

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

TUESDAY

10:00 A.M.

APRIL 23, 2013

PRESENT:

David Humke, Chairman
Bonnie Weber, Vice Chairperson
Marsha Berkgigler, Commissioner
Kitty Jung, Commissioner
Vaughn Hartung, Commissioner

Amy Harvey, County Clerk (10:03 a.m. – 2:10 p.m.)
Nancy Parent, Chief Deputy Clerk (2:10 p.m. – 8:34 p.m.)
Katy Simon, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:03 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:

13-303 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three 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 three minutes per person. Comments are to be made to the Commission as a whole.”

There was no response to the call for public comment.

13-304 AGENDA ITEM 4 – CLOSED SESSION

Agenda Subject: “Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.”

10:05 a.m. On motion by Commissioner Berkgigler, seconded by Commissioner Weber, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Washoe County per NRS 288.220.

11:08 a.m. The Board reconvened in open session.

13-305

AGENDA ITEM 8 - PROCLAMATION

Agenda Subject: “Proclamation--May 2, 2013 as National Day of Prayer. Requested by Commissioner Weber.”

Commissioner Weber asked the public to participate in the National Day of Prayer on May 2, 2013 in the quad at the County Complex. She thanked former Commissioner Robert Larkin for his support and Pastor Kristopher Dahir for setting up the National Day of Prayer’s agenda. Commissioner Weber read and presented the Proclamation to Pastor Dahir and Mr. Larkin.

Mr. Larkin said this would be the eighth annual National Day of Prayer, which Commissioner Weber started, and it would be held from noon to 1:00 p.m. He thanked Clear Channel Outdoor for donating space on their billboards to announce the National Day of Prayer, which they had done for the last four years. He thanked the County’s management and the Commission for their tolerance in allowing the National Day of Prayer to be celebrated at the County Complex. He said the National Day of Prayer was sponsored by himself and Commissioner Weber without any taxpayer funding, and it was hosted each year by a different congregation. He stated this year Pastor Dahir, Excel Christian School Vice Principal, and Pastor of his own congregation, was the host.

Pastor Dahir said the National Day of Prayer was a time to pause and ask for help, which he felt could not be asked for enough. He stated they would be praying for the Commissioners to continue to make wise decisions, for families, for government, and for businesses. He said everyone was invited, and he thanked the Commissioners for their time. Commissioner Weber thanked Pastor Dahir and Mr. Larkin for being present today.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 8 be adopted.

13-306

AGENDA ITEM 5 - PROCLAMATION

Agenda Subject: “Proclamation--April as National Volunteer Awareness Month. (All Commission Districts.)”

Chairman Humke commented on the recent events that happened and the effects on the volunteers throughout this great country. He stated the event in Boston was tragic, but it was an intentional act, so he understood why the media focused on the fire and explosion in West, Texas. He said the majority of the fatalities from the small town in West, Texas were volunteer firefighters. He stated volunteers were what made this country great, and he requested everyone join him in a moment of silence.

Chairman Humke said there were many jobs within the County that could not be done without the help of the volunteers. He read and presented the Proclamation to the volunteers of Washoe County.

On motion by Chairman Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5 be adopted.

The volunteers came to the podium to introduce themselves and to state which organization and/or department they volunteered with.

There was no public comment on this item.

Katy Simon, County Manager, thanked the volunteers for all they did for Washoe County. Commissioner Weber noted the number of volunteers had grown over the years, and she thanked them for all the hours of volunteerism they gave to the County. Chairman Humke said the volunteers preserved small-town Nevada and small-town USA. Commissioner Hartung said the country was founded on volunteers and the first military was composed of volunteers. He stated volunteerism was a long-standing tradition and the Commissioners could not do the job they did without them. He said no price could be put on the time they invested.

13-307 AGENDA ITEM 6 – 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, said James Leary, Range Master, and Elmer Acob, Seasonal Park Aide/Ranger, were commended by a citizen for the wonderful job they did at the Regional Shooting Facility. She said Don Jeppson, County Building Official, was thanked by citizens for his leadership in providing an amendment to the Code related to destructive testing, Article 100.105.1.4, because they felt it was an important issue for the construction industry and they supported Mr. Jeppson’s efforts.

Commissioner Jung requested an agenda item regarding the senior bingo games and if there was any way the County could assist with holding those games. She said she and Commissioner Berkgigler had been working on this issue, and she wanted to make sure the other Commissioners were aware of what was going on. She advised she had been getting a lot of complaints from citizens about the graffiti problem. She asked if there was a threshold where the County could go back to the Regional Graffiti Task Force to help tamp the graffiti back down. She said she was aware it was a budget issue and the graffiti response had been cut back, which was widely apparent because of all of the graffiti everywhere. She believed the taggers were well aware not much was being

done to combat the graffiti, and she would like to see the region's quality of live improve by taking some of that garbage down.

Commissioner Berkbigler noted there was a request by a State committee to reassess the properties in Incline Village/Crystal Bay back to 2003. She was aware it was past the time when the County could make a statement regarding whether it would be supportive of that, but she wanted to see a report on whether or not the County had started reassessing those properties and what the cost to the County would be.

Commissioner Weber advised the Regional Transportation Commission (RTC) adopted the Regional Transportation Plan (RTP) last Friday. She said the Local Elected Government Day at the Legislature last Friday was well attended. She requested a presentation by Sherri Rice, Access to Health Care Executive Director. She said the program was started in Washoe County and it had since gone nationwide. She stated she went to Washington D.C. as Chair of the RTC, along with Reno Councilmember Zadra and Sparks Councilmember Smith, where they met with Congressional leaders and with Bill Shuster, Committee on Transportation and Infrastructure Chairman Commissioner about travel, tourism, transit, and transportation issues. She said she attended a reception for all of the people involved with Nevada's issues, and she felt a lot of those people would be coming to the area to see what was being done in Washoe County.

Chairman Humke stated he had been in Carson City in his role as Legislative Liaison, and he attended the Rural Caucus meeting yesterday.

13-308 AGENDA ITEM 7 – HUMAN RESOURCES

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

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

Essentials of Management Development

Sgt. Michelle Bello, WCSO

Essentials of Personal Effectiveness

Monica Siewertsen, WCSO Crime Lab

There was no public comment on this item.

13-309 AGENDA ITEM 16 – APPEARANCE

Agenda Subject: "Appearance: Tony Marini, Executive Director, Hot August Nights, and Mike Houghton, President and CEO National Championship Air Races, Reno. Presentation on community special events."

Mike Houghton, President and CEO of the National Championship Air Races, Reno, introduced the members of the Special Events Coalition who were present. He noted the members used well over 5,000 volunteers during their events, and none of the events could function without those volunteers. He conducted a PowerPoint presentation explaining the Coalition, the common areas of concern, the benefits of joining forces, the economic impact of the events, their attendance numbers, the benefits to Washoe County, and what Washoe County could do to help. A copy of the presentation was placed on file with the Clerk.

Commissioner Weber said she appreciated what the Coalition was asking the County for and she believed the County could become more a part of the special events by working together with them on ideas and by utilizing some of the parks for the events. She felt all of the entities should support the special events to benefit the region.

Commissioner Jung noted Artown was not included as part of the Coalition. Mr. Houghton said the Coalition started with the events that were going through some really challenging times. He stated the Coalition would be reaching out to a couple of other special events this year. He said the Coalition would be discussing who could benefit the Coalition, as well as who could benefit from the Coalition's endeavor. He advised some of the special events at Lake Tahoe would be included, because the Coalition wanted to represent the entire region.

Commissioner Jung said another benefit to the County from the events was they enhanced the region's reputation. She said Barrett-Jackson would be the auctioneer for Hot August Nights this year, which was the world's greatest classic car auctioneer. She stated having the Barrett-Jackson auction in Reno would put Reno on the national stage, and would make Hot August Nights a destination for car buffs with a lot of cash to spend. She stated she supported what Commissioner Weber said about helping the Coalition with in-kind support, which could eventually include cash support when the cash became available.

Tony Marini, Executive Director for Hot August Nights, said he was very excited about the Barrett-Jackson auction coming to Reno, which could generate \$30 to \$40 million in economic impact. He said they were estimating 75,000 unique new customers would attend the auction, and there would be 20 to 24 hours of live coverage of the auction on the Speed Channel. He stated only NASCAR got higher ratings than the Barrett-Jackson auction. He said the Speed Channel was placing cameras around the area, which would show the region to the world and would entice more people to come to the event.

Chairman Humke asked if anything new was on the horizon for the Air Races. Mr. Houghton replied a civilian demonstration team called the Patriots would be flying L-39's this year. He said neither the Thunderbirds nor the Blue Angels were scheduled, but there would be some impact from the sequestration on the demonstrations by the F-16's. He stated staff was working on filling those slots with civilian performances, and one of the largest WWII air forces was located at Stead during the Air

Races. He noted the 50th anniversary of the Air Races would be a spectacular birthday bash. He encouraged the Commissioners to support the Air Races and all of the other special events, because that would give the community the economic boost it truly needed.

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

13-310 AGENDA ITEM 9 – PROCLAMATION

Agenda Subject: “Proclamation--May 2013 as National Bike Month--Health District.”

Commissioner Jung read and presented the Proclamation to Philip Ulibarri, Health District Public Information Officer, and Julie Hunter, Senior Air Quality Specialist–Planning. Commissioner Jung said last year Katy Simon, County Manager, rode her bike to work and the media exposure was terrific. She said she rode her bike the prior year, and she felt the next challenge would be to have another Commissioner ride their bike to work. She noted San Luis Obispo, California was considered the happiest city in America and one of the reasons was the interconnecting bike trails. She stated the area was making great strides in creating interlocking bike trails, which helped contribute to the great quality of life the area had.

Mr. Ulibarri said Air Quality’s new brand “Keep It Clean” was launched last November. He stated the second part of the program, “Keep It Clean, Rack Em Up,” was a bicycle initiative being launched this month; and he described the events that would be available as part of National Bike Month. Ms. Hunter said “Rack Em Up” was partnering with “Safe Routes to School” for a contest to be held on May 8th in the elementary schools for best decorated bike rack and the fullest bike rack.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried with Commissioner Weber absent from the dais, it was ordered that Agenda Item 9 be adopted.

13-311 AGENDA ITEM 10 – PROCLAMATION

Agenda Subject: “Proclamation--May 4-11, 2013 as Nevada Wildfire Awareness Week--Truckee Meadows Fire Protection District.”

Commissioner Hartung read and presented the Proclamation to Ed Smith, University of Nevada, Reno (UNR) Cooperative Extension and the Living with Fire Program. Mr. Smith said the purpose of the 8th annual Nevada Wildfire Awareness Week was to increase awareness and to encourage people to take action to reduce the wildfire threat to Nevada’s communities. He stated this year’s theme, “Reduce the Fuel, Reduce the Risk,” encouraged homeowners to properly manage the vegetation around their

homes and communities. He said the kick-off event would be at Mills Park in Carson City from 10:00 a.m. to 2:00 p.m. on May 4, 2013 and the calendar of events was on the LivingWithFire.info web site.

There was no public comment on this item.

12:25p.m. Commissioner Weber left the meeting.

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

13-312 AGENDA ITEM 11 – PROCLAMATION

Agenda Subject: “Proclamation--May 25-June 2, 2013 as Lake Tahoe Basin Wildfire Awareness Week--Truckee Meadows Fire Protection District.”

12:27 p.m. Commissioner Weber returned to the meeting.

Commissioner Berkbigler read and presented the Proclamation to Ed Smith, University of Nevada, Reno (UNR) Cooperative Extension and the Living with Fire Program. Mr. Smith said the kickoff event would be held at the MontBleu Resort Casino and Spa from 10:00 a.m. to 2:00 p.m. on May 25, 2013 and the calendar of events was on the LivingWithFire.info\Tahoe web site. He stated two separate events were planned because California wanted to participate in the events planned for Lake Tahoe. He said holding the Lake Tahoe event later in the month would allow the seasonal homeowners to participate.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 11 be adopted.

CONSENT AGENDA

13-313 AGENDA ITEM 12A

Agenda Subject: “Approve minutes for the Board of County Commissioners' February 12 and March 26, 2013 meetings.”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12A be approved.

13-314 AGENDA ITEM 12B

Agenda Subject: “Cancel May 21, 2013 County Commission meeting.”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12B be approved.

13-315 AGENDA ITEM 12C – ASSESSOR

Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2012/2013 secured tax roll; and authorize Chairman to execute order and direct the Washoe County Treasurer to correct the error(s) [cumulative amount of decrease \$1,994.63]--Assessor. (Parcels are in various Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12C be approved, authorized, executed, and directed.

13-316 AGENDA ITEM 12D – DISTRICT COURT

Agenda Subject: “Acknowledge receipt of the Washoe County Law Library Annual Report 2012-2013--District Court. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12D be acknowledged.

13-317 AGENDA ITEM 12E – FINANCE

Agenda Subject: “Acknowledge Receipt of the Interim Financial Report for Washoe County for the nine months ended March 31, 2013-Unaudited.--Finance (All Commission Districts).”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12E be acknowledged.

13-318 AGENDA ITEM 12F – HUMAN RESOURCES

Agenda Subject: “Approve Collective Bargaining Agreements with the Washoe County Sheriff’s Deputies Association and the Washoe County Supervisory Sheriff’s Deputies Association bargaining units for the period of July 1, 2011 through June 30, 2013--Human Resources. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12F be approved.

13-319 AGENDA ITEM 12G -- RENO JUSTICE COURT/SPARKS JUSTICE COURT/INCLINE VILLAGE JUSTICE COURT

Agenda Subject: “Approve Electronic Filing Agreement between Washoe County, Nevada on behalf of Reno, Sparks, and Incline Village Justice Courts and Tyler Technologies, Inc. for the enhancement to the Odyssey Case Management System to support the electronic import, processing and, when appropriate, service of court documents. Funding for this effort will be generated through transaction fees payable to Tyler Technologies. [No fiscal impact to Washoe County]--Reno Justice Court/Sparks Justice Court/Incline Village Justice Court. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12G be approved.

13-320 AGENDA ITEM 12H – SPARKS JUSTICE COURT

Agenda Subject: “Acknowledge Sparks Justice Court’s reclassification of two key staff positions, estimated at \$33,824/year; elimination of one P/T non-benefit position and reclassification of one P/T non-benefit position to a P/T position with benefits, estimated savings of \$1,860/year; and direct Human Resource and Finance to make necessary adjustments--Sparks Justice Court. (Commission Districts 3, 4 and 5.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12H be acknowledged and directed.

13-321 AGENDA ITEM 12I – TREASURER

Agenda Subject: “Approve request to establish a bank account for HUD Neighborhood Stabilization Program (NSP3) funds for Washoe County Department of Social Services; and, if approved, authorize Chairman to execute Resolution for same--Treasurer. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12I be approved, authorized, and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

13-322 AGENDA ITEM 12J – MANAGER

Agenda Subject: “Approve appointment of Dave Solaro as Acting Director of the Community Services Department, with 10% temporary pay adjustment effective May 1, 2013--Manager. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12J be approved.

13-323 AGENDA ITEM 12K(1) – COMMUNITY SERVICES

Agenda Subject: “Approve a State of Nevada Importer and Wholesale Dealer of Beer License for Gregory A. Munson, dba Bluewater Distributing, and, if approved, direct that each Commissioner sign the original copy of the State of Nevada *Application for License for Importer and Wholesale Dealer of Wine, Liquor, and Beer*. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12K(1) be approved and directed.

13-324 AGENDA ITEM 12K(2) – COMMUNITY SERVICES

Agenda Subject: “Adopt a Resolution accepting Real Property for portions of High Chaparral Drive (APNs 140-063-01, 02, 03 totaling 8113 square feet) for use as a public street right-of-way; and if approved, direct the Engineering and Capital Projects Director to record the Resolution. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12K(2) be approved and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

13-325 AGENDA ITEM 12K(3) – COMMUNITY SERVICES

Agenda Subject: “Approve First Amendment to Lease between ECOL Partnership, LLC and Washoe County for a twelve month term, commencing May 1, 2013 through April 30, 2014, for the renewal of occupancy at 250 S. Rock Blvd., #100 for the Registrar of Voters’ voting machine and equipment management facility [\$88,944]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12K(3) be approved.

13-326 AGENDA ITEM 12K(4) – COMMUNITY SERVICES

Agenda Subject: “Approve the Water Rights Deed transferring 0.5 acre-feet of water rights from the Sun Valley General Improvement District (SVGID) to Washoe County; and approve the associated Water Sale Agreement leasing 0.5 acre-feet of water rights to SVGID in support of water service to the Family Dollar Store. (Commission District 5.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12K(4) be approved.

13-327 AGENDA ITEM 12K(5) – COMMUNITY SERVICES

Agenda Subject: “Approve Boundary Line Adjustment Quitclaim Deed regarding Lots 3-78, 3-79, and 3-80 per the Official Plat of "The Foothills at Wingfield Village 3B" recorded as Subdivision Tract Map No. 4638 on April 21, 2006, to allow for relocation of public utility easements to the adjusted parcel lines. (Commission District 4.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12K(5) be approved.

13-328 AGENDA ITEM 12L(1) – HEALTH DISTRICT

Agenda Subject: “Approve and execute the Permit for Disinterment of Human Remains, as allowed under NRS 451.050, Subsection 2. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12L(1) be approved and executed.

13-329 AGENDA ITEM 12L(2) – HEALTH DISTRICT

Agenda Subject: “Approve amendments [increase of \$63,000] in both revenue and expense to the FY13 Advancing Conformance with the Voluntary National Retail Food Regulatory Grant Program (VNRFRPS), IO TBD; and direct Finance to make the appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12L(2) be approved and directed.

13-330 AGENDA ITEM 12M(1) – SHERIFF

Agenda Subject: “Authorization to reinstate 15 unfunded “overfill” Deputy Sheriff Recruit positions to be utilized for training of recruits for attrition preparation and planning; and if approved, authorize Human Resources and Finance to make necessary adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12M(1) be approved and authorized.

13-331 AGENDA ITEM 12M(2) – SHERIFF

Agenda Subject: “Approve FFY10 Department of Homeland Security grant funding [\$14,972, no match required], through the Nevada Division of Emergency Management for the Washoe County Sheriff’s Office Citizen Corps Volunteer Program. Grant period is 3/29/13 through 6/30/13; and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12M(2) be approved and authorized.

13-332 AGENDA ITEM 12M(3) – SHERIFF

Agenda Subject: “Accept supplemental funds [\$1,129.27, no County match] for 2011 Northern Nevada Interdiction Task Force Grant, from High Intensity Drug Trafficking Areas (HIDTA) through Las Vegas Metro Police Department. Grant period is January 1, 2011 thru December 31, 2013. Funding is intended to cover overtime and travel costs for deputies assigned to the Northern Nevada Interdiction Task Force; and authorize Finance to make the necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12M(3) be accepted and authorized.

13-333 AGENDA ITEM 12M(4) – SHERIFF

Agenda Subject: “Approve non-County and County employee travel and registration funding of two individuals from each of the three primary Public Safety Answering Points (PSAPs) comprised of City of Reno EComm, Sparks Police Department Dispatch and Washoe County Sheriff’s Office Communications Center to attend three training conferences [not to exceed \$48,000] in Fiscal Years 2012-2013 and 2013-2014. Total expenditures to be funded within the adopted operating budgets of the E911 Fund--911 Emergency Response Advisory Committee. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 12M(4) be approved.

BLOCK VOTE – AGENDA ITEMS 19, 20, 21, 22, AND 24

13-334 AGENDA ITEM 19 – SHERIFF

Agenda Subject: “Recommendation to approve the Executive Board of the Regional Public Safety Training Center to coordinate with the Nevada Department of Transportation (NDOT) to formalize a development plan to build a Regional Operations Center (ROC) at the Regional Public Safety Training Center located at 5190 Spectrum Blvd; and approve the Board of County Commissioners Chairman to provide a letter of support to NDOT for the development of a Regional

Operations Center to include use of “real property” at the Regional Public Safety Training Center--Sheriff. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 19 be approved.

13-335 AGENDA ITEM 20 – SOCIAL SERVICES

Agenda Subject: “Recommendation to accept \$432,107 [total County match required \$54,007; \$27,219.53 cash, \$26,787.47 in-kind] from the unobligated balance of federal funds from FFY 2012 from the Federal Administration for Children and Families for the Initiative to Reduce Long Term Foster Care grant retroactively from September 30, 2012 through September 29, 2013; approve an increase of \$300,000 to the contract between Action for Child Protection and Washoe County to provide technical assistance and training to the Department; and direct Finance to make the necessary budget adjustments--Social Services. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 20 be accepted, approved, and directed.

13-336 AGENDA ITEM 21 – TREASURER

Agenda Subject: “Recommendation to approve Investment Services Agreement between Washoe County, PFM Asset Management LLC and Hobbs, Ong and Associates, Inc. for investment management services for a term of three years with annual renewal options as agreed upon by all parties; estimated annual cost [\$290,000] which is allocated among the funds and agencies who participate in the Washoe County Investment Pool--Treasurer. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 21 be approved.

13-337 AGENDA ITEM 22 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to award a bid and approve the agreement for the “Bowers Swimming Pool Rehabilitation Project” to Adams Pool Specialties, doing business as Advantage Pool Plastering, the lowest responsive, responsible bidder [\$150,000 Funded by William N. Pennington Foundation Grant and \$17,880

funded by Infrastructure Preservation funds]; authorize the transfer of \$17,880 from Capital Improvement Fund 402 to Parks Capital Fund 404; and authorize the Finance Department to make all appropriate budget adjustments--Community Services. (Commission District 2.)”

Chairman Humke thanked the William N. Pennington Foundation for the grant, because it would make swimming at the Bowers Mansion Park a reality for the families in the south part of the County.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 22 be awarded, approved, and authorized.

13-338 AGENDA ITEM 24 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to approve Third Amended Interlocal Agreement regarding the Purchase of Water Rights Pursuant to Truckee River Water Quality Settlement Agreement among Washoe County, the City of Reno, and the City of Sparks, which adds a provision authorizing the possible expenditure of approximately \$778,000 from the existing balance of accumulated investment earnings to retain, if necessary and with the District Attorney’s consent, outside legal counsel for representation pertaining to protests and hearings before the State Engineer and subsequent appeals in the court of law on the water right’s transfer applications--Community Services. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 24 be approved. The Third Amended Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

13-339 AGENDA ITEM 17 – APPEARANCE

Agenda Subject: “Appearance: Randi Thompson, Washoe County’s Appointee to the Reno-Tahoe Airport Authority Board of Trustees. Update on Airport activities.”

Randi Thompson, Reno-Tahoe Airport Authority (RTAA) Board of Trustees (BOT), said Mark Crawford was the second County appointee, and he was taking a job outside the area, so both hers and his appointee positions would be up in July 2013.

Ms. Thompson said slide 4 indicated there had been an increase in passenger service in the first quarter of this year due to a good snow year. She noted there

was also a good load factor (the number of seats filled on each plane). Slide 5 discussed the Reno-Tahoe International Airport's (RTIA's) relationship with the Safari Club International (SCI). She said RTIA's staff worked every year with the SCI and the Reno Tahoe Convention and Visitors Authority (RSCVA) to obtain additional flights, and 600 seats were added for this year's event. She stated every year flights were added for the SCI event and over 200 private planes flew in every year. She said many of the attendees prefer to fly first class, but those seats were missing. She stated it was challenging to keep the SCI happy, and staff was working to bring them back to Reno. She said the SCI received very good care here but, in Las Vegas, they were small fish in a very large pond.

Ms. Thompson said slides 6 and 7 showed how competition was decreasing due to the airlines consolidating, which was causing the medium-size airports to lose routes. She noted the RTIA was experiencing route changes, but was actually seeing more international access due to the consolidations.

Ms. Thompson said slide 10 showed the importance of cargo to the RTIA. She said cargo was becoming a growing sector as Nevada diversified into logistics and as e-retail expanded. She stated staff was also working with China about the RTIA becoming more of a west coast hub.

Ms. Thompson said slides 12 and 13 showed the RTIA's economic impact, which was over \$2 billion. She stated every 737 airplane that landed at the RTIA brought in \$100,000 and Southwest Airlines operated approximately 50 flights a day. She stated slides 14 through 18 showed the impact of the construction at the RTIA and at the Reno-Stead terminal. A copy of the presentation was placed on file with the Clerk.

Commissioner Jung thanked Ms. Thompson for the update. She said everyone should look at slide 3, because the RTIA destinations were almost double the average and the number of seats was almost six times the average. She stated this was an unsung quality of life issue for the region. She said the RTIA provided all of the amenities without the rush, which was very different than the airport in Sacramento, California where she grew up. Ms. Thompson noted Sacramento just completed a \$1 billion plus remodel and their costs would go up. She stated the RTIA was rated in the top 10 percent of airports and it had a competitive advantage because of the RTIA's cost management. Commissioner Jung said the BOT did great work in setting policy.

Commissioner Jung asked how the new Stead terminal would affect the National Championship Air Races, Reno. Ms. Thompson advised Stead would have a better emergency operations center, all the attributes a pilot needed to plan a flight, and additional parking. She noted any development at the Reno-Stead Airport took into consideration the Air Races. Commissioner Jung said the state-of-the-art emergency center might provide the Air Races with a bargaining chip to get their liability insurance reduced, and she felt the new terminal was a win-win for the community. She stated she was sorry Ms. Thompson would not be the County's BOT representative anymore.

Commissioner Weber thanked Ms. Thompson and said she would be missed because she knew what was going on at the RTIA. She shared she was so excited about the Stead terminal, and any restaurant that opened would need to serve breakfast, lunch, and dinner. Ms. Thompson said many pilots did not want to fly into Stead due to the lack of amenities, and the BOT was continually looking at ways to make Stead a better airport. She stated normally a fixed-base operator would build the terminal, but there had not been any interest in them doing that. She said it was the BOT's decision to build the terminal based on the belief the pilots would come after it was built. She felt the new terminal might encourage a rental car company to have a few rental cars available for the pilots to use. She said building the terminal should have been done years ago, but it took money. She stated fortunately the bonding was done and everything all came together to build the terminal. Commissioner Weber said having some kind of transportation into and from town would be important.

Chairman Humke thanked Ms. Thompson for her service. Ms. Thompson thanked the Commissioners for the opportunity to be the County's appointee to the BOT. She encouraged the Commission to fill the appointee seats in May, because they faced a steep learning curve.

Chairman Humke said he heard Boston was turned into a no-fly zone during the bombing. Brian Kulpin, Marketing and Public Affairs Vice President, stated that was not true. He said the Federal Aviation Authority (FAA) handled the situation well, and every airport across the country closely monitored what was happening. He stated in the wake of 9-11, the RTIA installed approximately \$20 million in security improvements. He said the RTIA benefited from having its own police force, which was augmented by the National Guard and the Reno Police Department. He advised the RTIA was one of eighty airports out of 450 airports in the country with explosive-detection canines. He said there were many layers of security and the RTIA was ready for whatever steps had to be taken.

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

13-340 AGENDA ITEM 18 – MANAGER

Agenda Subject: “Recommendation to appoint two Commissioners to serve as a subcommittee to select candidates for possible appointment by the full Commission to the Reno-Tahoe Airport Board of Trustees, or other option for screening applicants identified by the Board of County Commissioners--Manager.”

Commissioner Hartung made a motion to appoint Chairman Humke and Commissioner Weber to serve as a subcommittee to look at the list of candidates for the Reno-Tahoe Airport Authority Board of Trustees (BOT) appointments. The motion was seconded by Commissioner Jung.

Paul Lipparelli, Legal Counsel, advised the subcommittee must conduct its business under the Open Meeting Law, which meant posting notices of the meetings and taking minutes.

Chairman Humke asked the Board if they wanted the subcommittee to narrow the list of candidates to a specific number. Commissioner Hartung felt the number should be determined after the subcommittee looked at the candidates to see how many were qualified. Chairman Humke asked if the selection of the appointees must be done in a public forum where the finalists were questioned. Mr. Lipparelli advised the subcommittee could recommend x number of finalists to be interviewed by the Board as a whole, but the Board must make the selection of the appointees in a public setting.

Commissioner Weber felt this process needed to move forward quickly, but she would frequently be out of town during May. She asked if there could be an alternate appointed, so this process could move forward if she was not available. Commissioner Jung said she could not imagine Commissioner Weber and Chairman Humke not being able to find one day to meet after reviewing the applications. Commissioner Berkbigler agreed and felt they understood the type of people needed to sit on the BOT but, if they could not make a decision, the candidates could be brought before the whole Commission.

There was no public comment on this item.

On the call for the vote, the motion passed unanimously.

1:10 p.m. The Board recessed back into the closed session.

2:15 p.m. The Board reconvened with all members present.

2:15 p.m. The Board convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) and remained convened as the Washoe County Board of Commissioners (BCC). This was Agenda Item 6 on the TMFPD Agenda.

13-341 AGENDA ITEM 13 – TRUCKEE MEADOWS FIRE PROTECTION DISTRICT/SHERIFF

Agenda Subject: “Recommendation to approve Interlocal Agreement between Washoe County, on behalf of the Washoe County Sheriff’s Office and the Truckee Meadows Fire Protection District, for the Testing and Training Connected to Self-Contained Breathing Apparatus (SCBA) Equipment--Truckee Meadows Fire Protection District/Sheriff. (All Commission Districts.)

Fire Chief Charles Moore, Truckee Meadows Fire Protection District (TMFPD), said staff recommended approval of the Interlocal Agreement with the Sheriff’s Office.

Commissioner Jung asked if the costs would be shared 50/50. Captain Russ Pedersen said it would be the Sheriff's responsibility to pay for the cost of the Self-Contained Breathing Apparatus (SCBA) inspections and the FIT testing if the FIT testing was done by the TMFPD. He stated he was not sure the Sheriff's Office would be doing the FIT testing.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 13 be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

2:20 p.m. The Board adjourned as the Washoe County Board of Commissioners (BCC) and remained convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

3:14 p.m. The Board adjourned as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners and reconvened as the Washoe County Board of Commissioners.

13-342 AGENDA ITEM 15 – TRUCKEE MEADOWS FIRE PROTECTION DISTRICT/MANAGER

Agenda Subject: "Recommendation for approval to transfer the process of the Blue Ribbon Committee study of regional fire service from the Board of County Commissioners to the Joint Board of Fire Commissioners for Sierra Fire and Truckee Meadows Fire Protection Districts; and, to appoint Commissioners to serve as a subcommittee to select candidates for possible appointment by the Commission to the Committee; or other option for screening applicants as identified by the Commission--Truckee Meadows Fire Protection District/Manager."

Fire Chief Charles Moore, Truckee Meadows Fire Protection District, said 25 applications had been received from citizens for possible appointment to the Blue Ribbon Committee. He stated the first step would be to transfer the process of the Blue Ribbon Committee to the Board of Fire Commissioners (BOF), since it was a fire issue, and then to appoint a subcommittee so the process could start. He felt he should remain neutral, but other TMFPD or County staff could assist in determining the applicants' qualifications.

Chairman Humke asked if this committee would fall under the Open Meeting Law. Paul Lipparelli, Legal Counsel, explained it would depend on the final

composition of the committee but, based on the criteria, he believed it would be an Open Meeting Law committee.

There was no public comment on this item.

On motion by Chairman Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the recommendation for Agenda Item 15 be approved and Commissioners Berkbigler and Jung be appointed to the subcommittee to select the candidates for possible appointment to the Blue Ribbon Committee to study a possible regional fire service.

13-343 AGENDA ITEM 26 – FINANCE

Agenda Subject: “Status report and possible direction to staff on the Manager’s recommended Fiscal Year 2013/14 budget; and, approve Washoe County Capital Improvements Plan for Fiscal Year 2014-2018. Capital projects will return to the Board of County Commissioners for separate action prior to implementation--Finance. (All Commission Districts.)”

Sheri Mendez, Finance Director, reviewed her PowerPoint presentation on the Fiscal Year 2013/14 budget, which was placed on file with the Clerk. The presentation included the General Fund sources and uses, revenue and other sources, expenditures and other uses, the adjustments to the General Fund, the adjustments to other funds, the appeals, and the next steps.

Ms. Mendez said the General Fund Sources and Uses slide (slide 4) showed an Ending Fund Balance under the Assigned for Budget Shortfall category for Fiscal Year 2012/13 of \$9.3 million, which should be \$5,217,751. She noted that difference did not change the overall fund balance, because it would flow to the Unassigned Ending Fund Balance and would make that balance 9.5 percent instead of the 8 percent shown. She said this demonstrated the County had a balanced budget with an Ending Fund Balance of 9.1 percent going into Fiscal Year 2013/14. She stated 9.1 percent fell within the Board’s policy of 8 to 10 percent and represented slightly over one month of cash flow. She said there was a very lean period from the end of the Fiscal Year until the property tax monies were received at the end of August. She noted the Ending Fund Balance was zero because the budget had to reflect spending that money and, under State statute, the appropriation authority had to be there in case it was needed. She said if the money was not needed, it would go to the fund balance when the books were closed for Fiscal Year 2013/14.

Ms. Mendez said adjustments of \$2.5 million were made to the General Fund, which were shown on slides 7 and 8, and were based on the most pressing needs. Katy Simon, County Manager, noted the Sheriff’s Office had \$12 million in requests, but did not appeal today’s recommendation. Ms. Mendez said in many situations an agreement was reached to fund some temporary or intermittent staff until there was a feel for the workload and for some of the output measures.

Commissioner Hartung asked if there was a fund balance in Animal Services. Ms. Simon said Animal Services had a \$4.5 to \$5 million fund balance. She noted they requested five additional full-time equivalent employees (FTE's), but the concern was that request would have become unsustainable in year three. She stated one-time money should not be used on an ongoing basis.

Ms. Mendez said the Sparks Justice Court was appealing their request, which was shown on slide 11 along with the reasons why the request was denied.

Ms. Mendez conducted a PowerPoint presentation regarding the Capital Improvement Plan (CAP), which was placed on file with the Clerk. The presentation included the funds with Capital Plans, expenditures by fund, and highlights.

Commissioner Weber said money was specifically designated for the Parks Capital Fund North Valley's Recreation Phase IV, which was shown on slide 16; but the money was shown under the Parks Capital Fund. Ms. Mendez said the money from the water rights sale sat in the Parks Capital Fund, which contained various projects because a separate fund was not required for every project.

Commissioner Hartung said only two or three phases of the Spanish Springs sewer construction project had been completed and originally around 75 percent of that funding came from federal grants. He asked what was happening with the project, because he believed that grant funding was no longer available. Ms. Simon replied Commissioner Hartung was correct the grant funds were no longer available. She stated staff would get Commissioner Hartung an update on the project. Commissioner Hartung said that was a common question he was asked by his constituents in Spanish Springs.

Commissioner Berkgigler asked where the construction of the Truckee River bike path stood. Ms. Simon said the County had been plugging away at the bike path, but she was not sure any projects were scheduled for this year. Ms. Mendez said \$1,275,000 was allocated for land, but the details on what that included would have to be obtained from Parks' staff.

Ms. Mendez said staff was seeking approval on the Capital Improvement Plan, and would seek direction regarding the appeal by the Sparks Justice Court once it was heard.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 26 be acknowledged and approved.

Agenda Subject: “Consider appeal of Sparks Justice Court FY 14 Budget Request for one Deputy Clerk II and one Court Control Officer, [annual fiscal impact approximately \$127,300]; and direct Finance and Human Resources to make the necessary adjustments in the FY 14 recommended budget--Sparks Justice Court. (Commission Districts 3, 4 and 5.)”

Kevin Higgins, Sparks Justice Court Justice of the Peace, said an additional Civil Court Clerk was needed because the Sparks Justice Court only had two Civil Deputy Clerk II’s and a supervisor. He stated boxes of mail were received every day, which was a huge amount of paper to process but, because the two clerks spent so much time at the counter, there was little time for them to deal with the mail. He advised the supervisor helped when she could, but she also supervised the Citations Division, which was a savings achieved a few years ago.

Judge Higgins said there had been a 21 percent increase last year in civil filings, a 35 percent increase in complaints, and the Court was six weeks behind in opening cases. He stated a former employee had been working part time, but she had reached the maximum hours of employment permitted under the Public Employee Retirement System’s (PERS) rules. He said the clerk’s position was not requested when the Court was still located in the old courthouse, because there had been no place to put another person. He said Susan Deriso, Sparks Justice Court Administrative Judge, often went to the Civil Division and started getting some of the case files processed and into the system after the day’s calendar was completed. He stated everything possible was being done to get caught up but, as the Court fell further and further behind, the hearing dates kept getting pushed back. He said it was an access to justice issue, and the Judges felt the position was really needed.

Judge Higgins advised the Court’s design was based on a security audit conducted after the District Court shooting, and the design resulted in the courthouse having a central security-control area. He said all of the monitors for the doors and cameras were housed in that room, which was also where all of the alarms sounded, including the panic alarms. He stated the control room had a 270 degree view of the lobby, the courts, and the clerks’ area. He said the police radio base-station was located in the control room, so the security personnel could call for additional help during an emergency; but there was no Court Control Officer available to make the calls. He said the emergency buttons had been pressed once due to a belligerent customer and once for a medical emergency and the alarms went off, but no one knew the buttons had been pushed because the room was empty. He stated thankfully an employee made a phone call to get somebody’s attention. He said the courthouse was two and a half times larger than the old courthouse, but the number of security personnel had not been increased. He advised if the Bailiffs were in the courtrooms, there was no one left to help monitor the security situation. He said the position would not be a sworn officer, but would be someone who could monitor a situation and raise the alarm when needed, which would significantly increase the court’s security.

Judge Higgins said the Judges were aware of the positions lost by the other departments over the last few years. He noted the Court only lost one position during the lean years, but the Court also did not ask for positions during the fat years; and the Judges had been very frugal over the years with expenses. He stated the Court was one of the first departments to take a pay cut (7 percent) during the last budget cycle, while many other departments were not so quick to do so. He said two-thirds of the Administrative Assessment funds were being used to pay operating expenses.

Judge Higgins advised AB54 would increase the civil filing fees for the first time in 25 years. He said 25 percent of the increase would go into a fund that the Court could use to pay for staff. He said it took a push to get AB54 out of the Assembly and it still had to get through the Senate. He stated even if it passed, the revenue would become available a year or two down the road.

Judge Higgins said the Court was a victim of its own success, because the available staff could not stretch to cover the larger courthouse. He stated because of customer service and access to justice concerns, the additional Deputy Clerk position was needed. He said because of security and safety concerns and possibly even as a risk management question, a person needed to be in the control room. He stated the control rooms at Mill Street and at District Court were fully manned, but the Sheriff's Office did not have an extra position to do that for the Sparks Justice Court, even though the Sheriff's Office supported the Court getting the position filled.

Katy Simon, County Manager, thanked the Judges for their frugality over the years. She advised the Board increased the Court's budget to change two part-time Bailiff positions with no benefits to benefited positions, and the Sheriff's budget was increased to add contract security for the front entrance of the courthouse. She said as of February 28th, the Court had approximately \$275,000 in Administrative Assessment funds available, but not all of those funds could be used for staffing. She noted the Nevada Judiciary Annual Report indicated the Court's criminal cases dropped from 2,611 to 2,117 from Fiscal Year 2011 to Fiscal Year 2012, while there seemed to be an increase in Fiscal Year 2013, and civil cases dropped from 5,630 to 4,865. She said it was recognized the Sparks Justice Court had needs, but 30 departments had desperate needs and had made significantly greater cuts over the years. She stated while the Court's needs were important, they were not as urgent as the needs in the other departments. She said the recommendation was to not approve the appeal.

Judge Higgins advised the two part-time Bailiff positions without benefits were combined into one part-time position with benefits, which actually generated a cost savings. He said the Court Administrator indicated approximately \$60,000 per year was brought in due to the Administrative Assessment funds. He said the Reno Justice Court paid for the case management system, but the Sparks Justice Court was taking out a big chunk of the \$275,000 to help pay for the system's maintenance.

Susan Deriso, Sparks Justice Court Administrative Judge, said the Court was making no headway in clearing its backlog and just kept getting further and further behind, even with the assistance of a former staff member. She understood that was the new norm for everyone, but there was no end in sight of ever being able to keep up with the workload. She said everyone pitched in where they could, but the Judges felt this appeal was a necessity.

Commissioner Weber said she hoped the Manager could find a way to do something, because the Judges would not be coming here unless there was an extreme need for the positions. Ms. Simon said she had the benefit of looking at every budget in great detail, and she did not dispute the Sparks Justice Court had a desperate need. She stated the Reno Justice Court made major process improvements, but they did not submit an appeal even though they had similar challenges. She said making the playing field less level created challenges for the other departments, especially when they had given up so much more over the years. She reiterated the recommendation was to not give the Sparks Justice Court any additional staff.

Commissioner Berkbigler said she understood there were funds available in the Court's budget that could possibly be used to fund the positions. Judge Higgins said the Administrative Assessments were added to all criminal fines, but some of those fees could not be used for personnel and some were committed to pay for the case management system. Judge Deriso believed the case-management system was solid and it would eventually help with going paperless, but the Court was not there yet. She also noted the Sparks Justice Court was eligible for a third judge, but the additional judge would need support staff.

Chairman Humke asked if the Clerk position would be used entirely for civil matters. Judge Higgins said it would be. Chairman Humke said civil cases did not have the constitutional position criminal cases did, and could the private bar and the parties wait. Judge Higgins replied they could, but there were a lot of constituents who wanted someone to pay for their car wreck or doctors who wanted to go after the people who did not pay their bills. Judge Deriso said the criminal staff had been used to help with the civil workload, but there was nothing left. Chairman Humke asked if considerable portion of the civil cases were managed by the parties in pro se. Judge Higgins said almost all of the small claims cases were pro se as were many of the credit card collections cases. He stated a lot of what the Deputy Clerk's were doing was helping people fill out the paperwork.

Chairman Humke asked if Judge Higgins could rank the two positions being asked for by the Court. Judge Higgins said he felt the security was needed, but the Court Administrator and Judge Deriso would want the Deputy Clerk position filled. He stated if there was a way to get one position, the Judges would be happy to discuss it. He said they would also be happy to obligate any money that came in through AB54 to fund the two positions, but they had no idea how much that would be.

Ms. Simon suggested there might be some temporary funding that could be used to help catch up with the backlog, as opposed to hiring a full-time equivalent employee (FTE). She said that would also provide time to find out what would happen at the Legislature with AB54. She stated staff could also look to see if any process improvements could be done that would speed up processing the workload. She said she was concerned about the Nevada Judiciary Annual Report, which indicated both the civil and the criminal caseloads had gone down and the Judge's statistics indicated the opposite. She stated the other option would be to wait and see what happened at the Legislature. Chairman Humke said that would be about the Deputy Clerk position and not the Court Control Officer position. Ms. Simon stated the Sheriff could not increase his budget to provide for the Court Control Officer position. She said security was provided, but not in the control room.

Commissioner Berkbigler said she was concerned about the backlog of legal documents, and believed it would be a good idea to fix the backlog if possible. Ms. Simon replied that same situation was happening all over the County.

Chairman Humke said the Reno Justice Court had a project to do online filing for civil cases. Judge Higgins advised the Sparks Justice Court was onboard with that project, because it would help save the Court time by telling the huge volume of filers they could do their filings electronically. He said doing electronic filings would be mandatory with the volume filers, but how to handle the small claims and the pro se filers would have to be worked out. He stated there had been discussions with the Reno Justice Court regarding process management.

Commissioner Weber asked if there was any available funding that could be used to help the Court get caught up by July 1st. Ms. Simon said there was, but it would be a decision the Board would have to make at the policy level. She stated staff would work with the Court to see what would be required to cure the backlog and that information would be brought back on May 14, 2013. She acknowledged the Ending Fund Balance would have to be reduced to fund reducing the backlog. Chairman Humke believed that was a workable idea.

Commissioner Hartung asked if staff was fairly certain AB54 would pass. Judge Higgins said it came out of the Assembly with a vote of 27 to 3 or 4. He said there were concerns it would be shifting costs to people who could not pay them, and the Judges spent a fair amount of time at the Legislature explaining filing fees were waived all of the time when people could not pay them. He said the big collection agencies and the banks would bear the burden of most of the filling fee costs. He stated AB54 still had to get through the Senate, so there was no way to predict what would happen until the end. Commissioner Hartung stated if the \$127,000 had been for one-time funding, he felt the money could have been found; but it was not one-time funding. Judge Higgins said the Court would be happy to enter into a Memorandum of Understanding (MOU) with the County that whatever money came in would go towards the positions, but there was no way of predicting how much money would be involved.

Commissioner Weber asked if the Court would be willing to consider the options Ms. Simon outlined earlier. Judge Higgins said the Judges would be open to having that discussion. He stated there were retired employees who would be happy to come in to do the work and were familiar with the case-management system. Commissioner Weber suggested looking at that possibility, because she felt the Board could not step outside the box to approve the new positions.

Commissioner Hartung said besides providing the fiscal impact of that option, he requested a long-range fiscal impact also be provided. He stated he wondered if the work was done now, would it have a longer-range fiscal impact until something could be figured out in the future. He favored getting the Sparks Justice Court out of the hole and then revisiting their situation in the future when the financial situation changed.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 27 be continued to May 14, 2013.

Judge Higgins thanked the Board for their consideration.

4:29 p.m. On motion by Commissioner Weber, seconded by Commissioner Berkbigler, the Board convened in Closed Session to consider the work card permit appeal for Rebekah Thompson pursuant to NRS 241.030(1).

5:28 p.m. The Board reconvened in open session in the Commission Chambers to take action on the work card permit appeal.

13-345 AGENDA ITEM 29 – WORK CARD PERMIT APPEAL

Agenda Subject: “WORK CARD PERMIT APPEAL – Rebekah Thompson. The Washoe County Commission will adjourn from the Commission Chambers and reconvene in the County Commission Caucus Room (1001 E. 9th Street, Building A, 2nd Floor, Reno) to consider the work card permit appeal for Rebekah Thompson. The HEARING will be a CLOSED SESSION to discuss the applicant’s character or other matters under NRS241.030(1). Following the Closed Session, the Commission will return to open session in the Commission Chambers to take action on the appeal and finish the remainder of the April 23, 2013, Board Agenda.”

Commissioner Jung moved the work card permit be granted to Rebekah Thompson with the conditions discussed in the closed session, which were to undergo monthly urinalysis for the next twelve months for the purpose of substance abuse testing. She said Ms. Thompson was also strongly admonished to follow the advice of the Commissioners. Commissioner Hartung seconded the motion.

Paul Lipparelli, Legal Counsel suggested the Applicant go on record indicating she agreed to the condition. Ms. Thompson acknowledged she agreed to it.

Commissioner Weber said she would not approve granting the appeal, because Ms. Thompson was a young woman who still had a lot to learn. She stated she appreciated Ms. Thompson's honesty, but she wanted some time for Ms. Thompson to prove herself.

Mr. Lipparelli asked Commissioner Jung, as the maker of the motion, if the motion was based on the record established in the closed session. Commissioner Jung replied it was. Mr. Lipparelli asked if the discussion included the Applicant bear the cost of the testing and gave permission for Social Services to monitor the Applicant's compliance. Commissioner Jung said it did. Commissioner Hartung agreed.

There was no public comment on this item.

On a call for the vote, the vote was 4-1 with Commissioner Weber voting "no."

13-346 AGENDA ITEM 30 – MANAGER/COMMUNITY RELATIONS

Agenda Subject: "Discussion and direction to staff on the implementation of a new Citizen Advisory Board program including: proposed plan for establishing up to nine new citizen boards by July 2013, approval of resolutions to dissolve or amend current advisory boards concurrent with the creation or amendment of citizen boards, and approval of resolutions to create new citizen boards or amend current boards. [Possible total fiscal impact of \$98,740, with a net new fiscal impact of \$7,661 FY 2013-2014]--Manager/Community Relations. (All Commission Districts.)"

Katy Simon, County Manager, said the fiscal impact was updated to indicate there would be a possible total fiscal impact of \$107,166 with a net fiscal impact of \$16,087 for Fiscal Year 2013/14.

Nancy Leuenhagen, Community Relations Manager, started the proposed Citizen Advisory Board (CAB) structure (slide 1) was derived from the discussions that occurred during the March 26 and the April 9, 2013 Board meetings.

Sarah Tone, Washoe County Liaison, discussed the implementation plan schedule (slide 2). She noted data management involved not only the County's internal records, but integrating some of the contact data bases inherited from the other departments that managed the CAB program into the Community Relations' contact data base. She said there were two options to create the new CAB's by resolution: Option 1 would dissolve the existing CAB's and then concurrently create the nine new CAB's and, Option 2 would dissolve the CAB's as necessary and create the new CAB's along with amending the remaining CAB's. She stated Option 1 was easier to do administratively,

because each of the districts would follow the same process for the recruitment and training of the new CAB members. She advised every CAB member had to be either reappointed or appointed in June 2013. She said Option 2 would allow amending the CAB's in one resolution, but it would allow for a different process for the recruitment and appointment of the members for the new versus the amended CAB's, which could cause some confusion within the community. She stated the differences would be due to having to meet the Open Meeting Law requirements for the CAB's that were not dissolved, which would require additional noticing, and because 11 of the 14 current CAB's could not achieve a quorum.

Ms. Simon explained writing the resolutions was the biggest effort of the whole process. She said she did not want the District Attorney's Office to develop the resolutions if they were not in sync with what the Board wanted and, if the new CAB's were to be ready by July 1, 2013, staff needed to get started on drafting the resolutions.

Commissioner Hartung asked if the size of the CAB's Board had to be consistent throughout the County. Paul Lipparelli, Legal Counsel, replied there was no requirement that the CAB's in all areas be the same size. Ms. Tone advised there were different membership recommendations for each of the CAB's.

Ms. Tone reviewed the necessary components of the resolutions and the questions about the geographic boundaries (slide 4). She said based on the discussions at the previous two hearings, a map was drafted showing the proposed boundaries (slide 6).

Commissioner Hartung asked if the CAB's members could only reside in the County's unincorporated areas or could they come from the Cities and possibly the Tribe. Mr. Lipparelli advised there was no legal constraint on where the members had to live. Commissioner Weber asked if the entire CAB could consist of City of Reno residents, because she understood the County Ordinance stated there could only be one Reno resident. Ms. Simon said Mr. Lipparelli would check on what the Ordinance said.

Ms. Tone discussed the map showing the proposed boundary lines (slide 6), which were partly in response to the change in the number of CAB's and partly due to the redistricting.

Ms. Tone said the next step would be to bring to the Board the final resolutions on May 14, 2013. A copy of the PowerPoint presentation was placed on file with the Clerk.

Commissioner Weber stated whichever option was chosen, she wanted to meet with her CAB's. She asked if the options would establish when the CAB's would meet, the meeting frequency, and the membership; and would all that information be needed today. Ms. Tone advised only the CAB's geographic boundaries, membership, and purpose were required to be within the resolutions.

Mr. Lipparelli advised regarding the question asked earlier by Commissioner Hartung, the State statute that authorized the formation of the Advisory Boards did not have any requirement regarding where a person must reside. He stated County Code provided that the CAB should consist of a representative cross sample of the people residing within the CAB's geographical area. He said that was something the Board could change by amending the Code.

Mr. Lipparelli said regarding the desire of Commissioner Weber to meet with her CAB's that still had enough members to achieve a quorum, the meetings would be considered a CAB meeting. He stated that meant they would have to be noticed and conducted as CAB meetings.

In response to the call for public comment, Larry Chesney said this had been a long process and staff did an outstanding job. He advised he liked Option 1 because it was time to reset the clock and start fresh.

Jeanne Herman acknowledged this had been a trying year for a lot of people, but she guessed it was necessary. She stated her opinion regarding one possible composition of the CAB's.

Lorrie Cusick said she wanted the Commissioners to meet with the CAB's as they currently existed, so they could decide what they wanted and if they wanted to go to nine CAB's. She suggested leaving the current board members in place to maintain continuity. She stated the CAB's were important.

Sean Bristow discussed his opinion regarding the demographics. He said he agreed with Option 1, but it might be good to keep some of the current people on the CAB's because they knew the process.

Commissioner Hartung felt there was merit to both options. He said he agreed with trying to maintain the current membership because of the historical value they brought and because it also gave staff an experienced base so they would not have to retrain everyone. He stated he favored expanding the boundaries of existing CAB's in his District.

Commissioner Berkbigler said she believed it did not matter whether Option 1 or 2 was selected. She stated if the proposal for Option 1 was to totally disband the CAB's, there would be some concerns about citizens who were serving on those CAB's and wanted to continue to do so. She felt there should be some way to allow those citizens to continue serving on the CAB's. She said she did not have a strong feeling regarding the boundary change for her area, and she would leave that for Commissioner Weber to look at because she worked extensively with that CAB in the past. Commissioner Weber said that was why she wanted to have that conversation with the CAB's.

Commissioner Weber said the communities of Red Rock and Rancho Haven should be part of the Warm Springs/Rural CAB rather than part of the North Valleys CAB. She stated she would be happy to do the Warm Springs/Rural CAB, to reestablish the Verdi Township CAB with that membership, and the North Valleys CAB with that membership. She said she would like to have a discussion with Mr. Lipparelli, because she had not appointed people in the North Valleys due to their being City of Reno residents, and she wanted to make sure everybody was on the same page. She stated she had many constituents who lived in Sun Valley, but she and Commissioner Jung were sharing the lead for Sun Valley.

Chairman Humke said he was starting to question why he said he wanted one CAB for District 2. Ms. Simon advised the number one thing citizens wanted was to have a Commissioner present at their CAB meetings. She said staff wanted to make sure the demands on a Commissioner's time and the geography each Commissioner had to cover was balanced with the demand to be present at their CAB meetings. She stated that was part of what lead to Chairman Humke having only one CAB.

Commissioner Weber said the possibility of having the CAB Chairs participate in quarterly meetings had been discussed, and she stated she wanted to make sure the public was informed of that. She also stated she did not want to let go of the project signs like the City of Reno had, because that was an important way to let people know what was happening in their community.

Ms. Tone clarified all of the CAB members would have to be appointed or reappointed in June no matter which option was chosen, but all of the member's terms would be reset with Option 1. She said that meant any member who termed out would no longer be termed out. She stated Chairman Humke wanted more frequency in his District's CAB meetings and wanted them to rotate throughout his District. She said the implementation plan provided time for two of the Commissioners to go out to their CAB's.

8:10 p.m. Later in the meeting, Ms. Simon said staff had a question on the direction received, and she asked if the item could be reopened. She stated the Board did not do a motion, and staff was unclear as to whether the Board wanted to go with Option 1 or Option 2. Commissioner Weber said Commissioner Jung had some ideas that did not go with either option and, since Commissioner Jung left, could this item be continued or could there be a motion that would include incorporating Option 1 and Option 2. Ms. Simon said it was a huge amount of work to create the resolutions in both formats, but it would be of benefit to have clear direction.

Mr. Lipparelli said he was concerned about going back to discuss an item were the public was no longer present. He suggested the individual Commissioners could send their preferences to the Manager in a one-way communication, so she could decide how to package the agenda item for the next meeting. Ms. Simon said that would work.

Agenda Subject: “Appeal Case Number AX12-003: Appeal of the Planning Commission action of no approval for Master Plan Amendment Case No. MPA12-001 (Village at the Peak). To consider an appeal of the Planning Commission’s decision in case number MPA12-001(Village at the Peak) of no approval of a request to amend the Spanish Springs Area Plan, being a part of the Washoe County Master Plan. The Board is being asked to reverse the Planning Commission’s decision and directly approve the Master Plan Amendment. The Master Plan Amendment request involves the re-designation of a ±39.83 acre parcel from a mix of Industrial (I), Commercial (C) and Open Space (OS) to Suburban Residential (SR) on the Master Plan Land Use map. The amendment request also includes a change to the Character Statement in the Spanish Springs Area Plan to change the residential density limitations in the suburban core such that the new language of the Character Statement would state: “This suburban core includes a broad mix of non-residential uses together with single-family residential densities of up to three dwelling units per acre and Specific Plan as defined herein” (emphasis added). Additionally, the request includes an amendment to Policy SS.1.3 of the Spanish Springs Area Plan to add “Specific Plan (for multi-family densities up to nine dwelling units per acre)” to the list of permitted regulatory zones. The subject property is located north of Calle De La Plata, several hundred feet to the northeast of the intersection of Pyramid Highway and Calle De La Plata within the Spanish Springs Area Plan. APN: 534-562-07--Community Services. (Commission District 4.) Continued from the February 12 and March 26, 2013 Commission meetings.”

6:14 p.m. The Chairman opened the public hearing.

Paul Lipparelli, Legal Counsel, advised the Applicant provided notice to the County requesting today’s hearing be continued. The letter pointed out this was the Applicant’s first request for a continuance and the other continuances the Applicant agreed to were at the County’s request. He stated the first order of business would be to consider the request for continuance and to decide if the Board wanted to hold a full hearing tonight or just act on the continuance. He said it would also be legally permissible for the Board to allow the citizens present to make their comments, even if the Board granted the continuance, and those comments would become part of the complete record of the hearing. Chairman Humke said he heard no opposition to taking public comment on this item tonight.

Garret Gordon, Lewis and Roca, said the Applicant requested a continuance until May 14, 2013 if all of the Commissioners would be present. Commissioner Weber stated she would not be present on May 14th. She said she would like to participate in the discussion, and she felt it was important to have the full Board present. Mr. Gordon amended the date of the continuance from May 14, 2013 to May 28, 2013.

Chairman Humke asked if the continuance would run afoul of any appeal timelines. Mr. Lipparelli said that timeframe in County Code was met by opening the hearing on this appeal, and the Applicant's concurrence had continued the viability of that action. He stated he was not aware of any legal issues caused by continuing the hearing until May 28th.

Mr. Lipparelli said the Board should act on the continuance, open public comment regarding the continuance, and then take public comment on the merits of the appeal.

Commissioner Weber made a motion to continue this item until May 28, 2013. Commissioner Jung seconded the motion.

Commissioner Hartung explained the Board asked for a continuance because there was an allegation of impropriety, and the Board would have continued the appeal without that allegation. He said he would not support the motion.

Mr. Lipparelli advised questions were raised about Commissioner Hartung's involvement with the Planning Commission as a member, which somehow disabled him from sitting as a County Commissioner. He said there were also concerns that Commissioner Hartung being elected in November, preceding the Planning Commission's action, made him a defacto County Commissioner, which could have exposed him to different information. He stated those inquiries were bundled up and presented to the Commission on Ethics by Commissioner Hartung with the assistance of Legal Counsel. He said in response to that request, Commissioner Hartung received a letter on April 2, 2013 from the Executive Director of the Commission on Ethics. He stated the letter said the Commission on Ethics only had jurisdiction if the conduct in question related to Nevada Revised Statutes (NRS) Chapter 281A. It said the conduct referred to did not fall within the jurisdiction of the Commission on Ethics because, at the time, Commissioner Hartung was not a public officer as defined in NRS 281A.160, because he had been elected to serve as a member of the Washoe County Commission, but had not yet taken office. The letter further said Commissioner Hartung had turned in his resignation from the Planning Commission, which meant he was not subject to the Ethics in Government Law at the time the questioned public comments were made. Mr. Lipparelli said the questioned public comments Commissioner Hartung made at the Planning Commission meeting in December 2012 at the request of the members of the Planning Commission were based on information he had on the availability of transportation services in the area.

Mr. Lipparelli said with Commissioner Hartung's permission, he provided a copy of the letter to the attorney representing Sugarloaf Peak LLC by e-mail. He stated after receiving the letter from the Commission on Ethics, he and Commissioner Hartung were not aware of any disabling conflict that existed that would prevent Commissioner Hartung from participating in this matter. He said thus far Commissioner Hartung had abstained from any of the votes the Commission had taken on this issue but, based on what was now known, Commissioner Hartung could participate fully in the proceedings.

Commissioner Hartung stated he appreciated the public's patience because this had not been an easy process for them, and he apologized for the time the public had to spend on this issue. He said the Commissioners were working to bring this appeal in front of them as quickly as possible.

In response to the call for public comment regarding the continuance, the following people spoke in opposition of granting the continuance: Dan Herman, Matthew Chutter, Melody Chutter, Thomas Bruce, Ken Theiss, Teresa Theiss, Sandra Theiss, Richard Pfilf, Donna Lamb, Darleen Galleron, George Mager, David Cencula, Steve Bennett, Theresa Bell, and Brenda Service. Cary Peterson indicated he was not sure if he was for or against the appeal.

Commissioner Berkbigler said she appreciated everybody being present tonight, and she understood their concerns and the number of times they had come before the Board only to have the item continued. She stated in fairness to the Applicant, the Applicant also had the right to have his full staff present to make their presentation and, if one of them was sick, the Board had the duty as public servants to honor their right to ask for a continuance.

Commissioner Hartung commented he was humbled by how respectful the public had been. Chairman Humke said he echoed that comment. He said it was frustrating, but the Applicant was making his first request for a continuance. He stated he hoped the public believed he would vote the same way for them if they had a matter before the Board and requested a continuance. He said it was a general rule that each side got one continuance for any reason. He stated he did not know if the Applicant was winning any popularity contests, because he felt the Applicant was making the neighborhood stronger and was redoubling their resolve. He said it was about fairness, and he would support the motion.

On a call for the vote, the vote was 4-1 to grant the continuance until May 28, 2013 with Commissioner Hartung voting "no."

Mr. Lipparelli reiterated all comments, including those already made, those made tonight, and those made in the future, would become part of the public record of this appeal and could be relied upon by the Board or a reviewing court to support the decisions ultimately made.

Mr. Gordon said to make sure the continuance was productive, the Appellant would host a third neighborhood workshop at the Spanish Springs Library sometime before May 28th to try and find some common ground. He stated the Applicant would pay for the noticing, and he would work with staff to get the names and addresses of everyone present. He said the Applicant was not trying to run and hide, and he had tried to meet with the adjacent neighbors numerous times and was told they did not want to meet. He stated the date of the workshop would be determined based on the availability of the Spanish Springs Library. Commissioner Jung advised she was getting e-mails from many people in the neighborhood, and she asked if she could forward them

to the Applicant. She said the underlying theme of the e-mails was how they did not know about this appeal. Mr. Lipparelli said the e-mails were public records and could be forwarded to the Applicant. Mr. Gordon said his e-mail address was GGordon@lrlaw.com, and he said anyone could request to be added to the e-mail list. Commissioner Hartung requested he be put on Mr. Gordon's e-mail list.

In response to the call for public comment regarding the appeal, Matthew Chutter said the Planning Commission already rendered the opinion that the project was inappropriate and was not a proper transition given the existing development. He stated the project also faced widespread opposition from the local residents. He said the mechanism of the request to amend the Spanish Springs Area Plan being a part of the Washoe County Master Plan would create a bad precedent and would allow for an unending flood of appeals from any future applicant whose appeal was rejected. He said those appeals would result in a process of altering the Master Plan by a haphazard and uncoordinated series of legal challenges. He stated the result would be worse than no plan at all for it would provide many in the community with an illusion of security and planning while those lacking legal resources would be hamstrung by a Master Plan that could be circumvented, altered, distorted by those with access to the legal resources necessary to repeat what was being attempted here. He stated it would also result in gutting the effectiveness of the County's planning, would result in major projects with the resources to alter the Master Plan, and would damage the property investments of the existing owners in the Valley in a haphazard way. He said another issue was did the Applicant use the community workshops properly to receive community input or had the Applicant simply gone through the formalities and was now attempting by force majeure to do what the Applicant could not achieve by the facts of the situation. He said on all counts the project failed to clear the procedural requirements, and the appeal should be denied. He stated the project had dubious economic feasibility, because it lacked nearby employers to attract working residents and the nearby healthcare infrastructure and recreation to attract retirees. He stated no amount of window dressing could hide the fact that the project did not belong in the community for which it was proposed. He said despite overwhelming community opposition, the Applicant not only refused to reconsider the project, but sought to translate the zoning issues of the project into an unraveling of the Master Plan for the entire County.

Ronald Lynch said when choosing an area to live in after retirement, he wanted a residential, quiet, family-friendly area that was low in cluster housing and with plenty of space between the homes. He said once cluster housing was zoned, it would allow for more intrusion into the low density family environment; and it was obvious that the zoning change would have far reaching ramifications outside the area. He said the type of housing proposed was not needed in this area. He stated another issue he had was the Appellant never said how many bedrooms would be built per unit. He requested the change be rejected.

Melody Chutter said this Master Plan Amendment was contrary to the community's interests. She stated it would amend the rules for one person's benefit at the expense of the entire County. She urged the Board to reject the proposed amendment to

the Master Plan and to reaffirm the integrity of the County's Master Plan, the Area Plan, the planning process, and the integrity of the social contracts between the residents, the property owners and the County. She said she did not want to see Northern Nevada become another Las Vegas, and money would not buy quality of life after it was taken away.

Thomas Bruce stated the County went to an enormous effort and significant expense to solicit input from the residents when developing the Master Plan. He said now a nonresident was trying to bust the neighborhood and, if it could be done in the Palomino Valley, it could be done anywhere. He stated that meant the Master Plan's development would have been a huge waste of time and taxpayer money. He said this amendment would establish the legal precedent that the Master Plans were not worth the paper they were printed on. He spoke about the zoning change the Appellant already received, and noted the Appellant had done nothing to improve the property. He said now the Appellant wanted to bust the Master Plan using the same promises he trotted out before. He said it was almost two miles to any shopping, and he believed the average distance to shopping for this type of project was only a couple city blocks, which could be walked to. He stated the people vehemently opposed the Amendment and rezoning. He said any Master Plan Amendment should have the overwhelming support of the people or an extraordinarily compelling reason for the Amendment, neither of which was the case for this appeal. He said he hoped the Commissioners concurred and the Amendment would be defeated unanimously. He stated when the Master Plan was developed, everyone in the Valley was notified but for this appeal, only the people affected by the rezoning were notified.

Ken Theiss said the Applicant mentioned they wanted to have another community workshop. He stated his family attended them all and no one spoke in favor of the Amendment. He said his family spent months negotiating the rezoning of this property to industrial/commercial and they did not want it to go any further. He stated his family paid out of their own pockets to mail a thousand notices. He said he would give the Applicant that mailing list, and he challenged the Applicant to send out the notices about the community workshop to all of the people on the mailing list. He believed the Master Plan should not be changed.

Teresa Theiss said she had been to all of the workshops and meetings, and the only one in favor of the project was the Applicant. She stated it was an absurd request because of the increased traffic it would cause. She stated she was opposed to the workshop because this appeal needed to be decided.

Sandra Theiss said allowing this Amendment would open up the entire County to changes, and why have a Master Plan if it could constantly be changed. She said she moved into the area to get away from noise, and she did not want the apartments next to her. She stated there were empty apartments on Sparks Boulevard because the people who would rent them could not afford the gas to get to their jobs. She said there were not enough police and fire personnel or schools to accommodate the 360

apartments, and Pyramid Highway could not handle the additional cars. She requested the Board turn down the appeal.

Cary Peterson said he did not understand how the Applicant could say the change to a higher density could lessen the vehicle traffic on Pyramid Highway. He stated the Applicant's report indicated they only looked north of Calle De La Plata, which was not the way the traffic was going. He said this would be a precedent, which would open up every parcel in the Spanish Springs and North Valleys to this same type of change, and then there would be big problems.

Darlene Galleron said because her son was a fireman, she knew the fire department could not accommodate a three-story building without purchasing additional equipment. She said she would attend the next meeting and would continue to speak against the appeal.

George Mager said he opposed the project before the Commission today. He stated approval of the appeal without a two-thirds majority vote of the people would unravel the Spanish Springs Area Plan and the Specific Area Plan, which were developed over many years, and would leave the people with nothing. He said the Applicant did not justify the amendment, rezoning the buffer from rural to medium density, or the change in the Valley's character statement. He said if the landowner wanted to develop property in such a manner, the landowner should purchase property zoned for and appropriate for what he wanted to do. He asked the Board not to vote in favor of this ill-conceived amendment.

David Cencula said the Applicant was aware of the zoning when the property was purchased. He stated a lot of time and money went into developing the Master Plan and to throw it away just because one individual wanted to make more money on a property was an insult to everyone who contributed to the Master Plan and a total waste of taxpayer dollars. He said the appeal should be rejected.

Steve Bennett said government was set up for and by the people, and he never saw anything in the country's founding documents that talked about special interest groups. He said often special interest groups prevailed over the will of the people, which was one of the major reasons why the public was fed-up and disgusted with government. He stated the Board was elected by the people to represent them. He agreed the Applicant had a voice in the election process but, because he did not live in the Valley, he was a special interest. He said no one tonight spoke in favor of the changes. He said he saw no reason to overlook the people's views, because there was no legal or moral imperative or community interest in having the project go forward. He said he requested the Board at least put some mitigating conditions on the project if he was wrong.

Robert McKinnon requested all of the e-mails, letters, and petitions received regarding this appeal be read aloud before a vote was taken on this appeal, so the public would be fully aware of the overwhelming opposition to this project.

Steve Bourquin said he wanted to live in a rural area. He stated he retired as a Reno Police Officer with over 16 years in traffic control, and he said traffic would be astronomical because of the project. He said traffic projections worked in theory, but not in reality. He asked who would pay for a traffic signal needed for the project, which would cost \$300,000 to \$500,000. He also wanted to know who would pay for widening the aqueduct system and widening the road. He said the area should remain rural. He stated everyone on the west side of Calle De La Plata should be notified, in addition to those on the east side, because the project would impact the whole area.

Walt Jackson said he called in sick to be able to attend this and the two prior meetings. He stated if the population density was increased, it would increase crime, which he could say with 100 percent certainty. He said there were already two fatal traffic accidents in the area. He stated one of the reasons his family moved to the area was because of three houses per acre zoning. He said during a weekday, there was one Sheriff's patrol car that patrolled from Interstate 80 to the Pyramid Indian Reservation, so who would come if there was an emergency. He stated he never heard of a rule of law that allowed each side to get one delay, and he believed the Applicant already had that delay when they tried to say one of the Commissioners was not qualified to vote. He wanted to know where the extra sewer, water, and electrical needed for high-density housing would come from.

Dan Herman said he never heard anyone speak in favor of this project, even at the three community meetings. He stated there was a noticing problem, because the only people who were notified were those on the initial e-mail list. He said the Applicant should pay for sending out the notices. He said the residents of the community developed the character statement, and he asked the Commission to listen to Commissioner Hartung because he knew the community. He stated this would be a massive change to the vision and character statement of the Spanish Springs Area Plan, and was an unbelievable density grab by the Applicant. He said the citizens should drive the policy/zoning changes instead of the Applicant. He stated the Applicant had not tried to meet with anyone out there, except at the community meetings, because they had never tried to meet with him even though they knew where he lived and had his phone number. He requested the Board listen to the County's planners, who had done an excellent job. He said the buffering was a requirement, but it was not there between his and the Theiss' properties and the project. He stated he was available to meet with any Commissioner anytime.

Ira Hansen, Nevada Assemblyman District 32, said he received a lot of comments about this project as an Assemblyman, and none of them were in favor of it. He stated the project did not fit in with any of the existing plans, and he requested the Board follow the Planning Commission and the County's staff in saying no to the project, because there was zero support for it. He said the Applicant's property rights were important, but the impact the Applicant's development would have on everyone else's property rights was something the Board needed to take into account. He stated the danger in making a variance to the Master Plan, it would be difficult to say no whenever someone else wanted a variance because it had already been done for someone else. He

said he was very comfortable in requesting the Board vote no on this project on behalf of his constituents in District 32.

Chairman Humke closed public comment.

Commissioner Weber asked if a list of allowable uses was available online. Trevor Lloyd, Senior Planner said it was, but it would be added to the website's front page at [www.washoecounty.us\comdev](http://www.washoecounty.us/comdev).

7:45 p.m. Commissioner Hartung and Commissioner Jung left the meeting.

13-348 AGENDA ITEM 23 – COMMUNITY SERVICES

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code Chapter 100 (Buildings and Construction) to adopt portions of (i) the 2012 Edition of the International Building Code (IBC); (ii) the 2012 Edition of the International Residential Code (IRC); (iii) the 2012 Edition of the International Existing Building Code (IEBC); (iv) the 2009 Edition of the International Energy Conservation Code (IECC);(v) the 2012 Edition of the International Fuel Gas Code (IFGC); (vi) the 2012 Edition of the International Green Construction Code (IgCC); (vii) the 2012 Edition of the International Mechanical Code (IMC); (viii) the 2012 Edition of the International Wildland-Urban Interface (IWUIC); (ix) the 2012 Edition of the International Swimming Pool and Spa Code (ISPSC); (x) the 2012 Edition of the Uniform Plumbing Code (UPC); (xi) the 2012 Edition of the Uniform Mechanical Code (UMC);(xii) the 2011 Edition of the National Electrical Code (NEC); (xiii) the 2012 Northern Nevada Amendments; and (xiv) the 2011 Northern Nevada Energy Code Amendments to the foregoing, and providing for matters properly related thereto and to the regulation of the soundness of structures including the issuance and enforcement of the building permits, and the collection of fees; and, if supported, schedule a public hearing and second reading for 6:00 p.m. on May 14, 2013, to provide for possible adoption of an Ordinance to become effective September 1, 2013--Community Services. (All Commission Districts.)”

Nancy Parent, Chief Deputy Clerk, read the title for Bill No. 1692.

There was no public comment on this item.

Bill No. 1692, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 100 (BUILDINGS AND CONSTRUCTIONS) TO ADOPT PORTIONS OF (I) THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE (IBC); (II) THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE (IRC); (III) THE 2012 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE (IEBC); (IV) THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC); (V) THE 2012 EDITION OF THE INTERNATIONAL FUEL GAS CODE

(IFGC); (VI) THE 2012 EDITION OF THE INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC); (VII) THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE (IMC); (VIII) THE 2012 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE (IWUIC); (IX) THE 2012 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE (ISpsc); (X) THE 2012 EDITION OF THE UNIFORM PLUMBING CODE (UPC); (XI) THE 2012 EDITION OF THE UNIFORM MECHANICAL (UMC); (XII) THE 2011 EDITION OF THE NATIONAL ELECTRICAL (NEC); (XIII) THE 2012 NORTHERN NEVADA AMENDMENTS; AND (XIV) THE 2011 NORTHERN NEVADA ENERGY CODE AMENDMENTS TO THE FOREGOING, AND PROVIDING FOR MATTERS PROPERLY RELATED THERETO AND TO THE REGULATION OF THE SOUNDNESS OF STRUCTURES INCLUDING THE ISSUANCE AND ENFORCEMENT OF THE BUILDING PERMITS, AND THE COLLECTION OF FEES," was introduced by Commissioner Berkbigler with Commissioners Jung and Hartung absent, and legal notice for final action of adoption was directed.

13-349 AGENDA ITEM 25 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to acknowledge receipt of the status report on the Sierra Sage Golf Course water rights sale including a summary of revenue and expenditures, a complete budget for Phase IV project currently under construction and an updated North Valleys Regional Park Master Plan project priority list; and if approved, authorize the Community Services Department to initiate planning and design of designated priority project(s) [not to exceed \$150,000 for planning and design of priority project]--Community Services. (Commission District 5.)”

Al Rogers, Programs and Projects Division Director, said approximately \$1.3 million was left from the water-rights sale instead of the approximately \$1.2 million identified on page 2 of the staff report.

Commissioner Weber said she was excited about the water-play facility. She thanked Mr. Rogers for providing the descriptions of what had been done and what was being done. Commissioner Weber said \$1 million was identified for operations and maintenance, and she asked if that amount could be reduced or was that amount absolutely necessary. Mr. Rogers replied that amount was identified through the public process. He felt at this point in the development and construction of the park, the true amount needed was not known, and any modification to that amount would be premature. Commissioner Weber believed that discussion should be held with the Citizen Advisory Board (CAB), the Parks Commission, and the Neighborhood Advisory Board (NAB).

Commissioner Weber said because not all of the projects could be finished, she asked if Mr. Rogers wanted the projects reprioritized. Mr. Rogers confirmed staff would like direction on moving forward with future projects.

7:50 p.m. Commissioner Hartung returned to the meeting.

Commissioner Weber asked what was needed now regarding the Babe Ruth baseball fields. Mr. Rogers said staff was asking for the design of the complete package of the baseball and softball field components. He stated based on the demand being seen right now, one Babe Ruth field would be sufficient for community and out-of-town use and building the additional field could be looked at later. Commissioner Weber said there might not be the funding available to continue with building the additional fields. Mr. Rogers advised the amount needed to completely build-out the parks was short \$2 to \$3 million. He said there was already \$160,000 in State grant funds identified for the hiking and biking trails. Commissioner Weber hoped the Board would consider looking at those trails now because of those grant funds. Mr. Rogers said staff wanted direction on the priorities, and the design of the hiking trails could be started utilizing the \$160,000 available. He stated there was some money to start building, but as the planning and design processed moved forward, the questions would be what would be the ongoing operating costs for those facilities.

Commissioner Weber said the hiking and biking trails were needed in the community. She stated maybe people would be willing to volunteer to help with those trails. Mr. Rogers said the volunteer groups and end-use groups would be involved in the planning process. He stated there could be some potential savings and efficiencies in looking at multi-infrastructure pieces of the park in the planning phase at least today.

Commissioner Weber asked if only one field was built, would it still have the restroom/concession building. Mr. Rogers said it was identified in the Master Plan, but the Park Commission and the Board of County Commissioners (BCC) would decide what was constructed. Commissioner Weber said she believed the request was to move forward with the funding for the design. Mr. Rogers said that was correct. Commissioner Weber asked if staff would come back to ask if the restroom/concession building was appropriate. Mr. Rogers said staff would come back with what was appropriate and what would be feasible based on the financial resources available.

Commissioner Weber said one area was graded and would that be used. Mr. Rogers said that area was flattened during Phase III, which could lead to a substantial savings because some of the site work for a baseball field had already been done.

Commissioner Berkbigler said she was anxious to see the feasibility study for the restrooms. Mr. Rogers stated it was typical for the County to build the fields and then work with the leagues using them to raise funds to build the restroom/concession facilities. He said the issue was not necessarily if it was built, but who would fund it.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 25 be acknowledged, approved, and authorized. The design would move forward on one Babe Ruth baseball field, to consider the restroom/concession

building, and one youth softball field. Additionally, the non-motorized hiking and biking trails would be included however they could within that project.

Commissioner Weber thanked Mr. Rogers for putting the reports together, and she asked if they could be made available online. She also requested if any special funding could be found for the dog park complex because of the apartment complexes surrounding the park.

13-350 AGENDA ITEM 28 – MANAGEMENT SERVICES

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--Management Services. (All Commission Districts.)”

Katy Simon, County Manager, reviewed the list of the “2013 Bills of Interest,” which was placed on file with the Clerk. She said the estimated annual fiscal impact was \$1.2 million for 18 bills staff was tracking regarding fiscal impact, and bills with a fiscal impact were still being identified. She said 616 bills affecting Washoe County were being tracked prior to last Friday’s deadline and, after that deadline, 448 bills were still being tracked that could affect Washoe County. She stated all of the bills being tracked were listed on the County’s web site.

Ms. Simon thanked the County’s team in Carson City for the great work they were doing. Commissioner Weber said the team was fabulous and was very involved with the Nevada Association of Counties (NACO) and the Nevada League of Cities and had a great relationship with the Cities.

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

PUBLIC HEARINGS

13-351 AGENDA ITEM 31 – DISTRICT ATTORNEY

Agenda Subject: Second reading and adoption of an Ordinance amending the Washoe County Code by adding new sections to Chapter 70 to harmonize with the new Nevada State legislation regarding the use, operation, ownership, and registration of off-highway vehicles (OHVS); to designate certain Washoe County paved roadways for OHV use and other matters properly relating thereto. (Bill No. 1689)--District Attorney. (All Commission Districts.)”

8:05 p.m. 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 public hearing was closed.

Nancy Parent, Chief Deputy Clerk, read the title for Ordinance No. 1507, Bill No. 1689.

On motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried with Commissioner Jung absent, Chairman Humke ordered that Ordinance No. 1507, Bill No. 1689, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE THE WASHOE COUNTY CODE BY ADDING NEW SECTIONS TO CHAPTER 70 TO HARMONIZE WITH THE NEW NEVADA STATE LEGISLATION REGARDING THE USE, OPERATION, OWNERSHIP, AND REGISTRATION OF OFF-HIGHWAY VEHICLES (OHVs); TO DESIGNATE CERTAIN WASHOE COUNTY PAVED ROADWAYS FOR OHV USE AND OTHER MATTERS PROPERLY RELATING THERETO,**" be adopted, approved and published in accordance with NRS 244.100.

13-352 AGENDA ITEM 32 – COMMUNITY SERVICES

Agenda Subject: Second reading and adoption of an Ordinances: amending the Washoe County Code at Chapter 25 (Business Licenses, Permits and Regulations) by deleting provisions relating to penalties for delinquent liquor license fees and refunds for such fees; removing requirements for liquor licensee record keeping; deleting the regulations specific to Importers, Wholesalers of Intoxicating Liquors, Wine-making, Brew Pubs and Breweries; removing fees specific to various types of liquor licenses; and, moving these regulations and provisions into Washoe County Code Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations). Recommendations include other matters properly relating thereto. (Bill No. 1690)-- Community Services. (All Commission Districts.)"

8:12 p.m. 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.

Nancy Parent, Chief Deputy Clerk, read the title for Ordinance No. 1508, Bill No. 1690.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, Chairman Humke ordered that Ordinance No. 1508, Bill No. 1690, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 25 (BUSINESS LICENSES, PERMITS AND REGULATIONS) TO DELETE PROVISIONS RELATING TO PENALTIES FOR DELINQUENT LIQUOR LICENSE FEES AND REFUNDS FOR SUCH FEES; TO REMOVE REQUIREMENTS FOR LIQUOR LICENSEE RECORD KEEPING; TO DELETE THE REGULATIONS SPECIFIC TO IMPORTERS, WHOLESALERS OF INTOXICATING LIQUORS, WINE-MAKING, BREW PUBS AND BREWERIES; TO REMOVE FEES SPECIFIC TO VARIOUS TYPES OF LIQUOR LICENSES; AND, TO MOVE THESE REGULATIONS AND PROVISIONS INTO WASHOE COUNTY CODE CHAPTER 30**

(INTOXICATING LIQUOR AND GAMING LICENSES AND REGULATIONS). RECOMMENDATIONS INCLUDE OTHER MATTERS PROPERLY RELATING THERETO," be adopted, approved and published in accordance with NRS 244.100. The Ordinance was adopted with the finding that the Ordinance did not impose a direct and significant economic burden upon a business, nor did it directly restrict the formation, operation or expansion of a business.

8:15 p.m. The Board convened as the County Liquor and Gaming Board with Commissioner Jung and Sheriff Haley absent.

13-353 AGENDA ITEM 33

Agenda Subject: “Approve a Business Impact Statement related to an Ordinance amending the Washoe County Code at Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) by creating new liquor license types with associated fees and determine that the ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation, or expansion of a business--Community Services. (All Commission Districts.)”

8:15 p.m. The Chairman opened the public hearing. There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Jung and Sheriff Haley absent, it was ordered that Agenda Item 33 be approved. The Ordinance was adopted with the finding that the related Ordinance did not impose a direct and significant economic burden upon a business, nor did it directly restrict the formation, operation or expansion of a business.

13-354 AGENDA ITEM 34

Agenda Subject: “Second reading and adoption of an Ordinance amending the Washoe County Code at Chapter 30 (Intoxicating Liquor and Gaming Licenses and Regulations) by consolidating sections addressing similar topics and removing duplicate sections; consolidating definitions into a single section; removing sections requiring Washoe County to issue gaming work permits; enabling the Board to establish appropriate fees by resolution and remove such fees from the ordinance; providing for new penalties for late payment of license fees; incorporating new civil and administrative methods of enforcement for violations of liquor and gaming license requirements or regulations (including criminal, civil, administrative actions and actions to suspend or revoke liquor or gaming licenses); inserting provisions that were deleted from WCC Chapter 25 (Business Licenses, Permits and Regulations) regarding recordkeeping, fees and licensing requirements for persons who provide, manufacture, or sell certain kinds of intoxicating liquors; adding special provisions for temporary liquor licenses, for persons who serve liquor in private clubs and at special events, and who provide liquor samples at grocery

stores, and who provide liquor catering services; inserting regulations concerning the service of alcohol on charter buses and limousines; incorporating NRS provisions concerning the alcoholic beverage awareness program; allowing liquor or gaming license refunds; clarifying provisions regulating the complaint, investigation, inquiry, and Board action concerning liquor regulation violations; and, incorporating NRS provisions concerning investigation and action on complaints against persons who sell intoxicating liquor or hold gaming licenses in Washoe County. Recommendations include other matters properly relating thereto. (Bill No. 1691)--Community Services. (All Commission Districts.)”

8:17 p.m. 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 public hearing was closed.

Nancy Parent, Chief Deputy Clerk, read the title for Ordinance No. 1509, Bill No. 1691.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Jung and Sheriff Haley absent, Chairman Humke ordered that Ordinance No. 1509, Bill No. 1691, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 30 (INTOXICATING LIQUOR AND GAMING LICENSES AND REGULATIONS) TO CONSOLIDATE SECTIONS ADDRESSING SIMILAR TOPICS AND REMOVE DUPLICATE SECTIONS; TO CONSOLIDATE DEFINITIONS INTO A SINGLE SECTION; TO REMOVE SECTIONS REQUIRING WASHOE COUNTY TO ISSUE GAMING WORK PERMITS; TO ENABLE THE BOARD TO ESTABLISH APPROPRIATE FEES BY RESOLUTION AND REMOVE SUCH FEES FROM THE ORDINANCE; TO PROVIDE FOR NEW PENALTIES FOR LATE PAYMENT OF LICENSE FEES; TO INCORPORATE NEW CIVIL AND ADMINISTRATIVE METHODS OF ENFORCEMENT FOR VIOLATIONS OF LIQUOR AND GAMING LICENSE REQUIREMENTS OR REGULATIONS (INCLUDING CRIMINAL, CIVIL, ADMINISTRATIVE ACTIONS AND ACTIONS TO SUSPEND OR REVOKE LIQUOR OR GAMING LICENSES); TO INSERT PROVISIONS THAT WERE DELETED FROM WCC CHAPTER 25 REGARDING RECORDKEEPING, FEES AND LICENSING REQUIREMENTS FOR PERSONS WHO PROVIDE, MANUFACTURE, OR SELL CERTAIN KINDS OF INTOXICATING LIQUORS; TO ADD SPECIAL PROVISIONS FOR TEMPORARY LIQUOR LICENSES, FOR PERSONS WHO SERVE LIQUOR IN PRIVATE CLUBS AND AT SPECIAL EVENTS, AND WHO PROVIDE LIQUOR SAMPLES AT GROCERY STORES, AND WHO PROVIDE LIQUOR CATERING SERVICES; TO INSERT REGULATIONS CONCERNING THE SERVICE OF ALCOHOL ON CHARTER BUSES AND LIMOUSINES; TO INCORPORATE NRS PROVISIONS CONCERNING THE ALCOHOLIC BEVERAGE AWARENESS PROGRAM; TO ALLOW LIQUOR OR GAMING LICENSE REFUNDS; TO CLARIFY PROVISIONS REGULATING THE COMPLAINT, INVESTIGATION, INQUIRY, AND BOARD ACTION**

CONCERNING LIQUOR REGULATION VIOLATIONS; AND, INCORPORATING NRS PROVISIONS CONCERNING INVESTIGATION AND ACTION ON COMPLAINTS AGAINST PERSONS WHO SELL INTOXICATING LIQUOR OR HOLD GAMING LICENSES IN WASHOE COUNTY. RECOMMENDATIONS INCLUDE OTHER MATTERS PROPERLY RELATING THERETO," be adopted, approved and published in accordance with NRS 244.100. The Ordinance was adopted with the finding that the Ordinance did not impose a direct and significant economic burden upon a business, nor did it directly restrict the formation, operation or expansion of a business.

13-355 AGENDA ITEM 35 – COMMUNITY SERVICES

Agenda Subject: “Adopt a resolution establishing the Washoe County Master Liquor License Fee Schedule pursuant to Washoe County Code Chapter 30, Intoxicating Liquor and Gaming Licenses and Regulations--Community Services. (All Commission Districts.)”

8:20 p.m. The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Resolution. There being no response, the public hearing was closed.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung and Sheriff Haley absent, it was ordered that Agenda Item 35 be adopted. Per the email attached to the Staff Report, there was no Resolution for this item.

8:23 p.m. The Board adjourned as the County Liquor and Gaming Board and reconvened as the Board of County Commissioners (BCC).

13-356 AGENDA ITEM 37 – REPORTS AND UPDATES

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

Commissioner Weber stated the Nevada Association of Counties (NACO) Board meeting was held last Friday. She said based on the conversation with President Johnson, University of Nevada, Reno (UNR), regarding the Cooperative Extension and his speech with the Faculty Senate, she believed he did not share all of the information he should have shared. She said she was not trying to attack him, but the same thing happened to many other counties when they had the same conversation. She said the sentiment was President Johnson did not get what the counties were asking him to do. She stated the counties did help fund the program. She said most of the counties and NACO did not send a copy of the letters to the Board of Regents, but Washoe County did. She stated at the NACO meeting it was requested that a copy of the letters sent to President Johnson on behalf of any of the counties and from NACO go the Faculty Senate and the Board of Regents. She said five counties had meetings with President

Johnson, but were not allowed to vote on the item because he said they were moving forward. She stated there was a vote and, if needed, NACO would take this issue to the media as well.

Chairman Humke asked if Commissioner Weber wanted to request an agenda item. Commissioner Weber said this item had already been before the Board with President Johnson present, and the Board made a motion. She said a letter was sent with a copy going to the Board of Regents, and she assumed that the letter could be sent to the Faculty Senate. Chairman Humke believed staff could do that.

Commissioner Berkbigler said there would be a Tahoe Regional Planning Agency (TRPA) meeting tomorrow and a Tahoe Transportation Commission meeting on Friday.

Commissioner Hartung said he toured the hydroelectric plants in Verdi. He said the plants were 100 years old and were still generating power. He stated he was amazed that something that stout could not be built today. He said the Regional Transportation Commission (RTC) submitted its budget and the 2035 Plan.

Commissioner Weber wished a happy birthday to Katy Simon, County Manager, and to Commissioner Berkbigler.

13-357 AGENDA ITEM 39 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three 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 three minutes per person. Comments are to be made to the Commission as a whole.”

Lorrie Cusick commended the people in Spanish Springs for their involvement regarding Agenda Item 36. She felt legal representation was needed for Sun Valley, because of the various issues coming up and because she felt the area was underrepresented. She stated notification was key, and she felt a newsletter should be sent every month informing the residents of the County about what were the hot topics in their neighborhoods.

Commissioner Weber said she and Commissioner Jung represented Sun Valley and they spent many hours in the community. She said there were no funds to mail a letter to the residents every month. She said she attended every meeting she could, and she invited Ms. Cusick to meet with her to discuss her concerns.

* * * * *

8:34 p.m. There being no further business to discuss, on motion by Commissioner Berkgigler, seconded by Commissioner Weber, which motion duly carried with Commissioner Jung absent, the meeting was adjourned.

DAVID HUMKE, 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 Establish bank account for Washoe County Social Services for HUD
Neighborhood Stabilization Program 3 (NSP3) funds.

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create bank accounts; and

WHEREAS, Washoe County Department of Social Services has requested to establish a bank account for Neighborhood Stabilization Program 3 (NSP3) funds; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer, and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a bank account on behalf of the Washoe County Department of Social Services.
2. The administration of this account shall be in compliance with the procedures and internal controls as required by the Treasurer, Comptroller, and Internal Auditor, in accordance with Washoe County Code.
3. That said account is used exclusively for transactions related to the Neighborhood Stabilization Program 3 (NSP3) program through Washoe County Department of Social Services.
4. That the Washoe County Treasurer shall henceforth be held accountable for the account authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor and Washoe County Department of Social Services

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ADOPTED this 23rd day of April, 2013.

By:
Chairman
Washoe County Commission

ATTEST:

Washoe County Clerk

APNs: 140-063-01
140-063-02
140-063-03

*When recorded return to:
Washoe County Community Services Department, Engineering & Capital Project Division
PO Box 11130
Reno, NV 89520*

RESOLUTION ACCEPTING REAL PROPERTY
FOR USE AS A PUBLIC STREET
(HIGH CHAPARRAL DRIVE)

Irrevocable Offer of Dedication, William L & Ramona Sullivan, Northwest quarter (NW ¼) of Section 27, Township 18 North, Range 20 East as described and shown in Exhibit "A" (a copy is attached and is incorporated by reference), PARCEL MAP 2498, RECORDED FEBRUARY 13, 1991.

WHEREAS, it is a function of the County of Washoe to operate and maintain public streets; and

WHEREAS, certain real property as described in Exhibit "A" (a copy is attached and is incorporated by reference) to be used as a public street was offered for dedication by Parcel Map 2498, Recorded February 13, 1991.

WHEREAS, said offer of dedication was rejected by the Director of Community Development; and

WHEREAS, NRS 278.390 specifically provides that if the real property as described in Parcel Map 2498 is rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without

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THIRD AMENDED INTERLOCAL AGREEMENT
REGARDING THE PURCHASE OF WATER RIGHTS PURSUANT TO THE
TRUCKEE RIVER WATER QUALITY SETTLEMENT AGREEMENT

WHEREAS, on July 28, 1998, the City of Reno, a municipal corporation, hereinafter "Reno," the City of Sparks, a municipal corporation, hereinafter "Sparks," and the County of Washoe, a political subdivision of the State of Nevada, hereinafter referred to as "Washoe," entered into an amended and restated interlocal agreement regarding the purchase of water rights pursuant to the Truckee River Water Quality Settlement Agreement, hereinafter referred to as the "Interlocal Agreement;" and

WHEREAS, the Interlocal Agreement provides in pertinent part that to the extent that the services of private counsel are required to accomplish such water rights transfers and changes, the parties agree that any such costs will be equally shared; and

WHEREAS, as of December 31, 2012, there is approximately \$778,000 (funds remaining after expenditure of \$12million dollar obligation) that would eventually be remitted to Reno, Sparks and Washoe County's respective enterprise funds at the conclusion of the water quality purchase program which is being held in an account designated for the Truckee River Water Quality Settlement Agreement, hereinafter referred to as "the WQSA;" and

WHEREAS, this sum of \$778,000 can be used, if necessary, to pay for the fees and costs associated with retaining private outside counsel; and

WHEREAS, the Local Government Oversight Committee, hereinafter referred to as "LGOC," created pursuant to the Interlocal Agreement to manage the purchase of water rights and the transfer of water rights has determined that the Interlocal Agreement should be amended for the purpose of using this sum of \$778,000, if necessary, to provide and funding required for retaining outside legal counsel for representation pertaining to protests and hearings before the State Engineer on the water rights' transfer applications; and

NOW, THEREFORE, the parties hereto do agree to amend the Interlocal Agreement as follows:

1. Section 2. is amended by adding G. as follows: The approximate sum of \$778,000 (funds remaining after expenditure of \$12million dollar obligation), if necessary, may be used for the purpose of funding retaining outside legal counsel for representation pertaining to protests

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and hearings before the State Engineer. Upon termination of the WQSA, all remaining funds will be remitted in equal shares to Reno, Sparks and Washoe.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Amendment to the Agreement effective as of the _____ day of _____, 2013.

CITY OF RENO

Attest: _____
City Clerk

By: _____
Robert A. Cashell, Sr., Mayor

Approved as to form:

Deputy City Attorney

CITY OF SPARKS

Attest: _____
City Clerk

By: _____
Geno Martini, Mayor

Approved as to form:

City Attorney

COUNTY OF WASHOE

Attest: _____
County Clerk

By: _____
Chairman of the Board of
County Commissioners

Approved as to form:

District Attorney

**INTERLOCAL AGREEMENT BETWEEN
WASHOE COUNTY ON BEHALF OF
THE WASHOE COUNTY SHERIFF'S OFFICE
AND
THE TRUCKEE MEADOWS FIRE PROTECTION DISTRICT
FOR THE TESTING AND TRAINING CONNECTED TO SELF-CONTAINED
BREATHING APPARATUS (SCBA) EQUIPMENT**

This Agreement is executed and entered into this 23rd day of April, 2013, by and between the Truckee Meadows Fire Protection District (hereafter referred to as "TMFPD"), and Washoe County, for and on behalf of the Washoe County Sheriff's Office (hereafter referred to as "WCSO").

RECITALS

WHEREAS, WCSO, and TMFPD are authorized under NRS 277.180 to contract with any one or more public agencies to perform any government service, activity or undertaking which any of the public agencies entering into the Agreement is authorized by law to perform;

WHEREAS, TMFPD requires equipment to ensure National Fire Protection Association (hereafter referred to as "NFPA") compliance for SCBA testing to perform its public safety duties;

WHEREAS, WCSO possesses SCBA testing equipment resources and has agreed to make such equipment available to the TMFPD;

WHEREAS, TMFPD has the training, knowledge and qualifications to conduct SCBA fit testing;

WHEREAS, WCSO has the need for such SCBA fit testing to occur annually;

WHEREAS, it is deemed that the equipment of WCSO and the Qualifications of TMFPD hereinafter set forth are necessary for both parties and the public.

NOW, THEREFORE, based upon the foregoing recitals which are incorporated by reference, the parties mutually agree as follows:

1. **EFFECTIVE DATE.** This Agreement shall be effective 4/23/13.
2. **TERM OF AGREEMENT.** This Agreement shall continue for one year from the effective date of this Agreement, and shall automatically extend for one (1) additional year term on the same terms and conditions contained in this Agreement, provided neither party is in default at the time of renewal, or the Agreement is not otherwise terminated pursuant to Section 3.

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3. **TERMINATION.** This Agreement may be terminated by either party with 120 (120) days written notice to the other party delivered to the address set forth in the Notice Section set forth below.
4. **MODIFICATION OF AGREEMENT.** The parties may mutually agree to modify the terms of this Agreement. Such modification must be in writing and signed by all parties with the proper authorization and authority.
 - a. If either party determines that a revision to the Agreement is required, the other party will be notified in writing of the requested change/revision.
 - b. Both parties will be responsible for contacting its respective legal departments for review and revisions and to prepare the appropriate document to make the requested changes to the Agreement.
 - d. Both parties will be responsible for providing the proposed revisions in the Agreement to their legal counsel.
 - e. When both parties and their counsel have agreed to the recommended changes, then each party will obtain the necessary approvals and signatures from their board and provide the finalized document to the other party for appropriate approval and signature.
5. **NOTICE.** All notices or other communications required or permitted to be given under this Agreement 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 herein as:

Truckee Meadows Fire Protection District
Attn: Fire Chief
PO Box 11130
Reno, Nevada 89520

Washoe County Sheriff's Office
Attn: Sheriff
911 Parr Blvd
Reno, Nevada 89512

6. **DUTIES AND RESPONSIBILITIES OF WCSO.** The following is a description of the duties of WCSO in accordance with the terms of this Agreement. WCSO agrees to the following duties and responsibilities in addition to any additional requirements set forth in this Agreement.

- a. Any required repair, testing, shipping or replacement costs of the WCSO PosiCheck and WCSO fit testing machine.
- b. Any repair, testing or replacement costs for SCBA packs, components, parts and masks.
- c. Delivery and pick up of the SCBA packs and masks for testing purposes.
- d. One file cabinet with four drawers.
- e. One lap top computer to support the testing system.
- f. Provide one color printer and printer cartridges for record keeping.
- g. Any repair, hydrostatic testing, or replacement of SCBA cylinder
- h. Ensure WCSO staff is compliant with NFPA, OSHA and manufacturer standards.
- i. Maintain all inspection records for FIT Testing
- j. Provide lap top and fit testing equipment to test WCSO employees

7. **DUTIES AND RESPONSIBILITIES OF TMFPD.** The following is a description of the duties of TMFPD in accordance with the terms of this Agreement. TMFPD agrees to the following duties and responsibilities in addition to other requirements as set forth in this Agreement.

- a. Inspect and repair all WCSO SCBA on an annual basis, adhering to NFPA and Occupational Safety and Health Administration (hereafter referred to as "OSHA") standards.
- b. Notify the WCSO of any identified issues or concerns connected to the testing equipment, SCBA bottles or any support equipment.
- c. Provide training material to WCSO staff as it relates to SCBA inspection, to include NFPA standards, OSHA requirements and directives of the SCBA manufacturer.
- d. Assist WCSO staff with compliance of NFPA, OSHA and manufacturer standards.
- e. Conduct SCBA mask fit testing for WCSO employees
- f. Maintain all inspection records for SCBA Equipment

8. **COST OF SERVICES.** Each agency agrees to the following terms of this agreement.

- a. TMFPD agrees to inspect and repair SCBA equipment at no labor cost to WCSO. All parts for repair will be purchased by WCSO
- b. WCSO agrees to pay TMFPD for Fit Testing, not to exceed \$38.00 per hour straight time or \$56.00 per hour for overtime.
 - i. Compensation shall be at a minimum of 2 hours per person and may be pro-rated for each quarter (15 minutes) for time less than one full hour after that.
- c. WCSO shall tender payment to TMFPD within 30 days of receipt of invoices.

9. **RECORD MAINTENANCE.** TMFPD agrees to keep and maintain full, true and complete records, contracts, books and documents as are necessary to fully disclose to the WCSO, State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with all WCSO, state and federal regulations and statutes. The period of retention shall be set forth by both parties, dictated by policies and procedures. These records will also include, but are not limited to, testing records, training logs, repairs records, invoices and various statistical data relative to the user agency's daily and annual operations.

10. **LIMITED LIABILITY.** Without waiving any defenses or limitations set forth in NRS Chapter 41, the parties agree that each will be responsible for any liability, damages or loss that may be incurred as a result of any claim, demand, cost or judgment made against that party arising from an intentional, reckless, negligent act or negligent failure to act by any of that party's employees, agents, servants in connection with work or responsibility performed pursuant to this Agreement.

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 Agreement damages for any breach shall be limited by NRS 353.260 and NRS 354.626.

11. **INDEMNIFICATION.** Pursuant to Nevada Revised Statutes, Chapter 41, and without waiving any provisions thereof, the parties hereto agree to hold harmless, indemnify and defend each other from and against any and all losses, liabilities or expenses of any nature resulting from any claim for injury to the person or property of another as a result of any negligent, reckless or intentional act on the part of their respective employees, agents or servants. Neither party waives any right or defense to indemnification that may exist in law or equity.

12. **INSURANCE.** The parties to this Agreement shall procure and maintain, during the term of this Agreement, General Liability Insurance or provide for their respective financial obligations through a program of self-insurance in compliance with the Nevada Revised Statutes Chapter 41

13. **INDEPENDENT PUBLIC AGENCIES.** The parties are associated with each other only for the purposes and to the extent set forth in this Agreement. With respect to the performance of services pursuant to this Agreement, each party is and shall be a public agency separate and distinct from the other party and, subject only to the terms of this Agreement. WCSO shall have the sole right to supervise, manage, operate, control and direct performance of the details incident to its duties and personnel herein. Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture, to create relationships of any 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 parties.

14. **USE OF EQUIPMENT.** All equipment and maintenance of equipment located with TMFPD, as defined in this agreement, shall remain the property of the WCSO.
15. **INSPECTION AND AUDIT.** Either Participating Agency shall have the right to conduct a performance audit of the equipment at the expense of the WCSO. The other participating Agency shall cooperate in the conduct of such a performance audit.
16. **BREACH; REMEDIES.** Failure of either party to perform any obligation of this Agreement shall be deemed a breach. Except as otherwise provided for by law or this Agreement, 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.
17. **WAIVER OF BREACH.** Failure to declare a breach or the actual waiver of any particular breach of this Agreement 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.
18. **FORCE MAJEURE.** Neither party shall be deemed to be in violation of this Agreement 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 Agreement after the intervening cause ceases.
19. **SEVERABILITY.** If any provision contained in this Agreement is held to be unenforceable by a court of law or equity, this Agreement shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.
20. **ASSIGNMENT.** Neither party shall assign, transfer or delegate any rights, obligations or duties under this Agreement without the prior written consent of the other party.
21. **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.

22. **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 Agreement.
23. **PROPER AUTHORITY:** The parties hereto represent and warrant that the person executing this Agreement on behalf of each party has full power and authority to enter into this Agreement and that the parties are authorized by law to perform the services set forth in this Agreement.
24. **GOVERNING LAW; JURISDICTION.** This Agreement 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 in the Second Judicial District for enforcement and construction of this Agreement.
25. **PRIOR AGREEMENTS.** This Agreement supersedes any prior agreement for such services and the prior agreement is thereby terminated as of the date this Agreement becomes effective.
26. **ENTIRE AGREEMENT AND MODIFICATION.** This Agreement constitutes 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 Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.
27. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement.
28. **THIRD PARTY BENEFICIARY RIGHTS.** This Agreement is not intended to and does not create any third party beneficiary rights in any person not a party to this Agreement.

The parties have caused this Agreement to be duly executed this 23rd day of April, 2013.

**WASHOE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**TRUCKEE MEADOWS FIRE
PROTECTION DISTRICT**

BY: *David Humke*
David Humke, Chairman

BY: *David Humke*
David Humke, Chairman

DATE: *April 23, 2013*

DATE: *April 23, 2013*

ATTEST: *Jancy L. Parent, Chief Deputy*
BY: *Jancy L. Parent, Chief Deputy*
DATE: *April 23, 2013*