

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

TUESDAY

2:00 P.M.

MAY 27, 2008

PRESENT:

**Bob Larkin, Chairman**

**Bonnie Weber, Vice Chairperson**

**Jim Galloway, Commissioner\***

**David Humke, Commissioner**

**Kitty Jung, Commissioner**

**Amy Harvey, County Clerk**

**Katy Singlaub, County Manager**

**John Berkich, Acting County Manager (2:35-3:54 p.m.)\***

**Paul Lipparelli, Legal Counsel**

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

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

**08-528      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."

Guy Felton talked about the Reno Justice Court.

Sam Dehne discussed the voting system, upcoming election and Agenda Item 14.

**\*2:09 p.m.** Commissioner Galloway arrived at the meeting.

Gary Schmidt stated his belief that citizen advisory board members should be elected and should be given the authority to vote on their Area Plans.

**08-529            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.)”**

County Manager Katy Singlaub announced Item 21 had been pulled from the agenda. She related a request to hear Item 15 early in the agenda. She advised Chairman Larkin of a request by Les Smith, Executive Director of SNCAT, to have five minutes of comment time under Agenda Item 14.

Commissioner Humke talked about his recent participation at a public information meeting associated with *Living with Fire Week* to discuss and support the Carson Range multi-jurisdictional fuel reduction and fire prevention strategy. He explained it was an initiative pursuant to federal legislation that involved 15 partners along the Carson Range, including federal, tribal, state and county agencies, as well as numerous private citizens and many chapters of the Fire Safe Council.

Commissioner Weber requested future agenda items for a presentation by the Illegal Dumping Task Force and for discussion of the rule requiring all five commissioners to be present for votes on the use of Special District Funds, which she did not believe was necessary. She announced a ribbon-cutting ceremony at the Village Center Park in Cold Springs. She indicated she and Commissioner Jung recently attended the Western Interstate Regional Conference of the National Association of Counties (NACo) in St. George, Utah, and said she would be attending an upcoming meeting in Las Vegas for officers of the Nevada Association of Counties (NACO).

Chairman Larkin talked about his attendance at the Wilbur D. May Great Basin Adventure Park for a grand opening of the Basque Camp Heritage Center. He thanked Dixie May for her participation and Janet Inda for helping to put the Camp together and cooking Basque shepherd’s bread in an authentic Basque oven.

Commissioner Galloway said he would attend a meeting of the Tahoe Regional Planning Agency, where a public hearing was scheduled to discuss stronger prohibitions against the introduction of invasive aquatic species at Lake Tahoe. He announced a meeting of the Catastrophic Wildfire Committee. He briefly discussed the impact of road closures by the U.S. Forest Service on public safety and firefighting. Commissioner Galloway said he would seek staff assistance to draft a resolution ensuring that Hunter Creek Road would remain open.

Commissioner Jung said she received a great deal of information at the recent NACo Conference in Utah about how counties could pursue green initiatives without going in the red. She reminded the public of an upcoming performance of the play *Risky*, which was a collaborative effort between Washoe County Juvenile Services and the Sierra Arts Foundation.

Ms. Singlaub shared a request from the District Attorney's Office concerning Item 5F on the consent agenda. If the Board approved the item, it was requested the Board also authorize the Chairman to sign the pre-disaster grant agreement, as required by the Federal Emergency Management Agency (FEMA) and the State Department of Emergency Management. She stated the agreement was already signed by the City of Sparks, the Reno-Sparks Indian Colony and the Pyramid Lake Paiute tribe.

Regarding Item 5M on the consent agenda, Ms. Singlaub announced a slight change to section 3.2 on page 5 of the agreement between Washoe County and the Bauserman Group, wherein the last sentence of the paragraph would read: "The consultant will not receive a commission on any sponsorships provided by the Reno-Sparks Convention and Visitors Authority (RSCVA) or on the rebate negotiated as part of the hotel contract as of May 27, 2008." She said the amendment would allow the consultant to secure additional facilities from the RSCVA at no cost or reduced cost. Chairman Larkin pointed out the funds to be expended for Item 5M were entirely private.

Ms. Singlaub stated Assistant County Manager John Berkich would temporarily act as County Manager for a portion of the meeting while she represented the County at a 3:00 p.m. meeting with Congressman Dean Heller.

**DISCUSSION – CONSENT AGENDA (ITEMS 5A THRU 5J(1) AND 5J(3) THRU 5N)**

Chairman Larkin pulled Item 5J(2) from the consent agenda to allow for a separate discussion and vote.

**\*2:35 p.m.** Assistant County Manager John Berkich filled in as Acting County Manager, while County Manager Katy Singlaub temporarily left the meeting.

In response to the call for public comment, Sam Dehne said he supported the consent agenda.

**08-530      AGENDA ITEM 5A – MINUTES**

**Agenda Subject:** "Approve minutes for the Board of County Commissioners' meeting of February 12, 2008."

There was no public comment pertaining to this item.

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

**08-531            AGENDA ITEM 5B – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject:** “Approve payments [\$8,245] to vendors for assistance of 59 victims of sexual assault; and if approved, authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons.”

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5B be approved.

**08-532            AGENDA ITEM 5C – HUMAN RESOURCES DEPARTMENT**

**Agenda Subject:** “Approve a reclassification request (Alternative Sentencing Department) submitted through the job evaluation and classification process [annual fiscal impact is a savings of \$12,251.58]. (All Commission Districts)”

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5C be approved.

**08-533            AGENDA ITEM 5D – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Approve extension of Ophir Lakes Subdivision Agreement (Casey Ranch aka Winters Ranch) for an additional one-year, to June 1, 2009, with a finding that an extension will provide a significant public benefit if the extensions ultimately facilitate the final parcels for acquisitions of the Casey Ranch aka Winters Ranch as open space [no fiscal impact]. (Commission District 2)”

There was no public comment pertaining to this item.

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

**08-534            AGENDA ITEM 5E – SOCIAL SERVICES DEPARTMENT**

**Agenda Subject:** “Accept cash donations [\$2,799.61] and juror fee donations [\$2,520]; and if accepted; authorize Department of Social Services to expend funds to benefit children in care and families who are clients, and direct Finance to make appropriate budget adjustments for Fiscal Year 2007/08. (All Commission Districts)”

On behalf of the Board, Commissioner Galloway thanked jurors who donated a total of \$2,500 by waiving their fees and asking that they be donated to Social Services. He also thanked the following private parties for their generous donations:

<b>Donor</b>	<b>Cash Value</b>
Wells Fargo Community Support	57.61
Wal-Mart	1,000.00
Dermody Properties Staff	1,000.00
A & H Insurance	13.00
Incline Creek Secretarial Services	50.00
A & H Insurance	679.00

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5E be accepted, authorized and directed.

**08-535            AGENDA ITEM 5F – PURCHASING DEPARTMENT**

**Agenda Subject: “Accept proposal from the lowest, responsive, responsible proposer, AMEC Earth & Environmental in response to Washoe County RFP No. 2645-08 to assist Washoe County and its regional partners the Cities of Reno and Sparks, the Reno-Sparks Indian Colony, and the Pyramid Lake Paiute Tribe with the development of a Regional Hazard Mitigation Plan; and if accepted, authorize Purchasing and Contracts Administrator to execute agreement for same [\$60,423]; accept matching funds from the regional partners; and authorize Finance to make appropriate budget adjustments. (All Commission Districts)”**

Earlier in the meeting, County Manager Katy Singlaub shared a request from the District Attorney’s Office that, if the Board approved Item 5F, they also authorize the Chairman to sign the pre-disaster grant agreement, as required by the Federal Emergency Management Agency (FEMA) and the State Department of Emergency Management. She stated the agreement was already signed by the City of Sparks, the Reno-Sparks Indian Colony and the Pyramid Lake Paiute tribe.

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5F be accepted, authorized and executed.

**08-536            AGENDA ITEM 5G – REGIONAL PARKS AND OPEN SPACE/  
PUBLIC WORKS DEPARTMENTS**

**Agenda Subject:** “Approve Recreation or Public Purposes Lease between the County of Washoe and the United States Department of the Interior, Bureau of Land Management, for 22.12 acres [APN’s 083-061-03 and 035-182-01] in Sparks for Sparks Justice Court Facilities [annual lease fee for property is \$44.24]; and if approved, authorize Chairman to sign lease agreement. (Commission District 4)”

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5G be approved and authorized.

**08-537            AGENDA ITEM 5H – TRUCKEE RIVER FLOOD MANAGEMENT  
PROJECT**

**Agenda Subject:** “Acknowledge Receipt of Truckee River Flood Management Project Status Report for April 2008. (All Commission Districts)

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5H be acknowledged.

**08-538            AGENDA ITEM 5I – DEPARTMENT OF WATER RESOURCES**

**Agenda Subject:** “Approve and authorize the Chairman to execute Joint Funding Agreement 07W4NV01700 Modification #2 to accept additional funding from the U.S. Geological Survey to provide analysis of ground-water analytical results for calendar years 2008 and 2009 [\$30,000–no County match required. (Commission District 4)”

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5I be approved, authorized and executed.

**08-539            AGENDA ITEM 5J(1) – MANAGEMENT SERVICES**

**Agenda Subject:** “Acknowledge receipt of Performance Measurement and Management System Quarterly Reports for 3<sup>rd</sup> Quarter - Fiscal Year 2008. (All Commission Districts)”

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5J(1) be acknowledged.

**08-540            AGENDA ITEM 5J(3) – MANAGEMENT SERVICES**

**Agenda Subject: “Approve expenditure from County Commission District 5 Special Funding Account [\$500] to Washoe County School District for use at the North Valleys High School’s Sixth Annual Safe N Sober Grad Night on June 7, 2008 to assist in funding the event to provide students with a safe and fun place to spend graduation night; and execute resolution necessary for same. (Commission District 5)”**

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5J(3) be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**08-541            AGENDA ITEM 5J(4) – MANAGEMENT SERVICES**

**Agenda Subject: “Approve expenditure [\$2,000] from County Commission District 5 Special Funding Account to Keep Truckee Meadows Beautiful to assist in funding the 2008 Truckee Meadows Clean-up Day on May 10, 2008; and if approved, execute Resolution necessary for same. (Commission District 5)”**

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5J(4) be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**08-542            AGENDA ITEM 5J(5) – MANAGEMENT SERVICES**

**Agenda Subject: “Approve expenditure [\$2,500] from County Commission District 5 Special Funding Account for costs associated with production of the 2008 Artown event; and if approved, execute Resolution necessary for same. (All Commission Districts)”**

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5J(5) be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**08-543            AGENDA ITEM 5K(1) – PUBLIC WORKS DEPARTMENT**

**Agenda Subject: “Approve the re-naming of existing Coeur Court to Mont Blanc Court. (Commission District 1)”**

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5K(1) be approved.

**08-544            AGENDA ITEM 5K(2) – PUBLIC WORKS DEPARTMENT**

**Agenda Subject: “Authorize the Chairman to execute Community Rating System (CRS) Application to the National Flood Insurance Program to possibly reduce local flood insurance policy premiums. (All Commission Districts)”**

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5K(2) be authorized and executed.

**08-545            AGENDA ITEM 5L(1) – SHERIFF’S OFFICE**

**Agenda Subject: “Approve Security Agreement between the County of Washoe (Sheriff) County and the Reno Rodeo Association, to provide uniformed Deputy Sheriffs for security during the 2008 through 2012 Reno Rodeo [no fiscal impact to Washoe County, estimated annual security costs reimbursed \$70,000]; and if approved, authorize Chairman to execute Agreement. (All Commission Districts)”**

In response to the call for public comment, Sam Dehne pointed out the Reno Rodeo would reimburse the County for its expenses related to security.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5L(1) be approved, authorized and executed.

**08-546            AGENDA ITEM 5L(2) – SHERIFF’S OFFICE**

**Agenda Subject: “Approve Memorandum of Agreement between the County of Washoe (Sheriff) and the Board of Regents of the Nevada System of Higher**



**Education, on behalf of Truckee Meadows Community College, Department of Public Safety, to establish the Washoe County Sheriff's Office SWAT team as the primary tactical team for certain incidents that occur on Truckee Meadows Community College properties; and if approved, authorize the Chairman to execute same. (Commission District 3)"**

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5L(2) be approved, authorized and executed.

**08-547      AGENDA ITEM 5M – COMMUNITY RELATIONS**

**Agenda Subject: "Approve Agreement for Consultant Services between the County of Washoe and The Bauserman Group, LLC for special event management and fundraising/sponsorship consulting services related to the planning and execution of the 2010 National Association of Counties (NACo) Annual Conference on July 16-20, 2010; and if approved, authorize Chairman to execute Agreement [no fiscal impact]. (All Commission Districts)"**

Earlier in the meeting, Ms. Singlaub announced a slight change to section 3.2 on page 5 of the agreement between Washoe County and the Bauserman Group, wherein the last sentence of the paragraph would read: "The consultant will not receive a commission on any sponsorships provided by the Reno-Sparks Convention and Visitors Authority (RSCVA) or on the rebate negotiated as part of the hotel contract as of May 27, 2008." She said the amendment would allow the consultant to secure additional facilities from the RSCVA at no cost or reduced cost.

Chairman Larkin pointed out the funds to be expended for Item 5M were entirely private.

Commissioner Weber noted language under *Marketing & Outreach* on page 3 of the Agreement that required the consultant to provide promotional materials and staffing for a display booth at the 2009 Annual NACo Conference in Nashville, Tennessee. She pointed out there were other NACo events in 2009 and 2010, and asked whether those should also be included in the agreement.

Kathy Carter, Community Relations Director, said the conferences listed in the Agreement were based on a 2004 Memorandum of Understanding between the County and NACo. She indicated the items in the Agreement were specifically related to hosting the 2010 NACo Annual Conference in Reno, which required that private funds be raised to plan and execute the event. Ms. Carter stated the consultant might be able to attend the additional events identified by Commissioner Weber if sufficient funds were raised, or staff or board members of the Nevada Association of Counties could attend.

There was no public comment pertaining to this item.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5M be approved, authorized and executed.

**08-548            AGENDA ITEM 5N – PROCLAMATION**

**Agenda Subject: “Proclamation – May 11-17, 2008 as National Police Week.”**

In response to the call for public comment, Sam Dehne endorsed the Proclamation.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5N be approved. The Proclamation for same is attached hereto and made a part of the minutes thereof.

**08-549            AGENDA ITEM 15 – MANAGER’S OFFICE**

**Agenda Subject: “Consideration of a request from Incline Village for the Board of County Commissioners to place an advisory question on the November ballot relating to the creation of the unincorporated Town of Incline Village; and to direct County staff to begin negotiations regarding a proposed interlocal agreement which would spell out the terms and conditions concerning the creation of said unincorporated town. (Commission District 1)”**

Assistant County Manager Dave Childs conducted a PowerPoint presentation, which was placed on file with the Clerk. He stated representatives of Incline Village approached Washoe County a few months ago with their request to become an unincorporated town under NRS 269 by July 1, 2009. He introduced Mary Walker, Gene Brockman and Jim Clark as representatives from Incline Village.

Mr. Childs explained the proposal was to transfer services from the Incline Village General Improvement District (IVGID) to the Town of Incline Village and then to dissolve IVGID. He indicated funding for services would transfer from the County to the Town, with the intent of a cost neutral transfer, and specific service elements would be defined in an interlocal agreement. Mr. Childs said the North Lake Tahoe Fire Protection District (NLTFPD) would continue to serve the same customers, and its boundaries would serve as the boundaries of the unincorporated Town. The new entity would provide project review for planning and zoning, as well as animal control services. Other potential services to be considered would include engineering for development, additional senior services, nuisance abatement and code enforcement, and licensing of businesses, tobacco, alcohol and gaming. Sheriff’s services, road maintenance and snow removal would remain with the County. Approximately two to three employees would transfer from the County to the Town.

Mr. Childs identified several reasons for creating a town, including a separate identity for the community, more home rule, more locally-provided services that could include beautification and redevelopment, and more standing with the Tahoe Regional Planning Agency (TRPA) and other local governments. He pointed out a town could choose which services to provide, whereas a city was required by statute to provide all services, including police and fire. He stated it was more expensive to create a city.

If the proposal were to move forward, Mr. Childs said the Commissioners would be asked to appoint the elected IVGID Trustees to the new Town's board until an election could take place. The proposal provided for the transfer of IVGID's significant assets and liabilities to the Town, and the transfer of funds for services from the County to the Town. He stated the Town wanted to remain autonomous in handling its accounting and fiscal affairs, and already had a system in place under IVGID. Mr. Childs stated such details would either be included in an interlocal agreement or might require a legislative request from IVGID to make slight modifications to State law. He explained funding for services was determined by State law and the County was looking at some proration of property tax or consolidated tax dollars.

Mr. Childs explained the IVGID Board of Directors would make a decision at its meeting on June 11, 2008 about whether to proceed with an advisory question on the November 2008 ballot. If the voters were agreeable, he indicated the issue would come back before the County Commission sometime in early 2009 to discuss interlocal agreements and to consider asking the Legislature to modernize some of the statutory language concerning unincorporated towns. He said the goal would be to have the unincorporated Town of Incline Village in place by July 1, 2009 with some tax dollars diverted from Washoe County.

Mr. Childs requested Board direction for staff to begin work on an interlocal agreement and to report back to the Commission. He pointed out, if the ballot question moved forward, the Board would be asked to appoint committees to work on the pro and con arguments.

Chairman Larkin asked when the last unincorporated town was created in Nevada and whether any had gone out of business. Ms. Walker indicated some towns had been established in Clark County, and the City of Fernley was established approximately four years ago. She believed the City of Gabbs had been dissolved about ten years ago.

Commissioner Humke contrasted the current request for a ballot question with a ballot question request previously considered by the Commission on a different issue. He characterized the previous group of citizens as loosely organized, and pointed out the Incline Village group was highly organized and ready for the responsibilities of local government.

Commissioner Humke asked if the unincorporated Town would participate in Washoe County's regional planning as required by Nevada statutes. Mr. Childs did not believe the Town would get a seat on the TRPA Board, but said it might be involved in

the County's regional planning. Ms. Walker pointed out the proposed planning process was modeled after the one used in Minden. She stated development would initially be reviewed by the Town in conjunction with the County, and would then go through processes already in place under the jurisdiction of the Regional Planning Governing Board (RPGB). She emphasized the Town wanted a say in determining what Incline Village would look like in the future, particularly as buildings in the commercial area were rehabilitated. Commissioner Humke suggested a placeholder so that Incline Village could have a seat on the RPGB. Commissioner Galloway said he had no objection to that, but did not think it was possible because the Truckee Meadows Regional Planning Agency currently had no authority over the Tahoe Basin. Under a federal compact, he clarified the TRPA was the regional planning agency for the Tahoe Basin. He pointed out legislative changes related to planning might be useful if there was another unincorporated town in the future that was not under a federal compact.

Commissioner Galloway inquired whether the ballot question would enumerate powers or whether the County Commission would determine what powers would transfer to the new entity in 2009. Mr. Childs stated the goal was to make the ballot question as detailed as possible so the voters understood what was proposed, but he did not think it would enumerate services. Ms. Walker explained the interlocal agreement would reserve the right to add services in the future, so the ballot question probably would not delineate services. She indicated the information provided to the public about the ballot question could include a list of initial services to be provided by the Town.

Commissioner Weber questioned whether the proposed Town was a good thing for Washoe County. Mr. Childs replied it would be financially neutral. Chairman Larkin emphasized that fiscal neutrality was required by statute. Mr. Childs said staff was still working through the actual costs. As to whether it was a good thing, he believed that was a political choice for the Board and the public to make. He said it was good public policy for the Incline community to create its own sense of identity and that would not diminish the power and authority of the County Commission in any way. Commissioner Weber expressed her support for the idea of local jurisdiction over nuisance control, code enforcement and animal control, but wondered if it would create another layer of bureaucracy. She stated the Verdi Township and Sun Valley GID were already instrumental in doing many of the same things within their communities.

Commissioner Weber asked how it was possible to justify the creation of this Town, when other communities might want to do the same thing. Mr. Childs pointed out that IVGID was already a highly functioning, very robust and very professional organization, and the proposal was essentially to change its name and grant additional status. He said other communities could ask to become a town and the Board would have to decide whether to allow it. He suggested each case was different and it was necessary to look at them one at a time. Mr. Childs emphasized it was not necessary to change the NRS to create an unincorporated town; it would just make things simpler and make it easier to pull together the interlocal agreement.

Commissioner Weber said she voted no on a previous request for an advisory ballot question and asked that group of citizens to go through the initiative petition process. She was concerned about saying no to an advisory question for one group and yes to another. Chairman Larkin observed there was a well-established statutory process for creating a town and the request before the Commission was a required procedural step in that process. He suggested it was burdensome to require a proposed town to get signatures for an initiative petition and, in his opinion, might circumvent established law. Mr. Childs agreed there was a process in place that allowed the people of Incline Village to make their request to the Board. He pointed out it was not necessary to have an advisory ballot question in order to create a town, but the Incline group preferred to get a sense of what their community thought before bringing a more detailed plan before the Board.

Commissioner Weber said she would prefer to have some sort of public workshop on townships before she voted. She noted there might be other communities interested in the process.

Commissioner Galloway explained there had been several attempts over the years to make Incline Village a separate county. He stated the community's aspirations for independence had a lot to do with high property taxes on valuable Lake Tahoe real estate, with a small percentage of the money being returned to the Incline community. He pointed out Washoe County had improved the percentage of return, but there was still an issue of local control within the community. He observed some of the movements to create a separate county had gone all the way to the Legislature and the process had been very exhaustive for County staff. Commissioner Galloway characterized the formation of the Town as an opportunity to grant independence in another way. Commissioner Galloway said he would be more favorable to a similar request from an area such as Sun Valley, which had demonstrated the ability to handle some level of governance, than he would to an area with less community structure.

Chairman Larkin noted this was merely the first step in the process and a ballot question would allow Incline Village to tell the Board what they wanted. Mr. Childs said staff was not asking the Board to place anything on the ballot at this time, but was really asking whether the Board had an appetite to proceed further. Chairman Larkin said the devolution of authority from the highest to the lowest levels of government was what the United States was all about, and he thought it was a good thing for a community to take on its own governance; provided they had adequate resources. He noted it might not be revenue neutral for all communities to establish themselves as a town.

Commissioner Galloway observed the communities at Lake Tahoe were very tightly packed and it was possible the County's proposed nuisance ordinance would not satisfy the problems there. Although it was unknown whether the Town would provide nuisance control and code enforcement, he indicated the Town would have the ability to establish a higher level of nuisance control if they chose to do so.

Commissioner Humke agreed with the local regulation and adjudication of nuisances. He noted the County had been working on a pair of proposed nuisance ordinances for well over a year. He said he objected to one of them because it included a civil hearing process that granted the power to lien property if the owner did not abate a nuisance and the County had to take on the cost of abatement. He predicted there would be a storm if the Commission allowed that to happen.

In response to the call for public comment, Sam Dehne spoke in favor of putting the issue on the ballot. He questioned whether all of the citizens in Washoe County would vote on the question or just those at Lake Tahoe.

Gary Schmidt said he supported a ballot question, as well as the concept of moving government closer to the people. He discussed how the concept might apply to other communities such as Wadsworth, Red Rock and Gerlach.

Darrin Price, General Manager of the Sun Valley General Improvement District (SVGID), said the same issue had come up frequently since he began with SVGID in 1987. He noted Sun Valley's tax basis was different from that of Incline Village, and SVGID continued to study the issue every year. He stated SVGID was the entity most involved with local schools, parks, water and sewer issues, and it had a good relationship with the Board of County Commissioners. He pointed out there were approximately 3,800 service connections in Incline Village at build-out, while Sun Valley currently had 6,000 service connections with an estimated 10,000 at build-out. Mr. Price indicated there was a very good chance Sun Valley would come forward to request it be established as a town if things went well for Incline Village.

Paul Lipparelli, Legal Counsel, clarified that only incorporated cities could get a seat on the RPGB under current law. He agreed with Commissioner Galloway that TRPA authority currently precluded Incline Village from having representation on any of the Truckee Meadows Regional Planning boards. He pointed out much work still needed to be done and the deadline to have matters placed on the ballot was the limiting factor. Mr. Lipparelli explained the Board had until July 1, 2008 to forward the ballot question, its explanation, and its pro and con arguments. He noted committees would need time to work on the specifics of the ballot question and the Commission would need time to consider a resolution. He therefore advised that staff would benefit from as much direction as possible right now in order to get started on their work before bringing the issue back to the Board to vote on more formal matters. He suggested it would be helpful to identify what things the Board was either against or in favor of pursuing. Mr. Lipparelli said there was a lot of analysis to be done in terms of fiscal impacts, the potential legal structures that would need to be in place, and an interlocal agreement to define the powers and relationships between the Town and the County.

Chairman Larkin inquired as to who would be eligible to vote if an advisory question was placed on the ballot. Mr. Lipparelli replied the Commission had the authority under State law to ask the advice of voters within the County and within any portion of the County. Mr. Lipparelli indicated to Chairman Larkin it would be helpful if

Board direction were to include a recommendation about how to segregate the voting. He said the Incline group had thus far operated under the assumption that the ballot question would be asked in the Lake Tahoe area, but he acknowledged the rest of the citizens in the County were potentially affected.

Mr. Lipparelli pointed out there was a provision in the law that would allow a community to use the initiative petition process to become an unincorporated town. He said the individuals who brought forth the proposal believed it was better for the County Commission to consent to the arrangement by taking action to create the Town, because it would have to live with the outcome. The group also believed a ballot question would help the Commission to make a well-informed decision. He commented there would not be a lot of time to change the wording of the ballot question, so clear direction now would allow staff to write a good clear resolution, ballot explanation, and pro and con arguments, so that voters could make an informed decision.

Chairman Larkin indicated he was not sure the agenda item allowed lengthy discussion about the wording of a ballot question and suggested it could come back to the Board in June 2008. Mr. Lipparelli requested the Board identify any fatal flaws or show stoppers. Chairman Larkin remarked that now would be a good time for the Board to eliminate or expand on the points made in Mr. Childs' presentation.

Commissioner Humke commended the Incline group for their efforts. He pointed out there had been multiple initiatives in the past, some to form a new county and one to form a new school district, but those were all found to be problematic by the Legislature. He said the Legislature might find an unincorporated town to be a far more workable solution, and there were positives in the proposal for everyone. He stated it was a very responsible approach and he thought the Board should support it.

Commissioner Weber asked if there was some ability to have workshops that would include other people in the community.

Chairman Larkin pointed out the advisory ballot question was optional. He said the Board could proceed at any time with the establishment of a town and any community could petition the Board to establish a town. He characterized it as a friendly and well-researched process.

Commissioner Humke suggested there were members of the Legislature who might be invited to participate in the work to be done. Commissioner Galloway proposed that IVGID was in a position to follow up on that.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, the Board directed that:

1. Staff proceed with further discussions with the Incline Village General Improvement District and its citizens' committee regarding the placement of an advisory question on the

November ballot relating to the creation of an unincorporated Town of Incline Village.

2. Said ballot question was to be voted on by Washoe County residents within the Tahoe Basin.
3. Staff discussions were to include possible draft preliminary ballot language and content, as well as the fiscal analysis concerning creation of said unincorporated Town.
4. Staff was to begin preliminary negotiations regarding a proposed interlocal agreement, which would ultimately spell out the terms and conditions and financial transactions concerning the creation of said unincorporated Town.

**08-550            AGENDA ITEM 5J(2) – MANAGEMENT SERVICES**

**Agenda Subject: “Approve expenditure [\$10,650] from County Commission District 1 Special Funding Account for the following: \$2,600 Fiscal Year 2007/08 and \$7,400 Fiscal Year 2008/09 to the Tahoe Transportation District (TTD) to assist in funding a Transportation Coordinator; and \$650 Fiscal Year 2007/08 to Tune In To Kids; or in the alternative if certain conditions are not met, \$2,600 Fiscal Year 2007/08 to Tune In To Kids with the \$7,400 Fiscal Year 2008/09 to remain in the District 1 Special Fund Account for expenditure in the next fiscal year; and authorize execution of resolutions necessary for same. (Commission District 1)”**

Chairman Larkin pulled Item 5J(2) from the consent agenda to allow for a separate discussion and vote.

Chairman Larkin stated he had no problem with funds going to *Tune In To Kids*, but questioned the use of Special Funds for a Tahoe Transportation District (TTD) position. He questioned the use of funds from two fiscal years and suggested the matter needed full discussion before the Regional Transportation Commission (RTC). He pointed out RTC commissioners also had special funds and he did not believe General Fund expenditures from the County Commissioners were appropriate for this use. He indicated he had additional concerns related to Tahoe Area Rapid Transit funding (TART) provided by the RTC.

TTD Chair Mike Harper, (Washoe County appointee), stated the Special Funds under consideration were not intended to supersede funding provided by the RTC for a portion of the TART system. He explained the transportation coordinator’s position would be jointly funded by several entities through TART, which was operated by Placer County, and there was already a commitment of \$20,000 from the North Lake Tahoe Resort Association. He pointed out the transportation coordinator would provide a regional focus not currently offered by the separate transportation systems on the North and South Shores of Lake Tahoe. Mr. Harper indicated the TTD was not a part of the



Tahoe Regional Planning Agency (TRPA), but was a separate district established by the Tahoe Regional Compact, with a board composed of six members from local governments, two members from the Transportation Management Association, and one At-Large member. He said a staff position was necessary to coordinate transportation opportunities with the goal of reducing air quality issues that might create clarity problems for Lake Tahoe, as well as to enhance some public works improvements the TRPA was unable to do. He gave the example of a proposed bike and trail path from the State line near Incline Village to the other State line in Douglas County, which would provide an alternative to automobiles. He stated the TRPA was limited under the Regional Compact in their ability to operate contracts for the project and it was necessary for the funds to go through the TTD. Mr. Harper noted the bike and trail path would enhance recreational opportunities already provided by Washoe County. He indicated the RTC would be welcomed as a funding partner, although they had not been involved in the planning process and were not represented on the TTD. He characterized investment in the staff position as more of a local government issue. He expected there would be funding from the other six TTD partners and said two had already funded the position. He pointed out the TRPA was prepared to provide office space and human resources support for the staff position.

Commissioner Galloway clarified the TTD was basin-wide and operated across county boundaries, including the City of South Lake Tahoe and several counties in California and Nevada. He explained the transportation coordinator was to address workforce transportation and other issues that crossed boundaries. He stated he would not normally use Special District Funds in this manner, but felt it was a good way to leverage funds along with other partners and did not want to ask the Board to make an exception in budgeting above base requests. He indicated the Special District Funds would be committed for one year only and the money would go back to the District 1 Special Funding account if the other entities did not contribute.

**3:54 p.m.** County Manager Katy Singlaub returned to the meeting.

Commissioner Galloway suggested Mr. Harper should go before the RTC to alleviate any objections they might have. Mr. Harper assured Commissioner Galloway that continuing the agenda item until after an RTC hearing would not interfere with getting funds committed from the other TTD entities.

Commissioner Galloway expressed concern about the amount of time involved in getting the item on an RTC agenda. Chairman Larkin said no RTC Commission action was required for commissioners to expend their funds, although he wanted coordination through the RTC. He did not believe it was appropriate to move Washoe County General Funds into a transportation district, whereas RTC Commissioners' funds came from fuel moneys. He stated he could authorize some of his RTC Commissioner funds, but wanted a full understanding of where things were headed. He explained the RTC was reducing bus routes in all of its districts in order to subsidize TART and some RTC Commissioners did not see the TART community stepping forward. He indicated he would vote against General Funds going into the TTD.

Commissioner Humke commented that, although Commissioner Galloway was trying to do a very positive thing, it was difficult to justify a new staff position in an environment of budget cuts. He agreed with Chairman Larkin that the RTC should be involved. As an RTC Commissioner, he said he also had the ability to commit funds to the venture. He noted it was difficult to continue funding TART, which was a relatively low performing transportation line. Commissioner Humke expressed concern about setting a precedent and compared the situation to that of Storey County, which relied on counties such as Washoe to provide workforce transportation into their County without paying for those services. He suggested the businesses at Lake Tahoe had an interest in the welfare of employees who were imported on a daily basis and said it was imperative to ask them to contribute. He stated there was a tentative commitment by he and Chairman Larkin to commit RTC funds, but it would be a far better solution to establish a public-private partnership.

Chairman Larkin requested a full presentation to the RTC by the appropriate entity and stated RTC might want to be an advisory member of the TTD. Mr. Harper pointed out that membership would require a change in the Tahoe Regional Compact, but stated he was more than happy to arrange a presentation for the RTC. He expressed appreciation to Chairman Larkin and Commissioner Humke for their generosity.

Commissioner Galloway said it was very generous of Chairman Larkin and Commissioner Humke to offer the tentative support of their RTC funds, and it had not occurred to him to ask them to do that. He suggested approval of the funds for *Tune in to Kids* and continuation of the rest of the agenda item. He indicated he would withdraw the agenda item if RTC funds were eventually committed.

Commissioner Weber wondered about the deadline to disseminate funds from the current fiscal year. County Manager Katy Singlaub identified two deadlines, one for the end of the current fiscal year and one for candidates running for election. Commissioner Galloway suggested a 30-day continuation unless the item was withdrawn, but Ms. Singlaub did not believe that would make the fiscal year cut-off date. Chairman Larkin noted it could be made retroactive if necessary. Commissioner Galloway agreed to continue it until the last meeting before the appropriate deadline, whatever Ms. Singlaub determined that to be.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the funding for *Tune In To Kids* be approved in the amount of \$650. It was further ordered that the remainder of the agenda item be continued until such time as it was either withdrawn or, if RTC was unable to commit funds, another funding source could be found. The Resolution Authorizing Funds for Costs Associated with Public Programs for *Tune In To Kids* was attached hereto and made a part of the minutes thereof.

**4:10 p.m.** Chairman Larkin declared a brief recess.

**4:25 p.m.** The Board reconvened with all members present.

**08-551** **AGENDA ITEM 6 – COMMUNITY DEVELOPMENT/REGIONAL PARKS AND OPEN SPACE DEPARTMENTS**

**Agenda Subject:** “Update on *Draft Washoe County Regional Open Space and Natural Resource Management Plan*. (All Commission Districts)”

There were no commissioner questions or comments concerning the information presented in the staff report. Chairman Larkin pointed out the Plan was scheduled to come back before the Board in January 2009.

No action was taken on this item.

**DISCUSSION – BLOCK VOTE**

The Board combined Agenda Items 7, 8, 9, 11, 13, 20 and 23 into a block vote.

**08-552** **AGENDA ITEM 7 – SHERIFF’S OFFICE**

**Agenda Subject:** “Recommendation to approve sole source purchase of GeneMapper ID-X from Applied Biosystems for upgraded software for the analysis of DNA [\$71,590] for the Washoe County Sheriff’s Office Forensic Science Division, DNA Lab. (All Commission Districts)”

There was no public comment on this item.

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

**08-553** **AGENDA ITEM 8 – PURCHASING DEPARTMENT**

**Agenda Subject:** “Recommendation to award Bid No. 2654-08 for Optical Scan Election Ballots to the lowest, responsive and responsible bidder meeting specifications, as determined by the Registrar of Voters and the Purchasing and Contracts Administrator after opening bids on May 22, 2008. Bid results will be provided to the Board prior to the meeting of May 27, 2008 [estimated value of this award is approximately \$156,000]; however, actual bid results will be disclosed prior to or at the time this agenda item is heard. (All Commission Districts)”

County Manager Katy Singlaub indicated the bid results had been provided in a staff report and it was recommended the bid be awarded to Sequoia Voting Systems in the amount \$68,537.45, substantially below the estimated value of the award.

In response to the call for public comment, Sam Dehne suggested ballots should be counted manually at each precinct.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Agenda Item 8 be approved and awarded to Sequoia Voting Systems.

**08-554            AGENDA ITEM 9 – PURCHASING DEPARTMENT**

**Agenda Subject: “Recommendation to award Request for Proposal 2649-08 for a Neighborhood Justice Center to be funded by the County solely through State-mandated Court filing fees, to the Neighborhood Mediation Center, Inc., [estimated annual amount of \$140,000]; and if awarded, authorize Purchasing and Contracts Administrator to execute the Agreement with the Neighborhood Mediation Center Inc., for a one year term with two (2) one-year renewal options. (All Commission Districts)”**

Commissioner Weber asked whether it would ever be possible to bring the Neighborhood Justice Center in-house or to work with other regional entities. County Manager Katy Singlaub said she would investigate, although it was not possible to do that in the near term. She said she did not believe there was a statutory requirement for the Center to be contracted out, just that moneys be made available from the statutorily specified funding source.

There was no public comment on this item.

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

**08-555            AGENDA ITEM 11 – TECHNOLOGY SERVICES DEPARTMENT**

**Agenda Subject: “Recommendation to approve renewal of Fiscal Year 2008/2009 technology service contracts over \$50,000; and if approved, authorize Purchasing and Contracts Administrator to sign the contract renewals and purchase orders [\$1,430,000]. (All Commission Districts)”**

In response to the call for public comment, Sam Dehne objected to approving contracts in the total amount specified without any detailed discussion.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Agenda Item 11 be approved and authorized.

**08-556            AGENDA ITEM 13 – COMMUNITY RELATIONS DEPARTMENT**

**Agenda Subject: “Recommendation to appoint one At-Large member to fill an unexpired term to June 30, 2009, and appoint or reappoint two At-Large members and one At-Large Alternate to June 30, 2010, on the Incline Village/Crystal Bay Citizen Advisory Board. (Commissioner Galloway, Commission District 1)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Agenda Item 13 be approved with the following appointments: Michael Sullivan to fill the unexpired term, Dave Zeigler and Patrick McBurnett reappointed as At-Large members, and Susan Fagan reappointed as an At-Large alternate.

**08-557            AGENDA ITEM 20 – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject: “Recommendation to approve an Agreement between the County of Washoe and The Nature Conservancy to implement an ecosystem restoration project at the 102 Ranch, located along the lower Truckee River, for the Truckee River Flood Management Project, [not to exceed \$3,100,000; and authorize the use of Nevada State Grant Award to fund such agreement]; and if approved, authorize the Chairman to execute the Agreement. (All Commission Districts)”**

There was no public comment on this item.

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

**08-558            AGENDA ITEM 23 – DEPARTMENT OF WATER RESOURCES**

**Agenda Subject: “Recommendation to approve and authorize the Chairman to execute Professional Services Agreement between the County of Washoe and the Financial Consulting Solutions Group, Inc. [not to exceed \$410,121] to evaluate long-term infrastructure and operating needs, evaluate operating procedures and resource allocations as compared to best management practices, develop a long-term financial plan, conduct a financial policy review, develop recommendations for revised water, wastewater, and reclaimed water rates and user charges, and develop recommendations for capital facility charges for water, wastewater and reclaimed water facilities. (All Commission Districts)”**

Commissioner Galloway asked whether the tasks in the Agreement had previously been performed by Financial Consulting Solutions Group or whether they had ever been done in-house.

Water Resources Director Rosemary Menard said the rate study portion had previously been done with both internal and external resources. She clarified the tasks to be done included a look at best management practices and financial policies, in addition to the rate study. She assured Commissioner Galloway the process would create tools that in-house staff could continue to apply. Commissioner Galloway hoped in-house staff would participate with the consultant in order to get some training.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Agenda Item 23 be approved, authorized and executed.

**4:40 p.m.** The Board convened as the Board of Directors for the Sierra Fire Protection District.

**4:45 p.m.** The Board reconvened as the Board of County Commissioners with all members present.

**08-559**            **AGENDA ITEM 14 – COMMUNITY RELATIONS DEPARTMENT**

**Agenda Subject:** “Discussion and possible direction regarding bringing Washoe County video production/broadcasting services in-house. (All Commission District)”

Kathy Carter, Community Relations Director, indicated there had been a contract since 1999 with The Media Center (otherwise known as SNCAT or Sierra Nevada Community Access Television) to provide cable production and broadcasting services. She explained the contract amount varied from year to year depending on the scope of services, and the current contract would expire June 30, 2008. She outlined the contract amounts for various services, including the recent addition of web streaming and video on demand services that were provided by a third party. Ms. Carter referenced page 3 of the staff report, which identified several problems with the current arrangement, including changes in the scope of services each year, numerous service quality issues and significant amounts of staff time necessary to ensure SNCAT fulfilled its obligations. She pointed out there was a national trend to replace community cable programming with live web streaming and video on demand. She identified competitive cost and better quality as the goals for bringing the service in-house, as well as greater efficiencies and synergy among departments toward getting out a single message.

Based on a comparison of cost estimates from SNCAT for fiscal year 2008-09, Ms. Carter said in-house services appeared to be advantageous. She indicated it would be necessary to hire two full-time video production coordinators and estimated \$40,000 to purchase equipment in the first year. A one-time payment of approximately \$36,000 and fees of \$1,700 per month were anticipated for web streaming and video on

demand services through a leading provider of government services located in the Bay area.

Ms. Carter talked about the number of hours expended by SNCAT on a monthly basis, which she believed to be higher than necessary because workers were not familiar with the product. She did not believe the hours shown in the staff report were being expended efficiently.

Commissioner Weber asked whether it was possible to bring service in-house without adding staff. Ms. Carter agreed the timing was difficult, but emphasized there would be no increase in the \$150,000 annual budget. She commented the current expense resulted in an inferior product and required a lot of staff time for such things as making sure meetings were broadcast in their entirety and names were spelled correctly. She noted there would be less wear and tear on equipment because it would not be shared with other SNCAT users.

Commissioner Galloway asked whether budget dollars were available for the equipment costs in the first year. Ms. Carter proposed to stagger the \$40,000 equipment purchases between the current fiscal year and the next fiscal year. She said there was approximately \$15,000 left in the current budget for control room equipment that had not been required, \$13,000 from AT&T as part of the right-of-way agreement to help with broadcasting services, and a written commitment for \$13,000 from Charter Communications. She stated funding resources could be found to meet the estimated one-time costs of \$40,000 for equipment and \$36,000 to the web streaming vendor. In response to a question by Commissioner Galloway, County Manager Katy Singlaub referred to the plan outlined in the staff report for funding the additional capital costs.

Chairman Larkin inquired about broadcasts on Channel 17. Ms. Carter stated it had been confirmed that the signal could be sent directly to Charter Communications and web streaming would occur as that signal was sent. Chairman Larkin clarified the two proposed full-time positions included a technician in the control room. Ms. Carter noted the proposal was cost competitive and used the same budget dollars to provide a much better product. Chairman Larkin said she was on the right track, but it was very difficult to justify the addition of two full-time positions at the current time. Ms. Carter explained the work could not be done with existing staff.

Commissioner Galloway suggested one full-time and one part-time position. Ms. Carter indicated that would be a challenge. She said her analysis showed there would be a 17 percent cost savings on an ongoing basis. Chairman Larkin agreed with Ms. Carter's reasoning but indicated the Board could not grant two staff positions. He remarked the Board shared her concerns and was unhappy with the current product. He wondered if there was an opportunity to contract with SNCAT to provide a technician.

Commissioner Jung pointed out the Cities of Reno and Sparks also used SNCAT's services, and the \$300,000 City of Reno contract would come up in one year.

She suggested some creative solutions to share with the other entities could be included in a motion, possibly with an agenda item for a joint meeting. Based on her experience in community relations, she stated the customer base was less than satisfied.

Ms. Singlaub indicated Ms. Carter had been working with the Cities for a long time to investigate a possible shared service. She acknowledged there would be no decision to add additional positions at this time. She suggested staff be given direction to do some further work, pursue alternatives and come back before the Board in a quarter or six months with a review of the alternatives. She pointed out other alternatives such as working with the City of Reno would require some lead time. She said the City of Sparks indicated it was not interested in a collaborative venture at this time, but that could change and there might be other providers out there. Ms. Singlaub commented it was important to always be looking at how to get the best possible product for the lowest possible price. She observed the County had considerable control over the product under the current arrangement and still did not get good quality.

Chairman Larkin agreed Ms. Carter should have control over the technician in the control booth. He suggested she contract with a skilled technician rather than add full-time positions. Ms. Carter agreed to pursue that. She noted staff had worked exhaustively with SNCAT in trying to resolve issues and requested the assignment of a specific person to the County for greater consistency. She attributed a lot of errors to high turnover within SNCAT's organization. Chairman Larkin commented she might have to take some intermediate steps to get where she wanted to go.

Commissioner Galloway observed the concern over full-time positions had to do with the current hiring freeze, which was probably never intended to cover bringing an outside service in-house. He said he would not rule out new positions, but it might be possible to achieve the same thing by contracting with somebody. He expressed concern about the one-time equipment and web streaming costs of \$76,365, noting there was a shortfall of approximately \$35,000 that still needed to be worked out. He stated he would like to see the risk and costs brought down.

Chairman Larkin indicated a motion from the Board was not necessary. He said Ms. Carter was on the right track and the Board just needed some other options brought forward.

In response to the call for public comment, Les Smith, Executive Director of SNCAT, said it was unclear to him whether the County would need his organization's services or not. He acknowledged there had been service problems, but pointed out great efforts had been made in recent months to improve the work process to reduce errors. He indicated those efforts had been very successful, not just for the County but for the Cities as well.

Sam Dehne said SNCAT was the closest thing to truth in the local media.



Gary Schmidt stated there should be no production control or editing, just straight footage of the meetings. He supported consideration of a vendor other than SNCAT and suggested a volunteer citizen review committee.

Commissioner Galloway related an incident where a producer was told by SNCAT they would not televise the video of TRPA meetings that he provided. Although the problem had been resolved, he wondered what had occurred and how such problems could be avoided in the future if the County were to continue with SNCAT. Mr. Smith clarified the producer was told Channel 17 was Washoe County's channel and SNCAT had no authorization to run anything unless it went through Ms. Carter. SNCAT offered to run the video on public access Channel 16, which would require the producer to go through a one-hour class, but he indicated the producer was not willing to do that.

Chairman Larkin stated the discussion was not intended to be an affront to SNCAT, which also offered great opportunities for public television. He emphasized the Commissioners wanted editorial control in terms of quality, not content. He asked whether it was true that SNCAT offered experience for technicians who were cycling through their training. Mr. Smith pointed out SNCAT was able to provide services for a fraction of the cost of a private contractor because its facilities, equipment and personnel were shared among the government entities. He noted the public access producers had their own set of equipment that was not shared with the government entities. He added there was no government money, energy or time spent toward public access television. Mr. Smith said there was a grant through the City of Reno that would allow equipment to be upgraded, which would in turn reduce the time required for some of the things Ms. Carter wanted to do. He indicated there were cost efficiencies related to production beyond what could be realized in-house. Chairman Larkin replied it was the production quality that was in question and it was the intent of the Board to have quality productions going out over the airwaves. He said he had observed some of the broadcasts and the quality was not there. He indicated the County did not want to sever all ties to SNCAT, which was a valuable part of the community in terms of public access television. He asked whether SNCAT would be willing to provide a technician under contract to Washoe County. Mr. Smith agreed to look into that.

Commissioner Jung observed there was an issue with the amount of staff time required to chase down videographers to find tapes and get them edited in a timely manner. She encouraged Mr. Smith to have a dedicated person working from start to finish on each show. She inquired whether the videographers made more money working for SNCAT than they would if they worked for the local television stations. Mr. Smith said the difference was measured in pennies.

Commissioner Jung questioned citizen comments that the County wanted to edit public meetings. Ms. Carter emphasized that all public meetings were broadcast gavel to gavel and the County took its public records very seriously. She gave an example at a recent meeting when the cameraman left during a recess and did not return, so the remainder of the meeting could not be broadcast and was not recorded for replay.

Commissioner Weber related incidents within the last month or two when people tried to view a meeting on television but there was no sound. She asked how that could be dealt with and how Washoe County could be assured of getting the service it was paying for. Mr. Smith explained there were people on call to solve any technical problems that were brought to their attention. He reiterated that SNCAT was working aggressively to keep problems from recurring. Ms. Carter noted a citizen brought her a DVD to demonstrate a buzzing noise that made it difficult to hear the meeting.

If the service could not be brought in-house at this time, Commissioner Weber said she hoped there could be a better working relationship with SNCAT while still holding them accountable.

Chairman Larkin commented that staff had their marching orders.

**08-560            AGENDA ITEM 10 – ENHANCED 911 EMERGENCY RESPONSE ADVISORY COMMITTEE**

**Agenda Subject: “Recommendation to approve the issuance of a Fiscal Year 2008/2009 blanket purchase order to AT&T in support of Washoe County’s Enhanced 911 (E911) Emergency Response System, to provide Automatic Number Indicator/Automatic Location Indicator Circuit Trunks for the Reno, Sparks and Incline Village, Nevada Public Safety Answering Points for one year [not to exceed \$475,000]. (All Commission Districts)”**

County Manager Katy Singlaub pointed out expenditures of \$539,000 to date. She said was advised by AT&T that there should be a reduction in service costs over the next year.

Commissioner Galloway asked whether there was any kind of review process or recourse for questioning the rates. He observed the service was strictly based on technology that had been in place for a number of years and AT&T had years to amortize the cost. He suggested it should be possible to get some cost reduction over time. Cory Casazza, Chief Information Management Officer, said the rates were regulated by the Public Utility Commission at one point, but he believed they were deregulated about ten years ago. He pointed out the costs had stayed the same for the past ten years. He agreed to look into it, but was not aware of any way to negotiate for a reduced rate. Commissioner Galloway remarked that, wherever there was a monopoly, there should be some kind of regulation or recourse for people who felt they might be paying too much. He asked staff to work on the issue.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10 be approved.

**Agenda Subject:** “Recommendation to approve Fiscal Year 2008/2009 technology infrastructure preservation purchases over \$50,000 through Western States Contracting Alliance vendors Dell Inc. & CDW-G; and if approved, authorize Purchasing and Contracts Administrator to sign the technology infrastructure preservation purchases orders [not to exceed \$1,844,120]. (All Commission Districts)”

Commissioner Galloway asked whether the two vendors listed were the only ones available under the Western States Contracting Alliance. Cory Casazza, Chief Information Management Officer, indicated there were other vendors. He explained that three or four bids were usually obtained any time purchases were made, but most of the purchases were made through these two companies. He stated the matter would come before the Board if a purchase was to be made from a different vendor. Commissioner Galloway clarified that Technology Services would continue to seek the best price but wanted to expedite things when one of the two vendors was selected. Mr. Casazza said most of the file server and PC purchases were made through Dell, and much of the network equipment was purchased from CDW-G. Commissioner Galloway wanted it on the record that there was no intent to give the two vendors an exclusive. He noted there were similar procedures in Public Works, which used an approved list of vendors who agreed to lock in prices for a period of time. He requested a similar approach from Technology Services in the future. Mr. Casazza agreed to pursue that.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 12 be approved and authorized.

**5:40 p.m.** The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District.

**5:45 p.m.** Chairman Larkin declared a brief recess.

**6:25 p.m.** The Board reconvened as the Board of County Commissioners with Commissioner Jung absent.

**Agenda Subject:** “**Modify the Development Standards for a Home-based Business License – Community Development:** Consider the request by Nathan E. Robison to modify the development standards for the home-based business license issued to Mr. Robison dba Robison Engineering Co., Inc. at 12810 Fellowship Way (APN 049-182-06) in Reno to allow two non-resident employees, parking on-site for two employee vehicles, and an exterior sign advertising the business. (Commission District 2)”

Chairman Larkin opened the public hearing.

Planning Manager Bob Webb summarized the applicant's request and the Development Code regulations that applied to signage and employee parking for home-based businesses. He pointed out the location of the applicant's property on a map display, as well as photographs illustrating the parking and signage that were included in the staff report. In addition to the business sign, he indicated there were small directional signs that were not prohibited by Code regulations. Mr. Webb provided an additional report, which was placed on file with the Clerk, that summarized comments received from the public concerning the applicant's request. A total of 15 comments were received, with 3 in support and 12 expressing opposition to the modification request. Mr. Webb indicated 4 citizens were opposed only to the sign and 7 were in total opposition.

The applicant, Nathan Robison, commented that he met with several of his neighbors and invited them to discuss the issue. He stated he let one employee go since making his application, partially because of the parking limitation. He talked about real estate values in relation to the presence of an architectural review board. He displayed a graph showing the percent change in median sales price for the neighborhood, which was placed on file with the Clerk. Mr. Robison emphasized the business sign was not intended as advertising. He indicated the sign was a gift from his father-in-law that was designed to steer clients to his office entrance rather than the front door of his house.

Chairman Larkin pointed out that Mr. Robison's directional signs were permitted under the regulations and it was not necessary for the applicant to remove them or cover them up.

Commissioner Humke asked why two parking spaces were necessary. Mr. Robison said he had sufficient space on the property and wanted permission to use two spaces in the event that he hired a second employee in the future.

In response to the request for public comment, Donica Gregg said she did not want to see business advertising or parking in the area that would create non-resident traffic and change the dynamic of the neighborhood. She stated there were two electrical business trucks parked at a neighboring property.

Richard Burkhardt said it would set a bad precedent to allow business signs in the neighborhood. He pointed out the applicant's sign was illuminated.

Chairman Larkin closed the public hearing.

Commissioner Galloway asked whether the business sign was illuminated. Mike Kennedy, Code Enforcement Officer, said the sign itself did not appear to be, but there was an adjacent light that was probably there before the sign was put up. He indicated the Code did not address the issue of illumination. With respect to the electrical trucks, Mr. Webb said that home-based businesses were limited to one vehicle but it was possible the neighbors were employed by an electrical business, and there was no regulation against their trucks being parked at home.

Commissioner Humke inquired as to why parking was regulated for home-based businesses. Mr. Webb replied the regulatory standards were designed to minimize the impact on residential neighborhoods, with the theory it would not be apparent to the neighbors that a home business was being operated. He commented that holders of a home-based business license were held to a higher standard than other homeowners. He confirmed for Commissioner Humke that any increase in traffic through a residential neighborhood was discouraged, whereas commercially zoned locations had roads designed to accommodate increased traffic counts.

Commissioner Humke asked whether this was an issue of the private property rights of one neighbor versus another. Mr. Webb said he would defer to the District Attorney's Office on that issue.

Commissioner Galloway asked what type of engineering the applicant was doing and whether there was any indication of how many times per day people came and went. Mr. Webb said home businesses were limited to three business visitors per day, but there was nothing in the standards to limit the number of times an employee left and came back. Mr. Robison said he did civil engineering, as well as some structural and mining engineering. He indicated most of the work took place at the computer inside the office and he typically conducted off-site visits himself approximately once per week. He stated there was no business insignia on his vehicle.

Chairman Larkin said he supported people going into business for themselves and believed the Washoe County Development Code encouraged that with reasonable limitations.

Commissioner Galloway said he was not overly concerned about the parking issue given the size of the lot, but was concerned about setting a precedent by making an exception to the home-based business rules.

Commissioner Humke remarked that most of the written responses and oral testimony were overwhelmingly negative and most of those who responded were opposed to modification of both parking and signage. He believed the home-based business ordinance did not ask very much and was very fair. He referred to some citizen comments that, once the character of a neighborhood began to change, the area became more like a city and was more attractive for annexation. He pointed out that the City of Reno's rules for home-based businesses were more restrictive than those of Washoe County. Commissioner Humke said home-based business owners had an obligation to their neighbors to comply with the rules and not to change the character of the neighborhood.

Commissioner Weber stated the issue seemed to be primarily about the signage and she did not think the 12 negative comments were overwhelming.

Commissioner Humke commented he heard the applicant say the signage was a secondary concern. He indicated the ordinance should stand and pointed out he heard no testimony to indicate that the business would be harmed if the modifications were not granted. He thought the Commission should stand up for the neighbors who took the time to object.

Commissioner Weber indicated it did not appear there was a great deal of impact to the neighborhood other than from the signage and she believed it should have been possible to work the issues out. She thought it was important to encourage people to have home-based businesses.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion passed on a 3-1 vote with Commissioner Weber voting “no” and Commissioner Jung absent, the Board denied the requested modifications in Agenda Item 29, with the findings that the requested modifications would alter the appearance of the surrounding residential area, would adversely impact the improvements of adjacent properties, and would be detrimental to the surrounding area’s character.

**08-563            AGENDA ITEM 28 – DEPARTMENT OF WATER RESOURCES**

**Agenda Subject: “Central Truckee Meadows Remediation District: Hold a public hearing to consider comments concerning a proposed amendment to the boundaries of the Groundwater Remediation District. (All Commission Districts.) Continued from May 13, 2008 County Commission Agenda.”**

Chairman Larkin opened the public hearing. There being no one wishing to speak for or against the items, the public hearing was closed.

Commissioner Galloway commented that both ordinances related to the Groundwater Remediation District were routine and it was necessary to make adjustments as demographics changed in order to be fair to the people already paying into the Remediation District.

**08-564            AGENDA ITEM 28 – DEPARTMENT OF WATER RESOURCES**

**Agenda Subject: “Central Truckee Meadows Remediation District: Introduction and first reading of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto. (Second reading and adoption to be set for June 10, 2008)”**

There was no public comment on this item.

Bill No. 1549, entitled, “**AN ORDINANCE AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING**

**OTHER MATTERS RELATING THERETO**” was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

**08-565            AGENDA ITEM 28 – DEPARTMENT OF WATER RESOURCES**

**Agenda Subject: “Central Truckee Meadows Remediation District: Introduction and first reading of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Second reading and adoption to be set for June 10, 2008.)”**

There was no public comment on this item.

Bill No. 1548, entitled, “**AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO**” was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

**08-566            AGENDA ITEM 30 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Development Agreement Case No. DA006-001--Tentative Subdivision Map Case No. TM04-005, Warm Springs Ranch: Consider adoption of Development Agreement Case No. DA06-001 for Tentative Subdivision Map Case No. TM04-005, Warm Springs Ranch, located in the Warm Springs Specific Plan, pursuant to Nevada Revised Statutes 278.0201 through 278.0207. The sole purpose of this amendment to the Development Agreement is to extend the expiration date of said subdivision map until June 29, 2009 and upon sixty (60) days written request from Landowner, the Director of the Department of Community Development of Washoe County may, in his sole discretion, grant an additional one (1) year extension of time to file the final map from June 29, 2009 to June 29, 2010. [APN: 077-090-03, 077-090-07, 077-090-13, 077-090-14, 077-090-15, 077-340-04, 077-340-05, 077-340-37, 077-340-44, 077-340-45]. (Commission District 4)”**

County Manager Katy Singlaub explained the sole purpose of the amendment to the Development Agreement was to extend the expiration date of the subdivision map. She indicated such amendments had recently been granted for other subdivision maps.

Chairman Larkin opened the public hearing. There being no one wishing to speak for or against the items, the public hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Jung absent, it was ordered that

the amendment to the Development Agreement in Agenda Item 30 be approved and adopted.

**08-567            AGENDA ITEM 30 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Development Agreement Case No. DA006-001--Tentative Subdivision Map Case No. TM04-005, Warm Springs Ranch: Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving the amendment to Development Agreement Case No. DA06-001 for Tentative Subdivision Map Case No. TM04-005 for Warm Springs Ranch Subdivision as previously approved by the Washoe County Planning Commission; and provide for a second reading on June 10, 2008.”**

There was no public comment on this item.

Bill No. 1550, entitled, “**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING THE AMENDMENT TO DEVELOPMENT AGREEMENT CASE NO. DA06-001 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM04-005 FOR WARM SPRINGS RANCH SUBDIVISION AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION**” was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**08-568            AGENDA ITEM 16 – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code §5.066, §5.117, §5.122, §5.229 and §5.231 by changing the definition of “work week” to allow employees to work alternative work schedules which comply with the Fair Labor Standards Act, allowing employees working in alternative work schedules to receive the same amount of holiday time off as other employees, and other matters properly relating thereto.”**

Commissioner Galloway asked whether the ordinance relieved Washoe County of the burden to pay overtime in certain situations for employees who agreed to an alternative work schedule. Paul Lipparelli, Legal Counsel, explained the staff report was prepared by Assistant District Attorney Melanie Foster, who was unavailable due to a sports injury. He believed there was a legal requirement to pay overtime beyond a certain number of hours worked per week; however, the overtime requirement was not triggered unless limitations for the alternative work week were exceeded. He explained the ordinance would allow greater flexibility for the County in establishing work schedules for certain job junctions when it suited the organization’s needs, without which there could be a potential overtime liability. Commissioner Galloway pointed out overtime was required for more than eight hours worked in a single day, even if an employee worked less than 40 hours for the week. He asked for staff clarification by memo prior to the second reading and adoption of the ordinance.



There was no public comment on this item.

Bill No. 1551, entitled, “AN ORDINANCE AMENDING THE WASHOE COUNTY CODE §5.066, §5.117, §5.122, §5.229 AND §5.231 BY CHANGING THE DEFINITION OF “WORK WEEK” TO ALLOW EMPLOYEES TO WORK ALTERNATIVE WORK SCHEDULES WHICH COMPLY WITH THE FAIR LABOR STANDARDS ACT, ALLOWING EMPLOYEES WORKING IN ALTERNATIVE WORK SCHEDULES TO RECEIVE THE SAME AMOUNT OF HOLIDAY TIME OFF AS OTHER EMPLOYEES, AND OTHER MATTERS PROPERLY RELATING THERETO” was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**08-569            AGENDA ITEM 17 – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject:** “Introduction and first reading of an Ordinance amending Washoe County Code by moving the Health Benefits Program from Risk Management to the Department of Human Resources; provide for the Director of Finance to maintain oversight of the Health Benefits Program; move the administration of the Pre-funded Retiree Health Benefits Fund to the Director of Finance and other matters properly relating thereto.”

There was no public comment on this item.

Bill No. 1552, entitled, “AN ORDINANCE AMENDING WASHOE COUNTY CODE BY MOVING THE HEALTH BENEFITS PROGRAM FROM RISK MANAGEMENT TO THE DEPARTMENT OF HUMAN RESOURCES; PROVIDE FOR THE DIRECTOR OF FINANCE TO MAINTAIN OVERSIGHT OF THE HEALTH BENEFITS PROGRAM; MOVE THE ADMINISTRATION OF THE PRE-FUNDED RETIREE HEALTH BENEFITS FUND TO THE DIRECTOR OF FINANCE AND OTHER MATTERS PROPERLY RELATING THERETO” was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**08-570            AGENDA ITEM 18 – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject:** “Introduction and first reading of an Ordinance amending Washoe County Code §5.255 by adding a provision which allows the Board of County Commissioners to increase the amount of sick leave payoff to departing employees, and other matters properly relating thereto.”

County Manager Katy Singlaub indicated the incentives for sick leave payoffs had a window that would close after a specific period of time. She stated employees were required to request and receive approval to use the incentive as part of the County’s budget reduction plan. The incentive was not available to every individual, and required the County to make sure the calculations would work before the employee

could receive the payoff. Commissioner Galloway observed the time window was not part of the Ordinance. Ms. Singlaub pointed out the time window was a question of policy and the Ordinance was permissive rather than required.

Commissioner Galloway asked about the ability of elected department heads who were not under the control of County Management to grant the incentive. Ms. Singlaub explained the employees of departments such as the District Attorney's Office or the Clerk's Office were still considered County employees. She said the budget reduction plan required a net financial gain to the taxpayers in order to activate an incentive, and the incentive applied to all employees under County policies, procedures and employment practices. She clarified that included employees of the elected department heads but did not typically include the courts because they were not under the jurisdiction of the County for employment purposes. Commissioner Galloway suggested there should be some wording that required specific action of the County Commission so there would not be any challenges to the incentive. Ms. Singlaub referred to the following language in Paragraph 3 of the Ordinance: "Upon recommendation of the county manager, the board of county commissioners may, at its sole discretion, increase the amount of sick leave payoff..." She indicated specific agreements were created that would be signed off by the employee, legal staff and everyone involved. In response to Commissioner Galloway's inquiry, Legal Counsel Paul Lipparelli agreed the incentive was granted upon the recommendation of the County Manager, despite the department from which the employee was leaving.

There was no public comment on this item.

Bill No.1553, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE §5.255 BY ADDING A PROVISION WHICH ALLOWS THE BOARD OF COUNTY COMMISSIONERS TO INCREASE THE AMOUNT OF SICK LEAVE PAYOFF TO DEPARTING EMPLOYEES, AND OTHER MATTERS PROPERLY RELATING THERETO**" was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**08-571            AGENDA ITEM 19 – COMMUNITY DEVELOPMENT**

**Agenda Subject: "Introduction and first reading of an Ordinance approving the amendment of the Washoe County Code, Chapter 110, Development Code, Article 302, Allowed Uses and Article 304, Use Classification System, to establish "public service yard" as a new use type within certain regulatory zones in Washoe County."**

In response to a question by Commissioner Galloway, Senior Planner Trevor Lloyd defined PSP zoning as Public/Semi-Public Facilities. Mr. Lloyd confirmed that the ordinance did not allow public service yards to be established in residential zoning areas and stated general rural zoning was not strictly residential. Commissioner Galloway confirmed with Mr. Lloyd there would be no public service yards allowed in low density rural areas such as the area south of Windy Hill.

There was no public comment on this item.

Bill No. 1554, entitled, “**AN ORDINANCE APPROVING THE AMENDMENT OF THE WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 302, ALLOWED USES AND ARTICLE 304, USE CLASSIFICATION SYSTEM, TO ESTABLISH “PUBLIC SERVICE YARD” AS A NEW USE TYPE WITHIN CERTAIN REGULATORY ZONES IN WASHOE COUNTY**” was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

**08-572            AGENDA ITEM 25 – DISTRICT ATTORNEY’S OFFICE**

**Agenda Subject: “Introduction and first reading of an Ordinance reorganizing the existing NRS Chapter 473 Sierra Fire Protection District into a Fire Protection District Created and Governed by NRS 474.460 to 474.540, inclusive; describing the boundaries thereof and the territory included therein; authorizing contracts between the District and Washoe County; and providing other matters properly relating thereto; and, set public hearing date and second reading for June 10, 2008, to enact the ordinance. (All Commission Districts)”**

Chairman Larkin clarified with Paul Lipparelli, Legal Counsel, that reorganization of the Fire District had been worked out with the Fire Chief and the State Forester, and that it complied with all of the District’s negotiated agreements. Mr. Lipparelli explained one of the required steps in the process of converting the Sierra Fire Protection District from NRS 473 to NRS 474 was to establish the District’s boundaries by ordinance. He said the Ordinance followed other actions such as the Resolution where the Board made its findings about various aspects of converting the District.

There was no public comment on this item.

Bill No. 1555, entitled, “**AN ORDINANCE REORGANIZING THE EXISTING NRS CHAPTER 473 SIERRA FIRE PROTECTION DISTRICT INTO A FIRE PROTECTION DISTRICT CREATED AND GOVERNED BY NRS 474.460 TO 474.540, INCLUSIVE; DESCRIBING THE BOUNDARIES THEREOF AND THE TERRITORY INCLUDED THEREIN; AUTHORIZING CONTRACTS BETWEEN THE DISTRICT AND WASHOE COUNTY; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO**” was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

Commissioner Galloway expressed concern about the large number of metes and bounds in the Ordinance, and requested some means of allowing the District Attorney’s Office to correct any errors or omissions they might discover. Paul Lipparelli, Legal Counsel, indicated that was acceptable as long as the errors were typographical or minor in nature, and did not include anything that would alter the substance of the Bill.

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioner Jung absent, it was ordered that the District Attorney's Office be granted the authority to correct typographical or technical errors discovered in the complicated legal descriptions of the Bill, prior to its enactment on June 10, 2008. It was noted that any changes to the substance of the Bill would require Board action.

**08-573            AGENDA ITEM 22 – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject: “Recommendation to reject all bids for construction contract # PWP-WA-2008-23 for the Reno-Sparks Indian Colony ‘Truckee River Levee and Floodwall from U.S. 395 to East Second Street/Glendale Avenue’.”**

Chairman Larkin stated there had been some discussion about whether or not a letter of intent could extend the bid period. Paul Lipparelli, Legal Counsel, said the District Attorney's Office provided legal advice to Naomi Duerr, Director of the Truckee River Flood Management Project, regarding the legal consequences of going beyond the offer period indicated in the original bid advertisement. He explained the County's Request for Proposal required bidders to keep their offer on the table for 90 days to give the County time to evaluate bids and present them to the Commission for consideration. He indicated an extension in this case would require too long a period of time and would create the potential for legal challenges by disgruntled bidders, as well as the potential that conditions could significantly change. He said it was reasonable to expect that the contractor who would have honored a bid for 90 days was now being expected to take risks that were not apparent at the time the bid was submitted and it was also reasonable to expect the contractor to seek recovery of additional costs. Mr. Lipparelli stated it was the advice of the District Attorney's Office that the County Commission reject all of the bids and start over. Despite the generous offer of the apparent low bidder to hold the price open, he said the District Attorney feared the legal consequences of doing that.

Chairman Larkin noted the apparent low bidder was not at fault for rejection of the bids and needed recognition for the time, effort and money expended on the project. He pointed out this was the first of approximately 40 projects for the public safety of the community that would eventually total in the neighborhood of \$1.2 to \$1.6 billion. He indicated the extraordinary nature of the projects required a workable, logical process that would allow variances of 180-200 days. He pointed out the projects involved multiple jurisdictions as well as public-private partnerships. Chairman Larkin charged the District Attorney's Office with advising the Commission on new processes, new procedures, new methodologies, and perhaps even some additional law from the State Legislature to help accomplish the tasks. Mr. Lipparelli acknowledged the direction and said the District Attorney's Office would continue what had already been started with Flood Project staff in looking at ways the law could accommodate the project.

Mr. Lipparelli noted price escalation provisions had been inserted into Public Works bid documents in the past, and bidders could be required to hold their bids

open for longer periods of time if the technical staff anticipated a need for that. He attributed the delay in awarding the contract in this instance to the failure of one party to sign the development agreement and put up money for the project. He expressed frustration about the subsequent effect on the County's bidding community.

Commissioner Galloway asked for a brief explanation of the issues involved. Ms. Duerr clarified one of the remaining issues was to obtain the partners' signatures on the development agreement for the Reno-Sparks Indian Colony/Wal-Mart Levee and Floodwall project. She indicated the Reno-Sparks Indian Colony had already approved the agreement and the private partner was expected to sign the agreement within a few days. She stated there was a second issue with Wal-Mart obtaining their permit from the Nevada Department of Transportation (NDOT). She said the delay was related to the quality of the original submittal and challenges with the interchange. She confirmed for Commissioner Galloway that the NDOT permit was a condition that had to be met before the bid could be awarded and the process, which was underway, generally took about 60 days. Ms. Duerr indicated there were also leases, easements and rights of way that needed to be finalized. She noted an arrangement had been worked out with the State of Nevada to exchange the value they would be receiving in lieu of cash for an easement. She commented there might be one or two other permits or easement required for the project. She remarked this was the Flood Project's first construction project and staff was learning all of the many steps in the process. She explained, for example, the easement with the State of Nevada was something that had never been done before. She anticipated the learning on this first project would make the rest of the projects go much quicker.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Jung absent, the Board rejected all bids for construction contract PWP-WA-2008-23, as indicated in Agenda Item 22.

**08-574            AGENDA ITEM 24 – DEPARTMENT OF WATER RESOURCES**

**Agenda Subject: “Discussion and direction to staff regarding proposed grant application to the Truckee River Fund for a sewer connection incentive program to fund sewer connection fees for property owners in the Mayberry Ranch Estates who connect to the community sewer by June 30, 2010; and, if approved, authorize the Director of Water Resources to submit grant proposal to the Truckee River Fund [grant proposal requests up to \$229,500 (\$5,100 per property) in sewer connection fees for up to 45 property owners on Allison Drive, Fillmore Way, Mayberry Drive and Idlewild Drive with a match amount of approximately \$895,163.91 in the form of sewer project costs to be paid by property owners at the time of connection]. (Commissioner District 1)”**

Rosemary Menard, Director of Water Resources, displayed maps from the staff report that identified the locations of 45 properties that would potentially qualify for funding if the incentive program was authorized by the Truckee River Fund. She referred to Table 1 on page 3 of the staff report, which estimated the costs to each homeowner for

connecting to municipal sewer in the event their on-site septic systems failed or the property owner undertook major remodeling efforts. She explained the Department of Water Resources worked with Commissioner Galloway to find some funding options to help mitigate some of the costs associated with sewer connection. The proposal under consideration was to submit a grant request by June 2, 2008 to the Truckee River Fund on the basis that the septic effluent from the 45 properties was contributing nitrogen and phosphorus to the river and; therefore, the Truckee River would benefit from improved water quality by connecting the homes to municipal sewer. She said the idea was to create an incentive program for the homeowners to connect before June 30, 2010 in order to get their connection fee paid through the grant.

Chairman Larkin asked if the program was similar to what was done in Spanish Springs. Ms. Menard said federal and State funding had been available for Spanish Springs. She explained, although authorizations were obtained, appropriation of the funds for Spanish Springs was held up and no actual money was available. She stated Water Resources was working with Finance Director John Sherman, as well as the County's Financial Manager and Bond Counsel, to look for opportunities for additional financing mechanisms for homeowners that might need to finance such investments over a long period of time. Chairman Larkin inquired as to what percentage of financing each homeowner would have to bear. Ms. Menard replied, if obtained, the grant would cover about 20 percent of the costs for homes on Allison Drive, about 26 percent for those on Idlewild Drive, and about 11 percent for those on Mayberry Drive. Ms. Menard assured Chairman Larkin there was direct evidence of nitrates leaking into the Truckee River.

Ms. Menard agreed with Commissioner Galloway that the properties under discussion were very analogous to the River Oaks Subdivision.

Commissioner Galloway remarked that, if funds were not obtained, the homeowners would have no incentive to connect early and would just wait until the last possible minute.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 24 be approved and authorized.

**08-575            AGENDA ITEM 31 – 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).”**

There were no Commissioner reports or updates.

\* \* \* \* \*

**8:15 p.m.** There being no further business to discuss, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Jung absent, the meeting was adjourned.

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**ROBERT M. LARKIN**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Lisa McNeill, Deputy County Clerk*

## Proclamation

**WHEREAS**, Washoe County Sheriff's Deputies and law enforcement officers across the nation stand watch on the front lines to preserve our freedom and security; and

**WHEREAS**, In 1962, President John F. Kennedy signed the Congressional Resolution that designates May 15 as Peace Officers' Memorial Day and the week in which it falls as Police Week to honor our nation's law enforcement officers and pay homage to the heroes who have fallen in the line of duty; and

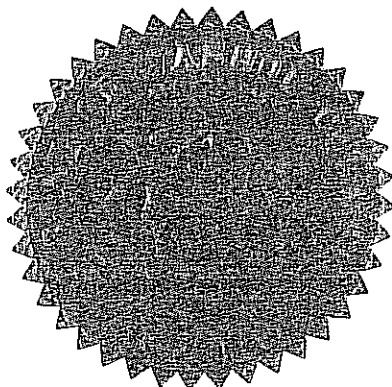
**WHEREAS**, In 2007, 181 federal, state and local law enforcement officers were killed in the line of duty; and

**WHEREAS**, On this occasion, we pause and remember the Washoe County Sheriff's Deputies who made the ultimate sacrifice while serving in the line of duty: Deputy Earl Griffith, killed on May 1, 1947; Deputy Frank Minnie, died on June 1, 1997 and Deputy John Wiberg, killed on May 11, 2004; and

**WHEREAS**, The Washoe County Commission recognizes the valor and devotion of our law enforcement officers and commends them on their unwavering commitment to justice; and therefore, be it

**PROCLAIMED**, By the Washoe County Commission that since May 15, 2008 was Peace Officers' Memorial Day and May 11 through May 17, 2008 was National Police Week, we ask all members of the Washoe County community to join us in remembering those who gave their lives for our safety and thank our law enforcement officers who dedicate themselves everyday to making Washoe County safer and more secure.

**ADOPTED** this 27<sup>th</sup> day of May, 2008.



*Robert M Larkin*

Robert M. Larkin, Chairman  
Washoe County Commission

08-548



## MEMORANDUM OF AGREEMENT

This memorandum of agreement (hereinafter "Agreement") is made and entered into this May 27 day of 2008 by and between the Board of Regents of the Nevada System of Higher Education on behalf of Truckee Meadows Community College Department of Public Safety, hereinafter referred to collectively as "TMCC DPS," and the County of Washoe, a political subdivision of the State of Nevada, on behalf of the Washoe County Sheriff's Office (hereinafter referred to collectively as the "County" or "Washoe County").

WHEREAS the TMCC DPS provides police services in Nevada to maintain law and order and public safety, and Washoe County maintains and operates a Sheriff's Office to maintain law and order and public safety; and

WHEREAS the TMCC DPS and the County enter into this Agreement under the authority of NRS 277.180; and

WHEREAS in order to more efficiently and effectively maintain law and order and public safety, the TMCC DPS and the County desire to enter into this Agreement for the purposes stated below.

NOW THEREFORE BE IT RESOLVED that the TMCC DPS and Washoe County hereby enter into this Agreement on the following terms and conditions:

Purpose: The TMCC DPS and Washoe County agree to provide mutual assistance in the event of any tactical situation, which may occur at any of the Nevada System of Higher Education buildings that fall under the jurisdiction of the TMCC DPS. These locations include the following properties:

- Truckee Meadows Community College Main Campus 7000 Dandini Boulevard Reno, NV 89512
- Truckee Meadows Community College Meadowood Center 5270 Neil Road Reno, NV 89502
- Truckee Meadows Community College IGT Applied Technology Center 475 Edison Way Reno, NV 89502
- Truckee Meadows Community College Nell J. Redfield Foundation Performing Arts Center 505 Keystone Avenue Reno, NV 89503

1. The Washoe County Sheriff's Office SWAT Team will also provide assistance in the service of any high risk felony warrant services, which fall within the parameters of Washoe County's SWAT Team Policies and Procedures.
2. Jurisdiction: The Washoe County Sheriff's Office will provide assistance as provided in this Agreement within the jurisdictional areas of TMCC DPS.
  - A. In instances where the Washoe County Sheriff's Office SWAT Team is called upon by TMCC DPS pursuant to this Agreement to respond to properties located

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within the jurisdictional boundaries of the City of Sparks or Reno, the Washoe County Sheriff's Office SWAT Team may call upon those Law Enforcement agencies to assist in a joint tactical operation.

3. Request Procedure: County requests for service under this Agreement shall be made orally or in writing to the TMCC DPS and TMCC DPS requests shall be made orally or in writing to the Sheriff of Washoe County. Designated officials may appoint representatives to act for them when they are unavailable or circumstances warrant.
4. Voluntary Response: A party's response to any request for service under this Agreement is completely voluntary and there is no obligation to respond favorably to any request.
5. Liability and Indemnification:
  - A. To the extent limited in accordance with NRS chapter 41, TMCC DPS shall indemnify, defend, and hold harmless the County, its officers, and employees from and against any and all liabilities, claims, losses, lawsuits, judgments, and/or expenses, including attorney fees, arising either directly or indirectly from any act or failure to act by TMCC DPS or any of its officers or employees, which may occur during or which may arise out of the performance of this Agreement. TMCC DPS and County will assert the defense of sovereign immunity and any other applicable immunities, including NRS chapter 41 immunities, as appropriate in all cases, including malpractice and indemnity actions. TMCC DPS's indemnity obligation for actions sounding tort is limited in accordance with the provisions of NRS 41.035 to \$75,000.00 per cause of action.
  - B. The County agrees that it shall be responsible for any liability or loss that may be incurred as a result of my suit, claim, demand, cost, judgment or settlement made against its officers, employees or agents resulting from their intentional or negligent acts, or failure to act, in conjunction with any activities performed under this Agreement. The County also agrees to hold harmless, indemnify and defend the TMCC DPS from any and all losses, liabilities, claims, or expenses (including attorney fees) of any nature to the person or property of another caused by the negligent or intentional acts, errors or omissions of the County officers, employees or agents in connection with any activities performed under this Agreement. Nothing in this Agreement interferes with or alters the applicability of requirements of Chapter 41 of the Nevada Revised Statutes.
6. Worker's Compensation and Liability Insurance: Each party shall be responsible for insuring its officers, employees and agents have worker's compensation coverage in accordance with applicable laws while this Agreement is in effect. Each party shall be responsible for ensuring its officers, employees and agents are covered under its general liability insurance policy or a policy of self-insurance. Each party may, at any time, request proof of such worker's compensation and liability insurance coverage, which proof of insurance or coverage shall be promptly provided to the other party.

02-15-16

7. Ultimate Supervision: Notwithstanding anything to the contrary in this Agreement, the employer of the officer, employee or agent (and the employer's supervisory law enforcement officials) shall have ultimate authority over its officers, employees and agents, including the authority to order such person back to his/her jurisdiction.
8. On-the-scene Direction: Subject to the ultimate supervisory authority of the employer over its personnel as provided in paragraph 7 above, this Agreement authorizes the highest ranking law enforcement official on duty or on the scene with jurisdiction over the lands where the incident occurs to be in charge of the incident, including the direction of all personnel and equipment provided by the responding party.
9. Reports: As soon as practicable after a law enforcement incident occurs under this Agreement, the parties shall exchange available officer reports relating to such activity. Nothing in this Agreement waives, limits, or removes confidentiality requirements required or authorized by applicable law.
10. Subpoenas: The parties agree that all judicial or administrative subpoenas issued at the request of one party required for law enforcement activities under this Agreement shall be honored. If allowed by law, any out-of-pocket expenses incurred by a party associated with compliance with such subpoenas shall be paid by the party responsible for issuance of the subpoena.
11. No Compensation: Neither party is required to compensate the other party for services rendered under this agreement. Each party agrees to use its own resources and equipment in responding to requests for service and each party shall be responsible for any costs or repairs associated with such resources and equipment.
12. Firearms: Law enforcement officers shall carry and use a firearm in accordance with their Agency's policies and procedures and in accordance with the policies and procedures of the Agency in whose jurisdiction an incident requiring service has occurred. Each party agrees to provide the other party with a copy of its firearm policies and procedures and to provide an orientation to the other party on such policies and procedures.
13. Officer Involved Shootings: The investigation of any law enforcement officer involved in a shooting that takes place while performing a service under this Agreement shall be the primary responsibility of the jurisdiction in which the incident occurred. Nothing in this Agreement prevents appropriate staff or personnel from the other jurisdiction from assisting in such investigation, conducting its own investigation or participating in a joint investigation.
14. On-Duty Motor Vehicle Accidents: Investigations of law enforcement officers whose vehicles are involved in a traffic collision while engaged in service under this

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Agreement shall be conducted in accordance with the "Protocol for Motor Vehicle Accidents/Incidents," attached hereto as Exhibit 1.

15. Injuries Sustained on Duty: If a law enforcement officer is injured while performing duties under this Agreement, the employing Agency's procedure for on-duty injuries should be followed.
16. Complaints: Any complaint alleging misconduct by personnel performing law enforcement activities pursuant to this Agreement will be investigated by the party who employs such personnel.
17. Vehicular Pursuits: The parties shall abide by the written policy on vehicular pursuits that governs their Agency.
18. Termination: This Agreement may be voluntarily terminated with or without cause by any party upon providing the other party thirty (30) days prior notice in writing addressed to the following:

Attn: Finance and Administrative Services  
Truckee Meadows Community College  
7000 Dandini Blvd. SIER 202D  
Reno, NV 89512

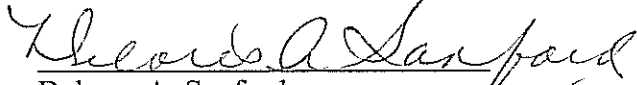
Washoe County Board of County Commissioners  
P.O. Box 11130  
Reno, NV 89520

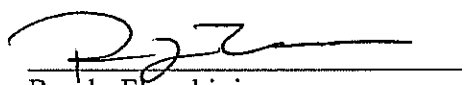
18. Reservation of Rights: Notwithstanding anything to the contrary, the parties to this Agreement reserve all of their statutory and inherent rights and nothing in this Agreement waives their sovereignty.
19. Amendments: This Agreement contains all of the provisions agreed to by the parties and no amendments to the Agreement are valid unless agreed to in writing by TMCC DPS and the Chairman of the Board of County Commissioners of Washoe County.
20. Effective Date: This contract is effective from the date of execution and terminates 48 months from the effective date, unless otherwise terminated as provided herein. Furthermore, if the governing body of either party fails to obligate any funds necessary to carry out obligations created under this Agreement beyond that party's then current fiscal year, this Agreement shall terminate without charge, penalty, or sanction.

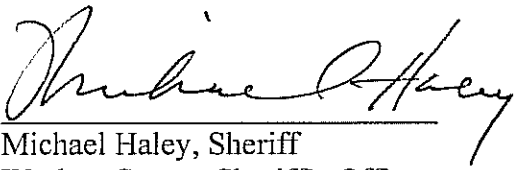
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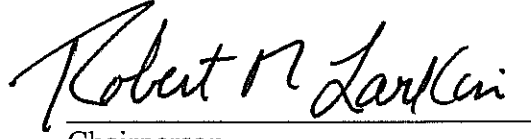
**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed on the day and in the year first above.

Board of Regents of the Nevada System of  
Higher Education on Behalf of Truckee  
Meadows Community College

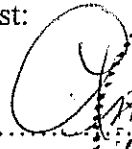
  
Delores A. Sanford  
Interim President 4.28.08

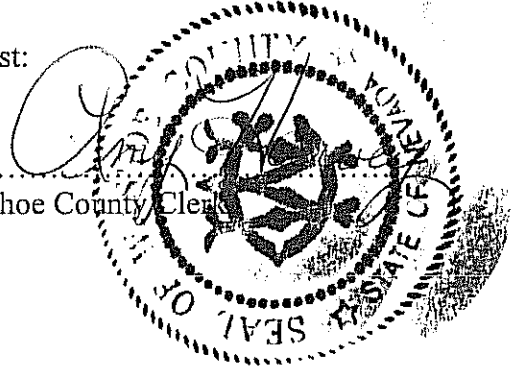
  
Randy Flocchini  
Chief of Police, TMCC DPS

  
Michael Haley, Sheriff  
Washoe County Sheriff's Office

  
Chairperson  
Board of County Commissioners

Attest:

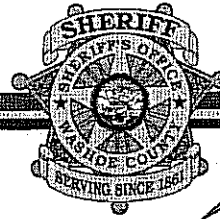
  
.....  
Washoe County Clerk



08-546

# EXHIBIT 1

08-546



Title: General Order <b>REPORTING/REVIEW OF AGENCY VEHICLE ACCIDENTS</b>		Number: <b>016.025</b>
Issued Under Authority Of: <b>SHERIFF MICHAEL HALEY</b>	Approval:	

## 016.026 POLICY

It is the policy of the Washoe County Sheriff's Office to review all motor vehicle accidents involving Sheriff's Office personnel that occur during the performance of their official duties.

The review process may be completed through an Administrative Review at the division captain level or directed to either the Accident Review or Major Case Review Boards based upon the severity of the incident. The Office of Professional Integrity will investigate all incidents exceeding the scope of the Accident Review and Major Case Review Boards and will assist as directed by the division captain or assistant sheiff.

## 016.027 INITIAL REPORTING

- A. Necessary and applicable reports are to be completed and submitted by involved personnel in a timely manner.
- B. The incident supervisor will complete a preliminary investigation report and forward the report and supporting documentation to the division captain as soon as practical.
  1. If the incident directly involves the supervisor, the next available supervisor will complete the preliminary investigation report.

## 016.028 PRELIMINARY REVIEW

- A. The division captain will review all reports of agency vehicle accidents and property damage involving personnel under their command to determine if the actions of personnel were in compliance with the law, rules, regulations, policies, procedures and training of the Sheriff's Office.
- B. The division captain will determine if the incident should be submitted to the Office of Professional Integrity, Major Case or Accident Review Board for additional investigation.

016-546

Effective Date: <b>July 11, 2005</b>	Title: General Order 016.025 <b>REPORTING/REVIEW OF USE OF COMPLIANCE AND/OR ACCIDENTS</b>	Page: <b>1 of 4</b>
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1. All incidents that result in death, serious injury, excessive property damage (other than vehicle damage) or major financial loss will be forwarded to the Major Case Review Board.
  2. All moderate and major vehicle accidents (as defined in Attachment A) where the WCSO employee was found to be the "At Fault Driver" or where "Fault" has not been determined by the investigating agency, will be forwarded to the Accident Review Board.
  3. All vehicle accidents not meeting the criteria listed above will be forwarded to the patrol traffic lieutenant for review, recommendation and statistical tracking.
- C. The division captain will implement appropriate corrective action on all incidents that do not require additional investigation or are minor in nature.

### **016.029 ACCIDENT REVIEW BOARD**

- A. The Accident Review Board will review moderate or major accidents (as defined in Attachment A) where the WCSO employee was found to be the "At Fault Driver" or where "Fault" has not been determined by the investigating agency.
1. The Accident Review Board may review any traffic accident at the direction of the division captain or greater ranking authority.
- B. The Accident Review Board may consist of, but not be limited to, the following individuals:
1. Patrol Traffic Lieutenant as chairman.
  2. Patrol Sergeant having traffic expertise.
  3. Risk Management Designee.
  4. Association Representative.
  5. Emergency Vehicle Operations Course Instructor.
  6. Any other member designated by the Division Captain of the employee being investigated.
- C. The Accident Review Board will determine and classify the accident as non-preventable, preventable, or chargeable, and make recommendations concerning investigative findings, training, violations of policies and procedures, or any other appropriate action they deem relevant to the incident.

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- D. A copy of the Accident Review Board's classification and recommendations will be forwarded to the county risk manager.

**016.030 MAJOR CASE REVIEW BOARD**

- A. The Major Case Review Board will review the administrative investigation of all agency vehicle accident cases resulting in death, serious bodily harm, or substantial financial loss.
- B. The Major Case Review Board will be convened by the chief deputy and may consist of, but not be limited to, the following individuals:
1. The Administrative Chief Deputy or the Chief Deputy of the Bureau opposite of the employee being investigated.
  2. Division Captain(s)
  3. OPI Investigators
  4. Criminal Investigators
  5. Sheriff's Legal Advisor
  6. Civil Division - District Attorney
  7. Risk Manager
  8. Association Representative
  9. Personnel designated as the Accident Review Board when the incident involves a vehicle accident.
- C. The Major Case Review Board will determine and make recommendations concerning investigative findings, training, violations of policies and procedures, or any other appropriate action they deem relevant to the incident.
- D. A copy of the Major Case Review Board's recommendations and findings will be forwarded to the County Risk Manager.

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**016.031 FINAL REVIEW / CORRECTIVE ACTION IMPLEMENTATION**

- A. The recommendations of the Accident Review Board or patrol traffic lieutenant will be forwarded to the employee's division captain for implementation of the corrective action process in accordance with General Order 160.000.
- B. The recommendations of Major Case Review Board will be forwarded to the

employee's chief deputy for implementation of the corrective action process  
in accordance with General Order 160.000

- C. Copies of all completed accident reviews will be forwarded to the patrol  
traffic lieutenant for statistical tracking.

☆☆☆☆

**Michael Haley, Sheriff**

<b>References:</b>	<b>Special Instructions:</b> Supercedes G. O. Dated 1/9/04
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08-546

## Attachment A

### Washoe County Sheriff's Office Review and Classification of Agency Vehicle Accidents

#### Overview

There are so many different events and causes existing in traffic accidents that it would be impossible to provide a directive covering all incidents. The information contained in this document is designed to assist the personnel responsible for reviewing accidents when determining:

- A. The severity of the accident.
- B. The degree of responsibility or fault by the Washoe County Sheriff's Office (W.C.S.O.) operator that contributed to the accident.
- C. A guide to the appropriate corrective action.

#### Severity of the Accident

**Minor Accident** - A non-injury accident, involving just one operator, when the total damage to vehicles and property is less than \$5,000.

**Moderate Accident** - A non-injury accident, involving more than one operator, when the total damage to vehicles and property is less than \$5,000

**Major Accident** - An accident resulting in death, bodily injury, or total damage to vehicles and property exceeds \$5,000.

#### Responsibility / Fault

**Non-preventable Accident** - No negligence was found on the part of the W.C.S.O. operator. The accident was caused by someone or something other than the W.C.S.O. operator. Corrective action is not assessed against the W.C.S.O. operator due of the cause(s) of the accident.

Examples / The accident was caused by:

- a. The other driver(s) and the W.C.S.O. operator did all that could reasonably be expected to avoid the accident.
- b. An electrical or mechanical failure of a vehicle component, which was not

Effective Date <b>July 28, 2006</b>	Title: General Order 016.025 <b>REPORTING/REVIEW OF AGENCY VEHICLE ACCIDENTS</b>	Page <b>1 of 4</b>
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known by the W.C.S.O. operator to be unsafe prior to the failure.

- c. Failure of a tire, which appeared to be sound.
- d. Vehicle fire.
- e. Improper installation of vehicle components, or improper loading of the vehicle, by someone other than the W.C.S.O. operator.
- f. Defective highway (ruts, holes, rough surface, etc.) which could not be anticipated by the W.C.S.O. operator.
- g. Unexpected highway conditions (ice, snow, wet surface, loose material), that the W.C.S.O. operator could not mitigate.
- h. Traffic control device missing, defective or obscured.
- i. Weather conditions (fog, blowing sand, blinding lights, sun, etc.), That the W.C.S.O. operator could not mitigate.
- j. Unforeseen, uncommon hazard in the roadway.
- k. A moving animal, pedestrian or object.
- l. Driverless moving vehicle, not the responsibility of the W.C.S.O. operator.
- m. Occupants of the vehicle other than the W.C.S.O. operator.
- n. Carbon monoxide poisoning from vehicle exhaust when the W.C.S.O. operator has no reason to suspect the danger.

**Preventable Accident** - The W.C.S.O. operator did not violate a law or ordinance contributing to the happening of the accident, but the W.C.S.O. operator neglected to operate the vehicle as safely as possible under the existing conditions. Corrective action will be imposed according to guidelines.

Examples / The accident was caused by one or more of the following actions by the W.C.S.O. operator, except when the action is a violation of a law or ordinance:

- a. Improper evasive action by the W.C.S.O. operator to avoid an accident.
- b. W.C.S.O. operator was inattentive or distracted.
- c. W.C.S.O. operator backed into another vehicle, fixture, object, or building.
- d. W.C.S.O. operator misjudged the speed, distance or size of a visible hazard (vehicle, fixture, object, or building)

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- e. W.C.S.O. operator failed to perceive and react to a visible traffic control device or traffic hazard.
- f. W.C.S.O. operator was driving at an excessive speed for the prevailing conditions (traffic, road, weather, lighting, or vehicle). (Note: the extent of which could result in a chargeable accident).
- g. W.C.S.O. operator was following another vehicle too closely. (Note: the extent of which could result in a chargeable accident).
- h. W.C.S.O. operator continued driving a vehicle after an accident and the operator knew the vehicle had sustained damage or failure of a vehicle component or accessory, which could render the vehicle unsafe or cause additional damage to the vehicle.
- i. W.C.S.O. operator was driving a vehicle that the operator knew could be unsafe.
- j. W.C.S.O. operator manipulated the vehicle's controls in an incorrect or improper manner.
- k. W.C.S.O. operator loaded the vehicle improperly or made an incorrect connection of a towed vehicle.
- l. W.C.S.O. operator failed to stop or park the vehicle in a safe location or failed to set the vehicle's brakes, which allowed the vehicle to move while unattended.
- m. W.C.S.O. operator failed to use the vehicle's emergency warning lights and siren when necessary or used such equipment improperly.

**Chargeable Accident** - The W.C.S.O. operator violated a Nevada Revised Statute, Washoe County Code, or Municipal Ordinance and the violation was found to be a contributing factor in the accident. Corrective action will be imposed according to the following guidelines.

08-546

## Corrective Action

This guide assists in selecting appropriate corrective action. It does not replace supervisory judgment. Rather, this guide provides the general framework within which supervisors may exercise mature judgment when dealing with particular circumstances.

All corrective actions will be administered in accordance with WCSO policies and procedures. Corrective action will be imposed against non-paid employees the same as against paid employees, unless the penalty by its very nature cannot apply.

### CLASSIFICATION OF ACCIDENT

	<u>1st Offense</u>	<u>2nd Offense within 18 mos.</u>	<u>3rd Offense within 18 mos</u>
<b>Preventable Accident</b>	Oral Warning and /or Training	Written Reprimand and Training	Suspension w/out pay and Training
<b>Chargeable Accident, Not involving DUI, hit &amp; run Misdemeanor or Felony Reckless driving by the WCSO operator.</b>	Written Reprimand and Training	Suspension w/out pay and Training	Suspension w/out pay or dismissal
<b>Chargeable Accident, Involving Misdemeanor hit and run, or misdemeanor reckless driving by WCSO operator.</b>	Suspension w/out pay and Training	Dismissal	
<b>Chargeable Accident, Involving DUI, Felony hit &amp; run, or Felony reckless driving by WCSO operator.</b>	Dismissal		

02-546

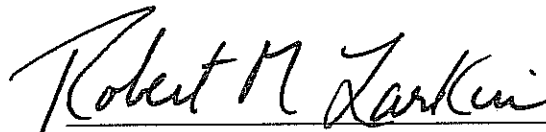
**RESOLUTION**--Authorizing an expenditure of District 5 Special Funds for costs associated with production of Artown 2008.

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

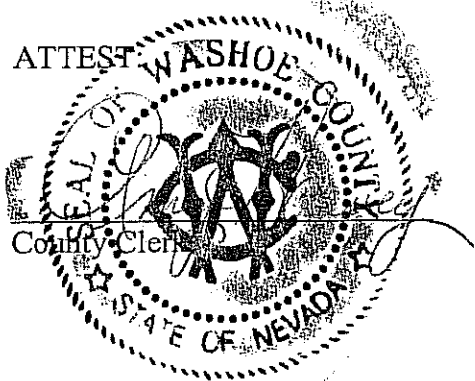
WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2007/2008 to make an expenditure of no more than \$2,500 to for costs associated with production of Artown 2008 and that this expenditure will provide a substantial benefit to the inhabitants of Washoe County, now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants an expenditure of District 5 Special Funds to for costs associated with production of Artown 2008 for Fiscal Year 2007/2008 in the amount of \$2,500.

Adopted this 27<sup>th</sup> day of May, 2008.

  
Chairman

08-042



**RESOLUTION**--Authorizing the Grant of Public Money to Keep Truckee Meadows Beautiful.

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2007/2008, to make a grant of money to Keep Truckee Meadows Beautiful to assist in funding the 2008 Great Truckee Meadows Community Clean-up Day on May 10, 2008 in Verdi and other operational expenses related to the cleanup and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

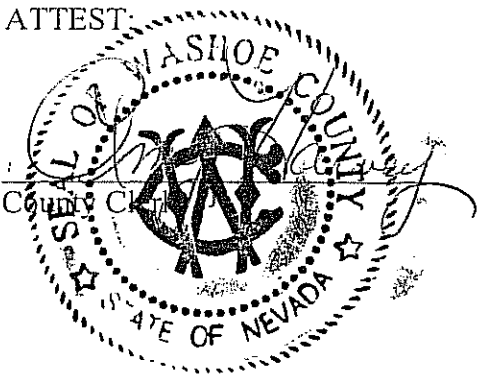
RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Keep Truckee Meadows Beautiful a grant for Fiscal Year 2007/2008 in the amount of \$2000.

Adopted this 27<sup>th</sup> day of May, 2008.

  
Chairman

08-541

ATTEST:



1000



**RESOLUTION**--Authorizing the Grant of Public Money to Washoe County School District for the use at North Valleys High School for the June 7, 2008 Safe N Sober Grad event.

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

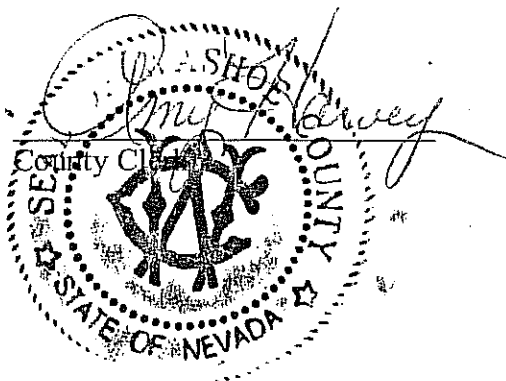
WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2007/2008, to make a grant of money to Washoe County School District for the use at the North Valleys High School's Sixth Annual Safe N Sober Grad Night on June 7, 2008, to assist in funding the event to provide students with a safe and fun place to spend graduation night; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Washoe County School District for the use at North Valleys High School's Safe N Sober Grad Night a grant for Fiscal Year 2007/2008 in the amount of \$500.

Adopted this 27<sup>th</sup> day of May, 2008.

  
Chairman

ATTEST:



02-540

**RESOLUTION**--Authorizing an expenditure of District 1 Special Funds for costs associated with public programs for Tune In To Kids.

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2007/2008 to make an expenditure of no more than \$650 to for costs associated with public programs for Tune In To Kids and that this expenditure will provide a substantial benefit to the inhabitants of Washoe County, now, therefore, be it

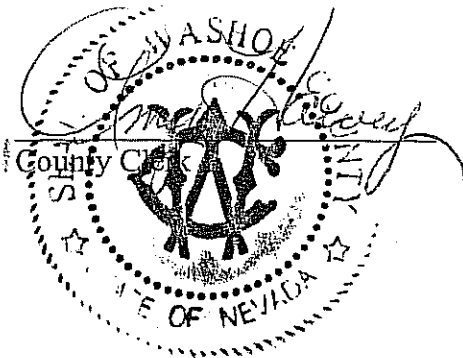
RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants an expenditure of District 1 Special Funds to for costs associated with public programs for Tune In To Kids for Fiscal Year 2007/2008 in the amount of \$650.

Adopted this 27<sup>th</sup> day of May, 2008.

  
Chairman

08-650

ATTEST:



**RESOLUTION**--Authorizing an expenditure of District 1 Special Funds for costs associated with funding the Tahoe Transportation District for a Transportation Coordination position.

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

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2007/2008 to make an expenditure of no more than \$2,600 to the Tahoe Transportation District for costs associated with funding a Transportation Coordination position and that this expenditure will provide a substantial benefit to the inhabitants of Washoe County, now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants an expenditure of District 1 Special Funds to the Tahoe Transportation District for costs associated with funding a Transportation Coordination position for Fiscal Year 2007/2008 in the amount of \$2,600.

Adopted this 27<sup>th</sup> day of May, 2008.

\_\_\_\_\_  
Chairman

ATTEST:

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

*Not Approved  
(To RTC)*

08-550