

-BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

AUGUST 25, 2009

PRESENT:

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

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

The Board convened at 10:06 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:

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

09-898 AGENDA ITEM 3 – HUMAN RESOURCES

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

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

Essentials of Management Development
Shannon Hardy, IMU Specialist, Sheriff’s Office

Essentials of Personal Effectiveness

Kelly Buford, Legal Secretary, Senior Services

09-899 AGENDA ITEM 4 - PROCLAMATION

Agenda Subject: “Proclamation--Hug Your Kids Today Project. Requested by Commissioner Larkin. (All Commission Districts.)”

Commissioner Larkin read and presented the Proclamation to Michelle Nichols. He expressed his appreciation for everything she did for the community. Ms. Nichols explained she started the Hug Your Kids Today Project, reminding parents to hug their children everyday, in memory of her son. She noted the national holiday was July 20, 2009 and events were held in 28 states. She asked everyone to mark their calendar for next year’s holiday, which would be held on July 19, 2010. She discussed how the news about the Project was being spread across the country and beyond. She stated 50 percent of the Project’s fans were dads and grandfathers. She said the support she received locally made the nationwide support possible, and she thanked the County for its tremendous support. She discussed the “Hug Your Kids Night” at the Reno Aces baseball game.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 4 be adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

09-900 AGENDA ITEM 5 – PUBLIC COMMENT

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

Jeffrey Church spoke regarding his request for an investigation of a possible zoning violation at 15100 Fawn Lane. He showed a picture of the shed that was his main concern. He felt an investigation was in progress based on the e-mails he received, but the letter dated August 6, 2009 from Community Development indicated no case file had been opened by Code Enforcement. He said he did not understand why the County wanted him to pay for locating all of the e-mails or case files regarding this issue. He requested an investigation be conducted, and he be given an explanation of why there was not one conducted to begin with. A copy of his remarks, the picture of the shed, and a copy of e-mails between himself and County staff regarding the possible violation were placed on file with the Clerk.

Katherine Snedigar spoke regarding the proposed Nuisance Ordinance and the Administrative Enforcement Ordinance. A copy of her remarks was placed on file with the Clerk.

***10:16 a.m.** Commissioner Weber arrived at the meeting.

Sharon Spencer spoke regarding the proposed Nuisance Ordinance and the Administrative Enforcement Ordinance. A copy of her remarks was placed on file with the Clerk.

09-901 AGENDA ITEM 6

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

Katy Simon, County Manager, advised Agenda Item 9, a Resolution transferring the County’s 2009 pro-rata share of Private Activity Bonding Authority to the Nevada Rural Housing Authority, was being pulled. She noted the State granted an extension to allow the County to secure an industrial development bond, which could be used to help create jobs. She said suggestions would be brought back to the Board on how the County could support the use of those bonds.

Commissioner Weber said she participated in the August 14, 2009 inaugural run of the V&T Railway from Virginia City to Carson City. She stated the train would be running on Saturday and Sunday through Nevada Day, and people interested in riding the train could contact the Carson City Convention and Visitors Bureau for more information.

Commissioner Breternitz discussed the discontinuance of the Desert Research Institute’s (DRI) cloud-seeding program due to the lack of funding. He said he spoke with Stephen Wells, DRI President, who indicated cancelling the program was a big deal. Commissioner Breternitz believed the County should lead the way in making the cloud seeding program happen. He requested a presentation from DRI on the status of the funding for the program, what the program really was, and whether or not it was it too late to start the program up again.

Chairman Humke requested Legal Counsel research the remarks made by Ms. Snedigar concerning the proposed Nuisance Ordinance. He thanked everyone that participated in the Peanut Butter challenge benefitting the Food Bank of Northern Nevada.

Chairman Humke said Dave Childs, Assistant County Manager, suggested that Agenda Item 11, the Northgate issue, be set for an informal time certain of 5:15 p.m.

CONSENT AGENDA – ITEMS 7A THROUGH 7K(2)

09-902 AGENDA ITEM 7A

Agenda Subject: “Cancel September 15, 2009 County Commission meeting.”

There was no public comment on this item.

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

09-903 AGENDA ITEM 7B - PURCHASING

Agenda Subject: “Acknowledge receipt of the 14th annual Achievement in Excellence in Procurement Award from the National Purchasing Institute for the year ended June 30, 2009--Purchasing. (All Commission Districts.)”

Commissioner Jung felt there should be some formal recognition given to Michael Sullens, Acting Purchasing and Contacts Administrator, and his staff; John Sherman, Finance Director, and his staff; and Katy Simon, County Manager, and her staff. She commented the County had received the Achievement in Excellence in Procurement Award from the National Purchasing Institute for the 14th year. She noted the award measured innovation, professionalism, productivity, e-procurement, and leadership attributes of the procurement function. She said Washoe County was one of only 34 counties and one of six government agencies receiving the award this year, and Washoe County was one of only six government agencies that received the award since its inception 14 years ago.

There was no public comment on this item.

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

09-904 AGENDA ITEM 7C – ASSESSOR

Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2009/2010, 2008/2009, 2007/2008, 2006/2007 secured and unsecured tax rolls as outlined; and if approved, authorize Chairman to execute Order and direct the Washoe County Treasurer to correct the errors [cumulative amount of increase \$50,078.40]--Assessor. (Parcels are in various Commission Districts as outlined.)”

There was no public comment on this item.

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

09-905 AGENDA ITEM 7D – DISTRICT ATTORNEY

Agenda Subject: “Approve payments [\$15,974.39] to vendors for assistance of 81 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons--District Attorney. (All Commission Districts.)”

Commissioner Weber asked for clarification regarding the County’s responsibility for providing medical care to victims of sexual assault based on Nevada Revised Statute (NRS) 217.310. Melanie Foster, Legal Counsel, explained the County was responsible for all initial medical care payments, which could run into tens of thousands of dollars for particularly violent crimes. She noted there was a cap of \$1,000 for follow-up treatment costs for the victims, victim’s spouses and other eligible persons. Commissioner Weber asked the wording in the staff report be clarified.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7D be approved and authorized.

09-906 AGENDA ITEM 7E – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Agenda Subject: “Acknowledge receipt of Truckee River Flood Management Project Status Report for June and July 2009--Truckee River Flood Management Project. (All Commission Districts.)”

There was no public comment on this item.

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

09-907 AGENDA ITEM 7F – PUBLIC WORKS

Agenda Subject: “Approve Change Order No. 2 to Burdick Excavating for the Crystal Bay Phase IB & IIA Water Quality Improvement Project [\$17,920 restricted funds]; and if approved, authorize Public Works Director to execute the necessary documents--Public Works. (Commission District 1.)”

There was no public comment on this item.

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

09-908 AGENDA ITEM 7G - JUVENILE SERVICES

Agenda Subject: “Approve Interlocal Agreement between the County of Washoe (Juvenile Services) and the Board of Regents of the Nevada System of Higher Education (Department of Athletics) retroactive to July 1, 2009 to continue the relationship in which University Nevada Reno reimburses Juvenile Services for the cost of providing supervision for juveniles on the work program; and if approved, authorize Chairman to execute the Interlocal Agreement--Juvenile Services. (All Commission Districts.)”

There was no public comment on this item.

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

09-909 AGENDA ITEM 7H – MANAGEMENT SERVICES/GRANTS COORDINATOR

Agenda Subject: “Accept 2009 State Emergency Response Commission, Hazardous Materials Emergency Preparedness, Mid-Cycle Training & Planning Grant [\$34,208 - no match required]; and if accepted, direct Finance to make appropriate Fiscal Year 2010 budget adjustments--Management Services/Grants Coordinator. (All Commission Districts.)”

There was no public comment on this item.

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

09-910 AGENDA ITEM 7I(1) – COMMUNITY DEVELOPMENT

Agenda Subject: “Appoint Betty Hicks to fill an unexpired term as an At-Large Alternate to June 30, 2010 on the East Washoe Valley Citizen Advisory Board. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Betty Hicks be appointed to fill an unexpired term ending June 30, 2010 as an At-Large Alternate on the East Washoe Valley Citizen Advisory Board (CAB).

09-911 AGENDA ITEM 7I(2) – COMMUNITY DEVELOPMENT

Agenda Subject: “Reappoint William Elliott as an At-Large member to June 30, 2011 and appoint Mark Zane to fill an unexpired term as an At-Large member to June 30, 2010 on the West Washoe Valley Citizen Advisory Board. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that William Elliott be reappointed as an At-Large member on the West Washoe Valley Citizen Advisory Board (CAB) with a term ending June 30, 2011 and Mark Zane be appointed as an At-Large member to fill an unexpired term ending June 30, 2010 on the West Washoe Valley CAB.

09-912 AGENDA ITEM 7J(1) – SENIOR SERVICES

Agenda Subject: “Accept restricted grant given by the Brec Donor Advised Fund at the Community Foundation of Western Nevada [\$22,270], September 1, 2009 through June 30, 2010, for a Social Work Aide Project; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7J(1) be accepted and directed.

09-913 AGENDA ITEM 7J(2) – SENIOR SERVICES

Agenda Subject: “Accept grant award [\$15,776 - no County match] from Human Services Consortium, passed through Saint Mary’s Foundation for the period July 1, 2009 through June 30, 2010 to support Senior Social Services Case Management Program for low-income Seniors; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7J(2) be accepted and directed.

09-914 AGENDA ITEM 7K(1) - SHERIFF

Agenda Subject: “Accept direct grant award from State of Nevada, Office of Criminal Justice Assistance Federal Fiscal Year 2009 Justice Assistance Grant (JAG) [\$50,000 - no County match] Project No. 09-JAG-25 supporting the All Threats All Crimes Task Force; and if accepted, authorize use of JAG training funds for non county employees assigned to the Task Force and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7K(1) be accepted and authorized.

09-915 AGENDA ITEM 7K(2) – SHERIFF

Agenda Subject: “Accept grant award [\$85,900 - no County match] for overtime for Fiscal Year 2010 Joining Forces Program from the Nevada Office of Traffic Safety; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 7K(2) be accepted and directed.

09-916 AGENDA ITEM 8 - APPEARANCE

Agenda Subject: “Appearance: Canaan Peterson - Presentation on improvements made on the Beckwourth Trailhead. (Requested by Commissioner Weber.) (All Commission Districts.)”

Canaan Peterson said he was awarded the rank of Eagle Scout thanks to the Board’s allowing him to make the community a better place by doing this project. He updated the Board on the Beckwourth Trailhead, which was dedicated to Jim Beckwourth.

Commissioner Weber asked Mr. Peterson to share how the developers’ stepped in to help. Mr. Peterson replied Moody Weiske Contractors supplied all of the concrete, water, wheel barrels, and shovels in addition to helping replant damaged bushes. Commissioner Weber noted one of the developers was putting in a gazebo and both developers were dedicating additional parking spaces. She thanked Mr. Peterson’s family and his scouting family for their support.

Mr. Peterson advised the Library would like an additional plaque or a video to go along with the project in the future. He noted some of the younger boys working towards the rank of Eagle Scout accepted the project and would be contacting the Board as soon as they were old enough. He explained where the Beckwourth Trailhead was located.

10:46 a.m. Chairman Humke temporarily left the meeting and Vice Chairman Weber assumed the gavel.

BLOCK VOTE

The following items were consolidated and voted on in a block vote:

09-917 AGENDA ITEM 10 – WATER RESOURCES

Agenda Subject: “Recommendation to authorize the Purchasing Department to release an Invitation to Bid for Remediation Water Testing, Review and Reporting, on behalf of the Department of Water Resources for a term of one year commencing January 1, 2010 with the provision for two successive annual renewal options [\$170,000 estimated annual value of contract]--Water Resources. (All Commission Districts.)”

There was no response to the call for public comment.

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

09-918 AGENDA ITEM 12 - SHERIFF

Agenda Subject: “Recommendation to authorize the creation of one full-time Communications Specialist Supervisor position, as evaluated by the Job Evaluation Committee [no fiscal impact to the County General Fund will occur as all costs of the new position have been budgeted and approved in the Fiscal Year 2009-2010 Animal Services Fund for \$101,000]; and if authorized, direct Human Resources and Finance to make appropriate adjustments--Sheriff. (All Commission Districts.)”

There was no response to the call for public comment.

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

09-919 AGENDA ITEM 13 - SHERIFF

Agenda Subject: “Introduction and first reading of an Ordinance amending the Washoe County Code by repealing provisions in Chapter 54 concerning Alarm Business, Alarm Systems and False Alarms, and by enacting new provisions relating to Alarm Businesses, Alarm Systems and False Alarms. Schedule second reading for September 8, 2009--Sheriff. (All Commission Districts.)”

10:50 a.m. Chairman Humke returned to the meeting and assumed the gavel.

Commissioner Weber noted the City of Reno had a similar ordinance. She stated the many false alarms had a fiscal impact on the public due to officers being taken off the streets to respond to those alarms. She felt the public needed to understand that impact.

Commissioner Jung stated in addition to the fiscal impact, 99 percent of the calls each year were false alarms and, if two patrol cars responded, it meant there were two officers that were unavailable to respond to a real distress call. She noted this Ordinance would address that problem and the Cities of Reno and Sparks had already enacted such an ordinance. She said this Ordinance was drafted from the Model States Alarm Ordinance that was developed through the cooperative efforts of the National Alarm Industry, the National Sheriff’s Association, and the International Association of the Chiefs of Police. She felt it was an excellent move to ensure the safety of the County’s citizens and to ensure they were not subsidizing the cost of the false alarms.

Amy Harvey, County Clerk, read the following bill title, **“AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS IN CHAPTER 54 CONCERNING ALARM BUSINESS, ALARM SYSTEMS, AND FALSE ALARMS, AND BY ENACTING NEW PROVISIONS RELATING TO ALARM BUSINESSES, ALARM SYSTEMS AND FALSE ALARMS.”** The bill was introduced by Commissioner Weber.

In response to the call for public comment, Paul Bryant, Burgarello Alarm Inc General Manager, stated some changes were made based on his and Mr. Burgarello’s comments, but there were still some changes they would like considered. He said on page 7, section D(3) it indicated whose responsibility it would be to collect the Alarm Permit fee and the renewal fee. He said the Cities of Reno and Sparks used ATB to do the tracking and billing. He stated he was unable to find out why the Sheriff’s Office wanted to have the alarm companies collect the initial fees, which would be an undo burden on the companies because it was not part of their contractual agreements with their customers to collect those fees. He said his company was in favor of the Ordinance except for that section. He suggested that the Alarm Administrator selected by the Sheriff’s Office collect the initial alarm fees.

Mr. Bryant said on page 8, section 5(d) it should indicate a time when the company would receive the permit number so they could inform the customer their alarm

would be armed as of a specific date. He indicated page 9, section 11 did not correspond with section 12(a).

Chairman Humke felt the introduction should be withdrawn because the Sheriff's Office should be here to respond to these items. Katy Simon, County Manager, said she would contact the Sheriff's Office and this Ordinance would be put on a future agenda. She advised the action to withdraw the introduction was appropriate.

Commissioner Jung requested Mr. Bryant be provided with the revised backup so everyone would be on the same page. Ms. Simon said she would make sure the Sheriff's Office contacted all of the industry's representatives.

Commissioner Weber withdrew the introduction.

09-920 AGENDA ITEM 14 - MANAGER

Agenda Subject: "Discussion and possible action with regard to the County Commissioners serving on various boards/commissions--Manager. (All Commission Districts.)"

Commissioner Breternitz stated he had no designs on other Boards or Commissions, but the Board had decided to review the appointments every six months.

Commissioner Weber explained the County's appointments to the National Association of Counties (NACo) and the Nevada Association of Counties (NACO).

Commissioner Jung said she would like clarification by the next review regarding the terms of the Boards because hardly any terms were noted on the report. She said the Commission's By-Laws defined the terms and spelled out what happened if a Commissioner was interested in a position. She said the Commission's By-Laws should have been included with the staff report. She asked staff to go back and look at her requests regarding what this report should look like because it did not appear to hit the mark. She indicated it would be sufficient to be provided with a memo cleaning up the report.

Commissioner Weber stated there had been a previously provided report that outlined what each committee did, and she requested that be included for the next review of the Commissioners' appointments, which she understood was scheduled for January 2010.

Chairman Humke commented the Joint Fire Advisory Board (JFAB) did not meet at the time stated and some of the Commissioners were concerned about Washoe County having a valid say in the contract negotiations. He stated the JFAB meeting was a key to that, and he questioned if the Commission should protest and pull its representatives from JFAB. Commissioner Weber noted as a member of JFAB,

sometimes the members chose not to meet because there was nothing to discuss. She indicated the meeting dates reflected in the staff report were accurate.

Melanie Foster, Legal Counsel, said if the Commission wanted to discuss more than their Board appointments, there needed to be a specific Truckee Meadows Fire Protection District (TMFPD) agenda item to discuss JFAB's business.

Chairman Humke noted he did not believe there were any takers on his suggestion to pull the Commission's representatives from JFAB.

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

09-921 AGENDA ITEM 15 – HUMAN RESOURCES

Agenda Subject: "Performance evaluation for the Washoe County Manager, including (but not limited to) discussion of goals, objectives and results of County Manager; consideration of current compensation grade and employee agreement--Human Resources. (All Commission Districts.)"

Katey Fox, Acting Human Resources Director, discussed the process involved in completing the annual performance evaluation for Katy Simon, County Manager. She noted the process included a survey that was sent out to community leaders. She said the results of the survey were attached to the staff report dated August 12, 2009 and was entitled, "Washoe County Manager's Project Performance Report – FY 09-10 as of 7/1/09."

Commissioner Larkin stated he had completed the survey. He commented he would like to see a refocusing on Strategic Management because there should be a refocusing of the County's mission and on what the Department Heads really needed to be doing when there were flat or diminished resources.

Commissioner Larkin advised he was ready to extend the Manager's contract beyond 2010. He stated he was very pleased with Ms. Simon's results and outcomes during the tremendous upheaval of the past three years, which he felt was due to her being behind the lines and because she was a world-class Manager. He said he was aware there were other opportunities out there for her, but the County was fortunate she had chosen to stay because of her commitment to this community.

Commissioner Breternitz thanked Ms. Simon for her support of him as a new Commissioner. He noted her historical perspective and her advice on working through the system and on dealing with others was extremely helpful. He echoed Commissioner Larkin's remarks regarding Ms. Simon's performance. He stated he did not want to think about what the Commissioner's job would be like without her.

Commissioner Jung said Ms. Simon had forgone many perks and bonuses and took voluntary wage reductions in recognition of what was being asked of the

County's employees without the Commission having to insist she do so. She noted Ms. Simon gave part of her salary each year to the County's Scholarship Fund. She stated some very painful decisions had to be made regarding the County's employees and the Manager's e-mails to the employees conveyed grace, dignity and compassion. She felt that took tremendous integrity because those were not easy e-mails to write or easy facts to convey. She also felt there was no better local leader in terms of valuing and growing staff, and Ms. Simon was widely respected in the community. She agreed Ms. Simon's contract should be extended.

Commissioner Weber thought this was a good process and Ms. Simon did a great job. She agreed Ms. Simon was highly respected in this community. She felt Ms. Simon was everything the County needed, and she hoped she would consider staying with the County. She said Ms. Simon stood up as a leader during these tough economic times by thinking outside the box to find ways to work with people and to keep as many employees as possible, which she felt meant so much.

Chairman Humke said this was a trying year from a budgetary standpoint, and Ms. Simon demonstrated her leadership in letting the Finance Director and others do their jobs and by offering comments only when absolutely necessary. He stated the process to remake the budget revealed Ms. Simon's character to him in an important and positive way. He agreed with Commissioner Larkin that the County needed to get back on the Strategic Planning effort. He said the other comments submitted all described Ms. Simon's leadership and how it was relied upon. He felt replacing Ms. Simon's contract with one that was long-term would give the citizens of this County a guarantee during this financial crisis.

Ms. Simon thanked the Board for their comments and stated it was a privilege to work for this County, for this Commission, and especially to work with the dedicated professionals in this organization. She said the County's employees were some of the finest people in public service in the United States, which was shown through the number of awards and the recognition bestowed on the employees. She thanked all of the volunteers who make this a wonderful place, her family and everyone she had the privilege to work with throughout the community.

Commissioner Larkin said the Manager's base salary was raised to \$204,321, but Ms. Simon had forgone her 3 percent increase to stay at \$199,018. He asked if the \$204,321 was still where the base salary should be despite Ms. Simon not taking the increase. Ms. Fox discussed the information contained in the "Chief Executive Officer Comparison – FY 2009 CEO Survey." She said the data showed the County Manager's salary going down. Commissioner Larkin said regardless of what the County Manager did, it seemed the salary amount of \$204,321 was right. He stated he was concerned about being totally underpriced if anything should happen to Ms. Simon. Ms. Fox said that figure was still in the ballpark.

Commissioner Larkin asked if the contract included the \$204,321, despite what Ms. Simon did regarding the increase, and the contract was extended through Fiscal

Year 2012, would those terms be acceptable to Ms. Simon. He said he was suggesting 2012 because the organization had been through a shock and there could still be the potential for additional problems at the State level. He wanted there to be no doubt by anyone in the organization that the Manager was on board. Ms. Simon said she would be delighted to accept that proposal.

Commissioner Larkin moved and Commissioner Jung seconded the motion to extend Ms. Simon's contract through Fiscal Year 2012 with the salary set out in the staff report dated August 12, 2009 and with the Chairman authorized to execute the Employment Agreement.

Chairman Humke advised this contract was a rolling contract that had provisions for regular evaluations and for the possibility of a bonus when times were not as tough as they were currently. Ms. Fox said the Employment Agreement covered what could occur regarding Ms. Simon's compensation and included some of the peripheral information regarding the car allowance and so on the Board could consider. She said the Manager's annual performance evaluation would be done next year unless Human Resources was directed differently.

Commissioner Jung reiterated it was important to have a commitment to the County Manager who was committed to the County. She said Ms. Simon could not be expected to continue to make remarkable sacrifices without a promise towards the future. She stated as was done for the Employee Associations, she wanted to see the County Manager have benchmarks for when the economy improved.

Melanie Foster, Legal Counsel, said as a point of technical clarification for amending the agreement, last year the date for compensation went back to the beginning of the Fiscal Year, but the Board could choose today's date or the Fiscal Year. Chairman Humke replied it should relate back to the beginning of the Fiscal Year so there would be no break. Commissioner Larkin said that was correct. Commissioner Jung as the seconder agreed.

On a call for the question the motion passed 5-0.

11:45 a.m. The Board recessed until the of 5:15 p.m. time certain.

5:22 p.m. The Board reconvened with all members present.

09-922 **AGENDA ITEM 11 – COUNTY MANAGER/REGIONAL PARKS AND OPEN SPACE**

Agenda Subject: “Recommendation to acknowledge receipt of appraisal and consider termination of Option Agreement between RJB Development, Inc. and Washoe County for potential acquisition of approximately 228 acres of property commonly known as Northgate Golf Course pursuant to Paragraph 6 on said Agreement; and if termination of Agreement is approved, authorize the Chairman

to provide written notice of termination to RJB Development, Inc. and Escrow Holder; and further, acknowledge the Reversion Right of RJB and authorize Chairman to convey to RJB by Quitclaim Deed all of the County's right, title and interest in the property which is subject to the reverter--County Manager/Regional Parks and Open Space (Commission Districts 1 and 5.)"

Dave Childs, Assistant County Manager, advised the agreement was written between Washoe County and RJB Development, Inc. so the option money would be refunded immediately if the County gave notice by August 27, 2009 and pulled out of the deal. If RJB did not give the County notice by August 24th, they agreed to the appraisal price. If the Board took no action tonight, the parties agreed on the purchase price, which would be based on the appraisal.

Mr. Childs discussed how Washoe County came to own the property and how it reverted back to RJB once the property was no longer operated as a golf course. He said after hearing from the property owners around the golf course, the Commissioners decided to not operate the property as golf course, but to see if it was possible to preserve it as open space. Three meetings were held with the people living in the neighborhood. He stated the most recent meeting was spent discussing what would be involved in creating a Special Assessment District (SAD) and how the neighborhood would participate in that effort. He said there was great interest in the concept of a SAD.

Mr. Childs explained the Option Agreement with RJB called for an appraisal of the property and for a way to agree on the appraisal. It also specified the County could make option payments that would allow the County until the end of March 2010 to see if financing could be found to purchase the property. He stated the options payments would remain refundable when the property was sold to another party if the Board decided in March 2010 there was not enough money to fund this purchase.

Mr. Childs advised the appraisal came in at \$2,850,000, which was significantly lower than RJB's asking price of \$4.5 million. He said the County received a letter dated August 24, 2009, which indicated RJB was prepared to go forward with the transaction at the appraised value.

Mr. Childs said the one of the options was the Board could decide not to proceed with this transaction and could consider terminating the Option Agreement. He stated the other option was to do nothing, which would mean the appraised value would become the purchase price because of the provisions in the Option Agreement. He said staff recommended the Board accept the appraisal and direct staff to take the next step towards trying to reach an agreement by the neighbors to assist with funding, to work with the City of Reno to find ways to restore and maintain the property, and to see if funds could be found through State Question-1 (SQ-1) and Washoe County-1 (WC-1) to provide some portion of the funding.

Mr. Childs noted there was an issue with funding through SQ-1 because of the current difficulty in the financial markets, which meant it had not been possible to sell

the bonds to fund the SQ-1 program and which delayed the sale of Round 10 Bonds. He advised the County was not qualified to apply for Round 10 Bonds, but only for Round 11. He said Round 11 had been delayed until the fall of 2010 and would be at a reduced level of funding based on the bond markets. He advised staff would pursue getting SQ-1 money, but that option was not as promising as originally hoped.

Mr. Childs explained another issue was with WC-1 funding. When WC-1 was passed, there was a list of projects to be done and many of those projects were completed. He said there were some funds remaining and some projects had fallen off the list, but there were still projects on the list. For this project to be funded under WC-1, the Board would have to amend WC-1, which would require having concurrence by the Cities of Reno and Sparks.

Mr. Childs stated City of Reno staff was at the last neighborhood meeting to explain the process of creating a SAD. He said after that explanation, the people discussed how they could organize to possibly fund purchasing the property. He stated there was a lot of interest in not letting it be developed and in preserving it as open space. He advised staff was committed to doing what it could to facilitate that process.

In response to the call for public comment, Knute Knudson said his property was one of the 293 properties that had frontage on the property under consideration. He stated he attended the neighborhood meetings. He expressed his appreciation to staff for outlining the issues involved, for the extensive work done regarding the alternatives available, and to the elected officials that were in attendance seeking input from the people involved. He said he purchased his property because of golf course and the open vistas, which he would like to preserve. He stated he was willing to participate in an assessment process, and he encouraged the Board to proceed in that direction to see if the neighborhood could formulate the SAD.

Kathleen Kerwin stated she lived next to the Northgate property. She said she contacted the individuals who indicated they wanted to volunteer to help put together the SAD. She said they all had realistic expectations on how much work it would take to put together a SAD.

Linda James thanked the Commissioners for the time they spent on this issue. She said she preferred the property be preserved as open space and was willing to put in the necessary time to put together a SAD. She stated she had talked to many of her neighbors and they were willing to contribute to the SAD.

Chairman Humke closed public comment.

Commissioner Weber thanked County staff, the City of Reno's staff, Commissioner Breternitz, and all of the people that attended the neighborhood meetings. She said it was awesome to see people come together, and she felt everyone did a great job. She thanked Reno's Councilmember Aiazzi because, from her perspective, without his push the property would have reverted back to RJB; but he kept saying there was

something else that could be done. She hoped she had the support of Commissioners to move forward.

Commissioner Breternitz said he spent a lot of time on this as had other people. He stated there were a lot of moving parts that needed to be put into place and a number of steps that needed to be taken. He thought the County's and City of Reno's staffs should get together to work out the timeline for forming the SAD. He stated the extension of this deal would be coming before the Board in late December 2009, and he wanted to have a number of things that needed to be done checked off the list by then. He felt the milestones needed to be determined with the property owners having input and buy in as well. He advised he supported the Commission taking no action tonight.

Chairman Humke asked if the City of Reno had taken any affirmative steps toward forming a SAD. Mr. Childs replied the City of Reno's staff met with the neighborhood's citizens to discuss what the size of the SAD might be, but he was not sure any official action had been taken by the Reno City Council regarding the project. He advised the County could not form the SAD because the property was within the City of Reno.

Commissioner Jung said it was important to consider purchasing the 228 acres for a screaming deal of \$2.9 million. She stated she supported this purchase since there was no risk to the County because it would get its investments back at the time of sale. She felt there was a moral obligation to help people work out a deal, because they purchased their lots under the auspices this land would remain a golf course. She said these citizens were willing to use their own money to purchase the property because they understood how important it was to the value of their own properties. She agreed with Robert Rowland's e-mail that said the economy would get better but the land would be gone forever. She believed the role of government was to preserve open space when there was an opportunity to do so and caring for the property would be figured out later. She believed the SAD could be worked out, and she was willing to do what she could to help.

Commissioner Weber commented it was the people themselves and not the County that were seeking the assessment district, and she felt this should move forward.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that the receipt of the appraisal be accepted for Agenda Item 11.

09-923 AGENDA ITEM 20 – REPORTS/UPDATES

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

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

Commissioner Weber said there would be a Reno-Sparks Convention and Visitors Authority (RSCVA) meeting on Thursday. She noted there was a Nevada Association of Counties (NACO) Board meeting on August 14, 2009 where the Board discussed the Legislature’s impact on Clark and Washoe Counties. She indicated all of the counties needed to let people know how their county commissioners affected them.

Commissioner Jung said the District Board of Health would meet this Thursday at 1:00 p.m. She stated the Melio Gaspari Water Play Park at the Lazy 5 Regional Park would allow the public to take leashed dogs to the park on August 30, 2009 from 11:00 a.m. to 4:00 p.m. She said she was also attending the joint Washoe County and City of Reno Senior Services Board picnic on August 30, 2009 at 1:00 p.m. in Idlewild Park’s Snowflake Pavilion.

Chairman Humke stated there was a special meeting of the Regional Transportation Commission (RTC) on Friday, August 28, 2009 at 9:00 p.m. to consider an interchange upgrade.

5:55 p.m. The Board temporarily recessed.

6:03 p.m. The Board reconvened with all members present.

PUBLIC HEARINGS

09-924 AGENDA ITEM 16 - REGIONAL TRANSPORTATION COMMISSION/MANAGEMENT SERVICES

Agenda Subject: “Second reading and adoption of an Ordinance relating to County taxes on vehicle fuels; amending Chapter 20 of the Washoe County Code (Revenue and Taxation) to impose the additional taxes on vehicle fuels in Washoe County and increases in those taxes, based on an inflation index for the costs of highway and street construction, authorized by Chapter 501, Statutes of Nevada, 2009, which implements the 2008 Washoe County General Election Ballot Question RTC-5; providing other details in connection therewith; and providing other matters properly relating thereto (Bill No. 1596); AND, recommendation to approve the Business Impact Statement related to an Ordinance amending the Washoe County Code at Chapter 20 by imposing additional motor vehicle fuel taxes and annual adjustments to these taxes to recover purchasing power lost due to inflation as approved by the voters with ballot question RTC-5 in November 2008 and as authorized by the Legislature with Act 501, Statues of Nevada, 2009; and further determine that the Ordinance is not likely to impose a direct and significant economic burden upon a business, or directly restrict the formation, operation or expansion of a business--Regional Transportation Commission/Management Services. (All Commission Districts.)”

6:04 p.m. Chairman Humke opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Jerry Purdy discussed the \$12 to \$14 million pending change order to the Washoe Valley Highway project being built by an out-of-state contractor. He noted the change order was to use concrete instead of asphalt to pave the freeway. He said the change order would allow the contractor to do the work without going through the normal competitive bidding process. He urged everyone to contact the Nevada Department of Transportation (NDOT) to request the change go out to competitive bidding. He said that process would allow local contractors, materials and equipment suppliers, and others the opportunity to bid on this work. He stated if a local contractor was the winner of the bid, it would result in a significant increase in employment and income in the local construction industry. He requested that local contractors be given the opportunity to bid on the change order given that local tax revenues funded this project.

Peter Krueger, representing the Nevada Petroleum Marketers Association, stated he was concerned that, based on the Association's projections, the 2.4 cent increase would cause truckers to stop for fuel outside of Washoe County. He stated he was not opposed to the Ordinance, but wanted to bring attention to its possible impact.

Derek Morse, Regional Transportation Commission (RTC) Interim Director, stated tonight was the end of a long road. He thanked the Board and requested they move forward with passing this Ordinance. He said its passage would meet the commitment made to the public and would stimulate the economy by putting people back to work building some badly needed infrastructure projects. He thanked the members of the Washoe County delegation, the members of the Legislature who supported the enabling legislation, the RTC Board for their perseverance in addressing the issue of transportation funding, the many members of the private sector who supported this effort, and most of all the public for their support.

Bob Cashell, City of Reno Mayor, thanked the Board for its support during the Legislative sessions. He said he had been in the truck stop business in this town for almost 40 years. He disagreed with Mr. Krueger's comment that truckers would stop fueling in Washoe County because a good truck stop provided more than just fuel, it provided service and a quality product. He stated he never lost a sale of a gallon of fuel when Fernley was lower by 5 cents. He felt the passage of this Ordinance would not hurt the community one bit, and he supported its passage.

Gino Martini, City of Sparks Mayor, said passing this Ordinance was the right thing to do for the community, and he thanked all of the people involved. He discussed the need for widening Vista Boulevard in the City of Sparks.

Norman Dianda said the people voted for the fuel tax increase, the Legislature approved it, and tonight would be its final approval. He felt it would provide real value for the dollars that would be spent. He stated he was a big user of fuel, but he

was not complaining because people needed to get back to work. He asked the Board to approve the Ordinance.

Perry DiLoreto said he supported this Ordinance because it was a well thought out public infrastructure program, and he strongly urged the Board to adopt the Ordinance.

Richard Daley, Laborers Union Local 169 Representative, agreed this was an infrastructure measure that was needed by the community and the jobs were an extra bonus. He said the people asked to be here today were on the Union's out-of-work list, which was substantial. He noted there were other unions represented tonight that were in a similar situation. He urged the Board to pass this Ordinance.

Lisa Dunagan, Reno/Sparks Association of Realtors Legislative Committee Chair, urged the Board to adopt this Ordinance implementing Washoe County RTC-5 because it would create jobs, but it would also ultimately reduce traffic and improve the community's quality of life.

Frank Lepori, ABC President, and Jess Traver, Builders Association of Northern Nevada, indicated they supported passage of this Ordinance.

Tray Abney, Reno-Sparks Chamber of Commerce, said he was representing the 15 hundred member businesses of the Reno-Sparks Chamber of Commerce, which supported this final step in a very long process. He commented the construction projects were projected to create 3,000 well paying jobs, but they would also benefit his members who would be selling goods and services to those workers. He said it would also improve traffic and would be an economic development tool because the transportation system was a big quality of life issue.

Amy Harvey, County Clerk, stated 122 public comment cards were submitted that indicated support of the Ordinance.

Chairman Humke closed the public hearing.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that the Business Impact Statement be approved for Agenda Item 16.

Commissioner Jung agreed this was the fairest tax that could be put on the citizens of Washoe County because it was a user fee. She urged the RTC members to consider other approaches to get people to pay for using the roads, which would include alternative-fuel vehicles that do not use as much gas but still cause wear and tear on the roads. She felt the County should get more creative, either at the legislative or local levels, in getting the truckers who might forgo getting gas in Washoe County to pay their fair share because semi-trucks caused most of the damage to the major arterials.

Commissioner Weber thanked everyone who was present and stated this was a fair-share situation. She hoped everyone would work together to encourage vehicles to come to Washoe County because this was the best place to be.

Commissioner Larkin said this was the end of a long road. He noted the citizens of Washoe County would be much better off with the fuel tax as a user fee that would be used to improve the roads.

Chairman Humke said the passage of this Ordinance was a demonstration of a great partnership over many years. He thanked everyone who worked towards this day, but he felt it was most important to thank the voters and to keep the bond with the voters who stepped up to the plate.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Ordinance No. 1416, Bill No. 1596, entitled, **“AN ORDINANCE RELATING TO COUNTY TAXES ON VEHICLE FUELS; AMENDING CHAPTER 20 OF THE WASHOE COUNTY CODE (REVENUE AND TAXATION) TO IMPOSE THE ADDITIONAL TAXES ON VEHICLE FUELS IN WASHOE COUNTY AND INCREASES IN THOSE TAXES, BASED ON AN INFLATION INDEX FOR THE COSTS OF HIGHWAY AND STREET CONSTRUCTION, AUTHORIZED BY CHAPTER 501, STATUTES OF NEVADA, 2009, WHICH IMPLEMENTS THE 2008 WASHOE COUNTY GENERAL ELECTION BALLOT QUESTION RTC-5; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,”** be approved, adopted and published in accordance with NRS 244.100.

6:34 p.m. The Board temporarily recessed.

6:45 p.m. The Board reconvened with all members present.

09-925 AGENDA ITEM 17 – COMMUNITY DEVELOPMENT

Agenda Subject: “Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case No. DA09-003 for Tentative Subdivision Map Case No. TM05-012 for Broken Hills Subdivision as previously approved by the Planning Commission (Bill No. 1598); and if Ordinance adopted, authorize Chairman to execute Agreement between Barker-Coleman Investments Broken Hill, Ltd and the County of Washoe--Community Development. (Commission District 4.)”

6:46 p.m. The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There was no response to the call for public comment and Chairman Humke closed the public hearing.

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that Ordinance No. 1417, Bill No. 1598,

entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA09-003 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM05-012 FOR BROKEN HILLS SUBDIVISION AS PREVIOUSLY APPROVED BY THE PLANNING COMMISSION," be approved, adopted and published in accordance with NRS 244.100. It was also ordered that the Agreement between Barker-Coleman Investments Broken Hill, Ltd. and Washoe County be authorized and executed.

09-926 AGENDA ITEM 18 – CANEPA RANCH

Agenda Subject: "Canepa Ranch--Regional Parks and Open Space. (Commission District 5.) Public hearing to hear comment on the proposed sale of 111.1 acres (a portion of Canepa Ranch) to the United States of America (Department of Agriculture – Forest Service) pursuant to NRS 277.050 for the purchase price of \$1,525,000."

6:49 p.m. Chairman Humke opened the public hearing. There was no response to the call for public comment and Chairman Humke closed the public hearing.

09- 927 AGENDA ITEM 18 – CANEPA RANCH – AND – RESOLUTION

Agenda Subject: "Approve and execute a Resolution accepting bid of \$1,525,000 from the United States of America for the purchase of 111.1 acres of Canepa Ranch (portion) [APN'S 038-150-14, 038-150-21, 038-530-29, 038-530-42]; authorize Chairman to execute Warranty Deed, Purchase Option and Contract, Easement Agreements and all other documents that may be necessary for sale of same; and, direct Finance to make all appropriate cash transfers of sale proceeds from the General Fund to the Parks Capital Fund 404-4422 upon final sale."

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried it was ordered that Resolution for Agenda Item 18 be approved, authorized, executed, and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-928 AGENDA ITEM 19

Agenda Subject: "Mills B. Lane Justice Center--District Attorney. (All Commission Districts.) Public hearing pursuant to NRS 277.050 to hear objections by electors of Washoe County to the proposed transfer of a commercial condominium unit located at 1 South Sierra Street to the City of Reno without charge for the City's continued use as a Municipal Court and pursuant to a 2001 Interlocal Agreement by which the City and the County jointly designed, constructed and financed the Mills B. Lane Justice Center."

6:53 p.m. Chairman Humke opened the public hearing. There was no response to the call for public comment and Chairman Humke closed the public hearing.

Paul Lipparelli, Assistant District Attorney, commented this project had been his career at Washoe County since he joined the County in 1999. He stated the Board approved a Resolution of Intent to transfer property at the August 11, 2009 meeting, which was a State requirement. He said since no one was here to protest, the next step was to seek approval of the deed to transfer title of a condominium unit from Washoe County to the City of Reno, approval of two easements, and a Covenants, Conditions, and Restrictions (CC&R) Agreement. He advised that was necessary because of the 2002 Interlocal Agreement with the City of Reno to jointly design, finance, and construct the Mills B. Lane Justice Center.

Mr. Lipparelli discussed the benefits to the City of Reno and the County of the Mills B. Lane Justice Center. He explained what happened regarding CC&R's with a developer-driven condominium project. He stated in this instance, because the CC&R's were a joint agreement, the transfer of title of the condominium unit from the County to the City of Reno had to be approved first, then the easements, and finally approval of the CC&R Agreement. He said that Agreement was the heart of the condominium relationship. He explained each owner owned a unit in addition to an undivided interest in the common areas.

Mr. Lipparelli displayed a map of the Mills B. Lane Justice Center as shown on page 68 of the backup. He discussed the building and its evolution into its current configuration and the building's vertical depiction, as shown on page 71.

Chairman Humke believed this was ample proof to the business community that the City of Reno and the County did cooperate.

09-929 AGENDA ITEM 19 – MILLS B. LANE JUSTICE CENTER - AND - DEED

Agenda Subject: “Approve Deed to transfer a condominium unit in the Mills B. Lane Justice Center located at 1 South Sierra Street in Reno, Nevada to the City Of Reno for a municipal court facility.”

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that the Deed for Agenda Item 19 be approved.

09-930 AGENDA ITEM 19 – MILLS B. LANE JUSTICE CENTER - AND - GRANT OF EASEMENT/MAINTENANCE AGREEMENT

Agenda Subject: “Approve Washoe County’s Grant of Easement and Maintenance Agreement to the Justice Center Owners (Washoe County and the City of Reno) relating to portions of the Mills B. Lane Justice Center located at 1 South Sierra Street in Reno, Nevada.”

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that the Washoe County’s Grant of Easement and Maintenance Agreement for Agenda Item 19 be approved.

**09-931 AGENDA ITEM 19 – MILLS B. LANE JUSTICE CENTER - AND -
GRANT OF EASEMENT/MAINTENANCE AGREEMENT**

Agenda Subject: “Approve Justice Center Owners’ (Washoe County and the City of Reno) Grant of Easement and Maintenance Agreement relating to portions of the Mills B. Lane Justice Center located at 1 South Sierra Street in Reno, Nevada.”

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that the Justice Center Owners’ Grant of Easement and Maintenance Agreement for Agenda Item 19 be approved.

**09-932 AGENDA ITEM 19 – MILLS B. LANE JUSTICE CENTER - AND –
COVENANTS, CONDITIONS AND RESTRICTIONS
AGREEMENT**

Agenda Subject: “Approve a Covenants, Conditions and Restrictions Agreement with the City of Reno for the ownership, use, occupancy, maintenance, improvement and operation of condominium project owned by the County and the City related to the property known as the Mills B. Lane Justice Center located at 1 South Sierra Street in Reno, Nevada.”

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that the Covenants, Conditions and Restrictions Agreement for Agenda Item 19 be approved.

09-933 AGENDA ITEM 21

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

There was no closed session.

* * * * *

7:02 p.m. There being no further business to come before the Board, on motion by Commissioner Weber, seconded by Commissioner Breternitz, Chairman Humke ordered that the meeting be adjourned.

DAVID E. 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*

INTERLOCAL AGREEMENT

This Interlocal Agreement is made by and between the County of Washoe, a political subdivision of the State of Nevada, by and through the Department of Juvenile Services, hereinafter referred to as "Department" and the Board of Regents of the Nevada System of Higher Education, Department of Athletics, hereinafter referred to as "Agency."

WITNESSETH

WHEREAS, the parties are both public agencies as described in NRS Chapter 277 and are empowered to enter into interlocal agreements for any governmental service, activity or undertaking which any of the parties entering into the agreement is authorized to perform;

WHEREAS, the Department has established a program whereby certain juvenile offenders can perform community service through a work program to remove litter and weeds.

WHEREAS, the Agency would benefit from the services of the Department in removing litter and weeds.

WHEREAS, the Department and the Agency mutually desire to enter into an interlocal agreement for these purposes;

NOW, THEREFORE, the parties agree as follows:

1. The Department agrees to provide available work crews to perform litter removal, landscaping, and general cleanup at the request of the Agency. The Department agrees to provide equipment to be used by the work crew for weed and litter removal. The weeds and litter removed will be placed in bags by those persons performing the services and the bags will be placed in suitable locations for pickup by Agency personnel.
2. The above-described services will be performed upon the written request of the Agency, however, the date and time the services will be performed will be at the discretion of the Department based upon available work crews.
3. The Agency will designate the location where work is to be performed, subject to the approval by the Department. The Department reserves the right to refuse to work in any location.
4. The Department shall provide for transportation of the work crews and any necessary supervisors as well as the equipment to be used by the work crews for litter and weed removal. The Agency shall be responsible for transportation of equipment and persons necessary to perform those functions that are the responsibility of the Agency.
5. The Agency agrees to conduct a hazard assessment of each work site and provide its findings to the Department prior to requesting the Department to work in that location.
6. The Agency will pay the Department, as compensation for the expenses incurred in providing the necessary supervision to the work crews, a sum of One Hundred Fifty Dollars (\$150.00) per day for each supervisor that is required. The Department will notify the Agency in advance of performing the services how many supervisors will be necessary to perform the services. Any costs associated with the Department's performance of the services will be included in the above-described compensation unless otherwise agreed upon in writing. Payment

by the Agency will be made promptly upon receipt of billing statements. The Department will send billing statements bi-monthly. In the case of a compensation increase, the "Agency" will be notified in writing. If both parties agree to the new compensation amount, this contract will remain in full force and effect and will not have to be re approved by the Board of County Commissioners. In the event that the governing body appropriating funds for Agency fails to obligate the funds necessary to make the payments beyond Agency's then current fiscal period, this Agreement shall be terminated without penalty, charge or sanction.

7. The Department will be responsible for the conduct and actions of its employees, agents and persons the Department has a duty to direct and control. The Department, to the extent permitted by law, agrees to indemnify, defend and hold harmless the Agency, its employees or agents from any claim, loss or lawsuit arising out of the performance of this Agreement resulting from the negligent or intentional acts or omissions of the Department, its employees, agents or persons the Department has a duty to direct and control unless such claim is based, in whole or in part, on any act or omission of the Agency or its employees or agents, and subject to the waiver provision of paragraph 12 of this Agreement. In the event of a claim or lawsuit against the Agency arising out of the acts or omissions of the Department, its employees agents or persons whom the Department has a duty to direct and control, the Department shall defend or resolve the claim at no expense to the Agency, or if the Department is unable to defend the Agency, the Department shall reimburse the Agency, its officers, employees and agents in defending such action at its conclusion should it be determined that the basis for the action was in fact the negligent or intentional acts or omissions of the Department, its employees, agents or persons whom the Department has a duty to direct and control.

8. The Agency acknowledges that some damage to its property may occur during the performance of the services under this Agreement, therefore, the Agency waives any claim for damage to its property as a result of the performance of such services by the Department, its employees, agents or persons the Department has a duty to direct and control unless the damage is caused by the intentional or willful acts by the Department, its employees, agents or persons whom the Department has a duty to direct and control.

9. The Agency, to the extent limited in accordance with NRS 41.0305 to NRS 41.039, agrees to indemnify, defend and hold harmless the Department, its employees, agents and persons the Department has a duty to direct and control against claims, lawsuits or losses resulting from the negligent or intentional acts or omissions, of Agency, its employees or agents. In the event of a claim or lawsuit against the Department arising out of the acts of the Agency, its employees or agents, the Agency shall defend or resolve the claim at no expense to the Department, or if the Agency is unable to defend the Department, the Agency shall reimburse the Department, its officers, employees and agents in defending such action at its conclusion should it be determined that the basis for the action was in fact the negligent or intentional acts or omissions of the Agency, its employees or agents.

10. Either party may terminate this Agreement with or without cause by giving the other party written notice of the intent to terminate. The notice must specify the date upon which the termination will be effective, which date may not be less than 30 calendar days from the date of mailing of the notice.

11. All notices required under this Agreement shall be in writing and mailed, postage prepaid, addressed to the designated representative of the respective parties:

DEPARTMENT:

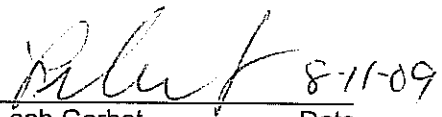
Washoe County Department of Juvenile Services
P.O. Box 11130
Reno, Nevada 89520

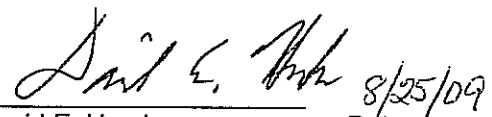
The Board of Regents of the Nevada System of Higher
Education on behalf of the University of Nevada Reno
Legacy Hall / MS 264
Reno, Nevada, 89557-0041

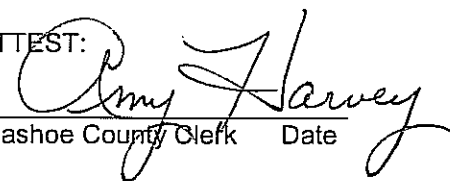
12. This Agreement shall be governed, interpreted and construed in accordance with the laws of Nevada. If any provision of this Agreement shall be held or declared to be void or illegal for any reason, all other provisions of the agreement, which can be given effect without such void or illegal provision, shall remain in full force and effect.

13. This agreement may not be assigned or amended without the consent of the governing boards of the parties.

14. This Agreement shall be in effect for a period of four (4) years beginning July 1, 2009.


Leah Gorbet Date
Controller, UNR
Board of Regents of the Nevada System
Of Higher Education on behalf of the
University of Nevada, Reno


David E. Humke Date
Chairman
Washoe County Commission

ATTEST:

Washoe County Clerk Date

RESOLUTION ACCEPTING BID OF \$1,525,000.00 FROM THE UNITED STATES OF AMERICA FOR THE PURCHASE OF 111.1 ACRES OF CANEPA RANCH (PORTION) APN'S [038-150-14, 038-150-21, 038-530-29, 038-530-42] AND AUTHORIZING CHAIRMAN TO EXECUTE WARRANTY DEED, PURCHASE OPTION AND CONTRACT, EASEMENT AGREEMENTS AND ALL OTHER DOCUMENTS THAT MAY BE NECESSARY FOR SALE OF SAME.

WHEREAS, Washoe County, a political subdivision of the State of Nevada, owns parcels of real property situated in the County of Washoe, APN'S [038-150-14, 038-150-21, 038-530-29, 038-530-42], commonly known as Canepa Ranch (portion); and

WHEREAS, The United States, through its Department of Agriculture-Forest Service, with authorization from the Secretary of Agriculture, has identified the real property as a priority for open space conservation, safeguarding the Humboldt-Toiyabe National Forest, outdoor recreation, and wildlife habitat preservation (the "Project"); and

WHEREAS, The United States has obtained funding authorization to acquire the property through the Southern Nevada Public Land Management Act for the Project; and

WHEREAS, The United States desires to purchase from Washoe County for purposes of the Project and Washoe County desires to sell to the United States for purposes of the Project a portion of the Canepa Ranch property (111.1 acres), more particularly described in Exhibit "A" attached hereto (the "Property"), which is essential to the Project; and

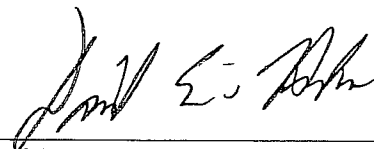
WHEREAS, The United States has offered to Washoe County a purchase price for the Property equal to the appraised value in the amount of \$1,525,000.00; now, therefore, be it

09-927

RESOLVED, That the Board of Washoe County Commissioners has determined that the best interests of the County and the public are served by accepting the United States' bid and ordering the sale of the Property, "AS IS, WHERE IS" to the United States for a total purchase price in the amount of \$1,525,000.00; and authorize the Chairman to execute Warranty Deed, Purchase Option and Contract, Easement Agreements and all other documents associated with the sale.

This Resolution shall be effective upon execution.

ADOPTED this 25th day of August 2009.



David E. Humke, Chairman
Washoe County Commission

ATTEST



Amy Harvey, County Clerk