

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

TUESDAY

12:00 P.M.

MARCH 24, 2009

PRESENT:

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

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

The Board convened at 12:05 p.m. in regular session in the Caucus Room of the Washoe County Administration Complex, 1001 East Ninth Street, 2nd Floor, Room A205, 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.

**09-251      AGENDA ITEM 3**

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

There was no response to the call for public comment.

**Agenda Subject: “Work session between the Washoe County Commission and the Washoe County Planning Commission to discuss items of mutual interest relating to various planning issues - direction to staff may be given”**

Chairman Humke called the work session to order at 12:07 p.m. The following Planning Commission members were present: Christy Magers, Neal Cobb, Roger Edwards, Roy Hibdon, Bill Weber and Dian VanderWell. Keith Lockard was absent.

Adrian Freund, Community Development Director, introduced Marlene Rebori, Cooperative Extension Area Extension Specialist, Community and Organizational Development, as the facilitator.

Ms. Rebori explained the focus of the discussion would be to discuss roles and responsibilities and meeting the shared goals regarding planning for the County. She reviewed and explained the process that would be used for the discussion. Member Edwards remarked joint discussions should be an on-going process.

**\*12:14 p.m.** Commissioner Weber arrived.

Ms. Rebori asked the Planning Commission and the Board of County Commissioners (BCC) to state what the goals for planning in the County were. The following were suggestions made by those present: modern planning concepts; create a livable, desirable, economically viable and sustainable community; to be economically sustainable, viable, socially and environmentally responsible; to support, preserve and enhance resources for a dynamic economy and business community; clear lines of communication with staff, the general public and other boards; neighborhood character focus; progressive up-to-date planning; provide fair results in making planning decisions under NRS, and ordinances on behalf of citizens; and accountability with checks and balances between staff and developers.

Member Edwards commented that he felt there was disconnect between the Planning Commission and the BCC. He stated the two were not working together as a team and that needed to be solved. He said these bodies had not met as a group in the past, but thought that would be beneficial.

Member Magers said, with regard to the responsibilities of the Planning Commission, NRS and the County Code were very open. She felt it was an issue and a reason for the two Boards to meet regularly since it was not clearly outlined. Member Magers commented the Planning Commission needed direction and guidelines from the BCC.

A discussion ensued where it was determined that the BCC and the Planning Commission would discuss issues and concerns on how the two bodies could work together and enhance communication.

**\*12:52 p.m.** Commissioner Larkin arrived.

Commissioner Weber said she did not feel there should be much communication between the two entities or that the Chair of the Planning Commission should be speaking to the Chair of the BCC on planning issues.

Member Edwards agreed, but was concerned about internal staff issues. Member Cobb commented there were breakdowns as to what was required regarding regional compliance.

Ms. Rebori next turned the discussion toward the process of communication between the Planning Commission and staff and the interaction between the BCC and the Planning Commission. Member Edwards remarked the goals were the same; however, the process to achieve those goals was disjointed. Chairman Humke remarked flaws in the process and mixed signals may be due to staff, citizens and the development community.

Ms. Rebori suggested members write down problems and solutions to be discussed collectively.

**1: 05 p.m.** Planning Commission Member Lockard arrived.

**1:10 p.m.** The Board's recessed.

**1:25 p.m.** The Board's reconvened with all members present.

Ms. Rebori asked the participants to share their concerns and potential solutions. The following thoughts were shared. County staff had their own development goals, plans and expectations that did not necessarily follow the BCC and then those were given to the Planning Commission as County policy for conformance; area plans could take four to five years to pass because of the huge amount of time spent on large development zone changes; and the Planning Commissioners understood the BCC was under certain restraints to either approve or deny area plans and did not have the ability to make any changes, so those would need to be returned to the Planning Commission for additional changes.

Member Edwards disagreed with the last statement. He commented a recent plan was sent back to the Planning Commission because of the number of approved housing units and a density change on a specific part of an area plan. He indicated the reasons needed to be cited why the plan was remanded. Member Weber said when the Planning Commission denied an application based on not making the findings, they were asked to explain the reasons; however, that same policy or procedure was not

returned from the BCC. He suggested implementing recommendations or reasons why the BCC voted no, such as a uniform policy on “no” votes.

Additional concerns and solutions stated were an outside expert be brought in to explain the legal and practical intentions of the BCC and Planning Commission, the relationship and world-wide best practices and zoning changes should be based on need and not financial gain or accommodation.

Ms. Rebori suggested regular meetings between the Planning Commission and the BCC regarding applicable regulations and goals so the direction to the Planning Commission could become consistent. She felt an issue was that the BCC and the Planning Commission did not always have an understanding of each other’s basis for making a particular decision. Ms. Rebori said the solution could be to have discussions among the BCC at the time of the decision making.

Commissioner Larkin suggested developing a format or standardization template on how the item, such as an area plan, was documented. Member Weber commented the vote needed to be clearly stated by the Chairman. Commissioner Larkin recommended a template be given to the County Clerk to translate that more clearly.

Ms. Rebori asked what the next step should be for the two bodies. Chairman Humke indicated the BCC had a precedent set with the South Truckee Meadows General Improvement District (STMGID) for “Brown Bag” meetings with staff to discuss issues and structured written decisions. Member Edwards suggested quarterly meetings that would alternate between the bodies. He indicated two scheduled sessions before a Planning Commission meeting and two scheduled before a BCC meeting. Member Edwards remarked the next session should have discussion concerning policies and procedures and offered the next meeting be held before the Planning Commission meeting. Member Magers indicated their meetings were held on the first Tuesday of the month. The two bodies decided the host entity would choose the topic for the agenda and that the next meeting be scheduled in June.

**1:53 p.m.** The Board’s recessed.

***Following Item #4 above, the Board of County Commissioners recessed and reconvened at 2:07 p.m. in the Washoe County Commission Chambers located at 1001 E. 9<sup>th</sup> Street, Reno, for the remainder of the County Commission Agenda.***

**2:07 p.m.** The Board reconvened with Commissioner Larkin absent.

**2:08 p.m.** Due to an outburst from the audience the Board recessed.

**2:10 p.m.** The Board reconvened with Commissioner Larkin absent.

**09-253      AGENDA ITEM 5**

**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 Personal Effectiveness**

Bert Bracy, Code Enforcement Officer II  
Linda Bucher, Office Support Specialist  
Stephanie D’arcy, Recreation Specialist  
Kaystarr Duncan, Deputy Clerk II  
Catherine Riordan, Account Clerk

**Essentials of Management Development**

Patricia Beckman, Administrative Secretary  
Patricia Capello, Public Health Nurse Supervisor  
Amy Levy, Librarian I

**2:13 p.m.**      Commissioner Larkin arrived.

**09-254      AGENDA ITEM 6 - PROCLAMATION**

**Agenda Subject: “Proclamation--March 2009 as Professional Social Work Month--Social Services. (All Commission Districts.)”**

Katy Simon, County Manager, read the Proclamation to Kevin Schiller, Social Services Director. Mr. Schiller introduced several members from the Social Services Department. He commended the staff and stated they performed a potentially risky service and appreciated their commitment and dedication.

Kristen Monibi, Social Worker, accepted the Proclamation and thanked the Board for their commitment and continued support.

**2:19 p.m.**      Commissioner Larkin temporarily left the meeting.

In response to the call for public comment, Sam Dehne remarked on the services provided by the Social Services Department.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Larkin temporarily absent, Chairman

Humke ordered that Agenda Item 6 be approved. The Proclamation for same is attached hereto and made a part of the minutes thereof.

**09-255            AGENDA ITEM 7**

**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, announced that Agenda Item 8I, and Agenda Item 17, would be pulled.

Commissioner Weber thanked staff for the increase in volunteerism through the County website. She indicated there was a link provided on the website for interested citizens to search the various volunteer positions.

**2:21 p.m.**        Commissioner Larkin returned to the meeting.

Commissioner Larkin read a letter from Thor Dyson, Nevada Department of Transportation (NDOT) District Engineer, which commented on speed limit’s concerning the Pyramid Highway. He said there were various speed limits posted on the Highway that were not synchronized. Commissioner Larkin requested an update and presentation from the NDOT Urban Traffic Division.

Chairman Humke announced a seminar concerning *Foreclosure Law for the Homeowner* was scheduled for March 26, 2009 in the Law Library. He noted there would be limited seating available.

Chairman Humke stated there was an offensive sign being displayed in the audience that was vulgar and disruptive to the meeting. He requested the sign bearer Guy Felton remove the sign or be removed from the meeting.

**2:27 p.m.**        The Board recessed in order for Mr. Felton to be removed from the Commission Chambers.

**2:30 p.m.**        The Board reconvened with all members present.

**09-256            AGENDA ITEM 18 – REGIONAL TRANSPORTATION  
COMMISSION/FINANCE**

**Agenda Subject:** “Recommendation to approve and execute an Ordinance authorizing the issuance by Washoe County of its fully registered, “Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) bonds, Series 2009” in the maximum principal amount of \$90,000,000 for the purpose of financing street and highway construction within the County and improvements incidental thereto; providing the form, terms and conditions of the bonds and the security therefore,

**and other details in connection therewith; providing for its adoption as if an emergency exists; and providing the effective date hereof. (All Commission Districts.)”**

John Sherman, Finance Director, explained this item was requested by the Regional Transportation Commission (RTC). He stated this was the only legal mechanism that the RTC had to issue debt. He indicated the RTC would be obligated to pay the debt through Fuel Tax revenues.

Derek Morse, RTC Deputy Executive Director, stated the RTC Board intended to issue approximately \$250 million in bonds over the next three years to accelerate needed projects within the community based upon RTC-5 revenues. He said this would produce over 3,000 jobs in the community and provide stimulus for the region. Mr. Morse stated the RTC Board directed to proceed with all necessary steps to issue bonds on the existing RTC Fuel Tax Revenue stream. He said the intent was not to sell these bonds until there was secured passage of the RTC-5 enabling legislation. If the passage of the implementing legislation was accomplished and still considered a low risk, the County Commission would not enact these ordinances and the RTC would move forward with the sale of the bonds and proceed awarding additional construction projects. Mr. Morse said this strategy would allow the RTC to have funding in place and allow additional work to be awarded sooner rather than later. He reiterated that the County would not incur any obligation of their funds with this action and clarified the only funds being pledged were the RTC Fuel Tax revenues. Mr. Morse clarified a bonding ordinance based upon the existing RTC Fuel Tax revenue was before the Board.

In response to the call for public comment, Sam Dehne stated he was in favor of additional jobs for the community.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Ordinance No. 1396, Bill No. 1576, entitled, **"AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY OF ITS FULLY REGISTERED, "WASHOE COUNTY, NEVADA, HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES 2009" IN THE MAXIMUM PRINCIPAL AMOUNT OF \$90,000,000 FOR THE PURPOSE OF FINANCING STREET AND HIGHWAY CONSTRUCTION WITHIN THE COUNTY AND IMPROVEMENTS INCIDENTAL THERETO; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND THE SECURITY THEREFORE, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF,"** be approved, adopted and published in accordance with NRS 244.100.

**CONSENT AGENDA – AGENDA ITEM 8A THROUGH 8J**

In response to the call for public comment, Sam Dehne remarked on the size and content of the consent agenda.

Katy Simon, County Manager, stated Agenda Item 8I, recognize and accept offer of voluntary participation by the Washoe County Elected Sheriff, District Attorney, Clerk, Assessor, Recorder, Public Administrator and Treasurer and the Appointed Chief Deputy District Attorneys in a wage reduction of 2.5 percent would be pulled.

**09-257            AGENDA ITEM 8A – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

**Agenda Subject: “Acknowledge receipt of Truckee River Flood Management Project Status Report for February 2009. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8A be acknowledged.

**09-258            AGENDA ITEM 8B - ASSESSOR**

**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, 2005/2006 secured and unsecured tax rolls; and if approved, authorize Chairman to execute Order and direct Washoe County Treasurer to correct the errors [cumulative amount of reduction \$47,731.54]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 8B be approved, authorized, executed and directed.

**09-259            AGENDA ITEM 8C - TREASURER**

**Agenda Subject: “Adopt Resolution authorizing the County Treasurer to transfer to other governmental entities real property held in trust due to property tax delinquencies and other matters properly related thereto. (Commission District 2.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8C be adopted, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**09-260            AGENDA ITEM 8D – PUBLIC WORKS**

**Agenda Subject:** “Award Agreement for Professional Services for Marlin and Lemmon Drive Channels Stormwater and Flooding Analysis, Washoe County, Nevada, to the most qualified proposer (staff recommends Manhard Consulting, Ltd) [\$48,000]; and if awarded, authorize Chairman to execute Agreement. (Commission Districts 3 and 5.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 8D be awarded, authorized and executed.

**09-261            AGENDA ITEM 8E(1) – JUVENILE SERVICES**

**Agenda Subject:** “Accept continuation grant [\$25,000 - no County match] from Annie E. Casey Foundation to support activities related to the replication of the Juvenile Detention Alternatives Initiative; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8E(1) be accepted and directed.

**09-262            AGENDA ITEM 8E(2) – JUVENILE SERVICES**

**Agenda Subject:** “Approve reclassification of existing On Call Youth Advisor to an Intermittent Hourly I classification in accordance with the evaluation by the Job Evaluation Committee; and if approved, direct Human Resources Department to make the necessary staffing adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8E(2) be approved and directed.

**09-263            AGENDA ITEM 8F(1) – MANAGEMENT SERVICES**

**Agenda Subject:** “Approve appointment of Bradley E. Woodring as an at-large representative of the Organizational Effectiveness Committee, with term to begin March 10, 2009 and expire December 31, 2010. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Bradley Woodring be appointed as an At-large representative of the Organizational Effectiveness Committee with a term to begin March 10, 2009 and ending December 31, 2010.

**09-264            AGENDA ITEM 8F(2) – MANAGEMENT SERVICES**

**Agenda Subject: “Approve expenditure [\$500] from the Special District Fund Account of County Commission District 1 to Sierra Arts Foundation to assist in funding operating costs of the organization and promoting the arts in Washoe County, in Fiscal Year 2008/09; and if approved, authorize Chairman to execute Resolution necessary for same. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 8F(2) be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**09-265            AGENDA ITEM 8G(1) - PURCHASING**

**Agenda Subject: “Award Invitation to Bid #2677-09 for Culvert Pipe and Bands (CMP, HDPE and PVC) to the low bidders, Ferguson Waterworks and Western Nevada Supply, on behalf of the Roads Division of the Washoe County Public Works Department; and if awarded, authorize Acting Purchasing and Contracts Administrator to issue purchase orders to the specified firms, on a requirements basis, for two years, commencing on date of bid award through January 30, 2011, with Washoe County retaining an option for an additional one-year renewal period [approximate annual amount for Washoe County is in excess of \$50,000]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8G(1) be awarded and authorized.

**09-266            AGENDA ITEM 8G(2) - PURCHASING**

**Agenda Subject: “Authorize joining on the Western States Contracting Alliance Request for Proposal 1568, w16-2007, awarded to Simplex Grinnell, through the State of Nevada for Fire Suppression Services (Building Fire System Monitoring, Testing and Inspection Services), on behalf of the Facility Management Division of**

**the Washoe County Public Works Department, for the duration of the contract period through October 31, 2009 and any extension period granted by the State of Nevada [estimated that Washoe County will spend approximately \$75,000 for Fire Suppression Services in Fiscal Year 2008/09]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8G(2) be authorized.

**09-267            AGENDA ITEM 8H(1) - SHERIFF**

**Agenda Subject: “Accept direct grant award from State of Nevada, Office of Criminal Justice Assistance Federal Fiscal Year 2007 Justice Assistance Grant (JAG) Project No. 07-JAG-32 [\$60,000 - no County match required], supporting the All Threats All Crimes (ATAC) Task Force, funding will be utilized to purchase equipment, provide training, confidential buy-funds and operational overtime costs associated with ATAC; and if grant accepted, authorize use of JAG training funds for non-county employees and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”**

Commissioner Larkin asked for clarification on the authorization to use the Justice Assistance Grant (JAG) funds for non-county employees.

Assistant Sheriff Marshall Emerson explained sworn officers from the Nevada Department of Public Safety were assigned to the All Threats All Crimes (ATAC) Unit. He stated these funds would be used in conjunction with that agency, which had a signed agreement authorizing that partnership.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8H(1) be accepted and authorized.

**09-268            AGENDA ITEM 8H(2) - SHERIFF**

**Agenda Subject: “Accept 2008 Interdiction Task Force Grant [\$32,500 - no County match - to be used for overtime and \$5,000 - no County match - for 2008 Parcel Interception Project to be used for overtime] from United States Office of National Drug Control Policy through Las Vegas Metro Police Department; and if both accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8H(2) be accepted and directed.

**09-269            AGENDA ITEM 8H(3) - SHERIFF**

**Agenda Subject: “Authorize utilizing State of Nevada contract and GSA pricing contract for purchase of inmate uniforms and inmate personal use items through Bob Barker Company, [will exceed \$50,000 per Fiscal Year - estimated total Fiscal Year 2008/09 \$75,000]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8H(3) be authorized.

**09-270            AGENDA ITEM 8J - MANAGER**

**Agenda Subject: “Approve Agreement between the County of Washoe and the Reno, Sparks, Incline Village and Wadsworth Justice Courts whereby the Courts as a separate branch of government acceded to the County’s request for labor concession in that respect, all court employees and all Judges will share the employee cost of health insurance by paying \$43 and \$65 respectively per pay period effective March 16, 2009 continuing until June 30, 2010 [reduction estimated at \$117,216] - with this concession, Justice Court employees will be entitled to apply for incentives to leave the organization, with Court and Finance approval; and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, Chairman Humke ordered that Agenda Item 8J be approved, authorized and executed.

**09-271            AGENDA ITEM 19**

**Agenda Subject: “Consideration of the City of Reno’s request to reassign a portion of Washoe County’s State Question-1 funds from the Steamboat Creek Restoration Project to Truckee River Enhancements in the amount of \$1,500,000; and if approved, authorize the Chairman to execute funding agreement upon receipt, with required 50% match to be provided by the City of Reno. (Requested by Commissioner Jung.)”**

Lynda Nelson, Planning Manager, stated in 2002 the Division of State Lands Conservation Resource Protection Grant Program, through the AB 9 Natural Resource Bond, allocated \$10 million through State Question-1 (SQ-1) for Truckee River enhancements to three specific categories: restoration along the river, recreation projects and acquisition projects. She said there was an original list of projects that would be referred to throughout this discussion. Ms. Nelson explained the previous actions that had occurred and noted those actions were listed in the staff report.

Becky Stock, Nevada Land Conservancy (NLC) Project Director, provided the Truckee River Working Group activity update for the remaining unencumbered funds from the allocated \$10 million. She stated the NLC attempted to be inclusive and invited individuals, agencies and organizations to participate. She noted there were 35 individuals representing multiple agencies solely interested in furthering the idea of collaboration and cooperation. She said because there was not enough funding for all the projects submitted, choices had to be made. Ms. Stock indicated one of the first projects funded in 2003 was the Reno Whitewater Park. She said following that success the working group evaluated, in a transparent process, all of the submitted projects. Ms. Stock stated the Whitewater Park extension was a recreation project presented by the City of Reno; however, an appropriate match could not be confirmed. She explained a match must be directly related to the project and said there had been questions whether the proposed matches could meet State requirements. She indicated the matches listed by the City of Reno were mainly offsite improvements. Ms. Stock said the grant of \$1.5 million included \$890,000 for drafting the design, but the City could not identify the additional \$2.3 million required for construction. She said the timing for the completion to meet the SQ-1 deadline of December 31, 2011 would not be realistic considering the permitting process of one to three years.

Ms. Stock said on March 23, 2009 the working group met to review the Whitewater Park proposal and based on the original concepts for match, construction funds and timeline, the group did not support redistributing the funds between restoration and recreation. She said the original Truckee River SQ-1 project prioritization process that began in 2003 and carried through to 2009 remained valid. Ms. Stock remarked the review reconfirmed that the prioritization criteria was solid, the 12 projects identified for funding in January 2009 were strong projects and the funding from SQ-1 was critical to the working group partners who were in danger of losing their grant awards if the match did not occur.

Ms. Stock displayed the list of new projects as listed in the staff report and commented there were eight restoration projects totaling \$1.9 million. She said there were two projects in recreation the working group believed could be funded and said the group could accomplish two projects listed from the acquisition list. Ms. Stock stated all of the projects were shovel-ready, which was a requirement.

Commissioner Larkin asked if these were all the projects that were scored. Ms. Stock replied all the projects listed were scored. She explained the applications were scored on the following criteria: project readiness, identified match (100 percent must be

on the same project and site), project endorsement by the working group, project location along the Truckee River or land adjacent to the River, and a State approved project work plan.

Commissioner Larkin asked what the scale was that could be utilized for each individual agency. Ms. Nelson replied agencies were scored from zero to five for a total of 715 possible points. She said every project that submitted a work plan was ranked by the 11 agencies. Ms. Nelson stated there was a total of ten questions; however, there were several gaps that were not scored.

Commissioner Larkin asked on the juxtaposition between this report and the second report entitled “Washoe County Regional Parks and Open Space State Question 1.” Ms. Nelson replied the sheet that was provided was a combination from the original 2003 SQ-1 binder along with projects the working group believed could be funded from the unencumbered funding. Commissioner Larkin said the work had been integrated from the work completed by the Truckee River fund with the new project listing. Ms. Nelson replied these were the projects that were ranked within the SQ-1 working group.

Commissioner Larkin inquired on the Whitewater Kayak project. Ms. Nelson remarked that was the first SQ-1 project completed in 2003. She said the second request coming to the Truckee River Funding Group was the Truckee River Enhancement Work Plan of \$3.2 million submitted for enhancements to the Whitewater Park.

Commissioner Larkin asked if the Truckee River Enhancement project had been presented before the Flood Project Coordinating Committee (FPCC). Danielle Henderson, FPCC Natural Resource Manager, replied that project had not come before the FPCC. She commented she was the representative for the FPCC on the working group, a reviewer of the projects and had worked closely with all the partners. Commissioner Larkin asked if this project was consistent with the goal of the “Living River” and what the FPCC was attempting to accomplish. Ms. Henderson commented she did not have specific objections to the project, but had made some statements that the design had to fit with the work downtown regarding the flood project. She said the projects were not ranked whether they were considered a good project, rather if the project was ready to go, if the match was in-line, and whether it met the timeframe in which the money needed to be spent. Ms. Henderson stated in terms of recreation this project had some of the same goals. However, was not included in the recreation plan because there was a limited footprint to work downtown and the group was not advocating for many improvements downtown for recreation. She said this was something the Army Corp of Engineers recently showed support for since they had reservations about placing material in the channels and how that could affect the flow of the River.

In response to the call for public comment, David Potter stated he was a biologist representing the Nevada Office of the U.S. Fish and Wildlife Service. He stated the Wildlife Service would send a formal letter to the Board opposing the expansion of

the Wingfield Whitewater Park or the creation of additional whitewater parks on the Truckee River. He said the opposition stemmed from the impacts these projects had on the ecological integrity of the River and its native aquatic resources. Mr. Potter commented it was incumbent of the region to consider the long-term adverse impacts of the proposed whitewater park project and similar actions on natural resources. He said river-based recreation planning should be consistent with the intent and spirit of the Living River concept that the community embraced for the Truckee River Flood Control Project. He urged the Board to reject the proposed action for SQ-1 funding or for future funding consideration. He said the Wildlife Service looked forward to further communication with the Board to assist with compliance with regulatory responsibility for actions that may impact natural resources on the Truckee River.

Karen Craig spoke on the assets used in defining the community. She stated the River Park was a place for families and this would be money well spent for the community.

Jim Litchfield stated given the liquidity and availability of funds, Public Work's monies and improvements to the community were vitally important. He believed it was time to review the core of the community and improvements to the quality of life for the largest cross-section of citizenry as possible. Mr. Litchfield remarked the restoration efforts that occurred in the past five years were important and laudable. He believed the conceptualized Truckee River enhancements that the City of Reno was trying to accomplish would attempt to improve the functionality of the River within the downtown boundaries. He commented the improvements would not have a negative impact on the Flood Project.

Sam Dehne stated he was in support of the current Whitewater Park, but felt enough was enough and commented the Park should not be extended.

Commissioner Breternitz inquired how a Kayak Park interrupted the passage of fish in the Truckee River. Mr. Potter replied there had been no specific information gathered about fish passage. However, hydraulics could be reviewed and compared as well as the flow over the top of the cross-channel structures to the swimming speeds for the fish in the Truckee River. Commissioner Breternitz asked if the structures that accelerated the flow of water occur across the River or intermittently placed in the River, would it be possible that the fish could get around those specific impediments. Mr. Potter stated there should be a minimal amount of grout and significant roughness between the boulders and the rocks. He said without that roughness it could be problematic for fish passage.

Commissioner Jung inquired on the money allocated to the Steamboat Ditch Restoration Project. Ms. Nelson explained the working group reviewed the feasibility of the projects remaining on the list. She stated she worked closely with the City of Reno staff and noted their projection for budget on that project was approximately \$8 million, but it was determined the City did not have those additional funds. Ms. Nelson indicated there was a letter in the staff report submitted from the City releasing

Steamboat Confluence monies. She said part of the process was to put the \$1.5 million previously allocated for the Steamboat Confluence back into the pot to be considered for future restoration projects. She commented because the original project was a restoration project the group felt it necessary to put those monies back in the restoration category.

Commissioner Larkin stated he had no problem with the reallocation. However, he was not in favor of moving forward with this project until it had been vetted through the FPCC and the Army Corp of Engineers since he did not want to jeopardize federal funding based on suppositions about the nature of this project. He said, although he was not opposed to the project, this was a complex issue and did not believe the Board was ready to move forward. Commissioner Larkin asked what would happen to the integrity of the allocation process if the Board took action. Ms. Nelson said essentially the projects brought forward would negate the process and \$200,000 in restoration would be funded. She said the working group was concerned that the submitted Truckee River Enhancement Project appeared to be a recreation project looking for reallocation of restoration dollars. She said the main reason to vet this project through the working group was to see if there were any applications in the restoration category that could reallocate funds down to acquisition and recreation. However, the group received \$1.8 million in viable shovel-ready projects in the restoration category that were looking towards those dollars.

Commissioner Weber asked if there had been a precedent set to move monies from one category to another. Ms. Nelson explained through the original 2003 working group and AB 9 legislation the categories of restoration, recreation and acquisition were recommended. She said those categories were not in the Memorandum of Understanding (MOU) with the State; however, there had been no precedent set to move monies.

In response to questions concerning effluent, Rosemary Entsminger, Fiscal Compliance Officer, stated this item was placed on a Reno City Council agenda. She said the issue of the current effluent debt service had surfaced and said there was a \$1,057,277 balance on the current note. She said Reno Councilmember Dave Aiazzi requested the ability to reopen negotiations on that note.

Katy Simon, County Manager, stated there was nothing received from the City of Reno in regard to that proposal. She indicated it was only referenced in the staff report because it had been discussed.

Commissioner Larkin proposed continuation of this item until it was vetted through the FPCC. He moved to continue this item until the FPCC had entertained this and vetted the item.

Commissioner Jung agreed to a certain extent. She believed the Whitewater Park enhancement project was important for the community and for downtown redevelopment, but did not know if acquiring the funds this way was the correct option. She stated she was committed to finding the funding for the Whitewater

Park. Commissioner Jung seconded the motion to continue the item; however, requested a further commitment by the Board and staff to continue to look for the funding to continue this project.

Ms. Simon stated if the Board did not move forward with the project list that had been adopted by the working group some of the projects would lose their match eligibility.

Commissioner Larkin stated the agenda was styled for dealing with this specific project and not the overall project listing and could be bifurcated with two motions. Commissioner Larkin said based on the staff report this project was not shovel-ready and based on the FPCC a construction season without a design prior to 2011 was interesting. He suggested to continuing the dialogue with the City of Reno, but move forward and approve those projects as they were styled in the staff report.

Ms. Simon suggested the Board deny the request to reassign the portion of Washoe County SQ-1 funds from the Steamboat Creek Restoration project to the Truckee River Enhancement in the amount of \$1.5 million and give direction to staff to continue looking for funding for the Truckee River Enhancement project.

Melanie Foster, Legal Counsel, said the request could be tabled and staff could be directed to move forward in looking for other funding sources.

The motion was withdrawn.

Chairman Humke and Commissioners Breternitz, Larkin and Jung disclosed they had met with Mr. Litchfield and had received emails concerning this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Board endorse the vetting and selection process of the SQ-1 Truckee River money and direct staff to further work with the Truckee Whitewater Phase II identification of funding and fast tracking of the project.

### **BLOCK VOTE**

The following agenda items were consolidated and voted on in a block vote: Agenda Items 9, 10, 11, 13, 14, 15 and 16.

**3:55 p.m.** Chairman Humke temporarily left the meeting and Vice Chairperson Weber assumed the gavel.

### **09-272 AGENDA ITEM 9 – MANAGEMENT SERVICES**

**Agenda Subject:** “Recommendation to consider approving conceptual Agreement for Services between the County of Washoe and Artown for costs associated with production of Artown and if approved, authorize Chairman to execute same upon

finalization; approve Washoe County co-sponsoring the Monday evening Artown performances (July 7, 13, 20 and 27, 2009) at the Robert Z. Hawkins Amphitheater with the Robert Z. Hawkins Foundation and ticket sales for one event on July 25, 2009 [not to exceed \$11,150 of in-kind costs if approved by the Commission]; approve expenditures from the following Special Funding Accounts: County Commission District 1 [\$1,500], County Commission District 2 [\$1,500], County Commission District 3 [\$1,500], County Commission District 4 [\$1,500] and County Commission District 5 [\$1,500] to be used to support costs associated with the Rhonda Vincent event on July 25, 2009; and if approved, authorize Chairman to execute Resolution for expenditure of Special District Funds. (All Commission Districts.)”

Katy Simon, County Manager, noted the amount from Commission District 1 had been amended to read \$1,500.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was ordered that Agenda Item 9 be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**09-273            AGENDA ITEM 10 - SHERIFF**

**Agenda Subject: “Recommendation to approve sole source exemption for Applied Biosystems for the purchase of chemicals and consumables related to the DNA analysis process for the Washoe County Crime Laboratory [will exceed \$50,000 per Fiscal Year - total approximate estimate for Fiscal Year 2008/09 \$100,000. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was ordered that Agenda Item 10 be approved.

**09-274            AGENDA ITEM 11 - SHERIFF**

**Agenda Subject: “Recommendation to approve Sheriff’s Security Agreement between the County of Washoe (Sheriff) and the Nevada State Contractors Board to provide uniformed Deputy Sheriffs for security [no fiscal impact to County, estimated security costs will be \$2,376 reimbursed by Nevada State Contractors Board]; and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”**

There was no public comment on this item.

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

**09-275            AGENDA ITEM 13 – SOCIAL SERVICES**

**Agenda Subject: “Recommendation to approve Intrastate Interlocal Contract between the County of Washoe (Social Services) and Nevada Department of Health and Human Services (Division of Welfare and Supportive Services) to receive Temporary Assistance to Needy Families Funding [\$439,086 annually for Fiscal Years 2009/10 and 2010/11]; and if approved, authorize Chairman to execute Contract. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was ordered that Agenda Item 13 be approved, authorized and executed.

**09-276            AGENDA ITEM 14 – TECHNOLOGY SERVICES/TELECOMMUNICATIONS**

**Agenda Subject: “Recommendation to approve Interlocal Contract between the County of Washoe and Clark County; accept, as a “subrecipient” sub-grantee, from the Department of Homeland Security (DHS) Public Safety Interoperable Communications (PSIC) Grant \$2,218,869 for purchase of two M/A-Com High Availability Voice Interoperability Data Access Internet Protocol based switches and gateways [requires \$100,000 in-kind labor match and \$100,000 cash match prefunded by the Washoe County Regional Communications System infrastructure account (C210300)]; approve purchase of Internet Protocol based radio equipment [\$2,218,869] from sole-source vendor M/A-COM, Inc.; and if approved, authorize Chairman to execute Contract and direct Finance to make appropriate Fiscal Year 2008/09 budget adjustments (funding for this purchase to be grant reimbursed by Clark County Office of Office of Emergency Management & Homeland Security through the Nevada Department of Emergency Management from a DHS PSIC grant. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was ordered that Agenda Item 14 be approved, authorized, executed and directed.

09-277      **AGENDA ITEM 15 – MANAGEMENT SERVICES/EMERGENCY  
MANAGEMENT**

**Agenda Subject:** “Recommendation to approve an amendment to move \$200,000 from Professional Services to Personnel from the State Homeland Security Program Grant for a Statewide Evacuation, Mass-Care & Shelter-in-Place Project; authorize creation of one full time equivalent benefits eligible Program Assistant position, pay grade K, as evaluated by the Job Evaluation Committee; and if all approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was ordered that Agenda Item 15 be approved and directed.

09-278      **AGENDA ITEM 16 - PARKS**

**Agenda Subject:** “Recommendation to approve a Resolution in support of a grant application [\$100,000 - match of \$100,000 to be obtained from Echeverria Family as in-kind contribution] submitted by the Nevada Land Conservancy, for the Nevada Division of State Lands, Conservation and Resource Protection State Question-1 Grant Program, Round 10, for the purchase of land on approximately 216 acres at Silver Lake for recreation, wildlife and scenic values; and if approved, authorize Chairman to execute Resolution. (Commission District 5.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was ordered that Agenda Item 16 be approved, authorized and executed. The Resolution for same was attached hereto and made a part of the minutes thereof.

09-279      **AGENDA ITEM 12 - LIBRARY**

**Agenda Subject:** “Recommendation to approve revised Interlocal Agreement between the County of Washoe, Washoe County School District and the State of Nevada (Division of Wildlife) that established a branch library and nature center adjacent to the Verdi Elementary School; approve the use of up to \$382,789 of a planned 2000 WC-1 Voter Approved Regional Parks, Open Space, Trails and Libraries Bond project to finance the design, testing and construction of an approximate 1,000 square-foot Community Center addition; and if approved, authorize Chairman to sign the revised Agreement. (Commission District 5.)”

Commissioner Larkin inquired on the maintenance and operational costs. Arnie Maurins, Library Director, replied the maintenance costs would be divided between

the County, the Washoe County School District and the Division of Wildlife. He said the County had committed to pay the utilities for the addition of the building, which were General Fund obligations. Commissioner Larkin was concerned since the Division of Wildlife was only committing for three years, and at the end of that time either the County or the School District would be expected to cover the difference. He felt that needed to be renegotiated.

Vice Chairperson Weber stated the Verdi Citizen Advisory Board (CAB) had discussion, completed a massive amount of work, and wished for this to be a cooperative agreement.

Doug Doolittle, Regional Parks and Open Space Director, stated in 2000 the original intent of the money was to renovate the historic schoolhouse; however, now the cost of renovation was greater than the funds available. He said in 2005 the focus shifted to extension of the Library. Mr. Doolittle said based on feedback from the CAB, Verdi citizens and the wildlife component, the funds could be made available for the project from the WC-1 Bonds. He indicated there was approximately \$340,000 left in those funds.

Vice Chairperson Weber supported this item and urged the Board to consider support for the Verdi citizens.

Commissioner Larkin stated he was not opposed to moving forward with the construction; however, requested the maintenance be excluded and renegotiated.

Commissioner Jung asked what the impact would be if the maintenance was renegotiated. Mr. Maurins did not believe it would affect the interlocal agreement.

Melanie Foster, Legal Counsel, commented staff could return with specific direction to the portion of the agreement to be renegotiated. Vice Chairperson Weber asked what would occur if the renegotiations provided no difference from the original agreement. Commissioner Larkin stated a counter-offer would be made.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was moved that the use of up to \$382,789 of a planned 2000 WC-1 voter approved Regional Parks and Open Space Trails and Library Bond project to finance the design, testing and construction of an approximate 1,000 square-foot Community Center be approved.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Chairman Humke temporarily absent, it was moved that the Director of Library Services be directed to renegotiate the Interlocal Agreement Appendix I with the Washoe County School District and the Nevada Division of Wildlife and any other entity that would share the costs and then return to the Board for further consideration.

**Agenda Subject:** “Discussion and possible action regarding reduction of hours at the County Clerk’s Satellite Office at Incline Village, Nevada, as of April 1, 2009 and/or closure of said office effective April 1, 2009 or July 1, 2009. (Commission District 1.)”

Amy Harvey, County Clerk, commented this decision was made with great trepidation.

Nancy Parent, Chief Deputy Clerk, reviewed the staff report regarding the reduction and potential closure of the Incline Village Satellite County Clerk’s Office. She indicated the employee at the Incline Village Office had taken advantage of the County’s retirement incentives. She explained due to future staffing reductions and the hiring freeze, after July 1st the Incline Village Office would not be staffed. However, the Office could be staffed in a phased-out situation through June. Ms. Parent recommended the Office remain open on Friday and Saturday from 9:00 a.m. to 4:00 p.m. allowing staff to travel to and from Reno without incurring overtime expenses. She explained there were six chapels in the area, but only one responded to the impending closure. She noted that the Dream-Maker Chapel provided a letter, which was placed on file with the Clerk, explaining their concerns. Ms. Parent stated other alternatives and options were being evaluated to utilize other County departments in the area.

Vice Chairperson Weber asked how having a Clerk’s Office in Incline Village was helpful and what would the negative impact be when the Office closed. Ms. Parent explained the Office currently issued marriage licenses, fictitious firm names and the filing of notary bonds. She stated the Office also received tax payments for the Treasurer’s Office, voter registration forms and business license applications for Community Development. She said with the exception of issuing marriage licenses, everything could be provided online or through the mail.

There was no public comment on this item.

Following discussion concerning the issuance of marriage licenses and the impact to the community, on motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried with Chairman Humke temporarily absent, the following operational changes to the County Clerk’s Satellite Office at Incline Village, Nevada were ordered:

- For the period April 1, 2009 through April 30, 2009, the Office is to be open Tuesday through Saturday from 9:00 a.m. to 4:00 p.m., closed for lunch from 12:00 p.m. to 1:00 p.m.
- For the period May 1, 2009 through June 30, 2009, the Office is to be open Friday and Saturday from 10:00 a.m. to 4:00 p.m., closed for lunch from 12:00 p.m. to 1:00 p.m.

- Closure of the Office effective July 1, 2009 is to be contingent on providing prior notice to the community and the determination of an alternate local source for the issuance of marriage licenses.

**09-281      AGENDA ITEM 21 - FINANCE**

**Agenda Subject: “Possible status report and direction to staff on Fiscal Year 2009/10 Budget. (All Commission Districts)”**

There was no report given at this time.

**09-282      AGENDA ITEM 22 – GOVERNMENT AFFAIRS**

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

**AB 353**

John Slaughter, Management Services Director, remarked AB 353 would allow county commissioners to adopt ordinances related to abatement of nuisances, and would require a court to provide civil penalties including penalties related to the clean-up of the nuisance. He explained the bill would also place Washoe County with Clark County in allowing Waste Management the authority when there were penalties related to illegal dumping, to use the fines incurred for clean-up of the property. Mr. Slaughter commented the bill allowed the County to go through the administrative process with the criminal process as a last resort.

Bob Webb, Planning Manager, stated Assemblyman David Bobzien who sponsored the bill, was involved with “Keep Truckee Meadows Beautiful” Illegal Dumping Task Force. He said part of that Task Force worked on legislative initiatives and noted this bill captured half of those initiatives. Mr. Webb said the other half dealt with current criminal processes. He said there was a definite separation between civil and criminal, and currently only the City of Reno had a civil process to handle administrative violations. Mr. Webb explained once all the processes had been exhausted and a misdemeanor citation was issued and brought before a judge as a public nuisance, this bill would expand the criminal ability for the justice court judge, if the judge determined the person was guilty and it was a public nuisance.

Commissioner Larkin stated this was enabling legislation that did not require the Board of County Commissioners to implement without an ordinance. Mr. Webb replied that was correct. He indicated part of the bill allowed a board of county commission to adopt an ordinance to include a public nuisance, require, if adopted, to

define a public nuisance and spell out the process whereby a remedy would be sought to correct the problems of the property.

Mr. Slaughter recommended the Board support the bill.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke temporarily absent, it was ordered that the Board support AB 353.

#### **AB 494**

Mr. Slaughter explained AB 494 created an interim study of the top three expenditures of each local government in the State and review possible consolidation. He explained the study would begin in January 2010 and report during the next legislative session. Mr. Slaughter noted the Committee on Government Affairs was sponsoring the bill.

#### **SB 224**

Mr. Slaughter commented SB 224 would impact the Board's voting requirements. He explained anytime there was an "abstention" that would count as a "no" vote. Mr. Slaughter said as drafted this bill impacted all public bodies. Commissioner Breternitz did not feel that was a good idea since there were many reasons to abstain from a vote.

**4:53 p.m.** Chairman Humke returned to the meeting, resumed the gavel and received a summary of SB 224.

Commissioner Larkin moved that the Board not support SB 224. Commissioner Breternitz seconded the motion.

Commissioner Weber could not support the motion since she felt the Board should only speak for Washoe County and not for the other counties. Commissioner Larkin amended the motion to be from the perspective of Washoe County. The seconder agreed.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the Washoe County Board of Commissioners would not support SB 224.

#### **SB 264**

Mr. Slaughter indicated SB 264 was a Home Rule type bill that authorized local governments to impose, increase, decrease and repeal certain taxes. He said the County was facing issues on proposals for taking administrative portions of the County's

sales tax collections and other types of County revenues. However, if the County agreed to this now, would it make it acceptable for those to be conducted in the future.

Commissioner Weber stated the Nevada Association of Counties (NACO) was concerned with this bill as well and stated the Executive Director of NACO had spoken to Senator Terry John Care to address those concerns.

Ms. Simon said NACO would be working on those issues and concerns and recommended the Board agree to support NACO's position.

Commissioner Larkin asked if there was any language in the bill that would direct a vote of the people prior to any repeal of a tax. Mr. Slaughter remarked there was language that spoke on the discretion. Commissioner Larkin asked Commissioner Weber what was NACO's position on the bill. Commissioner Weber replied a concern was that the legislation could be used to pass unfunded mandates to local governments with the expectation that given this authority the local governments would be expected to raise local taxes to fund State mandated responsibilities. She said another concern was it could be used as a justification to divert local revenues to fund State programs. However, Senator Care stated that was not the intent of the bill and during introductory testimony he would make the intent clear. Commissioner Weber believed NACO would support the bill with the comments brought forward.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Board remain neutral, and supportive of the concerns expressed by NACO.

### **SB 201**

Mr. Slaughter said SB 201 regarded RTC-5 and noted a hearing was scheduled for March 26th. Ms. Simon commented the Board could be supportive of the Regional Transportation Commission (RTC) moving forward with the legislation, but reserve the right to have a separate vote. Melanie Foster, Legal Counsel, indicated supporting the creation on enabling legislation did not bind the Board to a particular action.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the Board support SB 201.

### **09-283      AGENDA ITEM 26**

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

**5:12 p.m.** On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, the Board recessed to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**6:49 p.m.** The Board returned with all members present.

**PUBLIC HEARINGS**

**09-284 AGENDA ITEM 23 – DISTRICT ATTORNEY**

**Agenda Subject:** “Second reading and adoption of an Ordinance adopting Supplement Number 12 to the Washoe County Code and all clerical and technical corrections made therein. (Bill No. 1575). (All Commission Districts.)”

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

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Ordinance No. 1397, Bill No. 1575, entitled, "AN ORDINANCE ADOPTING SUPPLEMENT NUMBER 12 TO THE WASHOE COUNTY CODE AND ALL CLERICAL AND TECHNICAL CORRECTIONS MADE THEREIN," be approved, adopted and published in accordance with NRS 244.100.

**09-285 AGENDA ITEM 24 – WATER RESOURCES/FINANCE**

**Agenda Subject:** “Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project. (Commission District 2.) Hearing to consider notice of filing of assessment roll, of the opportunity to file written complaints, protests, or objections, and of the assessment roll hearing, all concerning that certain area to be assessed for a water project within the Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project);

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Special Assessment District (SAD) No. 39.

Jeffrey Kelly stated assessments should be equal among homeowners.

Randolph Tucker supported equal assessment, rather than assessment based on usage.

Larry Zimmerman stated there was a fundamental difference of opinion between what was fair and unfair. He said the amount to be assessed for the project would be levied on all tracts in the district based on the benefits derived. He stated he would receive no benefits from the water system until the time he would hookup on his vacant lot. Mr. Zimmerman indicated there should be a surcharge based on the flat percentage.

Rod Burge, Franktown Pines Homeowners Association President, stated 10 of the 11 lot owners polled did not wish to have a surcharge imposed.

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

Rosemary Menard, Water Resources Director, stated comments regarding a flat, equal assessment versus a water surcharge were an option explored at the request of a property owner in the SAD. She indicated the Department of Water Resources (DWR) conducted an analysis of those options. Ms. Menard stated a meeting was held on March 16, 2009 with the citizens in the affected area to discuss options. She said the original assessment methodology previously established in the initial stages of the SAD, recommended an equal share for all the property owners. Ms. Menard said DWR did not have a position with respect to the user rates versus the equal assessment rate.

Commissioner Breternitz stated the flat rate was listed in the staff report, but there was no mention of an additional proposal. Kendra Follett, Swendseid and Stern, explained statute required that the additional revenues could be used to repay assessments. She indicated Section 9 in the SAD Ordinance provided for these revenues, if and when, the County ever imposed those rates; however, it did not set forth what they were. She said if a rates and charges ordinance was adopted the County could choose to pledge those.

Ms. Menard stated three options were created for review and she explained those options. She said this was not an explicit proposal in the rates and finance ordinance because in order to establish what the actual charges would be, revenue and data would be collected on usage for the first year. The surcharge could then be set for the next year to produce enough money for the level chosen based on the last year's usage and would have to be updated every year. She explained the mechanisms had been established, but noted the mechanisms would be evaluated to collect part of the charge through user fees. She wanted the Homeowners Association and the property owners to give direction on what they wished to be accomplished and implemented. She said if the residents chose not to implement those then it would be a flat rate of \$12,000.

Commissioner Breternitz asked if the lots in the two subdivisions were vacant. Ms. Menard stated half of the lots were unbuilt.

Ms. Menard said a canvas of the property owners was not intended to be binding or a vote, but to see what a potential surcharge or user fee combination with assessment would be. She commented the canvas was heavily in favor of the surcharge. Ms. Menard stated it was important for the property owners to come to a consensus among themselves and then those could be implemented.

Commissioner Breternitz remarked DWR would lend \$1.5 million from a sewer fund for construction; however, that element was not being discussed. Ms. Menard replied that money was lent for construction and would be reimbursed by the issuing of a

bond as a result of establishing the SAD. Commissioner Breternitz asked if the method of funding the bonds and the time line had an impact on the cost. Ms. Follett explained the money had been lent last summer and noted the project was near completion. She said the interfund loan would expire soon, so the County needed to proceed with the process of establishing the assessment and issue the bonds enabling the interfund loan to be repaid in a timely manner. Commissioner Breternitz asked how the bonds were structured and if there was a guaranteed repayment schedule. Ms. Follett explained it was established and certain by the levying of the assessments which was the first repayment of the bonds. She said any additional surcharges that may or may not be implemented in the future could be used to supplement the existing levy of the assessments. Ms. Follett indicated the assessments would be enough to repay the bonds.

Ms. Menard said the strategy by means of user fees and the assessment would redistribute that cost so a resident with a vacant lot would not pay the full \$12,000; however, someone who used a large amount of water would pay \$12,000 or more. She said the fundamental assessments had been established at \$12,000 and that alone would service the bonds and retire those bonds in 20 years.

Chairman Humke asked if a service area was established. Ms. Menard said a service area had been established last year. She said there was a boundary for the SAD that included 102 lots in the Franktown Estates and 19 lots in Franktown Pines for a total of 121 lots.

Joe Howard, Senior Licensed Engineer, explained the original water system did not establish a service territory, but was built for the Lightning W Ranch and the Franktown Pines subdivision. He indicated presently there were 121 lots participating and noted three lots were not in any of the recorded subdivisions.

Chairman Humke inquired on the protests received. Mr. Howard replied staff received 12 protests, complaints or objections. He explained one expressed concerns that the establishment of a SAD was discriminatory; two objected because they owned parcels within the subdivision, but those were not developed and not using water; five expressed that the surcharge was unfair and the assessment should be spread equally; one preferred the surcharge; one expressed concerns about the prepayment penalty listed within the ordinance; one stated they could not afford the assessment and it would be a financial hardship; and one stated they were not in an affected subdivision, however, had elected to hook up with the County system under consultation with DWR in 2006. He said based on the Engineer's opinion that all of the parcels and all parcels within the SAD benefits would be equal to the amount of the assessment.

Ms. Follett remarked the County had a hardship application procedure for SAD's, but none had been received or filed. Chairman Humke asked if the period to file that application had expired. Ms. Follett stated it had. Chairman Humke asked if Ms. Follett agreed with Mr. Howard that the benefit to each property would be equal to the approximate \$12,000. Ms. Follett replied statute required that determination be made by a licensed engineer and noted she was not a licensed engineer. She stated as a result of this

project the Board had determined in January 2008 the maximum benefit to each property and the Board also determined that the assessment methodology was equal, uniform and an appropriate methodology.

**09-286            AGENDA ITEM 24 – WATER RESOURCES/FINANCE**

**Agenda Subject: “Execute a Resolution concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); considering complaints, protests, and objections made to the assessments at the hearing on the assessment roll and making determinations thereon; validating and confirming the assessment roll; providing other details in connection therewith.)**

**\*\*See discussion under Item 09-285 concerning this item\*\***

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 24 be approved, adopted and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**09-287            AGENDA ITEM 24 – WATER RESOURCES/FINANCE**

**Agenda Subject: “Introduction and first reading of an Ordinance concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); assessing the cost of a water project against the assessable tracts of land benefited by the project; describing the manner for the collection and payment of the assessments; providing penalties for delinquent payments; and providing other details in connection therewith.”**

Bill No. 1577, entitled, "AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT); ASSESSING THE COST OF A WATER PROJECT AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE PROJECT; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTIES FOR DELINQUENT PAYMENTS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH" was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed.

**09-288            AGENDA ITEM 25**

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

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

Commissioner Larkin stated the Regional Transportation Commission (RTC) had a retreat scheduled for March 27, 2009.

Commissioner Weber reported on a meeting concerning the Northgate Golf Course and said many positive ideas came from those discussions. She said an additional meeting had been scheduled for April 9, 2009. Commissioner Weber said her monthly “Coffee with Your Commissioner” occurred and was well attended. She commented that a Reno-Sparks Convention and Visitors Authority (RSCVA) meeting was scheduled for March 26th.

Chairman Humke announced he would attend the RTC retreat and the RSCVA meeting on March 26th and said an Investment Management meeting was scheduled for April 14th. Chairman Humke commented the joint meeting held earlier in the day with the Planning Commission was successful.

Commissioner Jung announced she would present awards at the Committee to Aid Abused Women (CAAW) Humanitarian Awards dinner and the Red Cross Real Heroes breakfast. She said she would attend the District Board of Health meeting and the Organizational Effectiveness Committee (OEC) meeting.

Commissioner Breternitz said he would attend the Tahoe Regional Planning Agency (TRPA) meeting and looked forward to the upcoming Northgate meeting scheduled for April.

Katy Simon, County Manager, congratulated the Sheriff’s Office on being recipients of a Humanitarian award presented by CAAW.

**COMMUNICATIONS**

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

- 09-289** Letter from the City of Sparks confirming the appointment of Councilmember Julia Ratti to the Washoe County District Board of Health, with a term to expire on November 13, 2012.
- 09-290** Resignation of Bob Fink from the Sun Valley Citizen Advisory Board, dated January 29, 2009 and filed with the Clerk February 10, 2009.
- 09-291** Resignation of Scott Sarratt from the North Valleys Citizen Advisory Board, dated February 11, 2009 and filed with the Clerk February 13, 2009.

- 09-292** Resignation of Kelly Fradella from the Spanish Springs Citizen Advisory Board, dated February 11, 2009 and filed with the Clerk February 13, 2009.
- 09-293** Letter from the Washoe-Storey Conservation District confirming the appointment of Austin Osborne to fill a vacancy on the Board of Supervisors, with term to expire on December 31, 2010.
- 09-294** (1) Memorandum of Legislative Cooperation by and among the City of Reno, City of Sparks, Regional Planning Governing Board, Regional Transportation Commission, Truckee Meadows Water Authority, Washoe County, Washoe County Health District and Washoe County School District for 2008-09; and (2) Addendum to the 2008-09 Memorandum of Legislative Cooperation providing for the inclusion of the Reno-Sparks Convention and Visitors Authority.
- 09-295** Notice of Completion, Lemmon Valley Water System Improvements, Heppner Waterline Extensions, Phase 6, PWP-WA-2008-197, dated February 20, 2009, from the Washoe County Department of Water Resources to the Nevada State Labor Commission.
- 09-296** Nevada Utility Environmental Protection Action (UEPA) Permit Application from Great Basin Wind for the New Comstock Wind Energy Project in Washoe and Storey Counties.

#### **REPORTS – MONTHLY**

- 09-297** Clerk of the Court, Report of Fee Collections for the month ending January 31, 2009.

#### **REPORTS – QUARTERLY**

- 09-298** Gerlach General Improvement District, Corrected Quarterly Financial Report for the second quarter of the 2008-09 fiscal year ending December 31, 2008.
- 09-299** Washoe County School District, Quarterly Report for the second quarter of the 2008-09 fiscal year ended December 31, 2008.

#### **REPORTS – ANNUAL**

- 09-300** Incline Village General Improvement District, Comprehensive Annual Financial Report for the 2007-08 fiscal year ended June 30, 2008.
- 09-301** Truckee Meadows Water Authority, Comprehensive Annual Financial Report for the 2007-08 fiscal year ended June 30, 2008.

\* \* \* \* \*

**AGENDA ITEM 28 – ADJOURNMENT**

**7:40 p.m.** There being no further business to come before the Board, on motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that the meeting be adjourned.

---

**DAVID HUMKE**, Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by:  
Stacy Gonzales, Deputy County Clerk*

Clerk

# PROCLAMATION

## National Professional Social Work Month 2009

**WHEREAS**, Social workers help millions of people address social and psychological problems to improve lives; and

**WHEREAS**, Washoe County employs over 150 licensed professional social workers; and

**WHEREAS**, Social workers bridge the gap between resources and services and the people who need them; and

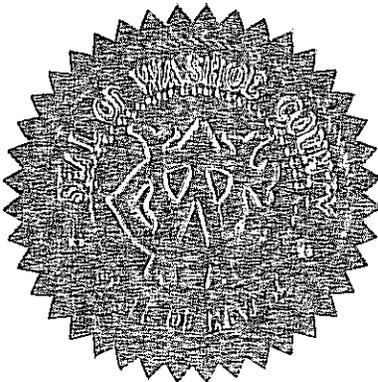
**WHEREAS**, Social workers use their education, training, and commitment to strengthen individuals, families and communities; and

**WHEREAS**, Social workers shape numerous programs and policies that improve community life; and

**WHEREAS**, Social workers provide services in many settings, including private practices, family counseling centers, courts, nursing homes, hospices, mental health clinics, child welfare agencies, hospitals, schools and universities, prisons, corporations, as well as public and private agencies; now, therefore, be it

**PROCLAIMED**, That the Washoe County Board of Commissioners hereby recognizes professional social workers and their commitment and dedication to individuals and families in our community and joins the National Association of Social Workers in proclaiming March 2009 as Professional Social Work Month.

**ADOPTED** this 24<sup>th</sup> day of March 2009.



David E. Humke, Chairman  
Washoe County Commission

09-254

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

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

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

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

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

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

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

1. The Washoe County Board of County Commissioners finds that transferring the parcels listed in Exhibit A to Washoe County would serve the public purposes stated in the exhibit.
2. The Washoe County Treasurer is hereby ordered pursuant to NRS 361.603 to transfer the parcels listed in Exhibit "A", item #1 to the governmental unit(s) for the purposes stated in Exhibit "A" in the manner required by state law after proper legal notice has been given.
3. If some irregularity or circumstance arises before the transfer of any certain parcel listed in the exhibits to this resolution such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a parcel from a sale or transfer, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal on behalf of the county. The Treasurer shall report to the board in writing his or her decision to make such a withdrawal and shall state the

09-25-99

ca

reasons for the decision. The board may thereafter permit the parcel to remain in trust for the benefit of the state and county or may again order it be sold or transferred.

ADOPTED this 24<sup>th</sup> day of March, 2009 by the following vote:

AYES: Hummke/Weber/Bretterwitz/Giang/Larkin

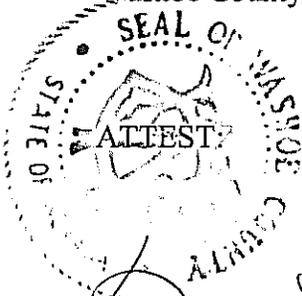
NAYS: 0

ABSENT: 0

ABSTAIN: 0

Sam Hinkle

Chairman  
Washoe County Commission



Daney L. R. Chief Deputy  
County Clerk

09-259

EXHIBIT "A"

2009 Tax Delinquent Parcels to be withheld  
From Sale to the general public

1. The Regional Transportation Commission has requested acquisition of one parcel:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
040-131-31	Street expansion	\$242.74

09-259

**RESOLUTION**--Authorizing an expenditure of District 1 Special Funds for costs associated with operating costs of the organization and promoting the arts in Washoe County for the Sierra Arts Foundation.

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 2008/2009 to make an expenditure of no more than \$500 to for costs associated with operating costs of the organization and promoting the arts in Washoe County for the Sierra Arts Foundation 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 operating costs of the organization and promoting the arts in Washoe County for the Sierra Arts Foundation for Fiscal Year 2008/2009 in the amount of \$500.

Adopted this 24<sup>th</sup> day of March, 2009.

*David Walker*

Chairman



*Dorey L. P. Chief Deputy*  
County Clerk

09-764

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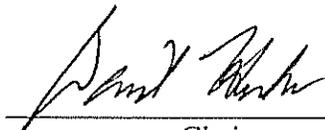
**RESOLUTION**--Authorizing an expenditure of District 1 (\$1,500), District 2 (\$1,500), District 3 (\$1,500), District 4 (\$1,500) and District 5 (\$1,500) Special Funds for costs associated with production of Monday night events during Artown 2009 for Fiscal Year 2008/2009 in an amount not to exceed \$7,500.

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

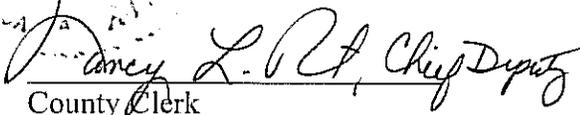
WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2008/2009 to make an expenditure of no more than \$7,500 to for costs associated with production of Monday night events during Artown 2009 and that this expenditure will provide 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 (\$1,500), District 2 (\$1,500), District 3 (\$1,500), District 4 (\$1,500), and District 5 (\$1,500) Special Funds for costs associated with production of Monday night events during Artown 2009 for Fiscal Year 2008/2009 in an amount not to exceed \$7,500.

Adopted this 24<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
Chairman



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

09-273

**RESOLUTION OF SUPPORT  
ROUND 10 STATE QUESTION 1 GRANT APPLICATION**

WHEREAS, The State Question 1, approved by Nevada voters in 2002, calls for \$200,000,000 in funding in support of clean water, parks and wildlife across the state; and

WHEREAS, The Echeverria family is willing to make a bargain sale to protect 216 acres of land, containing recreational, wildlife, watershed and scenic values; and

WHEREAS, The Echeverria land is adjacent the 300 acres of Silver Lake land protected through a Round 2 Silver Lake SQ1 acquisition now managed by Washoe County; and

WHEREAS, The value of the property is estimated at \$200,000; and

WHEREAS, The Nevada Land Conservancy seeks to pursue acquisition funding through Round 10 of the Nevada Division of State Lands Conservation and Resource Protection Grant Program for \$100,000, and the 50% match from the family; and

WHEREAS, The Washoe County Regional Parks and Open Space Department is in support of this acquisition; now, therefore, be it

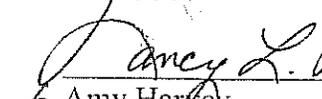
RESOLVED, That the Washoe County Board of County Commissioners supports an application by the Nevada Land Conservancy for State Question 1 grant funding in the amount of \$100,000 for purchase of 216 acres of land at Silver Lake.

Adopted this 24th Day of March 2009



David E. Humke, Chairman  
Washoe County Board of County Commissioner

ATTEST:

  
Amy Harvey  
County Clerk



09-278

RESOLUTION CONFIRMING THE ASSESSMENT ROLL

Summary: A resolution confirming the assessment roll for Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project).

**RESOLUTION NO. \_\_\_\_\_  
(of Washoe County, Nevada)**

**A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT); CONSIDERING COMPLAINTS, PROTESTS, AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING ON THE ASSESSMENT ROLL AND MAKING DETERMINATIONS THEREON; VALIDATING AND CONFIRMING THE ASSESSMENT ROLL; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," the "County" and the "State," respectively), pursuant to an ordinance adopted on February 26, 2008, created Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) (the "District") and ordered the acquisition of a water project as defined in NRS Section 271.250 (the "Project"); and

**WHEREAS**, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

**WHEREAS**, the Board has heretofore determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District and the Project) is \$1,478,641.78 of which \$1,478,641.78 is to be assessed upon the benefited lots, tracts and parcels of land in the District for the Project and a portion of which may be paid from other sources if and to the extent set forth in the ordinance levying assessments; and

**WHEREAS**, the Board together with a licensed engineer of Washoe County, Nevada, Department of Water Resources, as the engineer for the County with respect to the District (the "Engineer") made out an assessment roll for the District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known stating that the name is "unknown"; a description of each lot, tract or parcel of land

to be assessed; and the amount of the proposed assessment to be levied thereon; and the Engineer has reported the assessment roll to the Board and filed the same with the County Clerk; and

**WHEREAS**, the Board, by resolution duly adopted on February 17, 2009, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein; and

**WHEREAS**, the Board has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections on Tuesday, March 24, 2009, at 6:00 p.m., at the County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, Reno, Nevada; and

**WHEREAS**, the Board met at the place and time to hear and consider all complaints, protests and objections made or filed; and

**WHEREAS**, the written and oral protests or objections were noted for the record and a copy of the minutes of the public hearing are attached hereto as Exhibit B; and

**WHEREAS**, all complaints, protests and objections, both written and oral, were heard and considered by the Board on March 24, 2009, and, after extensive review and deliberation, are hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

		Revised Amount of
<u>Parcel Number</u>	<u>Ownership</u>	<u>Final Assessment</u>

[Unless changes are listed here, no changes are made and all complaints, protests and objections are overruled and denied]

and

**WHEREAS**, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefited by the Project, and only the property which is so specially benefited, is included on the assessment roll heretofore filed with the County Clerk on March 24, 2009; and

**WHEREAS**, the Board has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on March 24, 2009, on the assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. This resolution shall be known as and may be cited by the short title "District No. 39 (Lightning W Water System Supply Improvement Project) Assessment Protest Resolution" (the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, are hereby found to be without sufficient merit and are hereby overruled, except as otherwise provided in this Resolution.

Section 3. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on February 17, 2009, as hereinabove modified, revised, corrected and made de novo.

Section 4. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Resolution) concerning Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project), including, but not limited to the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 5. The Engineer and officers of the County be, and the same hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

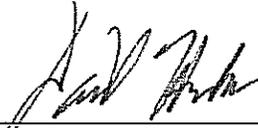
Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of

such section, paragraph, clause or provision shall in no way effect any remaining provisions of this Resolution.

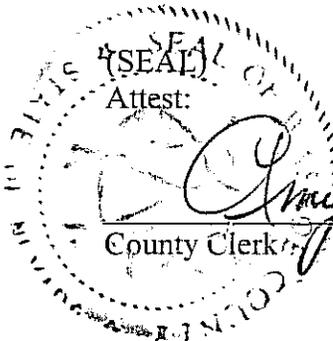
Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

**PASSED, ADOPTED AND APPROVED** this March 24, 2009.



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Chairman  
Board of County Commissioners  
Washoe County, Nevada



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*Gary Harvey*



The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meeting held on March 24, 2009.

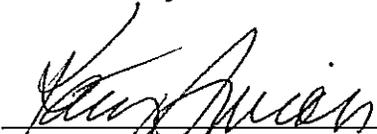
2. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted not later than 9:00 a.m. on the third working day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

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

is attached as Exhibit A.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this March 24, 2009.

  
\_\_\_\_\_  
County Manager (or representative thereof)  
Washoe County, Nevada

**EXHIBIT A**

**(Attach Copy of Agenda Notice of March 24, 2009 Meeting)**

**EXHIBIT B**

**(Attach Minutes of the Meeting Evidencing the Public Hearing)**

**COUNTY COMMISSIONERS**

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

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**WASHOE COUNTY COMMISSION CAUCUS ROOM  
1001 E. 9<sup>th</sup> Street, 2<sup>nd</sup> Floor, Room A205, Reno, Nevada  
March 24, 2009 @ 12:00 p.m.**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada  
March 24, 2009 @ 2:00 p.m.**

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

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

**Public Comment** during the Commission Meeting on March 24, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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

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

19. Consideration of the City of Reno's request to reassign a portion of Washoe County's State Question-1 funds from the Steamboat Creek Restoration Project to Truckee River Enhancements in the amount of \$1,500,000; and if approved, authorize the Chairman to execute funding agreement upon receipt, with required 50% match to be provided by the City of Reno. Requested by Commissioner Jung.
20. Discussion and possible action regarding reduction of hours at the County Clerk's Satellite Office at Incline Village, Nevada, as of April 1, 2009 and/or closure of said office effective April 1, 2009 or July 1, 2009--County Clerk. (Commission District 1.)
21. Possible status report and direction to staff on Fiscal Year 2009/10 Budget--Finance. (All Commission Districts.)
22. 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--Government Affairs. (All Commission Districts.)

**6:00 p.m.**

Public Hearings. (Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.)

23. Second reading and adoption of an Ordinance adopting Supplement Number 12 to the Washoe County Code and all clerical and technical corrections made therein. (Bill No.1575)--District Attorney. (All Commission Districts.)

Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project--Finance/Water Resources. (Commission District 2.)

24. Hearing to consider notice of filing of assessment roll, of the opportunity to file written complaints, protests, or objections, and of the assessment roll hearing, all concerning that certain area to be assessed for a water project within the Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project).

**AND**

Execute a Resolution concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); considering complaints, protests, and objections made to the assessments at the hearing on the assessment roll and making determinations thereon; validating and confirming the assessment roll; providing other details in connection therewith.

**AND**

**INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES**

A Contract Between the State of Nevada  
Acting By and Through Its

Nevada Department of Health and Human Services  
Division of Welfare and Supportive Services  
1470 College Parkway  
Carson City, NV 89706

and

Washoe County Department of Social Services  
PO Box 11130  
Reno NV 89520  
775-785-5652

WHEREAS, NRS 277.180 authorizes any one or more public agencies to contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform; and

WHEREAS, it is deemed that the services hereinafter set forth are both necessary and in the best interests of the State of Nevada;  
NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective upon approval from July 1, 2009 through June 30, 2011, unless sooner terminated by either party as set forth in this Contract.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until 30 days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason State and/or federal funding ability to satisfy this Contract is withdrawn, limited, or impaired.
5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.
6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:  
ATTACHMENT A: SCOPE OF WORK

09-275

7. CONSIDERATION. Washoe County Department of Social Services agrees to provide the services set forth in paragraph (6) at a cost of actual per month with the total Contract not exceeding \$878,172; \$439,086 FY 10 and \$439,086 FY 11. Any intervening end to an annual or biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

8. ASSENT. The parties agree that the terms and conditions listed on incorporated attachments of this Contract are also specifically a part of this Contract and are limited only by their respective order of precedence and any limitations expressly provided.

9. INSPECTION & AUDIT.

a. Books and Records. Each party agrees to keep and maintain under general accepted accounting principles full, true and complete records, agreements, books, and documents as are necessary to fully disclose to the other party, the State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with any applicable regulations and statutes.

b. Inspection & Audit. Each party agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the party, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location where such records may be found, with or without notice by the other party, the State Auditor, Employment Security, the Department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the State Legislative Auditor, and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives.

c. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained by each party for a minimum of three years and for five years if any federal funds are used in this Contract. The retention period runs from the date of termination of this Contract. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

10. BREACH; REMEDIES. Failure of either party to perform any obligation of this Contract shall be deemed a breach. Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but not limited to actual damages, and to a prevailing party reasonable attorneys' fees and costs.

11. LIMITED LIABILITY. The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. To the extent applicable, actual contract damages for any breach shall be limited by NRS 353.260 and NRS 354.626.

12. FORCE MAJEURE. Neither party shall be deemed to be in violation of this Contract if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Contract after the intervening cause ceases.

13. INDEMNIFICATION. Neither party waives any right or defense to indemnification that may exist in law or equity.

14. INDEPENDENT PUBLIC AGENCIES. The parties are associated with each other only for the purposes and to the extent set forth in this Contract, and in respect to performance of services pursuant to this Contract, each party is and shall be a public agency separate and distinct from the other party and, subject only to the terms of this Contract, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Contract. Nothing contained in this Contract shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

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15. WAIVER OF BREACH. Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

16. SEVERABILITY. If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the nonenforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.

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

18. OWNERSHIP OF PROPRIETARY INFORMATION. Unless otherwise provided by law or this Contract, any reports, histories, studies, tests, manuals, instructions, photographs, negatives, blue prints, plans, maps, data, system designs, computer code (which is intended to be consideration under this Contract), or any other documents or drawings, prepared or in the course of preparation by either party in performance of its obligations under this Contract shall be the joint property of both parties.

19. PUBLIC RECORDS. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.

20. CONFIDENTIALITY. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Contract.

21. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract and that the parties are authorized by law to perform the services set forth in paragraph (6).

22. GOVERNING LAW; JURISDICTION. This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the jurisdiction of the Nevada district courts for enforcement of this Contract.

23. ENTIRE AGREEMENT AND MODIFICATION. This Contract and its integrated attachment(s) constitute the entire agreement of the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto, approved by the State of Nevada Office of the Attorney General.

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IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

Paul W. [Signature]  
Signature \_\_\_\_\_ Date 3/24/09

Chairman, Washoe County Commission  
Title \_\_\_\_\_

\_\_\_\_\_  
Romaine Gilliland \_\_\_\_\_ Date

Administrator, Division of Welfare and Supportive Services  
Title \_\_\_\_\_

\_\_\_\_\_  
Michael J. Willden \_\_\_\_\_ Date

Director, Department of Health and Human Services  
Title \_\_\_\_\_

\_\_\_\_\_  
Signature – Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On \_\_\_\_\_  
(Date)

Approved as to form by:

\_\_\_\_\_  
Deputy Attorney General for Attorney General, State of Nevada

On \_\_\_\_\_  
(Date)

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**ATTACHMENT A  
SCOPE OF WORK**

The Temporary Assistance to Needy Families (TANF) is a Federal Block Grant, which replaces the Title IV-A Emergency Assistance Program. TANF is part of the Personal Responsibility and Work Opportunity, Reconciliation Act of 1996 (PRWORA). The purpose of TANF is to:

- < Provide assistance to needy families so that children may be cared for in their own home or in the home of a relative.
- < Promote job preparation, work, and self-sufficiency.
- < Prevent and reduce out-of-wedlock pregnancies.
- < Strengthen families.

Many agencies and organizations offer services or assistance, which are TANF eligible. Washoe County Department of Social Services is responsible for child protective services including intake/assessment, case management and in-home services, and substitute care. Emergency assistance services were previously funded by TITLE IV-A/EA, which covered:

- < Abuse, neglect, or abandonment of children; and,
- < Children in emergency situations where continued presence in the home is not in the best interest of the child; and,
- < Children who are at-risk of removal from the home because of abuse, neglect, or the inability of parents to provide care.

The parties agree to the following:

1. Eligible Families

A family is eligible if the following conditions are met:

- < An application is filed by a specified adult relative of a child, or where the parent or relative is absent or unwilling to apply on behalf of the child, the agency staff acting on behalf of the child may file the application; and,
- < A child is at-risk of abuse or neglect or the child's situation is such that out-of-home care is likely because the family has insufficient resources to prevent out-of-home placement; and,
- < The child was living in the home of the parent or relative within the last six (6) months; and,

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- < The child's family is receiving TANF (cash assistance), SSI, Food Stamps, or Medicaid; or,
- < The family's gross countable income for the month of application does not exceed 500% of federal poverty guidelines.

A child's income alone is considered when the child's parents cannot be located or they refuse to cooperate in supporting the child or applying for assistance and the emergency assistance is necessary to avoid destitution of the child or to provide living arrangements in an out-of-home placement; and,

- < A child's eligibility for service or assistance is determined based on a certification need, which includes an evaluation of the family or child's ability to pay for such service or assistance.

2. Eligible Services/Assistance:

The County agrees to only provide such services that do not meet the definition of "assistance" as defined by the Department of Health and Human Services, Administration for Children and Families, in the final Temporary Assistance for Needy Families program rules, Federal Register dated April 12, 1999, or as defined in any subsequent rules that are published.

Allowable services include:

- < Nonrecurring, short-term benefits, which are limited in scope, to meet basic needs such as substitute care, room and board, designed to deal with a specific crisis situation or episode of need, not intended to meet recurrent or ongoing needs, limited to a maximum duration of four (4) months, which must be authorized within a single thirty (30) day period.
- < Family based services which do not provide basic income support, or which alleviate an emergency situation and allow the child to remain in or return to the family's home, e.g., case management, counseling, peer support, child care information/referral, transitional services, job retention, family preservation, job advancement, and other employment related services. Case management services are not limited in scope and can be billed monthly.
- < Needed medical care services unless the child is eligible for such benefits under Title XIX. Services including , but not limited to, registered nurse and nurse practitioner professionals, psychologists, medical professionals, basic first-aid supplies, prescription medication for parents and/or children to keep children in the home, parental drug and/or paternity assessments and urinalysis (UA) drug screens may be provided.

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3. Only direct program expenditures are allowable for reimbursement to the County. Direct program expenses are defined as the personnel costs for intake/assessment workers (including the direct costs of enabling the worker to provide direct services), family

preservation, case management, and direct substitute care costs. No administrative costs will be allowed.

Eligible direct program expenditures are defined as follows:

- < Case Management/Assessment: The personnel costs and associated services/supplies for staff doing initial Child Protective Services assessments and ongoing case management. The County will be reimbursed based on the County's state and federally approved Cost Allocation Plan (CAP). The County will use the results of the Random Moment Sampling (RMS) and actual Case Management (CM) activities by funding sources. The RMS results in a percentage of allowable activities to each federal and state program. This percentage is applied against allowable costs for each program and generates a total allowable amount. This will allow the County to bill Division of Welfare and Supportive Services (DWSS) based upon current allowable activities and current costs. Reimbursements may not exceed actual costs for the term of the contract. The County may not be reimbursed by both TANF/EA and Medicaid Targeted Case Management for the same case.
- < Crisis Intervention/Remediation: The County will be reimbursed for the actual cost of direct or vendor payments made to alleviate a crisis or client inability to meet basic living needs: e.g., rent, transportation, clothing, diapers, groceries, formula, utilities, deposits, household maintenance expenses, child care, interpreter services, etc.
- < Residential/Substitute Care: The County will be reimbursed for the cost of providing temporary shelter. Case management and other remedial services will be offered to strengthen the family. The County will be reimbursed based on a "working rate or fee" per bed day based on the age of the child and whether or not the County receives additional reimbursement from another source. The reimbursement rate, which is determined and prepared, based on current year budgeted costs and actual bed day counts, is presented by the County to DWSS, and agreed to by DWSS on an annual basis. Reimbursement may not exceed actual costs for the term of the contract.

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Ineligible costs are those defined as administrative, respective to Part 263 of the Final TANF rules, which include, but are not limited to the following:

- < Activities related to the eligibility determination process
- < Data collection and data reporting
- < Program oversight activities.
- < Preparation of program plans, budgets, and schedules, etc.

4. The County will be paid 100% of allowable expenditures not to exceed \$878,172 for the period July 1, 2009 through June 30, 2011 respective to:

- < \$439,086 during period July 1, 2009 through June 30, 2010
- < \$439,086 during period July 1, 2010 through June 30, 2011

5. The TANF/EA Program cannot be billed for any expenditure reimbursed by any other Federal or State Program.
6. The County will bill DWSS on a monthly basis for Residential Care. Preliminary billings will be submitted no later than sixty (60) days following the close of the month. Billings will include sufficient detail to support claimed costs. Revised billings may be submitted to reflect changes as a result of payments received from other federal payment sources.
7. The County will bill DWSS on a quarterly basis for Case Management. The County will use the results of the Cost Allocation Plan Random Moment Sampling (RMS) and actual case management activities by funding sources. The RMS results in a percentage of allowable activities to each Federal and State program; this percentage is applied against allowable costs for each program and generates a total allowable amount. This approach is consistent with the manner the Division of Child and Family Services bills DWSS.

The County agrees to:

- < Provide DWSS with a copy of its approved CAP each year with the residential rate plan.
  - < Include a RMS summary report showing the percentages charged to each state and federal program with each quarterly CM billing.
  - < To maintain a list of TANF EA eligible cases captured during each RMS to document CM activities and ensure program integrity.
8. The County will continue to submit monthly and quarterly bill reports for each month through the contract term, regardless if the contract amount set forth in Item 4 has been billed and paid in full.
  9. The County agrees to bill DWSS in an approved format. Billing forms must be complete, signed and dated by an authorized representative attesting to its accuracy. Incomplete forms will be returned to the County and payment delayed. All signatures must be originals.
  10. DWSS agrees to pay the County within thirty (30) days of receipt of an acceptable billing.
  11. In the event of an audit where costs have been determined to be unallowable, the parties agree as follows:
    - A. DWSS is responsible to pay back any unallowable costs if:
      1. The directions or other written instructions provided by DWSS are incorrect.
    - B. The County is responsible to pay back any unallowable costs if:
      1. The required documentation is not maintained; or
      2. The documentation does not support the amount billed; or
      3. It is determined administrative costs have been included in any billing.

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12. DWSS will provide to the County any information provided by the Federal Government which may impact the use of TANF/EA funding, including any amendments to the Final TANF rules.
13. The County will utilize a form developed by the County and approved by DWSS to determine eligibility for the TANF/EA Program. Program eligibility will be determined by County staff, subject to sample reviews by Welfare staff on a periodic basis.
14. The County agrees to provide DWSS with the following information, if available, on each family/child provided TANF/EA services:

Name of Child  
 Child's DOB  
 Child's SSN  
 Child's Ethnicity  
 Household composition at time of services  
 Household income  
 Services provided     Intake/Assessment  
                                   Case Management  
                                   Family Preservation  
                                   Substitute Care  
                                   Self-sufficiency  
                                   Other  
 Name of Child's Caseworker  
 Date TANF/EA service initiated

Information will be submitted with monthly billings.

15. The County agrees to support programs/services which emphasize self-sufficiency.

09-2-15

**INTERLOCAL CONTRACT  
BETWEEN CLARK COUNTY AND  
WASHOE COUNTY**

WHEREAS, Clark County, Nevada (the "County"), has entered into a grant agreement with Nevada Division of Emergency Management for participation in the FFY 07 -Public Safety Interoperability Communications (PSIC), Program; and

WHEREAS, Washoe County (the "Subrecipient"), a unit of local government located at wishes to conduct programming relative to the Core NV systems IP Based Connectivity (the "Project"); and

WHEREAS, the County has agreed to provide FFY07-Public Safety Interoperable Communications (PSIC) funds (the "Funds") to the Subrecipient, such funding to be administered by Clark County Office of Office of Emergency Management & Homeland Security (OEMHS), a division of the Administrative Services Department of Clark County (County and Subrecipient referenced collectively as "the parties"), for its FFY07--Public Safety Interoperable Communications (PSIC) as defined in Exhibit "A", "Expenditures Eligible for Reimbursement"; and

WHEREAS, the Subrecipient intends to use the funds to purchase equipment relative to the Core NV Systems IP Based Connectivity program; and

WHEREAS, NRS 277.180 permits one or more public agencies to contract with any one or more public agencies to perform any governmental service, activity or undertaking that any of the public agencies entering into the contract is authorized to perform by law.

WHEREAS, Reference is hereby made to Exhibit "C" as the Public Safety Interoperable Communications (PSIC) grant Investment Justification titled: "Core Nevada Radio Systems IP based Connectivity" (hereafter the Project), based upon which document the U.S. Department of Commerce approved and authorized grant funding for the Project.

WHEREAS, The Project necessarily requires several subrecipient awards and the cooperative participation of several subrecipients to achieve the approved and authorized intent and primary objective, such primary objective described in section IV.A specifically and throughout Exhibit "C" generally as "connecting the core radio systems in Nevada".

NOW, THEREFORE, in accordance with NRS 277.180 and related regulations, the parties hereto agree as follows:

1. Provided Washoe County has met its obligation to provide matching funds, OEMHS shall provide a maximum of TWO MILLION TWO HUNDRED EIGHTEEN THOUSAND EIGHT HUNDRED AND SIXTY NINE DOLLARS (\$2,218,869.00) Fiscal Year 2007 funds for the FFY07-Public Safety Interoperability Communication Program.
2. Subrecipient agrees to use the funds to implement the Core Nevada Radio Systems IP Based Connectivity project as set forth in Exhibit "A" and Exhibit "C".

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A

3. **Subrecipient agrees to assure compliance with the intent and primary objective of the Project. Further, Subrecipient will require the cooperation and due diligence of such vendors and contractors as the Subrecipient may employ to comply with the intent and primary objective of the Project, especially and particularly as such vendors and contractors may be required to work with vendors and contractors employed by other subrecipients of the Project.**
4. **Subrecipient will provide OEMHS with documentation supporting any and all requests for payment of expenses against the funds encumbered, and will provide any additional documentation requested by OEMHS that may be required in the administration of the grant funds.**
5. **Regardless of any termination of this agreement, Subrecipient shall comply with all Federal laws and regulations associated with the receipt of the grant funds as a Subrecipient of such funds for the project identified in this Contract. See Exhibit "B" for State and Federal Assurances required under this Contract.**
6. **It is specifically understood and agreed by Subrecipient that OEMHS shall not be obligated to pay any monies to Subrecipient hereunder and hereafter in the event that such Federal funds for any reason are terminated or withheld from the County or are otherwise not forthcoming, and in such event, County may terminate this Contract.**
7. **This Contract shall take effect on the date of execution by both parties and shall continue in force and effect until terminated as delineated below:**
  - a. **This Contract shall be completed by September 30, 2010. An extension after the September 30, 2010 deadline must be requested in writing, to the Manager of OEMHS.**
  - b. **May be terminated by any party, for any reason with written notice of at least 60 days.**
8. **This Contract and its attachments constitute the entire understanding of the parties concerning the subject matter hereof. This contract may be amended solely by means of written amendment signed by both parties.**
9. **In the event the County desires to increase the amounts set forth in Section 1 and Exhibit A, subject to Subrecipient's consent to provide matching funds if necessary, the County, at its sole discretion, shall increase the aforesaid amounts of funding, and Subrecipient agrees that if such augmentation of the budgeted amounts occur, such new amounts shall be governed by all terms and conditions of this Interlocal Agreement as if such amounts were originally included in Section 1 and in Exhibit A.**

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10. **Subrecipient shall agree to provide evidence of financial accountability. A copy of subrecipient's most recent single audit report (OMB Circular A-133) or a letter stating that subrecipient expended less than \$300,000 of Federal funds during the reporting period must be submitted to Clark County. Letters should be addressed to: Diana Blake, Grant Program Administrator, and Clark County Office of Emergency Management & Homeland Security.**

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ENTERED INTO this 21st day of April, 2008.

ATTEST:

CLARK COUNTY

By: Shirley Parraguirre  
Shirley Parraguirre, County Clerk

By: Rory Reid  
Rory Reid, Chair  
Board of County Commissioners

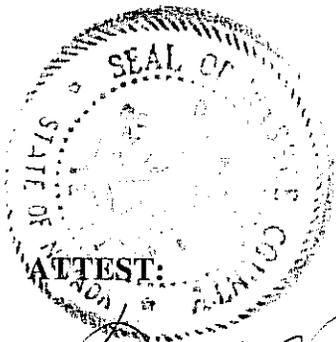
Date: 4/21/09

Date: 4/21/09

APPROVED AS TO FORM:

By: Michael D. Foley  
Michael Foley, Deputy District Attorney

Date: 1-23-09



WASHOE COUNTY

By: Amy L. Harvey, Chief Deputy  
Amy Harvey,  
County Clerk

By: Ann Fisher  
Ann Fisher  
Board of County Commissioners

Date: 3/24/09

Date: 3/24/09

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Mary-Anne Miller, Deputy District Attorney

Date: \_\_\_\_\_

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KL

**EXHIBIT "A"**  
**WASHOE COUNTY**  
**EXPENDITURES ELIGIBLE FOR REIMBURSEMENT**  
**MATCH REQUIREMENTS**

Washoe County:

EQUIPMENT:

IP Switches with minimal interface	QTY (Maximum 20)	\$2,218,869.00
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MATCH:

Per agreed upon amount approved  
By the Board of Clark County Commissioners,  
On behalf of Clark County LEPC,  
Dated 12/16/08 agenda item 74  
Grant Match Dollars provided by WCRCS

	\$ 200,000.00
--	---------------

<b>Total including match</b>	<b>\$2,418,869.00</b>
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**EXHIBIT "A"**  
**WASHOE COUNTY**  
**EXPENDITURES ELIGIBLE FOR REIMBURSEMENT**

Washoe County:

Equipment:

<b>IP Switches with minimal interface</b>	<b>QTY (Maximum 20)</b>	<b>\$2,218,869.00</b>
	<b>Total Requesting</b>	<b>\$2,218,869.00</b>

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## EXHIBIT "B"

### LOCAL, STATE and FEDERAL ASSURANCES

#### Clark County Office of Emergency Management & Homeland Security Financial and Project Activity Assurances

Upon acceptance of funding from the Clark County OEMHS the lead governmental unit hereby agrees to the following financial and project activity assurances governing the transfer of funds.

1. A quarterly Financial Report shall be submitted to Clark County Office of Emergency Management & Homeland Security (OEMHS) no later than 15 days following the close of the quarter. Unless approved by Clark County OEMHS, late reports could delay reimbursement.
2. The final Financial Report must be submitted to Clark County OEMHS no later than 30 days following the end of the grant period. Unless approved by Clark County OEMHS, late reports could result in non-payment of final claim.
3. The Clark County OEMHS retains the right to terminate this contract for cause at any time before completion of the program when it has determined that the subgrantee has failed to comply with the conditions of this agreement.
4. Financial management must comply with the requirements of OMB Circulars A-102 or A-110, whichever is applicable to your organization.
5. All grant expenditures are to be reasonable and allowable in accordance with OMB Circular A-21, A-87 or A-122, whichever is applicable to your organization, and which are incorporated into this agreement by reference.
6. All grant expenditures are to be made in accordance with the interlocal contract. Modifications must be requested and approved in advance by submitting a Project Change Request form to Clark County OEMHS.
7. Grant revenue and expenditure records must be maintained and made available to the Clark County OEMHS for audit.
8. Subgrantees shall comply with the audit requirements of the Single Audit Act Amendment of 1986 and OMB Circular A-133, which is incorporated into this agreement by reference, to include the required submission of the most recent annual independent audit, as prescribed in sections 310 and 315 and section 320, paragraph f.
9. Subgrantees that are institutions of higher education, hospitals or other non-profit organizations shall comply with the audit requirements of OMB Circular A-110, Attachment F.
10. Required documentation for the performance of internal audits must be provided to the Clark County OEMHS within 30 days of request. Grant closeout is contingent upon OEMHS audit and resolution of any discrepancies
11. The subgrantee agency is required to submit quarterly financial and project activity reports to Clark County OEMHS. Due dates for those reports are as follows:

**January 15** - (for reporting period October 1 to December 31)

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- April 15** - (for reporting period January 1 to March 30)
- July 15** - (for reporting period April 1 to June 30)
- October 15** - (for reporting period July 1 to September 30)

The reports should be completed in accordance with the following format and standards:

12. **Project Activity Report** – A narrative status report describing program accomplishments with respect to meeting stated objectives and completing the projects approved in the allocation of funding. The subgrantee activities should be reported for the quarter and for the cumulative period from the grant award date. Report can be done in a memo format.
13. **Quarterly Financial Reports** – Complete and submit a Quarterly Financial Report form for all expenditures funded by the grant. Include copies of invoices.
14. **Project Change Request** – Grant expenditures are authorized only for purchases and activities approved by the Homeland Security Commission under the grant application process. Any change in the project, needs to be submitted to Clark County OEMHS for submission to Homeland Security Grant Commission for approval.
15. **Request for Advancement** – The advancement of funds process are as follows: 1) subgrantee completes and submits a Request for Advancement form to OEMHS along with a vendor invoice. 2) Clark County OEMHS submits the form to NDEM. 3) NDEM advancement check is deposited into the Clark County financial account. 4) Clark County advancement check is issued to the subgrantee.
16. **Equipment Inventory Form** – A completed Equipment Inventory Form is required with the final grant report.
17. Funds granted are to be expended for the purpose set forth in the grant award and in accordance with all applicable laws, regulations, policies, and procedures of the State of Nevada and the applicable federal granting agency.
18. No expenditures will be eligible for compensation if occurring after the term of the interlocal contract.
19. Any publication, invention, patent, photograph, negative, book, drawing, record, document, or other material prepared by the subgrantee in the performance of its obligations under this grant shall be the exclusive property of the State of Nevada and all such material shall be returned to the state upon completion or termination of this grant.
20. If this grant funds any form of written or visual material that identifies employees of DEM or Clark County Office of Emergency Management & Homeland Security (OEMHS), prior approval must be obtained from the DEM and Clark County OEMHS before publishing or finalization.
21. The applicant assures the fiscal accountability of the funds received from the LEPC will be managed and accounted for by the jurisdiction chief comptroller and internal control and authority to ensure compliance with County OEMHS documentation, record keeping, accounting, and reporting guidelines will reside with that individual.
22. The subgrantee shall neither assign, transfer nor delegate any rights, obligations or duties under this interlocal contract without prior approval of the Clark County OEMHS.

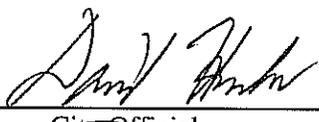
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- 23. To the extent permitted by law the subgrantee will indemnify, save and hold the state, county, and its agents and employees harmless from any and all claims, causes of action or liability arising from the performance of this agreement by subgrantee or its agents or employees.
- 24. The applicant and its contractors will comply with the nondiscrimination requirements of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the American Disabilities Act of 1992.
- 25. The applicant will abide by audit requirements as specified in OMB Circular A-133, Audits of State and Local Governments as revised August 29, 1997.
- 26. The applicant fully understands Clark County OEMHS has the right to suspend or terminate grant funds to any sub-grantee that fails to conform to the requirements or the terms and conditions of its interlocal contract.

**Signature below indicates knowledge of and willingness to comply with interlocal contract requirements.**

**GOVERNMENTAL UNIT (I.E., CITY MANAGER, MAYOR)**

NAME: DAVID HULMKE TITLE: Chairman

SIGNATURE:  DATE: 3/24/09  
*City Official*  
*County*

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**EMERGENCY MANAGEMENT COORDINATOR:**

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Please return a copy of the signed assurances along with the Interlocal Contracts to:**

Clark County Office of Emergency Management & Homeland Security  
 Attn: Diana Blake  
 500 S. Grand Central Parkway, 6<sup>th</sup> Floor  
 Las Vegas, NV 89106

*12/*

## FEDERAL ASSURANCES

The applicant hereby assures and certifies compliance with all federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-133, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of federal funds for this federally-assisted project. Also the applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646), which provides for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.
3. It will comply with provisions of federal law, which limit certain political activities of employees of a state or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hour's provisions of the Federal Fair Labor Standards Act
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been

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identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

10. It will assist the federal/state grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of Investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the federal/state grantor agency of the existence of any such properties and by (b) complying with all requirements established by the federal/state grantor agency to avoid or mitigate adverse effects upon such properties.

11. It will comply, and assure the compliance of all its sub-grantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable federal laws, orders, circulars, or regulations.

12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

13. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

14. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.

16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.), which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

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## FEDERAL CERTIFICATIONS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug- Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when determination is made to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

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(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

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(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the Department of Homeland Security. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above assurances and certifications.

NAME: Rory Reid TITLE: Chairman, Board of County Commissioners

SIGNATURE:  DATE: 4/21/09

**\* Must be signed by the County Manager/Chief Financial Officer, the Tribal Chairman/designee or the state agency director as appropriate**

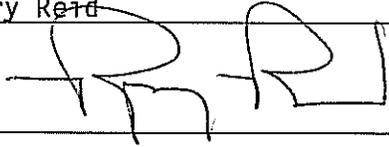
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## DIVISION OF EMERGENCY MANAGEMENT FINANCIAL ASSURANCES

The applicant hereby assures compliance with the following conditions as part of the Notice of Grant Award:

1. A quarterly financial report shall be submitted to the Division of Emergency Management (DEM) no later than 30 days following the close of each quarter of the grant period. Late reports, unless approved by DEM, could delay reimbursement.
2. The final Financial Report must be submitted to DEM no later than 60 days following the end of the grant period. Late reports, unless approved by DEM, could result in non-payment of the final claim.
3. Grantee/Sub-grantee understands that, except for extraordinary circumstances that will be handled on a case-by-case basis, requests to transfer funds between budget categories, or requests to purchase items not previously authorized will not be approved. Written approval must be obtained from the DEM prior to the transfer of funds between budget categories or the expenditure of funds for newly identified items. Requests must be made on the Project Change Request form.
4. Grant revenue and expenditure records must be maintained and made available to the DEM for audit.
5. DEM retains the right to terminate this grant, for cause, at any time before completion of the grant period when it has determined that the grantee/subgrantee has failed to comply with the conditions of this agreement.
6. Financial management must comply with the requirements of OMB Circulars A-102 or A-110, whichever is applicable to your organization, and which are incorporated into this agreement by reference.
7. All grant expenditures are to be reasonable and allowable in accordance with OMB Circular A-21, A-87, or A-122, whichever is applicable to your organization, and which are incorporated into this agreement by reference.
8. To the extent permitted by law, Grantee/subgrantee shall comply with the audit requirements of the Single Audit Act Amendment of 1986 and OMB Circular A-133, which is incorporated into this agreement by reference, to include the required submission of the most recent annual independent audit, as prescribed in sections 310 and 315 and section 320, paragraph f.
9. Required documentation for the performance of internal audits must be provided upon DEM request within 30 days. Grant closeout is contingent upon DEM audit and resolution of any discrepancies.
10. NIMS compliance see attached appendix A.

NAME: Rory Reid TITLE: Chairman, Board of County Commissioners

SIGNATURE:  DATE: 4/21/09

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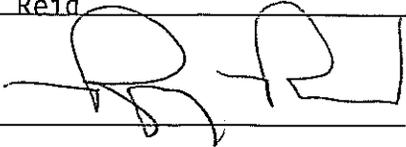
\* Must be signed by the County Manager/Chief Financial Officer, the Tribal Chairman/designee or the state agency director as appropriate.

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## DIVISION OF EMERGENCY MANAGEMENT PROGRAM ASSURANCES

The applicant hereby assures compliance with the following conditions as part of the Notice of Grant Award:

1. A quarterly program report shall be submitted to the Division of Emergency Management (DEM) no later than 30 days following the close of each quarter of the grant period. Late reports, unless approved by DEM, could delay reimbursement.
2. The final Program Report must be submitted to DEM no later than 60 days following the end of the grant period. Late reports, unless approved by DEM, could result in non-payment of final claim.
3. DEM retains the right to terminate this grant, for cause, at any time before completion of the grant period when it has determined that the grantee has failed to comply with the conditions of this agreement.
4. Any publication, invention, patent, photograph, negative, book, drawing, record, document, or other material prepared by the grantee/sub-grantee in the performance of its obligations under this grant shall be the exclusive property of the State of Nevada and all such material shall be returned to the state upon completion or termination of this grant.
5. If this grant funds any form of written or visual material that identifies employees of DEM, prior approval must be obtained from the DEM before publishing or finalization.
6. The grantee/sub-grantee shall neither assign, transfer nor delegate any rights, obligations or duties under this Notice of Grant Award without prior approval of the DEM.
7. Grantee/sub-grantee agrees to indemnify, save and hold the state, its agents and employees harmless from any and all claims, causes of action or liability arising from the performance of this agreement by grantee/sub-grantee or its agents or employees.
8. All training funded by DHS grants must be pre-approved by the State DEM Training Officer.
9. In accordance with the Statewide Investment Justifications all funding granted from the State Administrative Agency (SAA) must be applied statewide with appropriate sub-grants memorialized with appropriate memorandum of understanding (MOU's).

NAME: Rory Reid TITLE: Chairman, Board of County Commissioners  
SIGNATURE:  DATE: 4/21/09

**\* Must be signed by the County Manager/Chief Financial Officer, the Tribal Chairman/designee or the state agency director as appropriate.**

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