facility Bonds that would be discussed under Agenda Item 22. He stated there was a remaining balance left for the Economic Development Bonds. The University of Nevada

Reno (UNR) and the Regional Transportation Commission (RTC) had both stepped forward to say they would be issuing additional debt before the end of the fiscal year. He requested the Board provide direction to allocate the remaining balance of the County's authorized Economic Bonds to one or both entities. He noted the City of Reno and Washoe County had already allocated some of the Bonds to each of the two entities.

4:12 p.m. Chairman Humke returned to the meeting.

Commissioner Jung asked about the effect of splitting the amount between the two entities. Mr. Sherman replied that splitting the amount might diminish its effectiveness in the capital markets. He recommended issuing the entire amount to one or the other of the entities.

Commissioner Larkin pointed out that the RTC bonds would create more jobs in the community.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 18 be approved, adopted, authorized, and executed, with all of the remaining bonds to be allocated to the Regional Transportation Commission (RTC). The Resolution for same is attached hereto and made a part of the minutes thereof.

10-861 AGENDA ITEM 19 – FINANCE

Agenda Subject: "Discussion and possible direction to staff regarding the modification of how costs for the Truckee Meadows Regional Planning Agency are allocated and changing the representation on the Regional Planning Governing Board. (All Commission Districts)"

John Sherman, Finance Director, explained the Regional Planning Governing Board (RPGGB) was looking at alternative funding contributions from the three local governments. The RPGGB proposed an increase in the funding requirement for the City of Reno, a decrease for the City of Sparks, and a change in the voting makeup so there would be five members from Reno, two from Sparks, and three from Washoe County. He indicated the Reno City Council had discussed the issue and was not interested, although they might look at it again in another year. Mr. Sherman said it was his understanding the Sparks City Council had a similar hearing and was not interested in going from three to two members on the RPGGB.

Vice Chairperson Weber observed the Commissioners had no appetite for such a change.

No action was taken on this item.

10-862

AGENDA ITEM 20 – GOVERNMENT AFFAIRS

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

John Slaughter, Management Services Director, distributed a handout that was placed on file with the Clerk. The handout contained a tracking list of Bill Draft Requests (BDR’s) for the 2011 Legislative Session. He indicated short descriptions had been released for 533 BDR’s, but the detailed language was not yet available. He stated 210 of the 533 had been identified as having a possible impact on the County. He noted there were two BDR’s that the County did not have to sponsor because they had been put forth by others. BDR 271 would remove the requirement for the Assessor to publish the tax roll in the newspaper. BDR 280 proposed to remove the sunset on alternative county office hours. Mr. Slaughter said a large number of legislative leadership BDR’s would be announced on November 1, 2010, and December 15th was the deadline for BDR’s from newly elected and incumbent legislators.

4:21 p.m. Vice Chairperson Weber declared a brief recess.

6:03 p.m. The Board reconvened with all members present.

PUBLIC COMMENT

An e-mail was read into the record under public comment. Please see Minute Item 10-824, Agenda Item 3.

10-863

AGENDA ITEM 21 – FINANCE/MANAGER’S OFFICE

Agenda Subject: “Hearing concerning the proposed economic development revenue bonds of Washoe County, Nevada, for IMG Energy, to finance the reduction, abatement or prevention of pollution. (All Commission Districts)”

6:08 p.m. Chairman Humke opened the public hearing.

In response to the call for public comment, G. David Robertson, an attorney representing Nevada Recycling and Salvage, read a statement into the record that was placed on file with the Clerk. He indicated the IMG project was likely to put his client out of business unless some provision was made for IMG to purchase its waste stream from Nevada Recycling and Salvage before seeking waste streams from others or importing waste from outside of the State. He requested the Board make a motion asking IMG Energy to sit down with his client to engage in meaningful dialogue about the coexistence of both parties.

Amy Harvey, County Clark, noted there were comment cards from Candace Pearce Bielser and William Bielser, who both agreed with their attorney's comments but did not wish to speak.

Chairman Humke closed the public hearing.

(Please see Minute Item 10-864, Agenda Item 22, for further discussion.)

10-864 AGENDA ITEM 22 – FINANCE/MANAGER'S OFFICE

Agenda Subject: "Discussion and possible direction to staff regarding the statutory determinations concerning the proposed issuance of up to \$75,000,000 in Recovery Zone Facility Bonds (RZFB) for IMG Energy, or to request State Board of Finance approval for waiver of requirements, or withdraw the allocation of Washoe County's RZFB and solicit new applicants. (All Commission Districts)"

John Sherman, Finance Director, discussed several critical timelines impacting the issuance of the Recovery Zone Facility Bonds (RZFB). He indicated staff had been working diligently with IMG Energy as the only remaining applicant for the Bonds. He noted the public hearing conducted under Agenda Item 21 was required under State law (see Minute Item 10-863). The Commission was also required to consider the findings summarized on page 3 of the staff report before issuing the Bonds. Findings required the applicant to have an investment grade rating and an operating history, to know whether the Bonds would be sold by private placement or public offering, and to know the proposed structure of the Bonds.

Mr. Sherman stated IMG did not meet the requirements for an investment grade rating or an operating history, but could still qualify by producing a letter of credit saying that a bank or insurer would back repayment of the Bonds. He said IMG had represented that there would be a letter of credit, but staff had not yet seen it and could not evaluate the terms it might contain. He indicated the Commission could ask the State Board of Finance to hear the matter at their October 2010 meeting if they were unable to make the necessary findings or obtain a letter of credit, and September 17, 2010 was the deadline to get an item on their agenda. The Commission's other alternative was to withdraw allocation of the Bonds and direct staff to seek other applicants. He noted staff had continually advised other potential applicants that they must be a sophisticated user of the debt instruments and have their banks lined up because of the time constraints. He explained that current law required the Bonds to be issued before the end of 2010. He observed there was a proposed bill in the House to extend the deadline for at least another 12 months, but the Commission might not be able to count on its passage.

Mr. Sherman said due diligence called for IMG Energy's business plan to identify a waste stream that would feed its power plant as well as customers to use the electricity generated by the plant. He pointed out the current business model assumed that Washoe County and the City of Reno would be the two primary purchasers of IMG's power. He indicated a fairly complex legal arrangement would be required for what

would amount to a 20-year commitment by the County that was very roughly approximated at \$5 to \$8 million per year. A Power Purchase Agreement was recently received by the County, but there was a significant amount of due diligence to be done before staff could recommend whether or not Washoe County should enter into such an agreement. Mr. Sherman emphasized that purchase agreements were a key component for the viability of IMG Energy's proposal, and he was not sure if staff could finish the due diligence in time to complete financing for the RZFB deadline. He observed the City of Reno also needed to do the same due diligence.

Mr. Sherman outlined the staff recommendation to proceed in a manner that would keep all three of the Commission's options open. Staff would need direction to request an agenda item by September 17, 2010 for the October State Board of Finance meeting. If IMG Energy was able to produce a letter of credit and staff could complete its due diligence, a resolution to issue the Bonds would be brought back for the Commission to act upon. If the letter of credit was not produced, the State Board of Finance could choose to waive the findings and authorize the Commission to proceed without them. Staff would continue to pursue another applicant in the event the State Board of Finance did not waive the findings or due diligence could not be completed on the Power of Purchase Agreement. He acknowledged there were a lot of moving parts, and said staff would continue to work diligently to keep things going and put the pieces together.

Mr. Sherman indicated another of the Reno City Council's applicants had dropped out of the process and the Council would allocate another \$13 million of their authorization to the IMG project, bringing the total to approximately \$85 million. He said he had done some work to determine the nationwide viability of the RZFB financing instrument. Representatives from the Royal Bank of Canada, who had been working with IMG Energy, suggested only about 5 percent of the Facility Bonds had actually been issued relative to what was authorized by the federal government. He cited this as evidence of the underlying economic situation that made it challenging for a business to put together a viable plan to issue the debt. He stated it was difficult even with good credit to come up with a business plan to pay the debt back.

Commissioner Larkin asked if there was an IMG representative present. Mr. Sherman replied there was not. Commissioner Larkin wondered if going before the State Board of Finance would preclude the Commission from reallocating the Bonds to another applicant. Mr. Sherman stated the Commission could reallocate the bonds or go in another direction irrespective of any decision by the State Board of Finance.

Commissioner Larkin remarked the purpose of the Bonds was for economic development, which implied importing dollars from outside the region. He wondered how it could be termed economic development if the project was relying on local consumption of the energy. He characterized the building of the plant as economic activity rather than economic development. He asked if the subcommittee that screened applicants had known the two local governments were to be the recipients of the power generated by the plant. Mr. Sherman observed that such details were included on IMG Energy's application. He pointed out job creation had been one of the subcommittee's

major criteria for screening applicants. He indicated there had been a lot of applicants, but many had dropped out before they made presentations to the subcommittee and many who received allocations had fallen out of the process. He said only one applicant remained for the County and one for the City of Reno. He remarked it was a challenging economic environment and a challenging process. He explained any remaining potential applicants would use only a fraction of what the County was authorized to issue and he could not personally give the Commission any assurance that new applicants would be sophisticated enough or could move quickly enough to complete the transaction within the required timeframe. Given that only 5 percent of the authorized Bonds had been issued nationwide, Commissioner Larkin suggested Congress was likely to reauthorize the program in some form. He said he understood there were not suitable business models out there.

Commissioner Breternitz observed the County was in somewhat of a “chicken versus egg” situation with respect to IMG Energy. He stated any bank or lending institution would want to see customer agreements in place before fully committing to fund such a venture. Mr. Sherman agreed the point was well taken. He indicated conversations to that effect had taken place with IMG from the beginning, but the County had just received a draft of the Power Purchase Agreement one week prior to the Commission meeting.

Commissioner Breternitz said he was not pointing any fingers but it seemed the County was dead in the water for seeking new applicants during this cycle. Mr. Sherman agreed the chances were remote that a new applicant could meet requirements within the critical timeframes. Commissioner Breternitz agreed with Commissioner Larkin’s assessment that the deadline was likely to be extended by the federal government. He indicated he was frustrated that things had played out this far without a letter of credit or other documentation, and that caused him to wonder where the project might eventually end up.

Commissioner Breternitz stated it was important to request that IMG have a conversation with Nevada Recycling to see if mutual benefit could be derived from the two parties sitting down. He acknowledged the Commission could not require such a meeting. John Berkich, Assistant County Manager, indicated a meeting was already set up. He noted IMG was anxious to meet with any local provider to explore business opportunities, and staff was happy to facilitate such meetings.

Commissioner Larkin commented that it was strange for a company to use government as its primary customer and also use financing from federally subsidized bonds. He reiterated the customers should come from outside of the local economic region in order to facilitate economic growth. Mr. Sherman acknowledged that businesses were brought from outside of the community under the ideal definition of economic development. He pointed out that making it more economical to do business in the community was another way to look at it. He noted other attractive elements had been considered, such as using waste streams to produce energy in an environmentally sustainable way rather than trucking waste to the landfill. Another element was that

energy could be obtained at a lower cost, which could help the taxpayer by lowering costs or by freeing up resources to provide other critical services. He noted waste stream providers such as Nevada Recycling or Waste Management could also save money by not having to ship their waste out to a landfill. He stated there were a number of benefits beyond those related to a pure economic development profile.

Mr. Berkich indicated he had seen various drafts of a study by the University of Nevada Reno, in which it was suggested the IMG project could be the catalyst to create a cluster around recycling and the whole concept of green industry. He stated the project had real potential and the County was in a good position to pursue it. He acknowledged there were a lot of moving parts and said staff would bring the project back to the Commission as quickly as they were able to get any part of it nailed down.

Commissioner Breternitz acknowledged that Commissioner Larkin was correct about the traditional way of looking at economic development. He indicated the screening subcommittee had not looked at traditional criteria when it did its search. He noted the criteria included the recycling aspect and job creation, but had not qualified companies based on a more traditional definition of economic development.

Chairman Humke said it appeared the funding mechanism was predicated on a federal subsidy for energy activities. Hypothetically, he asked if a stranded business investment would be left or if the business model would make any sense if the federal subsidy was to be withdrawn. Mr. Sherman explained a business would normally have to issue debt for which the owners of the bonds received interest income and paid taxes on the interest. He said the bonds sold under the RZFB program were exempt from income tax and received a lower interest rate. He did not know if Congress was likely to reverse the subsidy because such action might be considered an unconstitutional impairment of contract. He stated there had been some concern about the Economic Development Bonds (Agenda Item 18) because the U.S. Treasury actually issued a check to pay for part of those interest costs. He questioned whether that was likely to happen in any case. Chairman Humke agreed with Mr. Sherman's analysis.

Commissioner Jung said it was her belief that staff had outlined the most prudent course of action and she was in agreement with their recommendations. She hoped the federal government would grant an extension of the deadlines. She indicated everyone had known the process would be a stretch and that many people who applied would not qualify. She pointed out the subcommittee had come up with criteria for a brand new program that no one had ever tried before. She noted the process went through a joint subcommittee with representatives from each of the local governments, who all had good and pure intentions of stimulating the economy and getting people to work sooner rather than later. She said she also endorsed the request by Nevada Recycling and Salvage. She observed that recycling local waste rather than importing waste was the green aspect of the project. She suggested staff should be given as many options as possible to keep the project alive.

Commissioner Breternitz added that IMG Energy should be required to specify how much waste it would take to make the project work and where the waste would come from. He asked that the additional information be provided before a follow-up agenda item was brought back to the Commission.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried, staff was directed to equally pursue the following:

1. Obtain a letter of credit or other required documentation from IMG Energy by September 16, 2010;
2. Proceed with an October 2010 hearing before the State Board of Finance in the event that documentation was not forthcoming or findings could not be made based on what was received;
3. Continue looking for new applicants;
4. Work with IMG Energy, Nevada Recycling and Salvage, and any other businesses providing similar services to facilitate alternatives to importing waste; and
5. Obtain information from IMG Energy as to how much waste would be needed to sustain the project and where the waste would come from.

10-865 AGENDA ITEM 23 – COMMUNITY DEVELOPMENT

Agenda Subject: “Appeal Case No. AX10-002: Appeal of the Board of Adjustment’s Action denying Amendment of Conditions Case No. AC10-007 (Sid Ferris). Commission District 2.) In accordance with applicable law, including Article 810, Special Use Permits, of the Washoe County Development Code, to review the record and any additional information received by the Board of County Commissioners in the hearing of this appeal, and either affirm the Board of Adjustment’s denial of Amendment of Conditions Case No. AC10-007, requesting a 5 year extension of Special Use Permit Case No. SB08-011 (for the development and operation of a heavy equipment and truck rental/sales business), in order to have sufficient time to convince the Nevada Department of Transportation (NDOT) to allow use of the existing driveway on S. US Highway 395 North and to begin litigation, or to concur with the appellant and overturn the Board of Adjustment’s decision, subsequently approving the request for a 5-year extension of Special Use Permit Case No. SB08-011 in order to have sufficient time to convince the Nevada Department of Transportation (NDOT) to allow use of the existing driveway on S. US Highway 395 North and to begin litigation. The special use permit is due to expire on October 2, 2010.”

6:50 p.m. Chairman Humke opened the public hearing.

Appellant and property owner Sid Ferris placed a packet on file with the Clerk that contained a set of engineering plans (5 large pages) and 30 pages of

photographs and documents. He stated he had previously been granted a Special Use Permit (SUP) that allowed him to use a 30-foot wide driveway fronting U.S. Highway 395 and a 20-foot wide access on Viola Way. He indicated the SUP had been subject to conditions. He had consulted with his engineer, who determined the best place to provide access was on the driveway opening that had been in use for 44 years and for which he had right-of-way permits. He said his engineer did not feel safe access could be provided from Viola Way. He noted the driveway had been approved by Community Development, but was not acceptable to the Nevada Department of Transportation (NDOT). He explained the NDOT access guidelines required him to use Viola Way and to upgrade the intersection of Viola Way and Highway 395. Mr. Ferris described Viola Way as a residential County arterial road with so many substandard conditions that it was unreasonable for NDOT to require him to improve it. He suggested NDOT was the party responsible for upgrading the intersection. He indicated there was documentation in the packet he had provided to show the State of Nevada began an acquisition process with the intent of making improvements, recommended that Viola Way needed to be redone, and then abandoned the project. He said he did not have the \$500,000 to \$1 million it would cost to rebuild the intersection.

Mr. Ferris displayed several photographs showing the access to his property and to the property of other businesses in the area. He alleged there were several other businesses that were allowed to drive directly onto Highway 395 from their properties without consequences, and were not required to make improvements because they were not located next to an intersection. He stated some of the other businesses did not yet have right-of-way permits.

Mr. Ferris talked about the safety hazards of the intersection and of the high traffic area where vehicles came through at 50 miles per hour. He said Highway 395 had once been a federal highway and federal law provided that the maximum speed limit in a commercial business zone greater than 350 feet long was 25 miles per hour. He noted there were a large number of accidents reported on Highway 395 between Carson City and the Mt. Rose Highway, including some fatalities. He cited this as evidence that the State had not been a good steward for Highway 395. He stated Viola Way was unsuitable to provide safe access because of a power pole that was in the way, poor visibility, poor condition of the road, and the fact that the road was not plowed on a regular basis. He acknowledged the significant problems were correctible, but said it was NDOT's responsibility to correct them.

Mr. Ferris requested an extension of time so that he could still have access to his business while he worked with NDOT to try to resolve things. He suggested Highway 395 might be shifted to the County's jurisdiction after the completion of a new freeway. He indicated he would seek legal counsel to litigate the matter if necessary, and he believed the facts would show in court that it was an injustice for him to be put in the position of having to improve a road that was not designed for commercial access.

Commissioner Breternitz asked the Appellant if he was aware that the County had no jurisdiction to grant access to Highway 395. Mr. Ferris replied it was part

of the application and approval. Commissioner Breternitz suggested the Appellant should have a letter from the State somewhere in his file. Mr. Ferris replied that NDOT was about ready to hand off jurisdiction to the County.

Commissioner Larkin observed the Appellant was requesting a five-year extension of the SUP and the staff report indicated two years was the normal extension period. He asked staff what kind of circumstances had warranted the granting of extensions in the past. Kim Robinson, Planning Manager, stated past SUP extensions had not exceeded two years and were sometimes only for one year. She noted there was usually evidence of significant progress toward what was originally applied for in the SUP. She said staff looked closely at extensions because they had to meet certain findings. She suggested it was possible to reasonably anticipate the conditions of an area one to two years in the future, but more difficult going out five years. Commissioner Larkin wondered if the Appellant's request was typical of the guidelines followed in other cases. Ms. Robinson said it was not typical because little work had been completed on the original SUP. Additionally, she pointed out the issues were related to NDOT conditions rather than to the conditions of Washoe County's SUP.

Commissioner Larkin asked if denial by the Commission would prejudice the Appellant from reapplying for the SUP. Melanie Foster, Legal Counsel, indicated there were a few instances under the County Code where reapplication was limited, but this situation was not one of them.

There was no response to the call for public comment.

Chairman Humke said he had received an e-mail from Debbie Sheltra earlier in the day. He read the e-mail into the record and placed a copy on file with the Clerk. In the e-mail, Ms. Sheltra asked the Commission to uphold the Board of Adjustment's denial of the appeal. She stated Mr. Ferris had extensive heavy equipment coming and going from his property until complaints were filed with Community Development. She suggested Mr. Ferris was hoping to wait until the road was under County jurisdiction in the belief that the County would not impose the same ingress-egress conditions as the State.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, the Commission ordered denial of the appeal and affirmed denial by the Board of Adjustment for Amendment of Conditions Case No. AC10-007. The Commission's denial was based on the inability to make findings 1 through 5 as shown on pages 4 and 5 of the staff report.

10-866 AGENDA ITEM 24 – REPORTS AND UPDATES

Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of

Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).”

Commissioner Larkin invited the other Commissioners to attend a ground breaking for the North Truckee Drain project in Sparks, which was part of the overall plan by the Truckee River Flood Management Project to stop the flooding that typically occurred in the Sparks industrial area. He announced upcoming meetings of the Regional Transportation Commission (RTC) and the Joint Fire Advisory Board (JFAB).

Commissioner Breternitz talked about a recent meeting of the Subcommittee to the Shared Services Elected Officials Committee. He said the Subcommittee reviewed how things moved through the Washoe County Building and Safety Department and had plans to also look at the City of Reno’s operation. He noted there was discussion about sharing some level of services for building inspections and permitting between the two entities.

Commissioner Jung encouraged other Commissioners to attend an upcoming meeting of the Regional Job Creation Task Force. She said the Task Force was looking at streamlining the permit process to make federal lands available for private development for alternative energy projects and transmission lines. Other topics included templates and processes for local entrepreneurs to attract venture capital investments and some type of editorial board meetings with the local news outlets. She noted the Shared Services Elected Officials Committee meeting had been canceled. She announced plans to attend the JFAB meeting and a meeting of the District Board of Health.

Commissioner Weber said she was excited that the Air Races would take place in the next week. She discussed her attendance at a recent meeting of the North Valleys Citizen Advisory Board and the Commission to Reconstruct the V&T Railway. She advised the County Manager that there was some type of statutory formula for counties to support the operation and staffing of the V&T Commission.

Chairman Humke indicated he would also attend the upcoming RTC meeting. He read an announcement from Kristen Remington, which invited everyone to a fundraiser at the LakeRidge Golf Course to support the Truckee Meadows Law Enforcement Chaplaincy.

Commissioner Breternitz clarified that the Shared Services Elected Officials Committee meeting had been canceled until a long-awaited consultant’s report about sharing services for Human Resources, Information Technology and Purchasing was released at the end of the month. He indicated it would be coming to the Board soon.

Commissioner Weber talked about the success of the Cold Springs Seniors Hangout. She stated it was a volunteer program each Saturday that allowed seniors to stop by and play bingo, bring appetizers, have coffee, and enjoy each other’s company. She thanked Chairman Humke for attending a recent meeting with some Sun Valley citizens to talk about future proposals for RTC projects. She noted there were still some

residents of Sun Valley who feared the impacts were going to happen immediately or in the very near future. She said she planned to work with Commissioner Jung on setting up another meeting at the RTC offices. A formally noticed town hall meeting was also planned for some time in November or December 2010.

AGENDA ITEM 25 – CLOSED SESSION

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

No closed session was held.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

- 10-867** Agreement for Services dated October 1, 2009 between Washoe County and ATB Services Company, LLC.
- 10-868** Nevada Department of Transportation (NDOT) Letter of Completion dated July 29, 2010 for Contract No. 3419, Project No. IM-080-1(162), on I-80 from 0.92 Miles West of the McCarran Scenic Overlook to 1.41 Miles East of the Painted Rock Interchange, Washoe County, Granite Construction Company, Contractor. Maps forwarded to Engineering on August 13, 2010.
- 10-869** Ruby Pipeline, L.C.C., Right of Way and Easement Agreement with Patrick D. Fitzgerald dated August 4, 2010.
- 10-870** Clerk of the Court’s Monthly Report of Fee Collections with Fiscal Year Totals for July 2010.
- 10-871** Gerlach General Improvement District Second Quarter Economic Report for Fiscal Year 2009/10.
- 10-872** Grand View Terrace General Improvement District Financial Statements and Compilation Report as of June 20, 2010.

* * * * *

7:30 p.m. There being no further business to discuss, the meeting was adjourned without objection.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Lisa McNeill, Deputy County Clerk*

RESOLUTION

A Resolution requesting the assistance of the attorney general in the possible prosecution of a female over the age of 18 for alleged driving under the influence of drugs or alcohol, hit and run, child endangerment and other matters properly related thereto; and if approved, authorize the chairman to execute the resolution

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's Office has recently been called upon to prosecute a case involving charges of influence of drugs or alcohol, hit and run, and child endangerment against Adriana Botello of Reno, Nevada; and

WHEREAS, Adriana Botello was directly and substantially involved in recent federal civil litigation against Richard Gammick and other officials of the district attorney's office and Washoe County. The litigation was commenced in 2003 by Rene Botello (deceased) who was married to Adriana Botello. The litigation involved claims that the actions of Mr. Gammick and others infringed upon Rene Botello's federal and state rights including violation of the First Amendment and state law claims of defamation and intentional infliction of emotional distress; and

WHEREAS, in May of 2010 the federal court decided the case

10-831

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in favor of Mr. Gammick and the other county defendants; and

WHEREAS, while no litigation involving the Botellos is presently pending, the recently concluded litigation was protracted and intense; and WHEREAS, Adriana Botello is and all relevant times was an employee of the Washoe County Social Services Department; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety; and

WHEREAS, if the Washoe County District Attorney's Office proceeds with the prosecution of Adriana Botello there may be some suggestion of impropriety or conflict of interest based on Ms. Botello's role in the recent civil litigation or Ms. Botello's employment with Washoe County,

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

1. That in accordance with the provisions of NRS 228.130, the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal prosecution of Adriana Botello involving the charges of influence of drugs or alcohol, hit and run, and child endangerment.

2. That should the Attorney General agree to assume

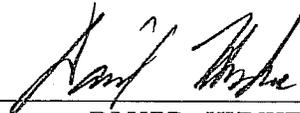
10-831

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

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

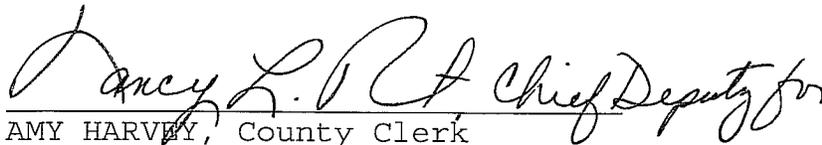
ADOPTED this 14th day of September, 2010,
by the following vote:

AYES: Humke, Weber, Larkin, Breternitz, Jung
NAYS: 0
ABSENT: 0
ABSTAIN: 0



DAVID HUMKE, Chairman

ATTEST:



AMY HARVEY, County Clerk

100-01

NE

A RESOLUTION AUTHORIZING THE COUNTY TREASURER TO TRANSFER TO OTHER GOVERNMENTAL ENTITIES, REAL PROPERTY HELD IN TRUST DUE TO PROPERTY TAX DELINQUENCIES AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, after the expiration of the period of redemption for tax delinquent parcels of real property, the county tax receiver is required to execute and deliver deeds conveying title to such property to the county treasurer in trust for the use and benefit of the state and county, (NRS 361.585); and

WHEREAS, upon the order of the board of county commissioners entered upon the record of its proceedings, such tax delinquent parcels held in trust by the Treasurer may be conveyed in the manner required by state law after proper notice is given, (NRS 361.595); and

WHEREAS, attached to this resolution and incorporated herein is Exhibit A, a list of tax delinquent parcels held by the county treasurer in trust that the board of county commissioners desires to have conveyed to other governments as more specifically set forth in Exhibit A; and

WHEREAS, pursuant to NRS 361.603 local governments or the University System are authorized to acquire property held in trust by the county to serve a public purpose in return for the payment of the delinquent taxes; and

WHEREAS, pursuant to NRS 361.603 no delinquent taxes need be paid for property transferred to a local government for street, sewer or drainage uses, for use in a program for the rehabilitation of abandoned residential properties established by the local government pursuant to chapter 279B of NRS, or for use as open-space real property as designated in a city, county or regional comprehensive plan.

NOW THEREFORE BE IT HEREBY RESOLVED by the Washoe County Board of County Commissioners as follows:

1. The Washoe County Board of County Commissioners finds that transferring the parcels listed in Exhibit A to Washoe County would serve the public purposes stated in the exhibit.
2. The Washoe County Treasurer is hereby ordered pursuant to NRS 361.603 to transfer the parcels listed in Exhibit "A", item #3, 4, 5, 6, and 7 to the governmental unit(s) for the purposes stated in Exhibit "A" in the manner required by state law after proper legal notice has been given. The Washoe County Treasurer is further ordered to retain the parcels in Exhibit "A" item #2 for the purposes stated in Exhibit "A" until further order of the board.
3. If some irregularity or circumstance arises before the transfer of any certain parcel listed in the exhibits to this resolution such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a

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parcel from a sale or transfer, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal on behalf of the county. The Treasurer shall report to the board in writing his or her decision to make such a withdrawal and shall state the reasons for the decision. The board may thereafter permit the parcel to remain in trust for the benefit of the state and county or may again order it be sold or transferred.

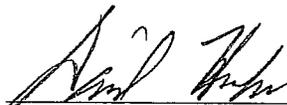
ADOPTED this 14th day of Sept., 2010 by the following vote:

AYES: Hanke, Weber, Larkin, Bretterwitz, Jeng

NAYS: Ø

ABSENT: Ø

ABSTAIN: Ø



Chairman
Washoe County Commission

ATTEST:


County Clerk

EXHIBIT "A"

2010 Tax Delinquent Parcels to be withheld
From Sale to the general public

1. Those parcels previously withheld (as noted in the Tax Delinquent Lands Book)
2. The Washoe County Engineering Division has requested that the following parcels be withheld due to their being existing streets, common areas, drainage easements, or unusable parcels:

<u>APN</u>	
001-122-20	Easement
001-123-31	Easement
001-161-17	Easement
003-082-11	Sliver/Unbuildable
006-330-01	Common Area
044-020-17	Easement
046-032-07	Sliver/Unbuildable
080-484-18	Sliver/Unbuildable
081-182-11	Easement/Drainage
085-561-11	Easement
152-471-06	Easement
152-480-07	Easement
152-493-12	Easement
152-500-15	Easement
204-020-35	Easement
550-432-33	Sliver/Unbuildable
568-031-01	Sliver/Unbuildable

3. The Washoe County Public Works, Engineering has requested acquisition of two parcels:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
050-220-37	Street/Roads	\$4,929.67
051-322-05	Street/Right of Way	\$85.23

4. The Washoe County Department of Water Resources has requested acquisition of one parcel:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
017-020-16	Sewer Use	\$240.95

5. The Washoe County Regional Parks and Open space Department has requested acquisition of fifteen parcels:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
061-090-37	Open Space	\$5,476.53
061-100-01	Open Space	\$1,140.45
061-100-02	Open Space	\$3,014.56
061-130-04	Open Space	\$19,034.41
061-130-33	Open Space	\$15,624.08
061-140-19	Open Space	\$2,781.80
061-180-18	Open Space	\$1,149.76
074-412-28	Open Space	\$172.24
081-080-29	Open Space	\$1,609.03
534-461-01	Open Space	\$1,832.70
534-461-02	Open Space	\$1,832.70
534-461-03	Open Space	\$1,832.70
534-461-04	Open Space	\$1,832.70
534-461-05	Open Space	\$1,832.70
534-461-06	Open Space	\$1,832.70

6. The City of Reno, Department of Parks, Recreation and Community Services has requested acquisition of two parcels:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
003-020-42	Open Space	\$25,156.20
023-090-27	Open Space	\$23,867.34

7. The Reno Housing Authority has requested acquisition of three parcels:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
004-322-08	Rehabilitation Project	\$2,327.52
550-131-06	Rehabilitation Project	\$10,438.50
550-512-29	Rehabilitation Project	\$10,968.05

RESOLUTION

WHEREAS, Section 110.906.05 of the Washoe County Code provides for the adoption by Resolution of a Master Fee Schedule setting forth the fees for processing applications under the Development Code; and

WHEREAS, It was the direction of the Washoe County Commission as stated in its Resolution adopted on July 22, 2008, that should, prior to the third year after the adoption of the Resolution, Chapter 110 of the Washoe County Code (Development Code) be amended in such a way as to affect the fees as enumerated in the Master Fee Schedule, or should it be determined that changes in administrative processes merit a re-examination of the Schedule such amendments shall commence and be returned to the County Commission for further consideration and adoption; and

WHEREAS, Staff conducted an extensive review of the existing Master Fee Schedule, reviewed the City of Sparks and City of Reno newly adopted fee schedules, and staff has determined that changed circumstances merit a reexamination of the Schedule; and

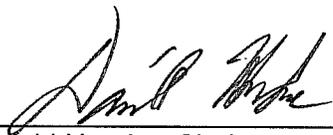
WHEREAS, it was determined that additional fees were necessary to fully implement new types of applications and to recover Nevada Revised Statute and Washoe County Code mandated noticing fees, therefore be it

RESOLVED, That the Master Fee Schedule for processing applications pursuant to Chapter 110 of the Washoe County Code (Development Code) is hereby amended by adopting the new Master Fee Schedule, which is attached hereto as Exhibit D; now, therefore, be it further

RESOLVED, That the Master Fee Schedule shall be reviewed no later than three (3) years from the date of adoption of this Resolution, now, therefore, be it further

RESOLVED, That should, prior to the third year after the adoption of the Resolution, it be determined that changes merit a re-examination of the Schedule, the Master Fee Schedule shall be returned to the County Commission for further consideration and adoption.

ADOPTED this 14th day of September, 2010.


David Humke, Chairman

ATTEST:


Amy Harvey, Washoe County Clerk

10-858

A RESOLUTION ALLOCATING ALL OR A PORTION OF THE COUNTY'S REMAINING \$4,251,000 VOLUME CAP FOR RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS TO OTHER GOVERNMENTAL ENTITIES PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the County of Washoe in the State of Nevada (the "County" and "State," respectively) has received a volume cap allocation for "recovery zone economic development bonds" in the amount of \$39,766,000 (the "Volume Cap") under Section 1400U-1(a)(3)(A) of the American Recovery and Reinvestment Act of 2009 (the "Act"); and

WHEREAS, the County is authorized to allocate all or a portion of its Volume Cap to beneficiaries who may issue "recovery zone economic development bonds" in the amount allocated, in order to finance "eligible costs" for "qualified economic development purposes" that are located within, or attributable to, the area overlapping both the Recovery Zone (as defined below) and the jurisdiction of the beneficiary; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has, by resolution previously adopted, designated all or a portion of the area within the geographic boundaries of the County, as a "Recovery Zone" for purpose of Sections 1400U-1 through 1400U-3 of the Act (the "Recovery Zone"); and

WHEREAS, the County has, by resolution previously adopted, allocated \$25,518,000 of its Volume Cap to the Washoe County School District and \$10,000,000 of its Volume Cap to the Regional Transportation Commission; and

WHEREAS, the Washoe County School District issued \$25,515,000 of the Volume Cap allocation, leaving \$3,000 remaining to be issued, and

WHEREAS, the County desires to allocate the \$4,251,000 remaining portion of its Volume Cap that has not been issued.

10-26-09

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

Section 1. This resolution shall be known as, and may be cited by, the short title "2009 Recovery Zone Volume Cap Allocation Resolution" (the "Resolution").

Section 2. \$3,000 of the \$25,518,000 allocation previously made to the Washoe County School District is hereby revoked.

Section 3. The County hereby allocates \$ 4,251,000 of its Volume Cap to Regional Transportation Commission and \$ of its Volume Cap to

to issue "recovery zone economic development bonds" in the respective amounts allocated in order to finance "eligible costs" for "qualified economic development purposes" that are located within, or attributable to, the respective areas overlapping both the Recovery Zone and the jurisdiction of the issuing entity.

Section 4. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the creation of the Recovery Zone and the allocation of the Volume Cap be, and the same hereby are, ratified, approved and confirmed.

Section 5. The officers of the County are directed to effectuate the provisions of this Resolution.

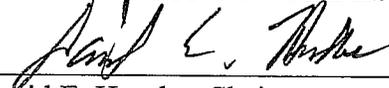
Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. The invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with law.

PASSED AND ADOPTED ON SEPTEMBER 14, 2010.

WASHOE COUNTY COMMISSION



David E. Humke, Chair

(SEAL)

Attest:



County Clerk

The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meeting held on September 14, 2010.

2. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted not later than 9:00 a.m. on the third working day prior to the meeting, on the County's website, and at the following locations:

- (i) Washoe County Administration Complex
1001 East Ninth Street, Bldg. A
Reno, Nevada
- (ii) Washoe County Courthouse-Clerk's Office
Virginia and Court Streets
Reno, Nevada
- (iii) Washoe County Central Library
301 South Center Street
Reno, Nevada
- (iv) Sparks Justice Court
630 Greenbrae Drive
Sparks, Nevada

is attached as Exhibit A.

3. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notice of meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

IN WITNESS WHEREOF, I have hereunto set my hand this September 14, 2010.



County Manager (or representative
thereof)
Washoe County, Nevada

EXHIBIT A

(Attach Notice of Meeting)

COUNTY COMMISSIONERS

David Humke, Chairman
Bonnie Weber, Vice-Chairman
John Breternitz
Kitty Jung
Bob Larkin

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada

**September 14, 2010
10:00 a.m.**

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

Public Comment during the Commission Meeting on September 14, 2010 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "**Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

16. Introduction and first reading of an Ordinance amending the Washoe County Code at Chapter 110 to amend the use table for detached accessory dwellings within Article 302 (Allowed Uses) by eliminating inconsistencies regarding required minimum lot size and uses allowed by regulatory zone, allowing by right a detached accessory dwelling in the General Rural regulatory zone and introducing a new administrative review procedure for establishing a detached accessory dwelling in certain regulatory zones; to amend the residential use type definitions and standards within Article 304 (Use Classification System) for attached and detached accessory dwelling units and detached accessory structures; to amend Article 902 (Definitions) to reflect the above amendments to Article 304 and to add new definitions relating to the below amendments to Article 306 (Accessory Uses and Structures); and to incorporate various amendments identified by staff and the Planning Commission to the following sections of Article 306 (Accessory Uses and Structures): Section 306.05, applicability to add clarifying language that a main use must exist and to add heavy equipment; Section 306.10, Detached Accessory Structures to amend buildable area regulations and create lot coverage thresholds by regulatory zone, eliminate restrictions on 2-story accessory structures, require a deed restriction for connection to water and sewer, and to require an Administrative Permit (pursuant to Article 808) for accessory structures larger than the main dwelling; Section 306.15, Main Structures Required to clarify a main structure or use must exist prior to establishing accessory uses; Section 306.20, Attached Accessory Dwellings to amend the definition and size standards of attached accessory dwellings; Section 306.25, Detached Accessory Dwellings to amend the definition and size standards of detached accessory dwellings, reduce the minimum lot size required, and create a new staff level administrative review permit process; a new section titled Section 306.30, Hallways, Breezeways and Other Similar Connections to establish definitions and standards for such connections; Section 306.35, Outdoor Storage/Outdoor Display to define and regulate commercial vehicles, clarify language defining outdoor storage versus temporary storage, and to incorporate changes necessitated by approval of the Nuisance Code; and other matters properly relating thereto. Set public hearing and second reading of the Ordinance for September 28, 2010 at 6:00 p.m.--Community Development. (All Commission Districts.)
17. Recommendation to approve Agreement for Professional Services between Washoe County and Lewis and Roca, LLC for legislative services for the period September 15, 2010 to December 31, 2011 [\$131,000 for Fiscal Year 2010/11; \$48,000 for Fiscal Year 2011/12 - plus pre-approved expenses]; and if approved, authorize Chairman to execute Agreement--Management Services. (All Commission Districts.)
18. Discussion and possible approval of a Resolution allocating all or a portion of the County's remaining \$4,251,000 Volume Cap for Recovery Zone Economic Development Bonds to other governmental entities pursuant to the American Recovery and Reinvestment Act of 2009; and providing the effective date hereof; and if approved, authorize Chairman to execute Resolution--Finance. (All Commission Districts.)
19. Discussion and possible direction to staff regarding the modification of how costs for the Truckee Meadows Regional Planning Agency are allocated and changing the representation on the Regional Planning Governing Board--Finance. (All Commission Districts.)