

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

TUESDAY

2:00 P.M.

JANUARY 20, 2009

PRESENT:

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

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

The Board convened at 2:03 p.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

Katy Simon, County Manager, 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.

**09-59            AGENDA ITEM 3**

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

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

**Essentials of Management Development Program**

Heidi Howe, Lieutenant, Sheriff's Office

**Essentials of Personal Effectiveness Program**

Kristine Grimes, Sheriff's Support Specialist, Sheriff's Office

**Essentials of High Performing Teams Program**

Kristine Grimes, Sheriff's Support Specialist, Sheriff's Office

Lisa Haney, Assistant Sheriff, thanked Human Resources for putting on these classes because staff benefited from attending ongoing training.

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

**09-60            AGENDA ITEM 4**

**Agenda Subject: "Resolution of Accomplishment--Rajan Zed. Requested by Commissioner Larkin. (All Commission Districts.)"**

Commissioner Larkin introduced Rajan Zed and noted he was a graduate of the Washoe County's Leadership Academy. Commissioner Larkin read and presented the Resolution of Accomplishment to Mr. Zed.

Mr. Zed thanked the Commissioners for the honor of bestowing this Resolution on him. He said Washoe County always supported him in his adventures. He stated he was going to the Oregon State Senate and the House of Representatives next week to conduct the opening invocations, which would be the first time the House of Representatives would have an opening prayer.

Mr. Zed stated Washoe County had a very good interfaith network, and he had never seen unity like this anywhere else. He introduced his family.

There was no response to the call for public comment.

Chairman Humke acknowledged that Mr. Zed's good deeds were mentioned virtually every week in the Sunday edition of the *Reno Gazette-Journal*.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 4 be approved, authorized and executed. The Resolution of Accomplishment for same is attached hereto and made a part of the minutes thereof.

**09-61            AGENDA ITEM 5**

**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 discussed the Open Meeting Law and his problem with the Commissioners not answering his questions regarding the voting machines used in Washoe County and his arrest last August in Sun Valley.

Sam Dehne discussed the *Reno Gazette-Journal's* article regarding the community's 10 most watchable men. He felt public testimony should be three minutes, and he also felt the theme of the speeches given at the Presidential Inauguration was to watch your government.

**09-62            AGENDA ITEM 6**

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

Katy Simon, County Manager, advised James Hardesty, Supreme Court of Nevada Chief Justice and Connie Steinheimer, Second Judicial District Court Chief Judge, anticipated being present at 4:00 p.m. to discuss Agenda Item 7G, Second Judicial District Court Minimum Accounting Standards and Agenda Item 12, Legislative update. She suggested taking Agenda Item 7G out of the Consent Agenda.

Commissioner Jung felt it would be remiss of the Board not to recognize the historic moment associated with the inauguration of the 44th President of the United States of America who was African-American. She invited everyone to an Inauguration Party celebration tonight at Grand Sierra, which would support the Democratic Party. Commissioner Weber agreed today was a great day.

Commissioner Larkin said a groundbreaking ceremony would be held for the Reno-Sparks Indian Colony flood levee on January 29, 2009, which would formally commence the first operational element of the Truckee River Flood Management Project.

Chairman Humke stated he sent his congratulations to the Obama family and the entire Obama administration.

Chairman Humke announced there would be a Department of Water Resources (DWR) open house tomorrow from 11:00 a.m. to 2:00 p.m. at 4930 Energy Way. He stated it would be a great opportunity to see how the County's water system worked.

Chairman Humke advised that the South Truckee Meadows General Improvement District (STMGID) was looking at raising its rates. He said the STMGID Local Managing Board (LMB) and the Board of Trustees were looking for two members

of the public to serve on a committee to evaluate STMGID's rates. He stated anyone interested should contact DWR staff or any STMGID representative.

Chairman Humke stated he received an e-mail from Mike Boyce on behalf of himself and several other people who were trying to negotiate the pending Forest Area Plan, which was on the January 27th agenda. He noted he and Commissioner Breternitz attended a meeting yesterday with a contingent of citizens who lived within the confines of the Forest Area Plan who had a proposal. He read excerpts from the e-mail, which was placed on file with the Clerk, and he advised those citizens had spent \$20,000 on negotiating a successful conclusion to the Forest Area Plan update process.

### **CONSENT AGENDA – ITEM 7A – 7F**

Sam Dehne commended the County on having streaming videos of the Commission meetings, but he requested the announcement of the meetings be more prominent on the County's web site. He also commended the Board on having a Consent Agenda that consisted of mainly housekeeping items.

Commissioner Jung advised she had previously requested the streaming videos be more prominently displayed on the County's web site because she had helped, while on the phone, people locate the videos of the meetings.

### **09-63      AGENDA ITEM 7A**

**Agenda Subject: "Approve minutes for the Board of County Commissioners' Regular Meetings of November 18 and December 9, 2008 and Special Meeting of January 5, 2009."**

Commissioner Weber said Neal Cobb's name was misspelled on page 3 of the November 18, 2008 minutes, the fifth paragraph on page 6 should read "alternative energy" instead of "energies," and the first paragraph on page 9 should read "to increase the room tax that did not pass." She noted for the December 9, 2008 minutes, the third word in the first paragraph on page 33 should not be capitalized.

Amy Harvey, County Clerk, said the technical corrections would be made, and she appreciated Commissioner Weber letting her know about them. She said the minutes were a permanent record that should be as accurate as possible.

In response to the call for public comment, Sam Dehne commended Commissioner Weber for reading the minutes so closely.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7A be approved with the noted technical corrections.

**09-64            AGENDA ITEM 7B**

**Agenda Subject: “Accept cash donations [\$10,844.47] and Juror Fee donations [\$2,400]; and if accepted, authorize Department of Social Services to expend these funds to benefit children in care and families who are clients and direct Finance to make appropriate budget adjustments for Fiscal Year 2008/09--Social Services. (All Commission Districts.)”**

Katy Simon, County Manager, acknowledged the various cash and juror fee donations. Chairman Humke said the Board wished to express its gratitude for these donations.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7B be accepted, authorized, and directed.

**09-65            AGENDA ITEM 7C**

**Agenda Subject: “Accept grant award from Nevada Law Foundation for the Senior Law Project [\$34,000 - retroactively for the period January 1, 2009 through June 30, 2009 - with no County match]; and if accepted, direct Finance to make appropriate budget adjustments--Senior Services. (All Commission Districts.)”**

Grady Tarbutton, Senior Services Director, explained the Nevada Law Foundation, which was set up by the Supreme Court of Nevada, had been funding the Senior Law Project for a number of years. He said there was an ongoing contract with the Foundation to make sure low income seniors had access to legal services and could get representation in a variety of situations, such as needing assistance with a Social Security administrative hearing. He stated the Project’s staff also assisted approximately 1,800 seniors a year with life planning, real property and housing matters, and elder rights law.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7C be accepted, and directed.

**09-66            AGENDA ITEM 7D**

**Agenda Subject: “Approve Interlocal Cooperative Agreement between Washoe County and the Reno-Tahoe Airport Authority to allow placement of noise monitoring equipment on County-owned property and rights-of-way; and if approved, authorize Chairman to execute Agreement--Public Works. (All Commission Districts.)”**

In response to the call for public comment, Sam Dehne felt placing the noise monitoring equipment on County-owned property was a good thing. He requested the Reno-Tahoe Airport Authority put one on his property so they could see it was as

noisy where he lived as it was for those people getting free windows, doors, and noise insulation.

Commissioner Larkin said this was an upgrade of the monitoring devices the Reno-Tahoe Airport Authority had been placing in the community for a number of years. He advised this federally sponsored program was needed by the community.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7D be approved, authorized, and executed. The Interlocal Cooperative Agreement for same is attached hereto and made a part of the minutes thereof.

**09-67            AGENDA ITEM 7E**

**Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2008/2009, 2007/2008, 2006/2007 secured and unsecured tax rolls as outlined in Exhibit A; and if approved, authorize Chairman to execute Order listed on Exhibit and direct Washoe County Treasurer to correct the error(s) [cumulative amount of reduction \$10,596.90]--Assessor. (Parcels are in various districts as outlined in the Exhibit.)”**

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7E be approved, authorized, executed, and directed.

**09-68            AGENDA ITEM 7F**

**Agenda Subject: “Approve and authorize Chairman to: 1) execute Resolution reconveying Washoe County real property; 2) execute a Real Property Exchange Agreement with L. B. Acquisition, LLC and R & G Block Family Trust; 3) execute three Quitclaim Deeds for well sites to L. B. Acquisition, LLC; 4) accept two Grants of Easement (APN 055-361-11 and APN 055-401-12) from L. B. Acquisition LLC to Washoe County; and, 5) accept one Grant of Easement (APN 055-401-11) from the R & G Block Family Trust to Washoe County for the Lightning W Water System Supply Improvement Project--Water Resources. (Commission District 2.)”**

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7F be approved, authorized, executed, and accepted. The Resolution for same is attached hereto and made a part of the minutes thereof.

**09-69    AGENDA ITEM 8**

**Agenda Subject: “Appearance: Chris Askin, Executive Director and Jennifer Satre, President Community Foundation of Western Nevada Ten-Year Update on Community Foundation of Western Nevada. (All Commission Districts.)”**

Jennifer Satre, Community Foundation of Western Nevada President, placed a copy of the Foundation's *Annual Report 2007* and a copy the most recent newsletter, *Community Matters*, Volume 8, Number 2, on file with the Clerk. She explained the Foundation's mission was to strengthen the community through philanthropy and that the Foundation consisted of a collection of tax exempt charitable funds created by people and organizations. She noted it was the Foundation's intent to establish endowments that would benefit the community far into the future.

Ms. Satre stated the Foundation held charitable assets of approximately \$37 million and had given out close to \$40 million in grants to thousands of individual organizations for hundreds of scholarships. She noted most of the grants and scholarships were made upon the recommendations of the donors. She said gifts called "Community Partnership Grants," which totaled \$300,000 for the last two years and which would total over \$400,000 this year, had been made for the last two years to nonprofits in the region to help them build their capacity.

Chris Askin, Community Foundation of Western Nevada Executive Director, explained most of the constituents served were fund holders who were individuals and families that wanted to help but were not sure how to do so. He said many were referred to the Foundation by professional advisors located in the Truckee Meadows who understood the Foundation was a new resource that could work with those individuals and families to encourage and enable philanthropy that would continue with future generations. He said the Foundation also worked with almost 30 community organizations many of which had established permanent endowments to the Foundation that would continue to serve the organizations' needs even if those organizations no longer existed. He said the Foundation also worked with the different stakeholders to identify the community's most critical needs and to help ensure those needs were funded by entities in the community that could deal with those issues. He said the Foundation saw its role as being a neutral entity.

Mr. Askin felt the Foundation's growth occurred because it was unique in its ability to accept a large variety of gifts, such as real property, that other organizations in the area could not accept. He stated in many cases the Foundation worked on behalf of local organizations and donors to receive the assets and immediately distribute them so they could be used. He explained the Foundation only held funds when it was the intent of the donor to spread the money out over time or to use it in the future. He said the Foundation had developed a high level of expertise in determining the community's needs and it also provided private personalized service to the individuals and families who were trying to address those needs but did not want their philanthropy widely broadcast or had hard questions they wanted discretely handled.

Mr. Askin discussed the Foundation's involvement with the Fernley Flood assistance fund. He explained the Foundation charged no fee for setting up a fund and it covered the cost of administering a fund. He noted the Foundation worked with a number of fund holders to help support the homeless shelter.

Mr. Askin felt the strength of the Foundation came from it being lead by community leaders who volunteered their time and its growth was because it approached its tasks with integrity, worked hard to develop trust with those it served, and the strong performance in the execution of its duties.

Ms. Satre explained the Foundation's discretionary funds would grow as its assets grew, better enabling the Foundation to serve the community. She said the Foundation was there for the County, and she hoped the County would call on the Foundation with questions regarding the community's needs. She advised the Foundation could put together funds on an emergency basis and also for more permanent needs.

Chairman Humke thanked Mr. Askin and Ms. Satre for their presentation and acknowledged showing the list and purpose of the grants was very practical.

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

**09-70            AGENDA ITEM 9**

**Agenda Subject: "Appearance: Beth Macmillan, Artown Executive Director. Update on activities that took place during July 2008 Artown summer festival. (All Commission Districts.)"**

Beth Macmillan, Artown Executive Director, thanked the Board for their support of last year's festival and noted she provided copies of the *Artown 2008 Final Report*. She stated Artown provided events for everyone in the community regardless of their age, ethnicity, or economic circumstance. She said the free events offered during Artown increased by 57 percent and an average of seven free events were offered every day for a total of 60 free events. She advised it took 100 partners to make Artown happen, it served over 350,000 people in approximately 100 different locations throughout the County, and it injected close to \$14 million into the local economy.

Ms. Macmillan said the County supported Artown by giving the festival a grant that supported the use of the Robert C. Hawkins Amphitheatre for the Monday Night Music Series, and she reported the facility was filled beyond capacity every Monday in July. She said the County also supported the festival with a sponsorship that made the Artown's marketing possible.

Ms. Macmillan said research on how the arts were impacted and how they impacted Americans during the Great Depression showed the arts soared during that era because Americans needed to feel good and stay objective. She said they flocked to dance halls and found other avenues of escape during the 1930's.

Ms. Macmillan felt everyone who came to Artown during July had an extraordinary experience. She said she was asking for the County's support again this year even though times were tough. She explained she was extending the same benefits to the County as that of a sponsor, while taking a 5.5 percent cut in the County's financial

contribution. She said the effort needed to continue in making this the best place to live regardless of who we were.

Commissioner Breternitz said he was a longtime Artown supporter because it provided the community with a great opportunity to have contact with the arts and because of the economic benefit it provided to the community. He felt that benefit should be looked at closely before cutting back the County's support.

Commissioner Weber said Artown was awesome for the community. She said she thought she voted to contribute \$5,000, but District 5 was omitted from Item 9 in the staff report, and she asked if funding was allocated for this year. Katy Simon, County Manager, said she would have to investigate whether Item 9 was correct and what the cycle was for those disbursements.

Commissioner Weber commented that in July of 2010 the National Association of Counties (NACo) annual conference would be held here and the goal was to work with Artown to have great things happen. Ms. Macmillan said she welcomed the opportunity to work with Commissioner Weber.

Commissioner Jung advised she also was omitted from the staff report because she thought she gave \$3,900 of her special district funding to Artown. She thought the Commissioners voted to eliminate all special events funding this year, but she would hate to see Artown go away because it had been built up to be an internationally renowned event.

Commissioner Larkin stated four years ago he was not a believer in Artown, but Ms. Macmillan brought him around to seeing Artown as a spectacular event. He asked if Ms. Macmillan could provide a glimpse of what would be happening this year. Ms. Macmillan promised the World Music Series would be absolutely amazing this year and opening night would be a bi-cultural event. She said there would also be a significant dance event and there would be blue glass music at the Robert C. Hawkins Amphitheatre. She advised Artown was also working with the baseball stadium's staff on a baseball music project, which would bring baseball and the arts together. She noted every year was different.

Commissioner Weber asked Ms. Macmillan to remember the North Valleys, and she wanted to meet with Ms. Macmillan to pass on some ideas.

Chairman Humke stated he was impressed with the breadth of the audience served and with the free events. He noted a lot of underprivileged children, including victims of child abuse, were able to take advantage of some of the programs. He felt Artown should be spread out throughout the County as much as possible as gas prices were predicted to rise this summer.

**Agenda Subject:** “Recommendation to discuss the various Flood Project Governance Models and identification of issues; and, provide possible direction to staff regarding input to the Flood Project Coordinating Committee on selection of a preferred Governance Model for the Truckee River Flood Project and any associated legislative changes required to implement the preferred direction--Truckee River Flood Project. (All Commission Districts.)

Naomi Duerr, Truckee River Flood Management Project Director, said construction was about to begin on the first hard infrastructure component, the Reno-Sparks Indian Colony floodwall, which was a Truckee River Action (TRAction) project. She stated the question remains regarding how the estimated \$400-\$500 million local share for the Flood Project would be paid for going forward. She said there was enough money from the 1/8 cent sales tax to buy a small portion of the land and to do a few of the early start projects, such as the floodwall, while waiting for the Flood Project Plan to be completed. She advised a year ago the FCS Group and CH2M Hill were hired to find additional revenues to fund the local share and to determine what would be the best bonding case. She said the rates for user fees also needed to be determined and if the fees should vary by community or if they should be uniform.

Ms. Duerr explained there was an issue regarding the Cooperative Agreement because the body created by that agreement was not an entity under the law, which meant it could not enter into contracts, issue bonds, or hire staff. She noted it also needed to be determined how liability protection would be provided for all of the partners in the event something happened. She explained the project was sized to deal with a 117 year flood, which was the size of the 1997 flood, but the project could not be built to protect for every eventuality because of the cost.

David Roundtree, CH2M Hill Project Manager, conducted a PowerPoint presentation, which covered the Flood Funding Study’s purpose, tasks, evaluation criteria, results to date, base rate case model assumptions and inputs, 15-year average cash balance by reserve, and a map of the boundary areas. A copy of the presentation was placed on file with the Clerk.

Ms. Duerr introduced Jennifer Stern, Swendseid & Stern, who was Washoe County’s Bond Counsel; Greg Salter, who provided support for any legal analysis; and John Sherman, Washoe County Finance Director, who, along with the Finance Directors from the Cities of Reno and Sparks, helped develop all of the assumptions that went into the governance models. She advised a similar presentation was made to the Reno City Council last week and they fully endorsed the Finance Subcommittee’s recommendation. She discussed the Governance Motion adopted on January 13, 2009 at the Finance Subcommittee meeting and the comparison of the governance models being considered.

Ms. Duerr said there would be a meeting with the Flood Project Coordinating Committee (FPPC) tomorrow to go over the Commission's and the City of Reno's recommendations, and there was a meeting with the Sparks City Council set for January 26, 2009. She noted there was joint meeting scheduled for February 9, 2009 with the Reno and Sparks City Councils and the County to discuss this as a body and to prepare a legislative proposal. She noted the start of the legislative session was driving the project's timeline. She explained the Legislative Committee overseeing SB 487 had offered to submit a bill on behalf of the flood project and they were waiting on the bill's language. She advised any of the governance models required at least some legislative change and some models required a significant change.

Ms. Duerr said the Commission action needed today was some indication of a preference, a concurrence with the Finance Subcommittee, or some type of direction that the Commission wanted researched.

Commissioner Larkin explained the Governance Motion was styled by crafting a consensus after extensive discussion. He noted Pierre Hascheff, City of Reno Councilmember, made some good points. Ms. Duerr said Councilmember Hascheff was concerned that a Joint Powers Authority (JPA) agreement could be ended at any time; and, because of the length of the project and the investment in time and money, the model chosen should not be too easy to get out of. She said Dan Gustin, City of Reno Councilmember, was interested in using a JPA because he thought the Truckee Meadows Water Authority model worked, but David Aiazzi, City of Reno Councilmember, noted that a number of people had questioned how well that was actually working.

Ms. Duerr said two years ago a recommendation was made to the Flood Board to move forward in creating some kind of flood control district, but there was concern about forming a new government entity especially from Councilmember Aiazzi. She noted at last week's Reno City Council meeting, Councilmember Aiazzi said all of his concerns were answered, and he was comfortable with the recommendation. She felt there was a great deal of progress in the last two years towards building the consensus that Commissioner Larkin discussed. She discussed the position of the remainder of the City Councilmembers and the Mayor.

Ms. Duerr said the biggest issues were who owned the project and who would be responsible if something went wrong, who would be liable if someone defaulted and the County had sold bonds to support the project, if the rates, tolls and charges coming in were not enough, or the 1/8 cent sales tax went down.

Commissioner Larkin said he recommended accepting the findings of Ms. Duerr and to move forward with a motion. He reiterated each of the options would require some kind of legislative action.

Commissioner Jung made a motion to support the staff report. She thanked Commissioner Larkin for doing a great job on the FPPC. Commissioner Larkin noted Chairman Humke also served on the FPPC, and he seconded the motion.

Commissioner Breternitz asked if the motion could be clarified regarding which governance model would be forwarded to the Legislature out of the three options. Commissioner Larkin replied Ms. Duerr, under the auspices of the Western Regional Water Commission, would move forward with creating a flood control district. He noted the Cities of Sparks and Reno had some reservations about doing that, but it appeared the City of Reno's reservations were resolved as indicated by last Wednesday's vote. He said until the City of Sparks put forward its recommendation, the flood control district and the JPA options were still being considered; and there was no way to know what would be forwarded to the Legislature until an option was chosen. Commissioner Breternitz said that information was helpful.

Ms. Duerr explained the Finance Committee directed staff to identify the statutory changes necessary for the two models. She said after this Board's input and that from the City of Sparks was received, it would be determined if there was consensus to go forward with one model to the Legislature that would have the support of the whole community thereby giving it a greater opportunity for success.

Commissioner Weber said she had reservations on which governance model should go forward, and she was not sure what her position would be by the joint meeting. She said she would like this to move forward with all the entities being at the table together so they would work together during the 15-year process. She stated she looked forward to having additional discussion and would support a motion to move forward.

Ms. Duerr said over the past 3-1/2 years the Flood Project Coordinating Committee had an opportunity to try to resolve some issues. She stated having to reach 100 percent consensus was a high bar to achieve, but the Committee had reached the point of honing in on some preferred options. She indicated staff was willing to spend whatever time the Board needed to examine the options. She said this presentation was being held prior to the joint meeting to allow some of the Commissioner's questions, issues, and concerns to be worked out.

Commissioner Weber stated this was not about the elected officials and how this should be moved forward, but it was about the Flood Project's impact on the entire community. She felt there should be ongoing education to help the region's citizens understand the impact and the importance of the Flood Control Project.

Chairman Humke asked why the recommendation by the consultant to go with a General Improvement District (GID) was not given strong consideration. Ms. Duerr replied at issue was how the representation from the Cities of Reno and Sparks and Washoe County would be handled in the GID's governing board. She said setting up a GID statute would mean the GID would be governed by a newly elected board or by the Board of County Commissioners and an FPCC could be set up under it. She explained it would take some statutory changes to the GID statute to figure out how the FPCC's role would be meaningful. She said right now the FPCC had a very meaningful role because it

made decisions that were forwarded to the Commission for consideration, but the Commission gave great deference to those decisions based on the Interlocal Agreement.

Ms. Duerr stated there was also concern regarding the current number of GID's and that there was already a statute set up for flood control districts that laid out the powers, duties and processes specific to flood management. She said rather than creating a general purpose district, the idea was to see if that statute could be used. She noted currently the statute did not authorize the use of a sales tax, so that would have to be amended. She said neither the current statute for Washoe County nor the one for the Clark County Flood Control District was a perfect fit. She stated the idea was to blend them to create a new version, possibly with a new section for counties with populations over 100,000 but under 400,000, to meet Washoe County's needs.

Chairman Humke asked if the GID statute was a general purpose statute that allowed many governmental functions to be performed but did not lend itself to specialization the way a flood control statute would. Ms. Duerr indicated that analysis was correct, but the consultant and the bond counsel felt the GID had some benefits, such as including and excluding parts of counties and the ability to use all kinds of bonding options. She noted the JPA only had a revenue bond option or the opportunity to set up and utilize a county bond bank if the project wanted to move away from using revenue bonds. She advised the Finance Board considered going with a GID, but it felt the benefits of using a JPA or flood control district outweighed those of using a GID.

Chairman Humke asked if Ms. Stern could reconcile the ownership of the flood control features and the empowerment to impose rates, tolls, and charges while having to rely on Washoe County to issue General Obligation Bonds. He also asked if there was liability attached to the issuance of those bonds by the County that would not flow to a flood control district. Ms. Stern stated Chapter 543 was currently set up to allow a flood control district to issue bonds directly or go through a county to issue bonds. She said Clark County issued the bonds because its flood control district had not yet been rated. She advised there would be liability in Washoe County issuing the bonds under Chapter 543 if the revenues of the flood control district were insufficient. She explained the General Fund would be looked at next by the bond holders and then, if the General Fund was insufficient to repay the difference between the insufficient revenues and the repayment of the bonds, the County would have to levy a property tax. Chairman Humke felt the County might want to issue bonds for a project that was predominately in the unincorporated areas and this would provide that option. Ms. Stern replied that was correct.

Ms. Stern explained a JPA only had the authority to issue revenue bonds unless a statutory amendment was sought, which had been done for the Southern Nevada Water Authority (SNWA) and for the Truckee Meadows Water Authority (TMWA). She said if the County were to create a bond bank, which was done in Clark County, then the JPA could issue revenue bonds to the bond bank with the bond bank then issuing to the market. Chairman Humke noted a bond bank was a pooling technique. Ms. Stern replied that was correct. She explained Washoe County could create a bond bank under existing

statutory authority, but only certain kinds of bonds could be financed such as wastewater authority or water authority bonds. She said those kinds did not include bonds for flood, so a statutory amendment would have to be made to the definition of an infrastructure project in the County Bond Law to allow a county to issue bond bank bonds to acquire revenue bonds of the JPA. Chairman Humke asked if she was saying legally flood water was not waste water. Ms. Stern replied that was correct and the waste water definition would have to be clarified to include flood water.

Chairman Humke asked Ms. Duerr to highlight how statutorily a Washoe County Flood Control District would differ from the Clark County Flood Control District. Ms. Duerr said some key differences were Clark County was authorized to use a 1/4-cent sales tax while Washoe County had to fund the District by using ad valorem taxes, but neither district could impose rates, tolls, and charges. Mr. Salter explained the key difference was that the Clark County Governing Board doled out the money and the participating jurisdictions owned the project's features, which could also be accomplished under a Washoe County version of the statute. He stated that was a big feature of trying to decentralize the operations and maintenance and, in some cases the construction of the facilities, by placing them in the hands of the individual participating jurisdictions.

Chairman Humke thought another key difference was Clark County did not have the participation of the Army Corp of Engineers. Ms. Duerr said the statute did not address that and it was up to the District. She advised the Clark County Flood Control District did have a project involving the Corp, the Flamingo/Tropicana Wash Project. She noted the 1/4-cent sales tax generated approximately \$90 million a year and Washoe County's 1/8-cent sales tax generated approximately \$8 million a year and that difference allowed Clark County to self-fund a lot of its work. She advised the consultants found most flood projects used some type of sales tax or ad valorem tax to fund their project. She said many local storm-water projects used something like the Contributory Area Model. She stated that model was dropped because it was thought it should be left for use by the local flood control projects because a funding source was needed to pay for the projects that were not the "big" project.

On a call for a vote the motion passed unanimously 5-0.

**09-72            AGENDA ITEM 7G**

**Agenda Subject: "Acknowledge receipt of Second Judicial District Court Minimum Accounting Standards Audit Report--Internal Audit. (All Commission Districts.)"**

In response to Commissioner Larkin's suggestion, Chairman Humke opened Items 7G and 12 for discussion.

James Hardesty, Nevada Supreme Court Chief Justice, commented he swore in Commissioner Weber as the President of the Nevada Association of Counties (NACO) for which he congratulated her.

Chief Justice Hardesty noted times were tough economically, but there were enormous needs for more judicial resources in the Family and the District Courts. He felt the question was how the need for additional resources could be accommodated in these difficult financial times. He advised Nevada had significantly lower filing fees than most of the states in the region, and the Court did not charge for certain activities that were charged for in other jurisdictions.

Chief Justice Hardesty noted the Legislature created a committee to determine if Business Court lawyers would pay higher filing fees to secure the additional services necessary in the Business Court and their testimony indicated they would. He said the Business Court Model in Nevada was very successful but could become more so with additional resources.

Chief Justice Hardesty said that study led to a reevaluation of the civil filing fees and to the formulation of the *Nevada's Judicial Business Plan* dated November 24, 2008, which was placed on file with the Clerk. He stated charging a fee for the filing of a Motion of Summary Judgment would help with case management because it would mean people would be serious about filing such a motion, which could really consume a judge's time.

Chief Justice Hardesty advised the proposal was to raise the civil filing fees as of July 1, 2009, accumulate the fees in a fund designated for the Courts, and have January 2011 as the starting date for the new judges. He noted the fees were covered in the Plan on the page entitled, "2009 BCR – Civil Filing Fee Increases, Second Judicial District Court" and the estimated annual filing fee increase was \$1,769,709. The page entitled, "Second Judicial District Court – Fiscal Impact of 1 Additional General Jurisdiction Judge" indicated \$1,212,064 was the total cost for adding a General Jurisdiction Judge. He noted the proposed bill draft request (BDR) was included at the end of the Plan. He said the BDR included a separate provision that would put the increase into a separate fund that would be designated for the Court facility and related operations.

Chief Justice Hardesty discussed the page in the Plan entitled "U.S. Western Region Civil Filing Fee Comparison." He said the filing fees were paid when a matter or a pleading was filed, except when a Judge determined that a litigant should have their civil filing fees waived under Chapter 12 of Nevada Revised Statutes (NRS) because of their financial status.

Chief Justice Hardesty said the *Nevada's Judicial Business Plan* was unanimously endorsed by the Clark County Commission, and he was requesting this Commission also endorse it. He said it would be presented to the NACO Board on Friday for their consideration and it would also be presented to the Legislature for consideration during this Legislative Session. He said the adoption of the Plan would also have future benefits for the rural counties because it would bring them a new source of revenue to deal with issues regarding technology and conditions of court houses.

Chairman Humke asked what the Second Judicial District was seeking. Chief Justice Hardesty said the District was seeking one General Jurisdiction Judge who would be devoted to both the General Jurisdiction and the Business Court because this jurisdiction did not have a large enough caseload for a fulltime Business Court Judge. He advised the revenue would be available to add law clerks so Business Court opinions could be done to maintain the American Bar Association (ABA) time to disposition for those kinds of cases. He said as more emphasis was placed on medical malpractice and construction defect cases, the ordinary civil cases tended to get pushed off, which should not happen.

Chief Justice Hardesty noted the published opinions of the Federal District Courts called, "Federal Supplements" were used as a precedent and were being considered as a model for Business Courts in the State. He thought that would be a huge step forward in providing guidance in complicated Business Court cases. Chairman Humke felt that would hold off the need for some time for an Intermediate Court of Appeals for certain issues. Chief Justice Hardesty agreed it could for certain issues, but an Intermediate Appellate Court was currently the primary objective of the Supreme Court. He said the Intermediate Appellate Court could be placed into the Reno Justice Court (RJC) with no additional facility costs and at a cost of \$1.2 million to the State for the judges and law clerks. He explained with the money the Supreme Court had reverted to the State in the last two fiscal years, the money might be found within the State's budget to fund it.

Commissioner Larkin said the Second Judicial District Court Minimum Accounting Standards (MAS) audit found a substantial amount of uncollected funds, which he felt needed to be discussed in conjunction with this request for support.

Chief Justice Hardesty advised this issue was identified by the Supreme Court when the MAS was instituted approximately six years ago. He said a severe problem within NRS was also identified because it was found no particular agency was assigned the responsibility of collecting court-ordered fines and fees. He said it was further found that a substantial portion of fines were not collectable and that the fines imposed in General Jurisdiction criminal cases did not benefit the County or the criminal justice system at all. He stated when discussing the amount of uncollected funds, the Commission and the public needed to be reminded that the money for fines went to the Permanent School Fund instead of the County or the criminal justice system. He said those fines do nothing to help the County with the burden it must bear in providing for the Courts. He felt it was important for the Court, the County, and others to emphasize collecting fines and fees that could help the County and the Courts provide justice.

At Commissioner Larkin's request, Chairman Humke asked staff to present Agenda Item 7G.

Alison Gordon, Internal Auditor, stated the MAS Compliance Checklist required the courts have accounts receivable procedures and practices in place to collect

the fines and fees. She advised the Court had approximately \$26.7 million in accounts receivables, but there were no practices in place and no clear idea who was responsible for collecting those monies. She said the accounts receivable balance went back to 1998 so not all of that money was collectable, but some effort needed to be made to collect it.

Ms. Gordon discussed her findings, observations and recommendations under “Areas of Non Compliance with MAS Checklist, Accounts Receivable Testing of Individual Cases” and “Cash Bail,” page 4 and “Bail Bond Forfeiture Judgments” and “Restitution” on pages 5 and 6. She indicated the non-collection of fines and fees was due in part to offenders not paying the money that was part of their sentences. She stated the Second Judicial District Court had approximately \$6.5 million in accounts receivable that was due to the Public Defenders Office and \$1.5 million due to the Forensics Division for genetics testing and chemical analysis.

Commissioner Larkin asked how much of the \$26.7 million was State and how much was County money. Ms. Gordon said an approximate breakdown of the \$26.7 million was \$8-10 million belonged to Washoe County.

Chairman Humke felt that having \$69.3 million in uncollected restitution was disgusting because that money belonged to the crime victims, and he asked if the Nevada’s Public Safety Division of Parole and Probation (P & P) had a reporting system. Ms. Gordon replied the \$69.3 million was not an accurate number because the State did not report back to the County the amounts they were collecting. She advised this was a tracking tool for the amounts assessed. Chairman Humke said the lack of reporting was the issue, so the County would know the amount that affected the victims of crimes.

Chairman Humke asked if Ms. Gordon had any additional comments regarding the audit. Ms. Gordon placed a copy of a letter addressed to her from Ronald Titus, Director and State Court Administrator, on file with the Clerk. She said the letter concluded by indicating the courts did play a role in the collection process.

Chief Justice Hardesty advised a 1993 Attorney General opinion concluded that the District Courts bore no responsibility in collecting fines and fees, but he said he took the position the Court should cooperate in the collection efforts. He said an existing statute gave the County the ability to effectuate collections in connection with these judgments on behalf of the Court and this was a partnership that should be pursued. He noted the longer the fines and fees remain uncollected the less likely it was they would ever be collected. He felt it was a misnomer to characterize any of this money as accounts receivable to the Court. He stated approximately \$17 million of the \$26.7 million was slated to go to the Permanent State School Fund.

Chief Justice Hardesty stated everyone should be cautious in considering fines in felony cases because of the impact of the time the defendants were ordered to serve in prison. He felt the Public Defender fees should be carefully examined, but he noted the Public Defender represented people who were indigent and it could be assumed that the \$6.6 million in fees were uncollectible.

Chief Justice Hardesty stated the Courts, in partnership with the County, had an interest in pursuing the collection of the outstanding fines and fees. He advised none of the courts had the staff available to undertake the collection efforts that would be required, and he also was not sure that would be the most economical way to do it.

Chief Justice Hardesty noted the Advisory Commission on the Administration of Justice identified the lack of accountability or designation of single responsibility for the collection of all of these funds as a state-wide problem. It was felt if the collection was centralized there would be a greater bang for the buck because payment arrangements could be established with the people who owed the fees. He said currently no one was going after an individual on probation except for restitution. He advised that Kim Wallin, Nevada State Controller, had undertaken collection efforts for some State agencies and the success of the collection effort was remarkable. He stated the proposal was for the Legislature to centralize the collection of fines and fees for felony and gross misdemeanor accounts under the Administrative Office of the Courts and to work with the Controller through her BDR in establishing a collection process that would centralize the collection efforts. He stated collection would go through collection agencies that would then remit those balances back.

Connie Steinheimer, Second Judicial District Court Chief Judge, advised the Court was aware of and had discussed the uncollected monies during the budget process last spring. She said immediate discussions were held with the Washoe County Collections Division regarding collection of those monies.

Chief Judge Steinheimer said the Court's case Management System was used to keep a permanent record of the judgments made by judges. She noted the auditor indicated any old uncollectibles could be written off, but the Court could not do that because the judgment and the debt remained whether or not it was collectible from an accounting standpoint. She indicated judgments were provided to Collections Division regularly and it was not a new process. She stated the Collections Division asked the Public Defender's Office, the Alternate Public Defender's Office and the tertiary group for additional address information so they could be more effective in the collection efforts, but those institutions refused to cooperate with the Collections Division. She felt to say the Court, which did not track any of that information, had to figure a way to get that information to the Collections Division was unrealistic. She said the Court was continuing to work with the Collections Division because the Court wanted this money collected and would continue to assist Washoe County in that effort. She stated she would not issue bench warrants for \$25 because the associated costs for collecting \$25 would not be worth it.

Chief Justice Hardesty commented collecting restitution was a concern because P & P lacked the staff to do so in Washoe County, as well as throughout the State. He stated there was a proposal before the Legislature to extend probation as necessary to collect restitution on behalf of victims. Chairman Humke said if the hammer of parole was needed to collect restitution, he was all for it.

Katy Simon, County Manager, indicated this audit was a great example of why audits were good for the County because it identified a systemic problem. She said the Internal Audit Committee said statute should clearly define whose responsibility it was to collect the fines and fees. She said there was a team working on understanding how collections could best serve the needs of the Court. She advised there was concern that the case management and the collection computer systems did not acknowledge the same case information, which made it difficult to automatically review the reports generated.

Chairman Humke commented the State Controller's BDR should consider an option for counties to enter into collection efforts. Chief Justice Hardesty said the County needed no additional statutory authority to effectuate the collection efforts to collect any sums that go through the District Courts because it was already available.

Chairman Humke asked if the Chief Justice was speaking also toward restitution. Chief Justice Hardesty said restitution through statute was designated as being the responsibility of P & P.

Commissioner Larkin noted out of the \$26.7 million, approximately \$17 million was earmarked for the Permanent School Fund, which left approximately \$10 million. He asked why the County did not go and get the \$10 million. Ms. Simon stated there was no clear authority that indicated it was a function of County government to invest administrative dollars to go collect those monies. She said it would have to be determined how much of a workload that would add to the Collections Division and how it would be staffed, funded and budgeted. She reiterated much of the money would be uncollectable. She advised there needed to be a process in place to write the uncollectibles off, which the Court could not do because the uncollectibles were a part of the judgments. She noted any money collected would have to be the subject of an agreement with the Court.

Commissioner Larkin asked if this would be brought back to the Board. Ms. Simon replied it would be brought back and she asked John Berkich, Assistant County Manager, to head up the team from the administrative/executive side of the discussion. Commissioner Larkin noted collection agencies purchased these uncollected fines and fees for cents on the dollar and then went after them. Ms. Simon replied extensive analysis was done comparing the County's Collections Division's rate of success versus that of outside agencies and the County did significantly better, but any and all options would be entertained.

Commissioner Larkin said he had a hard time explaining to constituents why fees were being raised when action was not being taken to collect what was already owed. He reiterated an agenda item should be brought back to clarify the roles of the various governmental departments in doing the collections. Ms. Simon stated she envisioned bringing back an Interlocal Agreement between the Second Judicial District Court and the County for the administration of the collections program. She said staff

would work with the Court to analyze the uncollected fines and fees to determine whether outsourcing the historical portion might be of benefit, while having the Collections Division handle the collections going forward.

**4:42 p.m.** Commissioner Jung temporarily left the meeting.

Commissioner Larkin thanked the Justices for working with County to solve this issue. He noted he wanted the Court to get the resources it was due from the fines and judgments levied and to see County government run as effectively and efficiently as possible.

Chief Justice Hardesty said regardless of what the Commission decided to do about raising the filing fees and developing a revenue-neutral system to improve judicial resources; these monies should be collected even though it was not the District Court's money.

**4:47 p.m.** Commissioner Jung returned to the meeting.

Chairman Humke stated he would like to see the agenda item deal with restitution, criminal fees and fines, and the Public Defender's recoupment. He felt an Interlocal Agreement could also be affected with the State regarding restitution, and he suggested obtaining some testimony towards getting an Interlocal Agreement. Commissioner Larkin asked if the direction also included the Sheriff's Office Forensic Investigation. Chairman Humke said the statute should be looked at to find a laundry list of anything possible for there to be an order as to a fee or a fine and to include all of those issues.

Commissioner Larkin thanked the Internal Audit team and Howard Conyers, District Court Administrator, for working collaboratively on the audit report. He noted the Manager would be moving forward with some commonly shared goals so the recommendations could be effectuated.

Commissioner Jung said she looked forward to reading Ms. Gordon's audit reports because she learned so much.

Commissioner Weber thanked Chief Justice Hardesty and Chief Judge Steinheimer for being present, and she hoped the County moved forward with the recommendations.

Chairman Humke asked if the additional fees would go to pay the salary of the District Court judge. Chief Justice Hardesty replied the salary of the District Court judge would be paid by the State and the fees would be used to pay the support staff.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7G be accepted.

Chief Justice Hardesty asked if there would be a motion to endorse the *Nevada's Judicial Business Plan*. Commission Humke felt there was plenty of time to look carefully at the BDR and to accept the recommendation from the County's management staff. He did not feel a motion was appropriate today.

**4:48 p.m.** Commissioner Breternitz temporarily left the meeting.

Commissioner Larkin asked when the *Nevada's Judicial Business Plan*, could be expected back before the Board. Ms. Simon said the appropriate time should be taken to research the statutory framework, the collections issues, the administrative issues, and to prepare something that would speak to all points the Board had considered. She said she was aware the two issues were connected because of constituent and public perception, but she cautioned the County needed to move quickly regarding the legislative proposals. She indicated staff would like to bring back the agenda item regarding the Board's support of the BDR before bringing back the full Interlocal Agreement because of the limited time remaining to submit legislation. Chairman Humke felt that was appropriate.

Chairman Humke indicated because of the report that the Public Defender's Office, the Alternate Public Defender's Office and the tertiary contract provider refused to provide information, he wanted them before the Commission as soon as possible to explain why that was done. He said that could be a separate item. Ms. Simon stated she would provide the Board with information on how that would be handled in the future. Chairman Humke reiterated he was asking for an agenda item.

**09-72A      AGENDA ITEM 12**

**Agenda Subject: "Discussion and direction to staff regarding legislation or legislative issues proposed by Legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County, or issues arising out of the special legislative session--Management Services/Government Affairs. (All Commission Districts.)"**

John Slaughter, Management Services Director, said he discussed the language for the bill draft on tentative maps with the involved parties and that bill draft should be ready for the Board by next week.

After the aforementioned update, the remainder of Agenda Item 12 was heard with Agenda Item 7G above, which contained the discussion for both items.

**09-73      AGENDA ITEM 11**

**Agenda Subject: "Discussion and possible direction to staff regarding Federal Economic Stimulus Package and Washoe County's Capital Improvement Plan--Manager. (All Commission Districts.)"**

Dave Childs, Assistant County Manager, placed an information packet regarding the Federal Economic Stimulus Package and Washoe County's Capital Improvement Plan (CIP) on file with the Clerk.

**4:59 p.m.** Commissioner Breternitz returned to the meeting.

Mr. Childs said last week the Board indicated there were three key points regarding the stimulus package: the lists of stimulus package items should remain flexible along with expectations, there should be a broad array of projects and programs, and County staff should work with the other entities to create a regional list as requested by Harry Reid, United States Senator.

Mr. Childs stated a lot had happened since last week, so remaining flexible was very important. He noted the House of Representative's stimulus package had come out and what was proposed to be in the bill was different than the one page summary given to the Board last week. He explained a lot of what would be in the bill had to do with federal programs. He stated the things that were discussed earlier regarding energy, transit, transportation, waterways, community development block grants, and weatherization were also on the table.

Mr. Childs noted the expectation was things would move forward as quickly as possible. He thought one of the reasons for the broad base of the bill was because it affected a number of federal agencies so they could have the capacity to get some projects going. He stated the Federal Highway Administration, the state transportation departments, and the contractors could be overloaded if the stimulus focused on transit and transportation. He said the counterpoint was it appeared to some members of Congress that it looked like a wish list from every federal agency that had been waiting for funds. He felt that would be part of the discussion that would be going back and forth.

Mr. Childs said last week he was asked to revise Washoe County's project list, which was part of the handout. He advised the projects the Board felt were not appropriate were taken out, information was added to help target what type of funding areas might happen and how the County's projects might fit within those areas. The associated trades' information was added so the Board could have a sense of which trades would be necessary if a project was funded. He said the same was done for the Department of Water Resources funding list, which would be funded through a separate source.

Mr. Childs advised he met with the other entities about creating a regional list. He stated the packet contained copies of the Regional Transportation Commission (RTC) list, the City of Sparks list, a three page list from the City of Reno, and the Truckee River Flood Project list. He said another change since the Board's last meeting was the City of Sparks wanted to continue discussing a regional list. He stated the Washoe County School District (WCSD) created a huge list of projects as part of their

bond referendum, but the problem was most of those projects were not shovel ready. He said they had about \$20 million that were shovel ready, they were adding another \$20 million worth of projects, and they would have their list to him by the end of the week. He noted the Reno-Sparks Convention and Visitors Authority (RSCVA) also had a list ready. He said a proposed joint list would be created prior to the February 9, 2009 joint meeting and thought progress was being made by the Cities of Reno and Sparks, Washoe County, WCSO, RTC, and the RSCVA.

Mr. Childs discussed the sample format of the "Master Project List" included in the packet, which was broken down by project type. He indicated there seemed to be interest in picking two or three projects from each type that would be of the greatest interest to federal government. He felt to the extent the school projects could be funded, those projects should be supported because they would involve a lot of trades and because they would be beneficial to the entire Truckee Meadows area.

Chairman Humke asked if the costs of the projects on the sample list were exclusive of land acquisition, such as for the Arrowcreek Fire Station and the Sheriff Substation (south). Mr. Childs said his assumption was there was a site identified because it would not be considered shovel ready unless that was the case, so that would imply the land was excluded from the dollar amounts. He said shovel ready was defined as having 50 percent of the money encumbered within 12 months of when Congress finally adopts the legislation, and the other 50 had to be within a certain time frame, or within 9 months of when the agency awards the funds to the grantee.

In response to Chairman Humke asking why the Sheriff Substation (south) cost twice as much as the Arrowcreek Fire Station, Mr. Childs thought the Fire Station was a simple design that would be built quickly while the Substation had a number of community meeting spaces and other things that made its construction a little more complicated.

Commissioner Larkin asked if the projects with promise would go through some kind of sifting process so something so far outside the box would be thrown out. Mr. Childs explained the lists the entities prepared several months ago at the request of the National Association of Counties, the League of Cities and Congress were to give Congress some sense of the magnitude of what could be done quickly. He stated now those lists would have to be refined based on what would happen to the legislation and so the region would be positioned in the best possible light.

Commissioner Larkin stated he wanted standards and procedures developed so government would not grow one percent beyond its current limits and that the money truly would become stimulus money to put people to work in an entrepreneurial sense, otherwise nothing would truly be accomplished. He said he hoped that philosophy would really resonate with the managers, the elected officials, and the team when the projects were examined. Mr. Childs advised that the Board members should talk to their congressional representatives because elements of the legislation

would make the federal government bigger. Commissioner Larkin advised he was talking about local government.

Commissioner Breternitz agreed with Commissioner Larkin on where the money should be used. He commended Mr. Childs for reaching out to the other entities because cooperation would enhance the chance of success. He said the current definition of shovel ready offered some flexibility in terms of timing. He suggested that the projects that would rise to the top of the list be truly important because of that flexibility. Mr. Childs stated it was planned to have those lists available for the joint meeting so agreement could be reached regarding what projects were important.

Commissioner Jung thanked Mr. Childs for keeping an eye on the development of the stimulus package. She felt staff should come up with an evaluation tool for the analytical ranking of projects by the joint meeting to avoid passionate emotions and turf wars, even though there was not a lot of time. She liked how the master listing delineated the associated trades to show how many different areas of expertise were affected.

Commissioner Breternitz agreed with Commissioner Jung because he felt setting up that process would help the elected officials come together on selecting the projects. He indicated what was truly important was to get people back to work and to get money flowing in the economy.

Mr. Childs stated felt he had his direction. He noted the current CIP listed projects started and nearing completion, projects funded and in various stages, and projects approved but not currently funded. He felt the focus should be on projects that were in CIP but were not funded. He noted the third, fourth, and fifth projects listed had completed designs and were included in the County's package.

Commissioner Weber felt some of the projects on the list were not projects that should be on the CIP list, such as a restroom facility at a park. Mr. Childs said that project was almost complete and the projects to look at were in the bottom category, which were projects approved but not currently funded. He discussed the projects on the list and which projects had a chance for getting funding.

Chairman Humke said there was no need for a motion and Mr. Childs had expressed he had his direction so no further action was taken on Agenda Item 11.

**09-74            AGENDA ITEM 13**

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

Commissioner Weber said she held her “Coffee and Conversation with Your Commissioner” meeting last weekend, which 15 people attended. She noted concern was expressed regarding ongoing Waste Management (WM) issues.

Commissioner Weber said at the recent North Valleys Citizen Advisory Board (CAB) meeting the Red Rock Pipeline was discussed along with the water issues regarding the Heppner Subdivision. She advised there would be a Heppner Subdivision meeting this Thursday at 6:00 p.m. at the Joe Mitchell Center. She said there had been a meeting every January to try to help those residents for as long as she could remember, and she explained why the help was needed. She commended the Department of Water Resources for doing a great job in getting the meeting together. She said many of her constituents suggested they did not get enough notice regarding the Red Rock Pipeline discussion. She said after talking with Adrian Freund, Community Development Director, she felt the Board needed to look at the noticing policy especially for rural areas.

Commissioner Weber stated Mayor Cashell would be giving his State of City address at Reno City Hall, January 21, 2009 at 5:30 p.m. and the Department of Water Resources would be holding its open house from 11:00 a.m. to 2:00 p.m. tomorrow. She said the Reno-Sparks Convention and Visitors Authority (RSCVA) meeting would be held on Thursday at 9:00 a.m. She advised the Nevada Association of Counties (NACO) Board meeting was on Friday at 10:00 a.m. and the Joint Fire Advisory Board meeting was next Monday, January 26th, at 3:00 p.m. in the Health Department Board Room. She stated the North Valleys Neighborhood Advisory Board (NAB) meeting would also be held next Monday at 6:30 p.m. at the North Valleys Regional Sports Complex and the Volunteer Fire meeting would be held next Monday at the Bonanza Casino at 7:00 p.m. She noted the Volunteer Fire meeting was open to public.

Chairman Humke asked if one of the other Commissioners could attend the Flood Control meeting tomorrow in his place at 1:00 p.m., which was a non-standard day. Commissioners Jung and Breternitz indicated they were not available.

Commissioner Jung said she could not attend the Joint Fire Advisory Board meeting. Commissioner Larkin stated he would attend in Commissioner Jung’s stead.

Commissioner Jung advised she was working on the Local Food Network, which was a community food security coalition of interested stakeholders who take a snapshot and assessment of food availability and safety within the community. She noted there was not a whole lot of farming happening in Northern Nevada, which could become an issue if the area was cut off or if there was a food safety issue because there would be no place locally to buy replacement food. She said one option would be to start community gardens on County and City land and to find stewards to help maintain the

gardens. She said the Network was in its infancy and the next meeting would be on February 11, 2009 at the Cooperative Extension located at 5305 Mill Street at 6:00 p.m.

Commissioner Jung stated the Humane Society's orientation for volunteers last Wednesday had over 300 people in attendance and it was standing room only. She said she was almost brought to tears at the number of people willing to give their time even in the midst of all of the doom and gloom happening. She felt this was another wonderful example of how the people of the County turned out for animal issues.

Commissioner Jung commented she and Commissioner Breternitz took a tour of the Law Library. She recommended anyone who had not taken that tour do so before budget hearings to have a better idea of its history and where it was going.

Commissioner Jung commented she attended the Martin Luther King Junior dinner, which was beautifully done. She mentioned two of the finest men in the County, Mike Haley, Sheriff, and Arnie Maurins, Library Director, were nominated as "Men to Watch," and she was proud by proxy for them.

Commissioner Breternitz advised he had nearly completed the first challenge issued to him by staff with his completion of 25 out of the 31 meetings they set up for him with department heads. He felt it was important as a new commissioner to have that one-on-one time. He said after doing the calendar for Boards and Commissions last week, he contacted the Library and the Incline Village General Improvement District (IVGID) to work out a meeting schedule for his regular meetings similar to Commissioner Weber's "Coffee and Conversation with Your Commissioner." He said last week he attended the West Truckee Meadows CAB meeting. He stated there was concern because the fire personnel had stopped coming to the meetings about five to six months ago. He recognized there were overtime issues, but he felt it made sense to have some sort of periodic report. He stated he was not sure how that would get done, and he requested the Manager discuss that with him.

## **COMMUNICATIONS AND REPORTS**

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

### **COMMUNICATIONS:**

- 09-075** Resignation of Lorilee Currie from the Sun Valley Citizen Advisory Board, dated November 8, 2008 and filed with the Clerk December 12, 2008.
- 09-076** Resolution approved by the Washoe County School District Board of Trustees at their regular meeting on December 16, 2008, augmenting certain funds of the district for the fiscal year ending June 30, 2009.

- 09-077** Notice of Action for Minute Item 07-154 for the Naming of an Easement on Codexa Way and Item 07-155 for the Renaming of an Easement on Lakeside Ranch Court to Kinney Court, approved at the regular BCC meeting on February 13, 2007. Notice originally sent on April 19, 2007 and resent on December 23, 2008.
- 09-078** Local Emergency Planning Committee Grant Program Contract between Washoe County and the City of Sparks, on behalf of the Sparks Fire Department, dated November 10, 2008.
- 09-079** Local Emergency Planning Committee Grant Program Contract between Washoe County and the City of Sparks, on behalf of the Sparks Police Department, dated October 20, 2008.
- 09-080** Local Emergency Planning Committee Grant Program Contract between Washoe County and the City of Reno, on behalf of the Reno Police Department, dated November 10, 2008.
- 09-081** Local Emergency Planning Committee Grant Program Contract between Washoe County and the Pyramid Lake Paiute Tribe, dated September 29, 2008.
- 09-082** Local Emergency Planning Committee Grant Program Memorandum of Understanding between Washoe County and the Washoe County Sheriff's Office, dated September 23, 2008.

**REPORTS – ANNUAL:**

- 09-083** City of Sparks Comprehensive Annual Financial Report for the fiscal year ended June 30, 2008.
- 09-084** Regional Transportation Commission Comprehensive Annual Financial Report for the fiscal year ended June 30, 2008.
- 09-085** State of Nevada, Department of Taxation, Fiscal Year 2007-08 Report of Local Government Indebtedness as of June 30, 2008.
- 09-086** Truckee Meadows Water Authority comprehensive Annual financial Report for the fiscal years ended June 30, 2007 and June 30, 2008.
- 09-087** Truckee Meadows Water Reclamation Facility audit and financial statements for the fiscal year ended June 30, 2008.

**AGENDA ITEM 14**

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

**5:58 p.m.** On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that the meeting be recessed to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

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**6:31 p.m.** There being no further business to come before the Board, on motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that the meeting be adjourned from the closed session.

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**DAVID E. HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by:  
Jan Frazzetta, Deputy County Clerk*

**RESOLUTION**

A RESOLUTION DECLARING WASHOE COUNTY'S INTENT TO RE-CONVEY COUNTY PROPERTIES LOCATED IN WASHOE VALLEY, NEVADA, WITHIN THE LIGHTNING W RANCH SUBDIVISION; AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, NRS 244.290 provides that Washoe County may re-convey, sell or trade property upon such terms and conditions as may be prescribed by the Washoe County Board of County Commissioners; and

WHEREAS, Washoe County owns certain parcels of real property described as APN 055-382-08, APN 055-383-10 and APN 055-383-11 (Real Property) located within the Lightning W Ranch Subdivision in West Washoe Valley, Nevada; and

WHEREAS, The Real Property comprises well sites originally dedicated to Washoe County by Robert L. Weise and Cathy V. Weise (Weises) by virtue of the owner's certificate on Subdivision Tract Map 3009, recorded on March 4, 1994, as Document No. 1772155, in the office of the Washoe County Recorder; and

WHEREAS, The Weises have assigned to LB Acquisition, LLC all of their rights, title and interest in the Real Property, including any interest inuring under NRS 244.290, as dedicated by the Weises to Washoe County; and

WHEREAS, LB Acquisition, LLC is the successor in right and title for acceptance of reversion rights for the Real Property; and

WHEREAS, Washoe County has determined that the maintenance of the Real Property is unnecessarily burdensome to Washoe County and re-conveyance of the Real Property, as authorized by NRS 244.290; is in the best interest of Washoe County and its residents; and

WHEREAS, LB Acquisition, LLC desires to accept re-conveyance of the Real Property from Washoe County; now, therefore, be it

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

1. The Real Property is not needed for the public purposes of Washoe County. The Real Property comprising the well sites was set aside for the possible construction of

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municipal wells. The well sites are no longer deemed feasible as well sites due to water quality issues and proximity to domestic wells.

- 2. The Real Property is unnecessarily burdensome to Washoe County.
- 3. The re-conveyance of this Real Property is in the best interests of Washoe County.

ADOPTED this 20th day of January 2009 by the following vote:

AYES: Humke, Weber, Carlin, Jung, Breternitz

NAYS: Ø

ABSENT: Ø

ABSTAIN: Ø

David Weber  
 Chairman  
 Washoe County Commission

STATE OF Nevada )  
 ) ss:  
 COUNTY OF Washoe )

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On this 20th day of January, 2009 before me a Notary Public in and for the County of Washoe, State of Nevada, personally appeared David Humke known to me to be the person described herein and who executed the foregoing instrument and who acknowledged to me that he/~~she~~ executed the same freely and voluntarily on behalf of Washoe County, for the uses and purposes therein mentioned.

Rita Lencioni  
 Notary Public



*U.S.S.*

## Resolution of Accomplishment

**WHEREAS**, Rajan Zed read the historic first opening prayer in the United States Senate in Washington D.C. during its 218 years; and

**WHEREAS**, Rajan Zed is the Spiritual Advisor to the National Association of Interchurch and Interfaith Families, Director of Interfaith Relations of Nevada Clergy Association, and has been recognized by various organizations for his efforts in interfaith dialogue; and

**WHEREAS**, The European Parliament consists of 785 elected members from 27 countries representing 492 million people; and

**WHEREAS**, The European Parliament and European Council established the European Year of Intercultural Dialogue in view of the increasingly important role of intercultural dialogue in fostering European identity and citizenship; and

**WHEREAS**, Rajan Zed was invited by the President of the European Parliament, Hans-Gert Pottering, for a meeting on December 10, 2008 to discuss Hindu issues and promote interfaith dialogue; and

**WHEREAS**, Rajan Zed also met with the Deputy Head of the President's Cabinet, Ciril Stokeji, for a detailed discussion of Hindu issues; now, therefore, be it

**RESOLVED**, That the Washoe County Board of Commissioners hereby recognizes the continuous accomplishments of Rajan Zed in Washoe County, Nevada.

**ADOPTED**, this 20<sup>th</sup> day of January, 2009.



*David E. Humke*  
David E. Humke, Chairman  
Washoe County Commission

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**INTERLOCAL COOPERATIVE AGREEMENT**

This Agreement, made and entered into this 29<sup>th</sup> day of January, 2009, by and between Washoe County, a political subdivision of the State of Nevada (hereinafter called "COUNTY"), and the Reno-Tahoe Airport Authority, a quasi-municipal corporation created in accordance with the Reno-Tahoe Airport Authority Act, (hereinafter called "RTAA").

**WITNESSETH:**

WHEREAS, NRS 277.080 to NRS 277.180, inclusive, permit local governments to make the most efficient use of their powers by enabling them to cooperate and provide services and facilities in a manner which will best accord with mutual advantage and the needs of the local communities; and

WHEREAS, the RTAA is mandated to monitor noise around the Reno-Tahoe Airport and has created a Noise Monitoring Project (PROJECT) to satisfy the mandate; and

WHEREAS, the COUNTY owns property and maintains rights-of-way for streets and roads in proximity to the Reno-Tahoe Airport;

NOW, THEREFORE, in consideration of the promises and of the mutual covenants herein contained, it is mutually agreed by and between the parties as follows:

**RTAA AGREES:**

1. To assign a Project Manager to coordinate and manage the PROJECT, and act as liaison with COUNTY.
2. To prepare and provide information to the COUNTY for desired noise monitor locations, to include legal descriptions of proposed sites, to be used as Exhibits to this Agreement.
3. To prepare and provide to the COUNTY for review and comment engineering plans and installation specifications for each site, and to incorporate COUNTY comments into the final drawings.
4. To install and maintain the noise monitoring stations, to include procuring and paying for all utilities.

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**COUNTY AGREES:**

1. To assign a senior staff member as liaison with RTAA.
2. To actively participate in the site selection process, and provide suitable sites to RTAA.
3. To coordinate with other COUNTY departments as needed.
4. To review legal descriptions and plans, and provide comments to RTAA.
5. To allow the RTAA to place noise monitoring equipment on COUNTY-owned property at the mutually agreeable locations in accordance with the terms of this Agreement.

**IT IS MUTUALLY AGREED:**

1. That each party will cooperate with the other parties to this Agreement and their agents in carrying out their respective responsibilities under this Agreement.
2. That each party will assist the other parties in communicating with the public regarding the provisions of this Agreement.
3. That this Agreement may be terminated by the COUNTY or the RTAA on 30 days written notice. Termination shall be effective at the end of the 120 days or upon completion and payment for all work remaining to be performed or paid for under the existing annual preventative maintenance program contract, whichever is later.
4. That all communications/notices required pursuant to the Agreement shall, unless written notice of a new designee is sent certified or registered mail, be given as hereinafter provided:

RTAA Project Manager: Mark Cameron  
Noise Abatement Coordinator  
Reno-Tahoe Airport Authority  
P.O. Box 12490  
Reno, Nevada 89510-2490  
(775) 328-6427

WASHOE COUNTY: Roger P. Van Alyne, P.E.  
Deputy Public Works Director  
Washoe County Department of Public Works  
P.O. Box 11130  
Reno, Nevada 89520-0027  
(775) 328-2040

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5. Subject to the limitations of Chapter 41 of Nevada Revised Statutes, each party agrees to indemnify, defend and hold harmless the other parties from and against any liability including, but not limited to, property damage and personal injury or death, proximately caused by the negligent acts or omissions of its officers, agents and employees arising out of the performance of this Agreement.

6. That the laws of the State of Nevada shall be applied in interpreting and construing this Agreement.

7. That the legality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of the Agreement.

8. That this Agreement constitutes the entire contract between the parties and shall not be modified unless in writing and signed by the parties.

9. That it is not intended, and this Agreement shall not be construed, to provide any person or entity not a party to this Agreement, with any benefits or cause of action or to obligate the parties to this Agreement to any entity or person not a party to this Agreement.

10. That in the event any party initiates litigation to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees.

11. Except for the parties' obligation to continue their contributions to complete the performance of contracted work in the existing annual preventative maintenance contract then in place, this Agreement shall automatically terminate Five (5) years following its execution by the last party to sign unless it has been reviewed, reevaluated and extended by mutual agreement of the parties within the term.

12. That this Agreement will be reviewed by both Parties 60 months after execution or amendment to determine if the Agreement still meets the needs and intent of the initial Agreement.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized officers the day and year first above written.

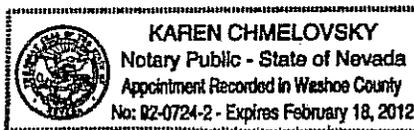
**RENO-TAHOE AIRPORT AUTHORITY:**

BY: *Krys T. Bart*  
Krys T. Bart, A.A.E.  
President/CEO

State of Nevada )  
County of Washoe )

This instrument was acknowledged before me this 29<sup>th</sup> day of January, 2009,  
by Krys T. Bart, the President/CEO of the Reno-Tahoe Airport Authority.

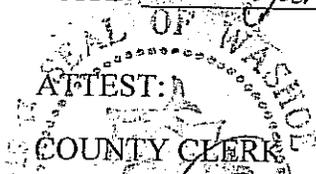
*Karen Chmelovsky*  
Notary Public



**WASHOE COUNTY:**

BY: *David E. Hunke*  
DAVID E. HUNKE, Chairman  
Washoe County Commission

DATE: Jan. 20, 2009



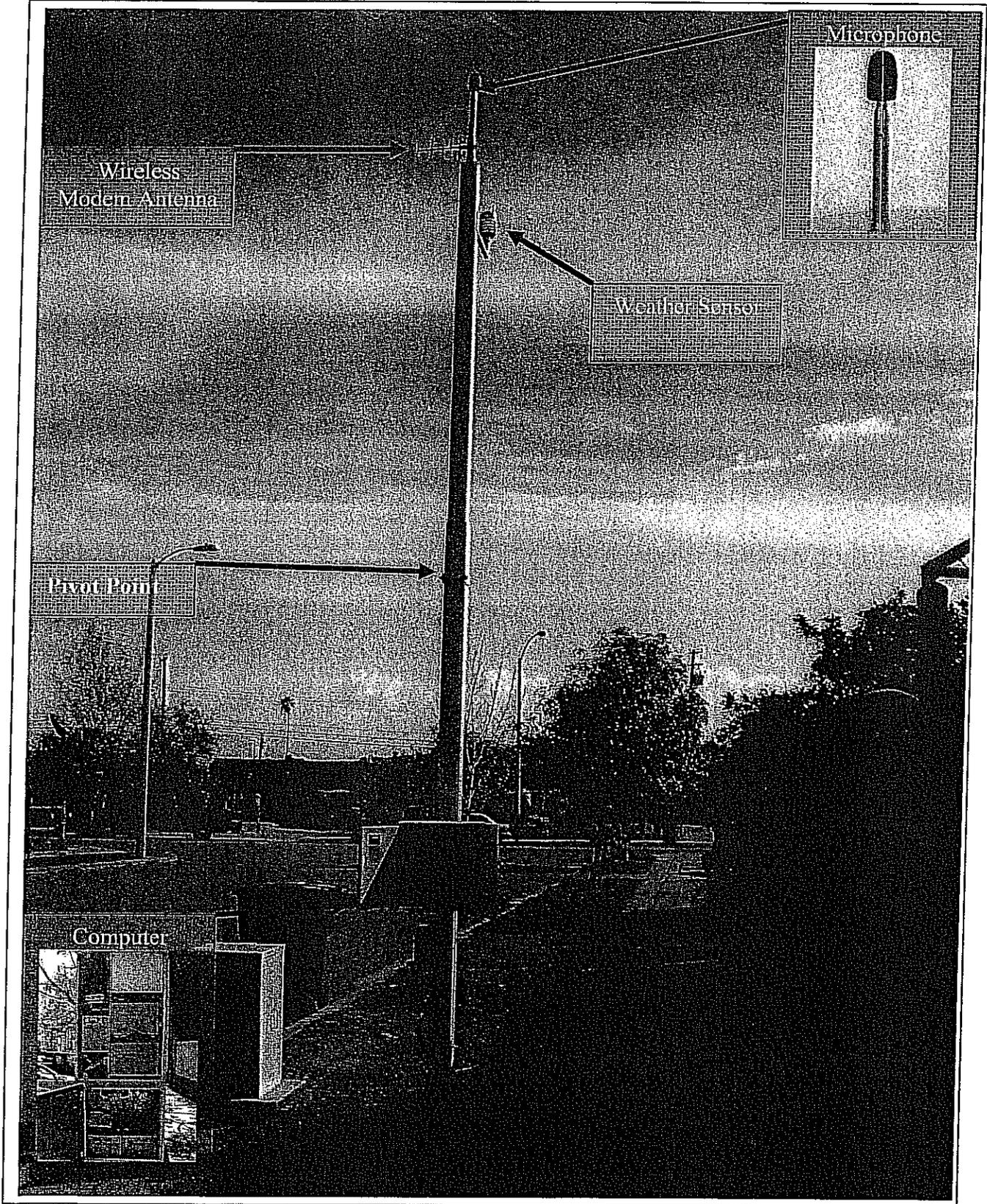
BY: *Amy Harvey*  
Amy Harvey, Washoe County Clerk

**APPROVED AS TO FORM:**

By: *Melanie Foster*  
Deputy District Attorney

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Exhibit A-1  
Non-Solar - Noise Monitor Example  
Sites 1, 10, 12 and 14



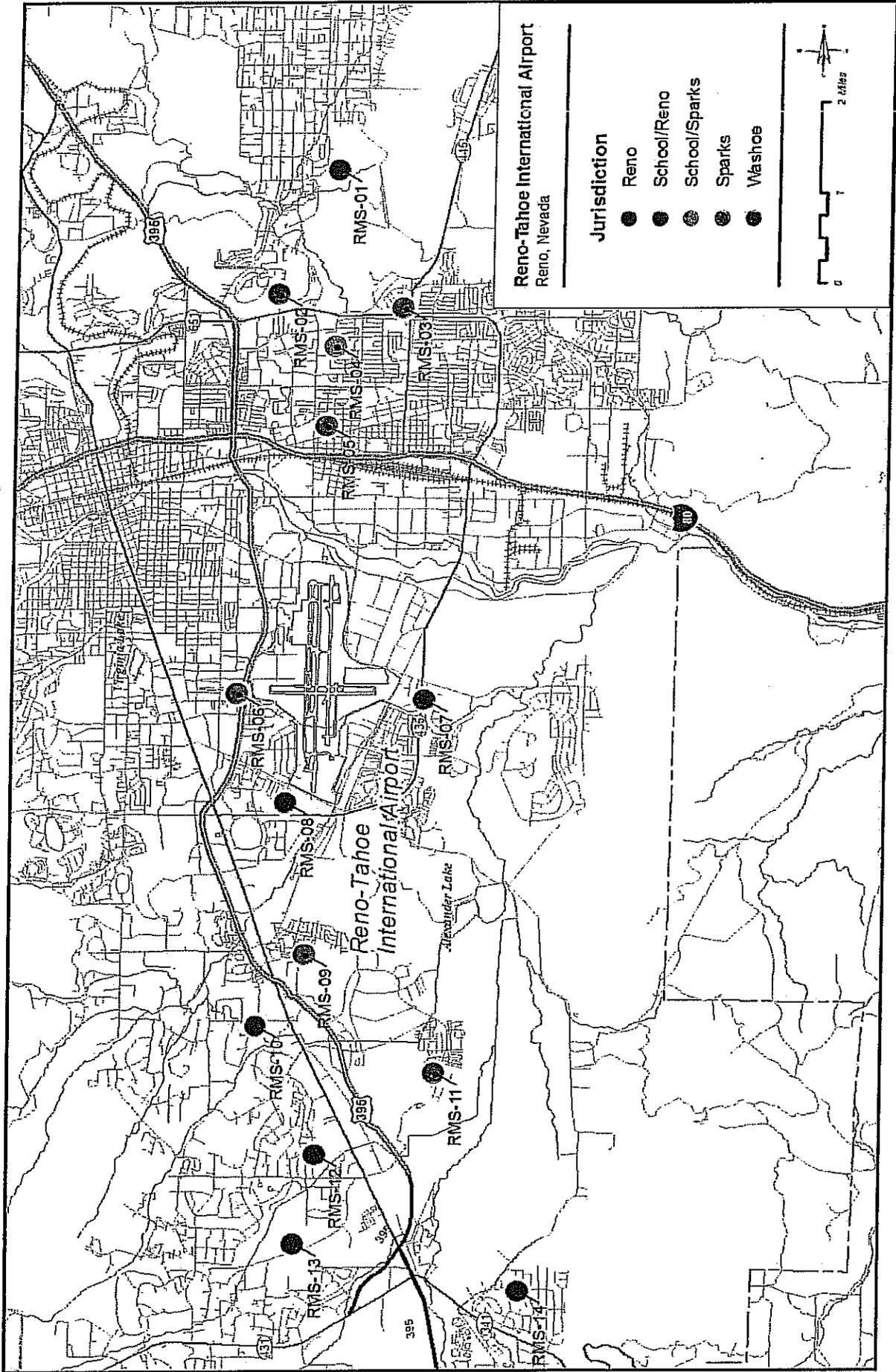
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Exhibit A-2  
Solar - Noise Monitor Example  
Sites 7, and 13



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Exhibit B  
RTAA Noise Monitor Project, Site Map



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