

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

TUESDAY

10:00 A.M.

JULY 26, 2011

PRESENT:

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

Amy Harvey, County Clerk
Katy Simon, County Manager
Paul Lipparelli, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:01 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

11-657 AGENDA ITEM 3 – PUBLIC COMMENT

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

10:02 a.m. Commissioner Weber arrived.

Jerry Purdy understood the Commission was considering imposing a 1 percent vehicle tax to help fund the \$17 million budget shortfall. He asked the Commission to consider raising taxes on corporations instead, because they currently paid little or no taxes. He said his comments were based on a handout by the Nevada Economic Advisory Board entitled, “The Nevada Advantage,” which outlined the tax advantages for corporations to incorporate in Nevada. He noted only the states of Washington, Nevada, and Wyoming had no corporate income taxes; and he reviewed Nevada’s list of tax advantages, economic development incentive programs, and statistics on incorporating. He noted Walmart could better afford a tax increase than he and his wife could. A copy of the handout was placed on file with the Clerk.

Sam Dehne discussed his issues with the local media and the County’s budget crisis. He stated he was glad the Manager did not read the decorum statement, and he agreed with Mr. Purdy.

11-658 AGENDA ITEM 4 – ANNOUNCEMENTS

Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”

Katy Simon, County Manager, advised Agenda Item 14, a request to approve a refund to LP Damonte, LLC for sanitary sewer connection fees, was being pulled at the request of the Water Resources Department. She advised the Water Resources Department was working on its fee structure because of the potential merger with the Truckee Meadows Water Authority (TMWA), and that fee structure might have an impact on the refund. She said LP Damonte, LLC was aware of the situation.

11-659 AGENDA ITEM 5 – HUMAN RESOURCES

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

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

Essentials of Management Development

Megan Conelly, Library

Essentials of Personal Effectiveness

Charles Wright, Recorder’s Office

Commissioner Weber stated she appreciated having the names of the recipients and what they accomplished noted on the agenda.

CONSENT AGENDA – AGENDA ITEMS 6A THROUGH 6M

11-660 AGENDA ITEM 6A

Agenda Subject: “Cancel August 16, 2011 County Commission meeting.”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6A be approved.

11-661 AGENDA ITEM 6B – ASSESSOR

Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2009/2010, 2010/2011 secured and unsecured tax rolls; and if approved, authorize Chairman to execute Order and direct the Washoe County Treasurer to correct the errors [cumulative amount of decrease \$3,590.75]--Assessor. (Parcels are in various Commission districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6B be approved, authorized, executed, and directed.

11-662 AGENDA ITEM 6C – DISTRICT ATTORNEY

Agenda Subject: “Approve payments [\$4,133] to vendors for assistance of 22 victims of sexual assault; and if approved, authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons--District Attorney. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6C be approved and authorized.

11-663 AGENDA ITEM 6D – HEALTH DISTRICT

Agenda Subject: “Approve net increase [\$78,000] for Fiscal Year 2012 Purchase Order #7500000850 issued to Cardinal Health (Contract #MMS10001) bringing the total amount to approximately \$102,400 for pharmaceutical products in support of the medical clinic operations on behalf of the Community and Clinical Health Services Division of the Washoe County Health District--Health District. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6D be approved.

11-664 AGENDA ITEM 6E – LIBRARY

Agenda Subject: “Accept Library Services and Technology Act Grant for Fiscal Year 2011/12 [\$34,900 - no local match required] for Library Self Service Kiosks; and if accepted, authorize the Library Director to execute the grant-award documents and direct Finance to make appropriate budget adjustments--Library. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6E be accepted, authorized, executed, and directed.

11-665 AGENDA ITEM 6F – SOCIAL SERVICES

Agenda Subject: “Approve Amendment #2 to American Recovery and Reinvestment Act Homeless Prevention and Rapid Re-Housing Program State Grantee Award - this amendment revises the approved costs categories, per Washoe County’s request and the changes are necessary to move grant funds from areas where there is less utilization to areas of greatest demand; and if approved, authorize Chairman to execute Amendment #2--Social Services. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6F be approved, authorized, and executed.

11-666 AGENDA ITEM 6G – WATER RESOURCES

Agenda Subject: “Approve Water Rights Deed transferring 0.675 acre-feet of water rights (0.648 acre feet to support water service to The First Tongan United Methodist Church in Sun Valley and 0.027 acre feet for future use of water service to The First Tongan United Methodist Church, Petani) from the Sun Valley General Improvement District to Washoe County, and associated Water Sale Agreement for 1.00 acre-feet; and if all approved, authorize Chairman to execute same--Water Resources. (Commission District 5.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6G be approved, authorized, and executed.

11-667 AGENDA ITEM 6H(1) – DISTRICT COURT

Agenda Subject: “Acknowledge Professional Services Agreement for Juvenile Drug/Alcohol Rehabilitation Services for Juvenile Drug Court between the Second Judicial District Court and Quest Counseling and Consulting, Inc. [\$40,268] retroactive July 1, 2011, for the period July 1, 2011 to June 30, 2012--Specialty Courts Coordinator. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6H(1) be acknowledged.

11-668 AGENDA ITEM 6H(2) – DISTRICT COURT

Agenda Subject: “Approve Professional Services Agreements for Family Drug/Alcohol Rehabilitation Services for Family Drug Court between (1) the Second Judicial District Court, Washoe County (Department of Social Services) and Bristlecone Family Resources [\$60,181] retroactive to July 1, 2011 and between (2) the Second Judicial District Court, Washoe County (Department of Social Services) and Step 2 [\$60,181]retroactive to July 1, 2011 (both Agreements for the period July 1, 2011 to June 30, 2012); and if both Agreements approved, authorize Chairman to sign Agreements--Specialty Courts Coordinator. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6H(2) be approved, authorized, and executed.

11-669 AGENDA ITEM 6I(1) – MANAGER

Agenda Subject: “Accept 2012 State Emergency Response Commission, United We Stand, Grant [\$29,897 - no County match required]; and if accepted, authorize Chairman to execute Resolution to subgrant funds to other governments and nonprofits which make up the Local Emergency Planning Committee (LEPC) and authorize the County Manager, or her designee, to sign Contracts and/or Memorandums of Understanding with local LEPC members and direct Finance to make appropriate budget adjustments—Management Services/Emergency Management. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda

Item 6I(1) be accepted, authorized, executed, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

11-670 AGENDA ITEM 6I(2) – MANAGER

Agenda Subject: “Acknowledge receipt of the Washoe County Cash Controls Audit Report from the Internal Audit Division--Internal Audit. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6I(2) be acknowledged.

11-671 AGENDA ITEM 6I(3) – MANAGER

Agenda Subject: “Acknowledge receipt of update report on the status of the Washoe County American Recovery and Reinvestment Act 2009 (Stimulus) projects for April through June 2011--Management Services/Community Support Administrator. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6I(3) be acknowledged.

11-672 AGENDA ITEM 6J(1) – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve Grant of Easement between Washoe County and Nevada Bell Telephone Company dba AT&T Nevada for a 23,552 sq. ft. corridor, located south of Sky Ranch Park (APN’s 534-091-02 and 534-091-03), for access to operate and maintain existing telephone communication facilities serving Spanish Springs and the surrounding area; and if approved, authorize Chairman to execute Grant of Easement and Director of Regional Parks and Open Space to record Easement on behalf of Washoe County. (Commission District 4.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered Agenda Item 6J(1) be approved, authorized, and executed.

11-673 AGENDA ITEM 6J(2) – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Approve 2011 Regional Shooting Facility Master Plan update prepared by Lumos and Associates [funded by Ruby Pipeline mitigation funds]. (Commission District 4.) *Plan on file in County Manager’s Office.*”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6J(2) be approved.

11-674 AGENDA ITEM 6K(1) – SENIOR SERVICES

Agenda Subject: “Acknowledge cash donations [\$269.28] for the period June 1, 2011 through June 30, 2011, to assist in programs and services. (All Commission Districts.)”

Commissioner Jung acknowledged the cash donations made to Senior Services with the gratitude of the Board.

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6K(1) be acknowledged.

11-675 AGENDA ITEM 6K(2) – SENIOR SERVICES

Agenda Subject: “Approve Amendment to Interlocal Governmental Agreement - Sparks Senior Citizens Center (dated July 23, 1990) between the County of Washoe and the City of Sparks concerning operations at the East Richards Way Senior Citizens Center; and if approved, authorize Chairman to sign Amendment. (Commission District 4.)”

Katy Simon, County Manager, thanked the City of Sparks for working with the County and for the City’s commitment to provide a staff member to keep the Sparks Senior Citizens Center open. She stated the nonprofit provider only gave two days notice before pulling out the volunteer who staffed the center. She confirmed the County would continue to support the food services provided to seniors at the Sparks Senior Citizens Center.

In response to public comment, Sam Dehne stated he was glad the center would remain open.

Connie McMullen, Senior Services Advisory Board Chair, said she and 35 seniors attended the Sparks City Council meeting regarding keeping the Sparks Senior Center open, which was very important to them. She thanked the Sparks City Council and the Commissioners for keeping the Sparks Senior Center open.

Commissioner Jung said Ms. McMullen worked tirelessly for this community's seniors. She noted Councilmember Lawson, who also was on the Senior Services Advisory Board, made sure a solution was found to keep the Sparks Senior Center open. She believed this showed the citizens that the County and the City of Sparks could work together by combining resources to keep the Sparks Senior Citizens Center operating in these difficult times. She believed the Sparks Senior Citizens Center helped keep seniors from being institutionalized before it became absolutely necessary because it was a place to socialize and to get a hot meal, and closing it would have been a real tragedy.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6K(2) be approved, authorized, and executed. The Amendment to the Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

11-676 AGENDA ITEM 6L(1) – SHERIFF

Agenda Subject: “Accept donated 1999 Dodge RAM Van 1500 [approximate value \$8,000] from Washoe County Sheriff’s Office Sheriff’s Mobile Auxiliary Response Team to Washoe County Sheriff’s Office to be used to support the SMART Child I.D./Youth & Child Safety Program. (All Commission Districts.)”

Commissioner Jung thanked the Washoe County Sheriff’s Office Sheriff’s Mobile Auxiliary Response Team for donating their van to support the SMART Child I.D./Youth & Child Safety Program.

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6L(1) be accepted.

11-677 AGENDA ITEM 6L(2) – SHERIFF

Agenda Subject: “Accept direct grant award [\$40,000 - no County match required] from State of Nevada, Office of Criminal Justice Assistance Federal Fiscal Year 2012 Justice Assistance Grant (JAG) Project No.11-JAG-29 supporting the All Threats All Crimes Task Force; and if accepted, authorize use of JAG training funds for non-County employees assigned to the Task Force and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6L(2) be accepted and authorized.

11-678 AGENDA ITEM 6L(3) – SHERIFF

Agenda Subject: “Approve Sheriff’s Security Agreement between the Reno-Tahoe Open Foundation and the County of Washoe on Behalf of Washoe County Sheriff’s Office to provide uniformed Deputy Sheriffs for security [estimated security costs \$40,000 - to be reimbursed by Reno Tahoe Open] during the 2011 Reno Tahoe Open Golf Tournament, August 1-7, 2011; and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6L(3) be approved, authorized, and executed.

11-679 AGENDA ITEM 6L(4) – SHERIFF

Agenda Subject: “Accept grant award [\$8,000 - no County match required] from Join Together of Northern Nevada to cover overtime costs related to enforcing underage drinking laws activities; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

Commissioner Humke disclosed he served on the Juvenile Justice Commission, but there would be no conflict involved with his voting to accept these funds.

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6L(4) be accepted and directed.

11-680 AGENDA ITEM 6L(5) – SHERIFF

Agenda Subject: “Accept direct grant award from State of Nevada, Office of Criminal Justice Assistance Fiscal Year 2012 Justice Assistance Grant (JAG) [\$48,000 - no County match required] Project No.11-JAG-28, supporting purchase of Datalux in-car computers for Washoe County Sheriff’s Office Patrol vehicles and approve continuation of sole source purchase approval from previous grant on July

27, 2010; and if accepted, authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6L(5) be accepted, approved, and authorized.

11-681 AGENDA ITEM 6M – COMMUNITY DEVELOPMENT

Agenda Subject: “Approve Resolution Calling for the Investment in and Implementation of Transportation System Projects Critical to the Improvement of Lake Tahoe Communities, Economy and Environment; and if approved, authorize Chairman to execute same (requested by Commission Breternitz)--Community Development. (Commission District 1.)”

In response to the call for public comment, Sam Dehne said this item did not indicate how much money would be spent.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 6M be approved, authorized, and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

BLOCK VOTE – AGENDA ITEMS 9, 10, 11, 12, 13, 15

Chairman Breternitz said Washoe County was fortunate to have the kind of support it had from the Friends of the Library and the Wilbur D. May Foundation, and he believed the County could not operate the way it did without that support.

11-682 AGENDA ITEM 9 – SHERIFF

Agenda Subject: “Recommendation to approve sole source purchase [\$185,000] for one RADPro SecurPASS Whole Body Digital Security Imaging System from Virtual Imaging, Inc. for the Washoe County Sheriff’s Office Detention Division (system is to be purchased utilizing Federal Asset Forfeiture Funds--Sheriff. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 9 be approved.

11-683 AGENDA ITEM 10 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to accept cash donations from the Wilbur May Foundation [\$300,000 (\$200,000 for Fiscal Year 2011/12 general operating support of the Wilbur D. May Center and \$100,000 in support of temporary exhibits at the Wilbur D. May Museum)]--Regional Parks and Open Space. (Commission Districts 3 and 5.)”

Katy Simon, County Manager, said the Wilbur May Foundation had contributed almost \$14 million since Fiscal Year 1983-84 to support the programs at the May Center at Rancho San Rafael Regional Park. She stated the County thanked them for their donations.

There was no response to the call for public comment.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 10 be accepted.

11-684 AGENDA ITEM 11 – LIBRARY

Agenda Subject: “Recommendation to accept donation [\$224,910 - with no local match required] from Friends of Washoe County Library, for restricted use towards the operational needs of Sierra View Library located at the Reno Town Mall, 4001 S. Virginia Street, Reno; and if accepted, direct Finance to make necessary budget adjustments--Library. (Commission District 2.)”

Katy Simon, County Manager, thanked Mr. Roth, the owner of the Reno Town Mall, for the donation.

There was no response to the call for public comment.

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

11-685 AGENDA ITEM 12 – PUBLIC WORKS

Agenda Subject: “Recommendation to authorize Public Works Department to prepare contract documents and bid the Gonowabie Slope Repair project [estimated amount \$170,000 - funding source Fiscal Year 2011/12 Roads capital budget]--Public Works. (Commission District 1.)”

There was no response to the call for public comment.

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

**11-686 AGENDA ITEM 13 – DISTRICT COURT/SPECIALTY COURTS
COORDINATOR/SOCIAL SERVICES**

Agenda Subject: “Recommendation to approve the Professional Services Agreement for Drug/Alcohol Rehabilitation Services Washoe County Adult Drug Court between the Second Judicial District Court, Washoe County (Department of Social Services) and Bristlecone Family Resources [\$460,918] retroactive July 1, 2011, for the period July 1, 2011 to June 30, 2012--District Court/Specialty Courts Coordinator/Social Services; and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”

There was no response to the call for public comment.

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

11-687 AGENDA ITEM 15 – SENIOR SERVICES

Agenda Subject: “Recommendation to accept seven Federal Title III grant awards passed through the State of Nevada Aging and Disability Services Division and two State of Nevada Independent Living Grants for various Senior Services programs [\$668,025 with \$94,443 County match] retroactive July 1, 2011 through June 30, 2012; and if accepted, authorize Chairman to sign seven grant awards and direct Finance to make appropriate budget adjustments--Senior Services. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 15 be accepted, authorized, executed, and directed.

11-688 AGENDA ITEM 8 – APPEARANCE

Agenda Subject: “Appearance: Joseph Iser, MD, DrPH, MSc, District Health Officer. Presentation on the dangers of skin cancer. (All Commission Districts.)”

Dr. Joseph Iser, District Public Health Officer, conducted a PowerPoint presentation regarding the dangers of skin cancer in Washoe County, which included the warning signs of skin cancer and the preventive measures that should be taken to protect against it. A copy of the presentation was placed on file with the Clerk.

Commissioner Weber thanked Dr. Iser for his presentation. She stated she participated in a basal cell study, because she had quite a few basal cell and squamous cell carcinomas due to sun exposure in her youth. She asked if there was a way the Health Department could work with the community's youth and the camp counselors about the importance of frequently reapplying sunscreen; and could Dr. Iser put out a white paper for the community on the dangers of skin cancer. Dr. Iser said he would be happy to do so. He indicated today's presentation, which was being televised, was part of that outreach; and he would also be making his presentation before the City Councils of the Cities of Reno and Sparks. He stated he had worked with the camp directors and counselors in the past, because children could not be relied upon to remember to reapply their sunscreen every two hours and he would be happy to continue that effort.

Commissioner Humke suggested putting Dr. Iser's presentation on the County's web site, because it contained a lot of good information. He said he was not aware UV light caused cataracts. Dr. Iser advised the presentation would be put on the Health Department's web site, and he could work with the County to put it on the County's web site.

Chairman Breternitz thanked Dr. Iser for his informative presentation.

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

11-689 AGENDA ITEM 17 – PUBLIC WORKS

Agenda Subject: "Update on status of Shared Services efforts and possible direction to staff--Manager. (All Commission Districts.)"

Dave Childs, Assistant County Manager, stated at last week's Shared Services meeting, there was a report from Technology Services on working with the City of Reno to purchase technology collaboratively to ensure any new backbone system would be compatible. He stated an implementation timeline would be brought back next month along with some next steps. He felt good progress was being made, but the challenge was Reno's Technology Services Director retired and a new person was being hired.

Mr. Childs said staff from all three jurisdictions had been working on business licenses, and they reported a single license application was in place. He stated progress was being made on building a system that would eventually put the business license application process online, so potentially there would be a single portal for an individual to obtain a license no matter what jurisdiction the individual was located in. He said staff would update the subcommittee on their progress in September and would also be coming to the Commission with an update. He stated Bob Webb, Washoe County Planning Manager, had been doing an excellent job of managing the process.

Mr. Childs said the WC-2 ballot measure directed Washoe County and the City of Reno to see if there would be a financial benefit to consolidation. He stated the discussion concluded it made sense to take a step back to see how the fire services discussion went, while having the Finance Directors continue looking at the financial angle of consolidation.

Mr. Childs said the Sheriff reported on a joint public safety dispatch center and was asked to come back with additional financial information as to how it might work. He was also asked to bring back information on what the delivery model might look like.

Mr. Childs stated there was extensive discussion about fire services, and the recommendation was there should be further discussion at a joint meeting in September. He said there had been tension around fire services issues and hopefully there would be a way to get through it, which would make it easier to deal with some of the other issues.

Mr. Childs stated there was a presentation regarding the concept of combining the Truckee Regional Planning Agency (TRPA) and the Transportation Commission and what that would look like. He said staff would be coming back in September with some additional information.

Mr. Childs said some additional issues needed to be dealt with regarding the Community Assistance Center (CAC). Katy Simon, County Manager, stated the CAC would be back before the Commission in August, because the 60-day extension expired August 31, 2011. She believed a good plan had come out of the meetings, and action would be proposed for each of the governing bodies.

Mr. Childs stated a link was provided on the County's web site to the Fundamental Review Report, so the other jurisdictions could look at the process the County was using and what the County was looking at. He said that would allow the jurisdictions to determine if there were any compatible activities that might lead to additional shared services.

Mr. Childs stated the next Shared Services meeting would be held August 15, 2011 at 10:30 a.m.

Chairman Breternitz noted the discussions regarding the libraries and the courts were deferred to a future meeting so Commissioner Jung could be present. He said the proposed joint meeting with the City of Reno to discuss the Fire Services Interlocal Agreement was the outcome of a Board discussion on June 28, 2011. He stated if the City of Reno had significant beneficial changes to their proposal and to the labor contract, the Board would be open to reopening negotiations on the Interlocal Agreement.

Chairman Breternitz said he requested all future agenda items involving the other entities include the staff report from those entities, which would allow everyone

to be on the same page when discussing issues. He stated the other entities agreed, and he was writing a letter to the other entities formally requesting that happen.

Commissioner Jung requested the Chairman's letter point out the Standards of Cover (SOC) recommendation to regionalize fire services. She asked what Mr. Sherman was working on regarding WC-2. Mr. Childs said staff was working on providing information regarding WC-2's possible impacts to labor agreements, tax rates, and bonds.

Commissioner Jung noted the Technology Services Department was ranked Number 1 for mid-size counties and was presented the very prestigious Digital Counties award by the National Association of Counties (NACo).

Commissioner Jung suggested inviting bookstores to a Shared Services meeting to provide input about the library issues. She said Powell's Books located in Oregon supported the local school districts by ordering textbooks in bulk, which could lower the price by as much as 50 percent. She believed that might be a modern solution to some modern problems.

Commissioner Humke asked if all of the entities had to agree if someone wanted an item discussed at a joint meeting. Ms. Simon said the practice had been each entity could put two items on the agenda during the agenda setting meeting. She noted the agenda setting meeting was scheduled for September, but the joint meeting had not been scheduled yet.

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

11-690 AGENDA ITEM 16 – MANAGEMENT SERVICES

Agenda Subject: “Update on status, discussion and possible direction to staff on the 2011 Washoe County Commission Election District Redistricting Project-- Management Services. (All Commission Districts.)”

John Slaughter, Management Services Director, stated redistricting based on population was required every 10 years for the County Commission's election districts. He said the map labeled Draft Plan Version 1 was a starting point, but there would be many more drafts based on input from the Board. A copy of the map was placed online, hung on the back wall in the chambers, and put on file with the Clerk. He advised the focus was on balancing the populations of the three districts that were out of balance, while keeping the other two districts in balance. He advised the target population for each of the five districts was 84,281 people.

Mr. Slaughter said District 1 needed to gain 11,381 people and District 3 needed to gain 10,097 people, while District 4 was 12,664 people over the target population, District 5 was 5,229 people over the target, and District 2 was 3,587 people over the target. He noted even though District 3 was within the plus or minus 5 percent of

the target, some changes were made to enable reconfiguring some of the other Districts. He discussed the changes made to the districts as shown on the map, and noted the red line on the map indicated the current district boundaries. He said this plan was balanced within the guidelines of the population being plus or minus 5 percent of the target, and all of the Districts were less than 4 percent plus or minus.

Chairman Breternitz asked if any discussions would be scheduled with Mr. Slaughter after the Commissioners had a chance to review the map. Mr. Slaughter replied there would be individual meetings to discuss the Commissioner's objectives. Chairman Breternitz asked if one of the criteria was to bring together areas with similar character. Mr. Slaughter replied one of the criteria was not to split up neighborhoods and to try and keep like areas together.

Chairman Breternitz stated he was surprised to see District 1 included downtown Reno, because most of the rest of District 1 was almost entirely residential; and what was the logic for doing that. Mr. Slaughter said there were quite a few people living in the downtown area, and District 1 needed to gain a substantial number of people. He stated that was why the downtown area was moved into District 1 and, if that population was removed, the gain would have to come from another area. He said part of the Northwest Reno area was removed from District 1 to cleanup the boundary above Interstate 80, so population from the downtown and other areas were added. He stated portions of downtown were already in District 1, so keeping the area whole still met the criteria.

Commissioner Weber said the map showed four huge Districts, while Commissioner Jung's District was very compact. She suggested giving Commissioner Jung the Peavine area. Mr. Slaughter said District 1 was small because its population was very dense. He stated the Peavine area could be put into District 1 to allow for a bigger geographic area, but the population would not change whatsoever. He said it did create a finger jutting into District 5, but he did not see there would be a challenge on drawing the boundaries that way if it was put on the record the objective was to increase the land area and no population was included.

Commissioner Weber said there was an area in District 5 that was within the McCarran Boulevard loop, which she felt could go with District 3. She noted District 5 was taking on a lot more in the Spanish Springs, Pyramid, and Hungry Valley areas.

Commissioner Jung agreed with Commissioner Weber's recommendation regarding the Peavine area, and she wanted to see what it would look like on the map. She said she previously asked staff if there was any way to model the Commissioners having a 50/50 split between municipality and unincorporated areas. She believed that split would help everyone work together as a region. She stated she would like to see that before the Board voted on anything. Mr. Slaughter indicated staff started looking at how that would look on the map, but dividing the Hispanic population might cause a challenge. Commissioner Jung said she requested staff also look at the super unincorporated and super municipalities model. Mr. Slaughter said the existing districts

were being used as the base to do the redistricting, but the super unincorporated and the super municipalities' model might require wiping the slate clean and starting from scratch. Commissioner Jung asked if it was illegal to do that. Mr. Slaughter replied it was not, but the Commission adopted criteria that advocated keeping the existing district boundaries as much as possible. Commissioner Jung said if staff started modeling it and it violated the principles the Board voted on, then leave it alone. Mr. Slaughter said staff would look at it and then would get back to the Commissioners.

Chairman Breternitz said it might be impossible to do the 50/50 split because 50 percent of the population might not live in an unincorporated area. He felt Commissioner Jung's request was valid, and it was important that he represented both incorporated and unincorporated areas.

Chairman Breternitz asked when the redistricting plan would be before the Board for final approval. Mr. Slaughter replied approval of the plan was targeted for the last meeting in September 2011. He stated after its approval, the County Ordinance would have to be changed. Chairman Breternitz asked when Mr. Sherman would provide an update to the Board. Mr. Slaughter replied redistricting would be on every agenda going forward, and more than one draft plan might be brought for discussion at the same time just to keep things moving forward.

Commissioner Weber discussed the part of Golden Valley in District 5. She believed it made sense for all of the streets in Golden Valley be included in District 3 or to use Highway 395 to divide the southern part of Golden Valley.

Mr. Slaughter said besides scheduling individual meetings with the Commissioners, staff was also working on having a town hall meeting to obtain public input when the plan was closer to being final.

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

11:23 a.m. The Board convened as the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

11:28 a.m. On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried with Commissioner Larkin absent, it was ordered that the SFPD meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220. It was noted the SFPD meeting would adjourn from the closed session.

11:29 a.m. The Board reconvened as the Board of County Commissioners with Commissioner Larkin absent.

Agenda Subject: “Presentation by District Attorney’s Office on recent U.S. Supreme Court cases involving freedom of speech and ethics laws (requested by Commissioner Jung)--District Attorney. (All Commission Districts.)”

David Creekman, Deputy District Attorney, said what came out of the Supreme Court decision on the Nevada Commission on Ethics versus the Carrigan case was the Nevada and the United States Supreme Courts arrived at different conclusions based on an analysis of the same facts and the same law. He stated the case involved the legitimacy of governments’ restrictions on legislative voting. He said those restrictions required disclosure and abstention from consideration and voting if an elected official received a gift or a loan, had a pecuniary interest in the matter, or had a commitment in a private capacity to the interest of others. He described who it included.

Mr. Creekman said Councilmember Carrigan was brought up on charges due to the subpart, which stated, “and any other substantially similar relationship” to those already mentioned. He stated the District Court held a legislator’s right to vote was not protected under the First Amendment, but the Nevada Supreme Court disagreed. It indicated any restrictions on First Amendment speech must further a compelling governmental interest, be narrowly tailored, and must employ the least restrictive means possible to regulate that speech. He said in other words, the Nevada Supreme Court held the act of voting was so significant and so closely derived from the First Amendment speech guarantees that any governmental restrictions required the highest level of scrutiny in order to survive. He stated the Commission on Ethics was not satisfied with the ruling and appealed the decision to the United States Supreme Court. He explained the United States Supreme Court reversed the Nevada Supreme Court’s decision by a unanimous vote. He stated the Supreme Court held that restrictions on a legislator’s act of voting were not restrictions on First Amendment protected speech, because a legislator’s vote was derived from the legislator’s status as a political representative executing the legislative process. He said that meant the act of Legislative voting did not derive directly from the First Amendment to the Constitution; therefore, restrictions on that right were not entitled to the highest level of protection in the courts.

Mr. Creekman stated the decision left everyone in about the same position Councilmember Carrigan was in with respect to that portion of the statute that obligated disclosure and possible abstention if the legislator felt there was a conflict of interest when any other substantially similar relationship to those enumerated existed. He believed it was unfortunate there was no further guidance, and he noted the case was sent back to the Nevada Supreme Court for further proceedings with respect to Councilmember Carrigan’s arguments the statute was over vague and over broad. He said the case could be sent back to the District Court for analysis.

11:30 a.m. Commissioner Humke temporarily left the meeting.

Mr. Creekman said he was surprised that the act of a legislator voting had never before been analyzed by the nation's highest court, but now the United States Supreme Court ruled it was not First Amendment protected speech. He stated it was subject to an intermediate level of protection, which balanced the previously recognized right of the government to regulate a legislator's ethical behavior against the generalized right to speak.

Commissioner Jung asked if staff could bring this item back for more details after it was heard, because right now it seemed as if it was still very vague. Mr. Creekman replied it might be awhile.

Chairman Breternitz thanked Mr. Creekman for the information, because he was always concerned about overstepping boundaries.

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

11-692 AGENDA ITEM 22 – REPORTS/UPDATES

Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to.”

Commissioner Jung noted the Truckee River Flood Project Managing Board had three candidates for the project's Director, and she believed the interviews would be held next month. She said she and Commissioner Weber attended the National Association of Counties (NACo) convention in Portland, Oregon. She congratulated Kathy Burke, Washoe County Recorder, for the award she received from the National Association of County Recorders, Election Officials and Clerks (NACRC). She said she attended the School Works Program Oversight Committee, and there would be a lot of construction jobs because of the School District getting legislative changes regarding how much money needed to be kept in its bond fund.

Commissioner Weber said the NACo Board members who attended last year's NACo convention in Reno told her they loved being here. She stated even though both candidates were great, the Reno Sparks Conventions and Visitors Authority's (RSCVA) Board selected Mark White as its new Chief Executive Officer (CEO). She said she attended the Northwest Neighborhood Advisory Board (NAB) last Thursday. She stated even though the Verdi Citizen Advisory Board (CAB) did not have a quorum, there was a presentation regarding the Verdi library, which received great support from the community. She stated she had been attending meetings regarding private roads in the Silver Knolls area and the next meeting would be sometime in August. She said this Thursday she would be attending the Gerlach Citizen Advisory Board (CAB) meeting.

Chairman Breternitz said there was a lively discussion on the Incline Village property tax refunds and on the Fundamental Services Review report at last night's Incline Village/Crystal Bay CAB meeting. He stated the primary discussion at the Economic Development Authority of Western Nevada (EDAWN) meeting last week was

on the consolidation of EDAWN and the area's Chambers of Commerce. He said the Nevada Tahoe Conservation District was assisting in funding hybrid projects in the Tahoe Basin to take fine sediment out of the water that runs off pavement and contributory surfaces by natural and very low impact means. He stated he also attended the Tahoe Transportation District Board of Director's meeting and would be attending the Tahoe Regional Planning Agency (TRPA) meetings tomorrow and Thursday.

11:44 a.m. Commissioner Humke returned to the meeting.

11-693 AGENDA ITEM 23

Agenda Subject: "Possible Closed Session for the purpose of discussing negotiations with Washoe County and Sierra Fire Protection District Employee Organizations per NRS 288.220."

11:45 a.m. On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, the Board went into Closed Session for the purpose of discussing negotiations with Washoe County and Sierra Fire Protection District (SFPD) Employee Organizations per NRS 288.220.

6:23 p.m. The Board reconvened with Commissioners Larkin and Weber absent.

PUBLIC HEARINGS

11-694 AGENDA ITEM 20 – COMMUNITY DEVELOPMENT

Agenda Subject: "Master Plan Amendment Case No. MPA11-006 for the Truckee Canyon Area Plan--Community Development. (Commission District 4.) To consider an amendment to the Truckee Canyon Area Plan, a component of the Washoe County Master Plan. The Master Plan amendment is necessary to support the detachment and sphere of influence rollback of 127 lots located within the East Truckee Canyon from the City of Sparks jurisdiction back to Washoe County's jurisdiction and will be consistent with the Sparks land use designations and will closely reflect the previous Washoe County land use designations that existed prior to the annexation by the City of Sparks. The existing master plan designations for the subject properties include Industrial, Commercial, Rural, Rural Residential, Suburban Residential and Open Space in the Truckee Canyon Area Plan, and are situated in a portion of sections 12 & 13, T19N, R20E; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17 & 18, T19N, R21E; Section 6, T19N, R22E; Sections 33, 35 & 36, T20N, R21E; Sections 20, 26, 27, 28, 29, 30, 31, 32, 33 & 34, T20N, R22E, MDM, Washoe County, Nevada. The properties are located in the East Truckee Canyon Citizen Advisory Board boundary; (APN's: 037-310-02 thru 05; 084-020-05; 084-030-20; 084-060-01, 11 thru 20, 32 thru 35; 084-070-01 thru 06, 11 thru 13, 19, 21 thru 23; 084-080-01, 15 thru 18, 20, 22, 26, 30; 084-090-03 thru 05, 10, 12 thru 16, 28 thru 30, 33, 34, 37, 38, 41 thru 44, 46, 47; 084-101-03 thru 05; 084-102-01, 03, 04,

06, 11; 084-110-05, 08, 20; 084-120-19, 24, 26 thru 29; 084-171-01 thru 03; 084-172-04 thru 07, 09 thru 11, 17 thru 20; 084-191-01, 03 thru 06; 084-192-02, 11 thru 14, 16 thru 20; 084-211-01 thru 03; 084-212-01, 05, 06; 084-370-01 thru 04; 084-450-01, 02; 084-700-01; and 084-710-01 thru 03.); and if approved, authorize the Chairman to sign the Resolution adopting the amendment to the Truckee Canyon Area Plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Commission. TO BE HEARD BEFORE AGENDA ITEM #21.”

6:23 p.m. Chairman Breternitz opened the public hearing. There was no response to the call for public comment and the public hearing was closed.

6:24 p.m. Commissioner Weber arrived.

Commissioner Weber noted this item had been unanimously approved by the reviewing agencies.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 20 be approved, authorized, and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

11-695 AGENDA ITEM 21 – COMMUNITY DEVELOPMENT

Agenda Subject: “Regulatory Zone Amendment Case No. RZA11-004 for the Truckee Canyon Area Plan--Community Development. (Commission District 4.) To consider an amendment to the Truckee Canyon Regulatory Zone Map. The Regulatory Zone Map amendment is necessary to support the detachment and sphere of influence rollback of 127 lots located within the East Truckee Canyon from the City of Sparks jurisdiction back to Washoe County’s jurisdiction and will closely reflect the previous Washoe County land use designations that existed prior to the annexation by the City of Sparks. The existing regulatory zone designations for the subject properties Open Space, General Rural, Medium Density Rural, Low Density Suburban, General Commercial, Tourist Commercial, Industrial, Public/Semi-Public Facilities, Parks and Recreation in the Truckee Canyon Area Plan, and are situated in a portion of sections 12 & 13, T19N, R20E; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17 & 18, T19N, R21E; Section 6, T19N, R22E; Sections 33, 35 & 36, T20N, R21E; Sections 20, 26, 27, 28, 29, 30, 31, 32, 33 & 34 T20N, R22E, MDM, Washoe County, Nevada. The properties are located in the East Truckee Canyon Citizen Advisory Board boundary; (APN’s: 037-310-02 thru 05; 084-020-05; 084-030-20; 084-060-01, 11 thru 20, 32 thru 35; 084-070-01 thru 06, 11 thru 13, 19, 21 thru 23; 084-080-01, 15 thru 18, 20, 22, 26, 30; 084-090-03 thru 05, 10, 12 thru 16, 28 thru 30, 33, 34, 37, 38, 41 thru 44, 46, 47; 084-101-03 thru 05; 084-102-01, 03, 04, 06, 11; 084-110-05, 08, 20; 084-120-19, 24, 26 thru 29; 084-171-01 thru 03; 084-172-04 thru 07, 09 thru 11, 17 thru 20; 084-191-01, 03 thru 06; 084-192-02, 11 thru 14, 16 thru 20; 084-211-01 thru 03; 084-212-01, 05, 06;

084-370-01 thru 04; 084-450-01, 02; 084-700-01; and 084-710-01 thru 03.); and if approved, authorize the Chairman to sign the Resolution adopting the amendment to the Truckee Canyon Regulatory Zone map after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Commission for the Master Plan Amendment. **TO BE HEARD AFTER AGENDA ITEM #20.”**

6:26 p.m. Chairman Breternitz opened the public hearing. There was no response to the call for public comment and the public hearing was closed.

Commissioner Weber noted this item had been unanimously approved by the reviewing agencies.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that Agenda Item 21 be approved, authorized, and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**11-696 AGENDA ITEM 19 – MANAGER/FINANCE/TREASURER/
DISTRICT ATTORNEY**

Agenda Subject: “Discussion and possible direction to staff on Incline Village/Crystal Bay property tax case, including, but not limited to: available legal remedies; alternatives for sources of refund payments; and, coordination with other local governments and districts who receive property tax distributions--Manager/Finance/Treasurer/District Attorney. (All Commission Districts.)”

6:27 p.m. Commissioner Larkin joined the meeting by telephone.

In response to the call for public comment, Paul Enos, Nevada Motor Transport Association Chief Executive Officer (CEO), spoke about the negative impact of the Governmental Services Tax (GST) increase on the local trucking industry. He said many companies might have no other choice but to move their companies outside of Washoe County to compete with carriers already located outside of the County. He said the increase would make Washoe County the most expensive county in the State, especially when coupled with RTC-5 increasing the County’s fuel tax on diesel fuel by adding \$.09 per gallon.

John Madole, representing Nevada Chapter of the Associated General Contractors (AGC), said the Chapter’s members shared some of Mr. Enos’ concerns. He stated things were tough, and the GST would impose a hardship on a lot of people who owned trucks. He said the Chapter’s members would appreciate the Board looking for an alternative.

Mike Haley, Sheriff, stated Mr. Madole was asking the Board to find other strategies, while he was asking the Board to find strategies that shared the burden so government and businesses could continue to operate. He said it would be tough, but it

was important to find a way to continue to fund the County so it could perform its essential functions required by law.

Commissioner Weber stated people contacted the Commissioners with their opinions on what should be done. She said some had great ideas, while others condemned the County's actions during the whole process.

Commissioner Weber asked if the County had to pay the Incline Village property owners this money. Paul Lipparelli, Assistant District Attorney, explained the Nevada Supreme Court Decision on July 7, 2011 in the Berrum vs. Otto case upheld the 2nd Judicial District Court's decision directing the Washoe County Treasurer to pay refunds to taxpayers who paid taxes beyond the time the County Board of Equalization (CBOE) rolled back values for the 2006 tax year. He said the CBOE made their decision after the District Court rendered its decision in the Bakst case.

Mr. Lipparelli advised the refund process was complicated by the Treasurer having to figure out who should get a refund. He stated that involved going back to the first year a refund was due and then going through all of the subsequent tax years to calculate who paid the taxes in each of those years and what the values would have been if they were rolled back to the 2003 tax year. He said those calculations were further complicated by the application of the tax cap in 2005.

Chairman Breternitz asked if it was in the County's best interests to have the refund process move forward as quickly as possible. Mr. Lipparelli said it was important the process happen quickly because interest would continue to accrue on any refunds not yet paid. Commissioner Weber said it was equally important the payments were accurate. She stated if the calculations needed to be done by hand, two or three people should be double-checking them. She requested an update on what had been paid at each Board meeting moving forward.

Commissioner Jung asked who set the interest rate and what it was. Mr. Lipparelli advised the interest rate was .5 percent per month or 6 percent per year, and the statute setting the amount was enacted in 2007. Commissioner Jung asked how much interest was owed to date. Mr. Lipparelli believed it was currently \$5.9 to \$6 million.

Commissioner Jung said constituents asked how the Risk Management Fund figured into all of this, and if anything had been done improperly. She asked what methods the Assessor used in 2002/2003 to make the determinations regarding these properties' assessments. Mr. Lipparelli stated the Assessor used standards from a national treatise on tax assessment to determine the land value. He stated the courts later determined those standards were invalid because the State Tax Commission did not have regulations in place to help ensure the methods used in the Tahoe area were uniform and equal when compared to the methods used elsewhere in Washoe County. Commissioner Jung asked if the County had the ability to go after the former Assessor or to go after the County's Risk Management Fund to pay the property tax refund. Mr. Lipparelli explained the Risk Management Fund was available to pay various kinds of liabilities, which John

Sherman, Finance Director, would be better able to address. Mr. Lipparelli said when determining whether a public official was liable for their acts, the courts would look to see if the act was committed within the course and scope of their duties and whether it fell within that officials discretion to make that decision. He stated there was also a fairly short statute of limitations. He advised an effort was made by some citizens to have the Assessor removed from office for his actions relating to some of his assessments, but the courts determined the Assessor should not be removed for the alleged reasons. Commissioner Jung said that was an exhausted remedy, but she wanted it to be part of the public record due to constituents questions.

Commissioner Jung said a constituent had asked if it was possible to negotiate a credit against future tax payments instead of making the refunds. Mr. Lipparelli replied it might be possible by agreement if a taxpayer elected to take a credit. He said there was no statute contemplating a credit, which might be because tax issues were usually resolved quickly instead of dragging out as this case did.

Commissioner Humke said page 2 of the staff report said there were five remaining cases with similar issues, and he asked if there was an estimate of the County's potential financial liability. David Creekman, Deputy District Attorney, said the potential liability could be enormous for the County.

Commissioner Humke asked if the Court would supervise the refund process. Mr. Creekman replied the case would be sent back to the District Court 25 days after the July 7, 2011 decision, and the District Court would assume continuing jurisdiction over its previously issued Order. He said that did not mean the District Court would appoint a special master to oversee the refunds, but making that suggestion to the Court could have merit. He felt it was important to provide the District Court with a report on the status of Washoe County's efforts to comply with the District Court's Order, and the suggestion regarding a special master would be an appropriate inclusion if that was the Board's desire. Commissioner Humke stated he was not suggesting a master be appointed. Commissioner Humke asked if filing that report would be the best way for the County to avoid contempt sanctions. Mr. Creekman said it would go a long way in establishing Washoe County's efforts to comply with the District Court Order.

Chairman Breternitz asked what other revenue would be available to pay the refunds. Mr. Sherman stated the County was constrained by State law as to what revenues it was allowed to impose and collect. He said a property tax increase was looked at, but the County was at the \$3.64 statutory overlapping tax rate cap. He stated no sales tax increase was available, because those increases were all prescribed by State law; and no sales tax increases had been authorized, but not levied. He said only the GST would generate sufficient revenue. He stated the Board did not have the authority to increase the cap or to impose a tax.

Chairman Breternitz requested the numbers on the budget and personnel reductions the County had made over the last three to four years. Mr. Sherman replied the County reduced its workforce by over 700 positions and cumulatively reduced its budget

by over \$150 million since 2007. He stated the County was in the process of reducing the budget for the current fiscal year and was seeking in excess of \$11.5 million in employee concessions. He said staff was still looking for another \$7.5 million in cost savings due to reorganization efforts. He advised those savings needed to start being realized by the end of September 2011.

Commissioner Weber requested the Manager go through the available options to support paying the refunds. Katy Simon, County Manager, reviewed the options and their impacts as shown on pages 3 and 4 of the staff report dated July 26, 2011. She noted the declaration of a severe financial emergency would mean Washoe County would be taken over by the State, therefore that option was not recommended. She also noted 74 percent of the County's General Fund budget was expended for core services, which were the mandated services County governments existed to provide; and to make up \$17 million from the General Fund would require dramatic cuts to core services.

Ms. Simon advised staff's recommendation was to use the Risk Management Fund to pay the taxpayers and to use the GST to generate the funds to repay the Risk Management Fund.

Commissioner Weber asked what the GST rate was currently. Ms. Simon replied it was \$.04 per dollar of depreciated value of the vehicle, and there was a schedule of depreciation the Department of Motor Vehicles (DMV) used. She advised a \$.01 increase would add \$52.50 to the annual cost of a \$20,000 three-year old vehicle.

Chairman Breternitz asked if the County had the ability to levy the \$.01 GST and have it sunset when the tax case obligations were taken care of. Mr. Sherman replied the Board had the discretion on when it would impose the GST.

Commissioner Humke asked Mr. Enos if he had calculated what the average tax impact would be for the trucking industry. Mr. Enos replied it would vary by company due to differences in fleet sizes. He advised one member had 85 trucks with none being older than 2006 and with an average fleet value of \$120,000. He said the high value and recent age was due to maintaining the trucks to be compliant with the Environmental Protection Agency (EPA) requirements required to drive trucks in California. He said a 1 percent increase would be \$102,000 a year, which would be on top of additional fuel taxes of \$100,000 a year. He said a business owner in that situation would have to balance paying an additional \$200,000 a year with the cost of moving to Storey County and which option would be a better return on their investment.

Mr. Enos said the \$.01 would only affect the carriers registered in Washoe County and a carrier based out-of-state paid their taxes and registration through the International Registration Plan (IRP). He said there was only a mechanism to collect state taxes and none to collect local taxes, which the \$.01 would be considered. He stated that would mean the County would have to collect those taxes, requiring going out and

auditing the carriers' records to find out when they were in Washoe County. He said that would be an untenable mess, which was why the IRP focused on collecting state taxes.

Commissioner Humke asked if there was any way to estimate the GST's impact on other commercial interests, such as contractors. Mr. Enos replied it would vary based on the value of a company's fleet, but it would be a 25 percent tax increase times the number of vehicles. He said at some point that would become untenable, especially when competing with companies not based in Washoe County who did not have that additional overhead.

Commissioner Weber asked for clarification on the definition of a truck. Mr. Enos replied a truck was a vehicle over 26,000 pounds in Nevada and federally it was over 10,000 pounds. Commissioner Weber said the tax would impact all size businesses with trucks. Mr. Enos replied it would also impact businesses with tow trucks, service vehicles, limousines, and taxicabs.

Mr. Enos understood the County had limited options, but a 25 percent increase would be a substantial hit. He appreciated the idea of sunseting the GST or at least having a review. He suggested other alternatives to mitigate the initial hit of the GST might be to cap the amount paid or to adopt incremental increases.

Mr. Lipparelli advised NRS 371.043, which was the supplemental governmental services tax section, said vehicles subject to Chapter 706 of the NRS were exempt from the tax if they were engaged in interstate or intercounty operations. He asked if that applied to Nevada Motor Transport Association members. Mr. Enos replied any national carrier located in Washoe County would not pay the GST, but any company registered in Nevada and headquartered in Washoe County would pay it. He said local companies would bear the brunt of the tax.

Commissioners Weber and Humke disclosed they spoke with Mr. Enos yesterday. Commissioner Larkin said he had no disclosures or questions.

Commissioner Weber said she would like the Treasurer to explain the payment process. Tammi Davis, Treasurer, stated she first needed to help everyone understand the magnitude of the task before the Treasurer's Office, so everyone would have realistic expectations. She said people had commented the payments could be handled in a couple of months, but it would take many months and possibly years.

Ms. Davis explained making adjustments to the tax roll were a normal function of the Treasurer's Office, and they were done on a regular basis. She said the volume of the task and the number of tax years involved would present some unique challenges for the Treasurer's Office. She advised the Comptroller's Office and the Technology Services Department would also be impacted, because the Treasurer's Office used them as resources. She stated 12,000 adjustments were made to the tax roll last year, and the majority did not require making a refund because they occurred within the current tax year. She said the 8,700 parcels and the six possible tax years involved equated to

over 52,000 adjustments to the tax role in addition to the normal adjustments made during the course of a year. She advised it took the person who did the adjustments every day 90 minutes to process one parcel with no interruptions, which meant it would take one person five years to complete the process. She said the point she was trying to make was there was a huge amount of work involved.

Ms. Davis said the goal was to handle the refunds efficiently, quickly, accurately, and for the process to be accountable and transparent. She stated staff had started identifying specialized reporting to track refund transactions separately from the normal day-to-day transactions, and the software vendor was working on the custom reports. She said a web site should be up in the next week with the answers to frequently asked questions, information about the project, and a status report; and regular status reports would be made to the Board. She advised she had selected the project coordinator and hoped to have the team in place in the next few days. She said staff was also looking at ways to automate and streamline the process.

Ms. Davis stated there was a process in place to adjust the tax roll, which included a checklist of over 25 items to ensure nothing would be missed; and a few items unique to the Incline Village project were added. A copy of the checklist was placed on file with the Clerk. She said there was software available to do the calculations but, because the first two tax years were converted data from the old data system, staff could not trust those calculations. She stated those calculations would be manually verified by more than one set of eyes.

Commissioner Weber asked who would be paid first. Ms. Davis said if there was no other directions, staff suggested first paying the group who paid their taxes under protest because some research into those refunds had already been done. She said after that group was paid, the normal process was to do things in parcel number order. Commissioner Weber suggested looking at the parcels with the largest refunds to take them off the roll first. Ms. Davis said that was considered, but the calculations would have to be completed before it would be known who would be getting the largest refunds.

Commissioner Larkin understood who made the tax payment needed to be identified because it was not necessarily the person that owned the parcel. Ms. Davis replied that was correct. Commissioner Larkin said making the refund was not as straightforward as sending it to the current owner, because multiple people might have made multiple payments. Ms. Davis said that was correct, and it tied into the issue of giving a credit to a parcel. Commissioner Larkin thanked the Treasurer for putting together a very proactive plan.

Chairman Breternitz asked what staff needed. Ms. Simon replied staff would like direction regarding bringing back a resolution directing the refunds be made and to withhold the other taxing entities share. She said if the Board was so inclined, staff would appreciate direction regarding the source of the money for the refunds, because the assets were not available in the General Fund to make those refunds. She advised staff wanted a sense of whether or not the Board wanted an ordinance brought back for

discussion regarding the 1 percent vehicle tax or a discussion on some other revenue source or cost cutting plan. Ms. Simon said if the refunds were authorized, staff would welcome any direction regarding submitting a plan to the court and for a plan to provide extra staffing for the Treasurer's office to assist in this task. She stated those items would not be approved tonight, but staff would be given direction to bring those items back to the Board.

Commissioner Weber felt the amount of money involved needed to be on the record. Mr. Sherman stated \$32 million in refunds had been identified, but the amount might go up; and the interest was calculated to be \$5.9 million. He said the recommendation was to spread the full cost of the refunds across all of the taxing jurisdictions, with the County's share being \$17 million. He stated the recommendation was also to use the Risk Management Fund to pay the County's share, and then replenish the fund by implementing the GST. He said the alternative to implementing the GST would require significant budget reductions.

Chairman Breternitz asked what the Board's thoughts were regarding directing staff. Commissioner Weber believed the first step would be to state whether or not the County would make the refunds.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber voting under protest, it was ordered that the County Manager prepare a resolution regarding issuing refunds for the overpaid property taxes to the approximately 8,700 taxpayers in the Lake Tahoe area of Washoe County.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that the County Manager be directed to prepare a staff report related to the use of the Risk Management Fund and the County's allocation of an estimated \$17 million to be attributed to that fund.

Commissioner Jung made a motion directing the County Manager to prepare an ordinance for a first reading on September 13, 2011 under which the Board of County Commissioners might impose the Governmental Services Tax (GST) pursuant to the authority contained in NRS 371.043. She said the motion also included the ordinance contain a sunset provision based on replenishment of the County's Risk Management Fund. Commissioner Weber seconded the motion.

Commissioner Humke stated he opposed creating an ordinance to impose the GST, because the staff report said imposing a property tax on other property owners was not recommended due to the Supreme Court ruling. He believed by extension, the GST should not be levied on Incline Village and Crystal Bay residents. He also believed those residents would feel it was unfair to tax them to pay the refunds to themselves, which would be taking money from one pocket to place it in another pocket. He said he also opposed the ordinance implementing the GST, because there had been testimony it would harm the transportation and trucking industry and any other business using trucks.

He stated his final reason for his opposition was he did not believe it was fair to the County's commercial interests to levy a tax at the height of the current recession and with what was happening in Washington regarding the debt crisis.

Commissioner Jung stated the GST was not being voted on, but would be coming back as an option for discussion along with any other alternatives. Commissioner Weber said she agreed to give direction on looking at having a cap for some of the larger businesses and a sunset clause. She felt all of that information should be reviewed. Chairman Breternitz asked that staff work with Commissioner Humke to include in the staff report his alternative to the GST.

Commissioner Larkin said he heard the motion was to direct the County Manager to prepare an ordinance for a first reading at the September 13, 2011 meeting. Chairman Breternitz replied that was the motion. He stated he was not ready to move forward with any motion that would impose a tax on the already hard pressed residents of Washoe County without a very detailed discussion on the GST and any alternatives.

Commissioner Jung stated she amended her motion to include all of that. Commissioner Weber said she agreed, but she felt there needed to be a discussion on what would be in the ordinance in August. Chairman Breternitz said Commissioner Jung indicated she agreed.

Commissioner Weber asked the motion be clarified.

Commissioner Jung clarified the motion included having a full discussion on funding sources and what would happen if the GST was not used as the funding source. She said the GST would then be put on the September 13, 2011 agenda if one or all of the Commissioners would like to see that occur.

On the call for the question, the vote was three to two with Commissioners Humke and Larkin voting "no."

Commissioner Jung requested staff provide information regarding what the full cost of implementing the refunds would be in the terms of the needed staff support.

Commissioner Weber requested staff look at suing the Nevada Tax Commission.

Chairman Breternitz said he had a concern regarding the resolution to withhold subsequent distribution of property taxes from the affected taxing entities with regards to the interest portion of the refunds.

Chairman Breternitz asked if there was a motion. Commissioner Larkin said he believed his original motion was to move forward with the County's allocation, which implied a discrete allocation to the other entities. Chairman Breternitz said he did

not take it that way. Commissioner Humke said he considered the motion to be all inclusive regarding the mitigation and making payments. Commissioner Weber agreed and said four entities would be involved.

Commissioner Humke asked if staff had enough direction to do the filing regarding the County's plan to the District Court. Mr. Lipparelli said there were a number of options beginning on page 3 of the staff report. He stated there had not been any motions regarding bankruptcy, declaring a financial emergency, etc.; and he took the absence of a motion as eliminating that option from further discussion. He said the information provided staff the opportunity to inform the District Court as to the requirements for calculating the refunds and the process required to ensure the refunds were accurate. He stated it was a long winded answer, but it did give staff what was needed for District Court.

Mr. Sherman said he wanted to make it clear to the Board there would not be enough money in the Risk Management Fund to make the refunds if the refunds were not allocated across the other taxing jurisdictions. He said if there were not enough identified resources to replenish that fund, there would have to be a plan over the ensuing years to make additional cost reductions to pay those claims. He said there would have to be a decision on paying one way or another, whether it would be by raising taxes or reducing costs.

7:55 p.m. Commissioner Larkin ended his participation in the meeting by telephone.

11-697 AGENDA ITEM 25 – PUBLIC COMMENT

Agenda Subject: “Public Comments. Comments 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.”

Josh Wilson, Assessor, discussed the history of the Incline Village decision, which started with the County Board of Equalization (CBOE) rolling back values for all of Incline Village in the 2006/07 tax year and had nothing to do with the Nevada Tax Commission. He said the reason refunds were being discussed was because a stay of that decision was requested. He stated the roll would have been corrected and the County would not be in the situation it was in today if the stay had not been requested. He said he cringed at the thought of trying to sue the Nevada Tax Commission, and he truly believed they had cured the issues that lead to the Bakst decision. He stated what he had learned from all of this was to let the CBOE decisions stand, because it was much easier to ask for money back than to refund money with interest.

* * * * *

8:00 p.m. There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin absent, the meeting was adjourned.

JOHN BRETERNITZ, Chairman
Washoe County Commission

ATTEST:

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

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

RESOLUTION

WHEREAS, Washoe County is a member of the Local Emergency Planning Committee and is a subgrantee of State Emergency Response Commission (SERC) consisting of the State Emergency Response Commission (SERC) Grant Program award in the amount of \$29,897.00, and

WHEREAS, For the grant listed above, Washoe County is either the recipient of grant funds for individual items for use of Washoe County, or is fiscal agent for other government entities or nonprofit organization that are also members of LEPC; and

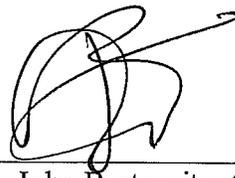
WHEREAS, NRS 244.1505 allows the Board of County Commissioners of Washoe County to make a grant of public money for any purpose which will provide a substantial benefit to the inhabitants of Washoe County; and

WHEREAS, Washoe County as fiscal agent for the other government entities or nonprofit organizations that are members of LEPC desires to pass through funds and grant assurances from the State grants as described on the attached grant award administrative grid for the uses herein and therein described; and therefore, be it

RESOLVED, That the Washoe County Board of Commissioners hereby grants to the government entities (other than Washoe County agencies for which the Board has accepted funds from the awards) and nonprofit organizations as listed on the attached grant award administrative grid, as a pass through of the amounts shown and for the uses shown thereon, finding that said amounts and uses will provide a substantial benefit to the inhabitants of Washoe County and the Board authorizes the County Manager, or her designee, to sign subgrants with the entities listed on the attached grant award administrative grid, which subgrants, herein incorporated by reference, will set forth the maximum amount to be expended under the subgrants, the use and purposes of the subgrants, and the conditions, limitations and the grant assurances of the subgrants.

11-11-11
607-11

ADOPTED this 26th day of July, 2011.



John Breternitz, Chairman

ATTEST:



Washoe County Clerk

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**AMENDMENT TO INTERLOCAL GOVERNMENTAL
AGREEMENT – SPARKS SENIOR CITIZENS CENTER**

* * ◇ * *

This Amendment to the Interlocal Governmental Agreement – Sparks Senior Citizens Center dated July 23, 1990 (“Agreement”), between the City of Sparks (“Sparks”), a municipal corporation, and the County of Washoe (“County”), a political subdivision of the State of Nevada, is premised upon the following recitals:

RECITALS

WHEREAS, the parties’ Agreement established a facility and operation to serve senior citizens at a location presently occupied and used by the parties as a senior citizens center on East Richards Way (“Center”); and

WHEREAS, the parties desire to amend Sections 4 and 5 of the Agreement concerning responsibilities and facility use in order to update and adjust their respective roles and obligations; and

WHEREAS, the parties do not desire that this Amendment will amend any other provisions of the Agreement.

NOW, THEREFORE, BASED UPON THE FOREGOING RECITALS WHICH ARE INCORPORATED HEREIN AND IN CONSIDERATION OF THE MUTUAL PROMISES AND BENEFITS TO BE EXCHANGED AND PROVIDED, THE PARTIES AGREE AS FOLLOWS:

1. **Operational Responsibilities.** Section 4 of the Agreement is hereby amended in full to read as follows:

The parties will collaborate on the operation of the Center. The Center will be open to the public for information, services and programs with a primary use for and on behalf of Washoe County’s senior citizens. Sparks shall be solely responsible for the Center at all times, including staff coverage, opening, closing, and access. Sparks shall supervise scheduling of activities and oversee events and daily activities at the Center. Sparks shall provide regular maintenance to the Center’s exterior, its grounds and parking lot. Sparks shall negotiate and administer use agreements regarding the Center. County shall provide, or cause to be provided through its contractors, at County’s sole expense certain senior services, including without limitation congregate meals and social services. County shall be solely responsible for and pay costs of utilities, maintenance and janitorial for the Center’s interior only, excluding major improvements and capital items.

2. **Use of Facility.** Section 5 of the Agreement is hereby amended in full to read as follows:

11-6-75

(L.R.D.)

The Center will be used primarily but not exclusively by the County to provide senior services to the senior citizens of Washoe County. Sparks shall ensure that other uses do not interfere with County's intended use hereunder and scheduled programs. Sparks shall recognize County's contractors and partnerships with non-profits and community groups that provide programs and activities for seniors, consistent with policies and procedures of Sparks.

3. All other remaining provisions of the Agreement shall remain in force and effect and shall not be altered by this Amendment.

IN WITNESS WHEREOF, the parties execute this Amendment on the day and year below noted.

CITY OF SPARKS

APPROVED AS TO FORM

[Signature]
City Attorney

By: [Signature]

Title: Mayor

Dated: 7-25-11

ATTEST:

[Signature] ^{City of Sparks}
City Clerk

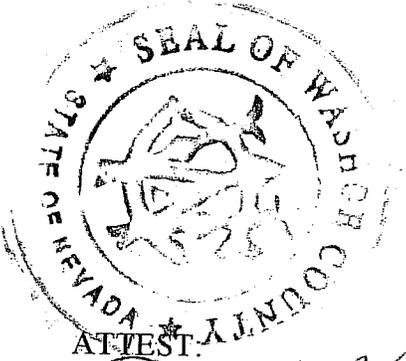
WASHOE COUNTY

[Signature]

By: John Breternitz

Title: Chairman

Dated: 8/8/11



ATTEST:

[Signature]
County Clerk

11-2-11

**A RESOLUTION CALLING FOR THE INVESTMENT IN AND
IMPLEMENTATION OF TRANSPORTATION SYSTEM PROJECTS CRITICAL
TO THE IMPROVEMENT OF LAKE TAHOE COMMUNITIES, ECONOMY
AND ENVIRONMENT**

WHEREAS, The Lake Tahoe Region is required by the Tahoe Regional Planning Compact, Public Law 96-551, to attain and maintain adopted Environmental Threshold Carrying Capacities, and federal, state, and local transportation standards; and,

WHEREAS, *Mobility 2030, the Lake Tahoe Regional Transportation Plan*, sets forth the Goals, Policies, Strategies, and Actions consistent with these requirements; and,

WHEREAS, The *Lake Tahoe Basin Prosperity Plan* confirms the importance of transportation and community mobility projects for the region's economic, environmental, and community health and sustainability; and,

WHEREAS, Science confirms the positive relationship of transportation improvements to improvements in water quality and Lake clarity, air quality, and other environmental threshold standards; and,

WHEREAS, Transportation and community mobility improvements have the capacity to positively impact public safety and the local economy through job creation and infrastructure investment; and,

WHEREAS, The Tahoe Transportation District and transportation partners at the local, regional, state, and federal level are working together to develop, approve, finance, and construct transportation and community mobility improvements; and,

WHEREAS, The expedient delivery of transportation and mobility improvements will benefit the environment, economy, community and all those who visit Lake Tahoe, recognized as a unique national and world treasure; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners:

1. Supports the full and expedient implementation of transportation system improvements, including but not limited to the US 50 Stateline Community Revitalization Project, the SR 89/Fanny Bridge Community Revitalization Project, the Nevada Stateline to Stateline Bike Trail, the Incline Gateway Project, and the Lake Tahoe Aquabus Project; and
2. Supports all efforts to streamline the project delivery process, including but not limited to comprehensive and programmatic environmental documentation benefitting many projects, cooperative implementation and review agreements between agencies, and the use of multi-agency review teams focused on review and approval of projects; and

11-10-11

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3. Encourages local governments, government agencies, Chambers of Commerce, business and other non-government groups to adopt similar support resolutions for timely infrastructure investment and aggressive implementation of transportation system improvements; and
4. Encourages local, state, and federal authorities to implement a well-funded investment program in transportation infrastructure confident of the critical importance these improvements will make to the quality of life, natural environment, and economic health in Tahoe's communities.

ADOPTED this 26th day of July, 2011.

WASHOE COUNTY COMMISSION



John Bretznitz, Chairman

ATTEST:



Amy Harvey
Washoe County Clerk

A resolution calling for the investment in and implementation of transportation system projects critical to the improvement of Lake Tahoe communities, economy and environment

180-11

GM