

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

APRIL 21, 2009

PRESENT:

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

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

Vice Chairperson Weber called the regular session of the Board to order at 10:15 a.m. 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 the 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.”

09-354 AGENDA ITEM 3A1

Agenda Subject: “Proclamations. May 1, 2009 as Silver Star Banner Day. (Requested by Commissioner Humke.)”

Katy Simon, County Manager, read the Proclamation.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried with Chairman Humke and Commissioner Larkin absent, Agenda Item 3A1 was approved and adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

09-355 AGENDA ITEM 3A2 – COMMUNITY RELATIONS

Agenda Subject: “Proclamations. April 26 - May 2, 2009 as National Crime Victims’ Rights Week.”

Katy Simon, County Manager, read the Proclamation and presented it to District Attorney Richard Gammick, Sheriff Michael Haley, Victim Witness Assistance Center Coordinator Christina Conti, Law Office Manager Lidia Osmetti and Vickie Jakubowski. Mr. Gammick thanked the Commission. He commented that strides were being made to recognize the rights of victims and help them get on with their lives. He indicated there were many activities scheduled during National Crime Victims’ Rights Week. The group posed for a photograph with the Board.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke and Commissioner Larkin absent, Agenda Item 3A2 was approved and adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

09-356 AGENDA ITEM 3A3 – COMMUNITY RELATIONS

Agenda Subject: “Proclamations. April 25, 2009 as Tune In To Kids Day.”

Commissioner Breternitz read the Proclamation and presented it to Coordinator Jody Ruggiero. Ms. Ruggiero thanked the Commissioners. She displayed a printed shopping bag containing tips for parents and encouraged families to attend the event at Idlewild Park. The group posed for a photograph with the Board.

***10:28 a.m.** Commissioner Larkin arrived at the meeting.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried with Chairman Humke absent, Agenda Item 3A3 was approved and adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

09-357 AGENDA ITEM 3A4

Agenda Subject: “Proclamations. April 22, 2009 as Earth Day.”

Commissioner Jung read the Proclamation.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried with Chairman Humke absent, Agenda Item 3A4 was approved and adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

09-358 AGENDA ITEM 4A1 – COMMUNITY RELATIONS

Agenda Subject: “Resolutions of Appreciation. Elyse Gut, for her volunteerism and civic service in Incline Village.”

Commissioner Breternitz read the Resolution and presented it to Elyse Gut. Ms. Gut thanked the Commissioners on behalf of the volunteers all over the State of Nevada. The group posed for a photograph with the Board.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried with Chairman Humke absent, Agenda Item 4A1 was approved and adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-359 AGENDA ITEM 4A2 – COMMUNITY RELATIONS

Agenda Subject: “Resolutions of Appreciation. Washoe County Sheriff’s Department for receiving the Hannah Humanitarian Award from the Committee to Aid Abused Women, with special recognition to Sheriff Mike Haley and Deputies Kerry Saulnier and John Medina.”

Commissioner Jung read and presented the Resolution to Sheriff Michael Haley, Deputy Kerry Saulnier and Deputy John Medina. Sheriff Haley spoke about his agency’s commitment to the cause of protecting women in the community. The group posed for a photograph with the Board.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Chairman Humke absent, Agenda Item 4A2 was approved and adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-360 AGENDA ITEM 5

Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during

individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”

In response to the call for public comment, Beth MacMillan, Executive Director of Artown, thanked the Board and County staff for their continued support. She discussed new partnerships and some of the events planned for Artown in July 2009.

Donna Peterson placed a copy of her comments on file with the Clerk. She identified herself as a resident of St. James Village. She indicated there was currently no means of imposing penalties or fines on those who violated approved building conditions, failed to obtain required permits, or violated State or County Code.

Beth Honebein placed a copy of her comments on file with the Clerk, along with a 25-page document containing citizen suggestions for the Forest Area Plan update that would be on the Board’s agenda at its April 28, 2009 meeting. She requested the Board refer the Area Plan back to the Planning Commission with a list of the citizens’ concerns.

***10:44 a.m.** Chairman Humke arrived at the meeting and assumed the gavel.

09-361 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.)”

Commissioner Jung requested an agenda item to provide an update, discussion and possible action regarding building permit enforcement, existing ordinances, and available options. Her request was in response to the concerns raised by Donna Peterson during public comment.

Commissioner Breternitz announced he would hold a meeting with the residents of his District at the offices of the Incline Village General Improvement District.

Commissioner Weber indicated she recently attended a board meeting for the Nevada Association of Counties (NACO), where she and Commissioner Ellison from Elko were reelected to the National Association’s board of directors.

Chairman Humke read from an email sent to him by a constituent, which was placed on file with the Clerk. The email announced that eight students from Damonte Ranch Middle School won the honor to represent Nevada in the National History Day Contest in Washington D.C.

County Manager Katy Simon announced the Commissioners would hold two Town Hall meetings to get input from employees and from the public about the fiscal year 2009-10 budget.

**09-362 AGENDA ITEM 7A – TECHNOLOGY SERVICES /
TELECOMMUNICATIONS**

Agenda Subject: “Approve Equipment Relocation Agreement between the County of Washoe and T-Mobile USA, Inc., pursuant to the Federal Communications Commission ET Docket No. 00-258 dated January 4, 2008 reallocating and auctioning the 2,110 to 2,155 MHz microwave point to point frequencies; accept replacement microwave equipment [\$75,842.42] and not to exceed \$2,500 in attorney fees (no County match or funding); and if approved, authorize Chairman to execute Agreement. (All Commission Districts.)”

There was no response to the call for public comment.

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

**09-363 AGENDA ITEM 7B – TECHNOLOGY SERVICES /
TELECOMMUNICATIONS**

Agenda Subject: “Approve Frequency Reconfiguration Agreement (FRA) between the County of Washoe and Nextel of California, Inc., pursuant to the Federal Communications Commission Report and Order dated August 6, 2004 mandating frequency changes for the Washoe County Regional Communications System 800MHz Public Safety Radio System; approve Independent Contractor’s Agreements for Galena Group Inc. and Collins Telecommunications to accomplish this task as detailed in the FRA and its attachments; and if all approved, authorize Chairman to execute the three Agreements [Agreements to be paid directly by NEXTEL - no County match or funding]. (All Commission Districts.)”

There was no response to the call for public comment.

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

09-364 AGENDA ITEM 8

Agenda Subject: “Appearance: Michael Fuess, P.E., P.T.O.E., District Traffic Engineer Nevada Department of Transportation. 2008 Pyramid Highway Speed Study. (Requested by Commissioner Larkin, District 4.)”

The following individuals from the Nevada Department of Transportation (NDOT) were present to answer questions and provide discussion about the Pyramid Highway Speed Study: Michael Fuess, Engineering Manager for District II; Denise Enda, Assistant Chief Engineer for Maintenance and Operations; and Anita Lida, Traffic Engineer.

Mr. Fuess explained that NDOT reviewed speed limits by request on some roads and on a regular basis on others. He indicated the intersection of the Pyramid Highway and McCarran Boulevard saw about the same volume of traffic as that seen on U.S. Highway 395 south of the Mt. Rose Highway. He stated the Regional Transportation Commission (RTC) and NDOT were looking for alternatives such as a freeway to handle the traffic. He described some of the standards and measures utilized when doing a speed study. He said the speed studies done approximately one year ago on the Pyramid Highway suggested the speed limit was adequate and appropriate, and no adjustments were planned. He noted NDOT was committed to doing more studies, and travel time studies would also be done as new signals were added or new development was approved. He acknowledged complaints had been received by NDOT and other agencies. Given the proposals to put in a freeway corridor and the likelihood that there would be freeway volumes of traffic before freeway infrastructure was in place, he stated NDOT would be monitoring the road closely.

Commissioner Larkin identified an area where there were various speed changes north of La Posada as the road went toward Winnemucca Ranch. Mr. Fuess indicated the speed limit was 45 mph from La Posada to Egyptian, where it increased to 55 mph, and then went to 65 mph at Calle de la Plata. Commissioner Larkin pointed out there were some cars accelerating at the same point where others were slowing down to make right turns. He requested a review of the speed limits from Egyptian to Calle de la Plata, and then north to the Pebble Creek Subdivision. Mr. Fuess stated NDOT tried to avoid increasing speed limits by increments of more than 10 mph, and that was why the limits went from 45 to 55 to 65 mph in this case. Commissioner Larkin observed the 65 mph limit was probably too aggressive. Mr. Fuess acknowledged another study was appropriate and said the corridor would continue to be reviewed as necessary, possibly every year.

Commissioner Larkin said he wrote a letter to NDOT and to the Nevada Highway Patrol after receiving numerous complaints from his constituents. He observed the Highway Patrol did not set speed limits, but was tasked with enforcement. Mr. Fuess stated NDOT was a partner with the Highway Patrol and coordinated closely with them. He explained NDOT was responsible for the engineering related infrastructure on State roadways.

Commissioner Larkin noted a traffic signal had been suggested at the Lazy 5 Regional Park. Mr. Fuess indicated NDOT was getting complaints. He noted a median was placed in anticipation of development plans that were subsequently delayed. He said motorists had been seen taking some amazing risks and safety was a very high priority for NDOT. He stated an environmental impact study was in progress for a future freeway.

There was no action taken on this item.

09-365 AGENDA ITEM 9

Agenda Subject: “Appearance: Mike Ginsburg, President, Sierra Nevada Community Aquatics. Informational presentation concerning new aquatic center. (Requested by Commissioner Breternitz, District 1.)”

Mike Ginsburg of Sierra Nevada Community Aquatics (SNCA) conducted a PowerPoint presentation, which was placed on file with the Clerk. Chip Hobson was also present to answer questions. Mr. Ginsburg indicated SNCA was a nonprofit group that was trying to get support and raise funds to build a new aquatic center in the community. He provided some background and history, and discussed the key features of separate pool areas for play, instruction, recreation, competition, diving and accessory spaces. He noted the goal was to build the facility by July 2011. He discussed fundraising activities and asked the Commission for a letter of support.

Commissioner Breternitz stated it was good to see private interests taking matters into their own hands at a time when public pools were closing and funding was not available. He asked whether a location for the facility had been found. Mr. Ginsburg talked about some possibilities, but indicated a solid location had not yet been determined.

Commissioner Weber wondered whether the facility would be open to the public if a location was found and the facility was built. Mr. Ginsburg stated it would be open to the public. He pointed out the committee working on the project represented several different interests in the community.

Commissioner Weber pointed out there was some money designated for a swimming pool at the North Valleys Regional Sports Complex, but it was not enough to build a new facility. Mr. Ginsburg said there had been some discussion with Director Doug Doolittle and Assistant Director Al Rogers of the Regional Parks and Open Space Department. He indicated SNCA would look at any possible site, but was interested in the availability of geothermal energy in south Reno to bring down operating costs.

Commissioner Breternitz asked how much land was needed for the facility. Mr. Hobson estimated 7 acres.

Commissioner Breternitz observed the agenda item did not allow the Board to take action for a letter of support. Melanie Foster, Legal Counsel, stated a future agenda item would be necessary, probably in the form of a resolution. Commissioner Breternitz requested a future agenda item.

Chairman Humke applauded the collaborative effort and said private-public partnerships were a great way to go. He said he would support a future resolution.

There was no action taken on this item.

09-366 AGENDA ITEM 10 – SHERIFF’S OFFICE

Agenda Subject: “Recommendation to accept receipt of 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Funds [\$440,000 - no County match required] for purchase of law enforcement equipment, datalux systems, Alternatives to Incarceration Equipment, law enforcement overtime and training, District Attorney on call pay and personnel and operating funds for Kids to Senior Korner; and if approved, authorize Chairman to execute Interlocal Agreement between the County of Washoe (Sheriff’s Office), City of Reno (Reno Police Department) and City of Sparks (Sparks Police Department) for the management and disposition of Recovery Act: Justice Assistance Grant Program Award and authorize Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 10 be accepted, approved, authorized and executed.

09-367 AGENDA ITEM 11 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Consideration and possible approval of a Resolution in support of a grant application [\$2,225,000] submitted by the xxxxxxxx, for the Nevada Division of State Lands, Conservation and Resource Protection State Question-1 Grant Program, Round 10, for the purchase of land on approximately 247 acres at Northgate Golf Course (match of \$2,225,000 to be obtained from xxxxxxxx) for recreation, wildlife and scenic values: and if approved, authorize Chairman to execute Resolution. (Commission Districts 1 and 5.)”

Dave Childs, Assistant County Manager, explained the item was put on the agenda as a placeholder. He indicated there had been some discussion with the City of Reno and the local residents about converting the Northgate Golf Course to open space. He stated the deadline for Round 10 State Question-1 grant applications was in about one week. He noted it was necessary to have a nonprofit agency sponsor and a firm source for 50 percent matching funds in order to make an application, but no such source had yet been identified. He recommended waiting to apply for Round 11 funds, which would have an application deadline in November 2009 for grants awarded in January 2010.

Mr. Childs referred to recent Board direction that staff attempt to negotiate with the owners of the Northgate property for approximately a nine-month option. He stated additional time was needed to explore alternatives and work out some of the issues surrounding Northgate. For example, he indicated the County had not yet taken an official position as to the operation of Northgate, staff needed to bring back a series of

possible funding sources for feedback from the Board, the City of Reno was about to make a decision about maintaining the site through the summer, and discussion needed to take place about some way to purchase the clubhouse and parking area around it for some type of public purpose. He observed the State Question-1 funding only allowed for passive open space types of recreational uses.

Mr. Childs asked the Board not to approve the Resolution, but to direct staff to return at a later date.

Commissioner Breternitz suggested it would be helpful to get an appraisal of the Northgate property within a 60-day timeframe. He requested future agenda items to update the Resolution for a grant application, to discuss potential funding sources in some sort of priority order, and to consider whether the property was to be a golf course or open space.

Commissioner Weber agreed. She noted the citizens needed to be kept apprised of what the County was doing, it was important to get input from the City of Reno, and appropriate sponsors needed to be found.

There was no response to the call for public comment.

No further action was taken on this item.

09-368 AGENDA ITEM 17 (ADDENDUM) – SIERRA FIRE PROTECTION DISTRICT / BUILDING AND SAFETY DEPARTMENT

Agenda Subject: “Consideration and possible action regarding the appeal by the Sierra Fire Protection District of the Board of Adjustment’s decision regarding the residential fire sprinkler requirements of the 2006 International Fire Code. (Commission District 5.) Continued from the April 14, 2009 County Commission Meeting.”

Michael Greene, Fire Chief of the Sierra Fire Protection District (SFPD), pointed out the original staff report from the County Commission meeting on April 14, 2009 had been amended according to the Board’s request. Commissioner Larkin questioned whether the staff report or the PowerPoint presentation had been correct. Chief Greene explained there was a statement in the PowerPoint presentation that “90 percent of residential fires are extinguished with one sprinkler head,” and an additional statement in the staff report that “96 percent of fires are extinguished with two sprinkler heads.” He indicated both statements were accurate and applicable, and had been included to illustrate the effectiveness of fire sprinklers.

Chairman Humke asked whether the italicized comments on page 2 of the supplemental staff report for the meeting on April 21, 2009 represented the restated material. Chief Greene confirmed the corrections and clarifications were in italics. He

noted State Fire Marshal Jim Wright was also present to answer any code-related questions.

Commissioner Larkin requested confirmation that the matter was properly before the Board of County Commissioners, given there had been no ruling by the SFPD Board of Fire Commissioners as to the applicability of the rules from the *2006 International Fire Code*. Melanie Foster, Legal Counsel, characterized the matter as a building permit appeal, and stated the issue covered by the building permit was the necessity of installing fire sprinklers. She said there was a general rule that all Board of Adjustment (BOA) decisions were appealable to the County Commission. She indicated the appeal was properly before the Board, the Board was the factual decision maker on the matter, and the Board had a record before it. She observed the Fire Chief was offering additional evidence in the form of testimony from the State Fire Marshal, which the applicant might or might not object to. She pointed out it would be within the Board's discretion whether they wished to hear additional testimony and what kind of allowances they would make for a response to any such testimony.

John Marshall said he represented the respondent, Steve Bridges of Bridges Construction, who had applied for the building permit. He noted the SFPD appealed the BOA ruling and therefore had a burden to establish why the BOA decision was incorrect. He stated it was the respondent's belief the BOA made the right decision. He indicated a change in policy occurred sometime in 2008 that resulted in the same regulations being applied differently to similarly situated people in various areas of the County. Mr. Marshall referenced statements by Chief Greene that the imposition of sprinklers was mandatory based on the *2006 International Fire Code* if fire flow requirements were not met. He suggested the Chief's later reference to a decision matrix implied some discretion in the application of sprinklers. If mandatory, he questioned why the requirement had not been applied in the past or applied in other areas of the County. If discretionary, he asserted more policy work should have been done prior to any substantial change. He noted there was express authorization in the Code to look at alternatives for addressing fire safety issues without the use of sprinklers in areas with limited water supplies. He asserted there had been a dramatic shift from not requiring sprinklers to requiring them sometime in 2008, and that was done without consulting any policy board, without consulting the business community, and without public notice. He pointed out a permit had been issued approximately six months earlier to build a single family residence without sprinklers on property that was located on the same street and had the same type of well. Mr. Marshall emphasized that no one had said the home being built by the respondent was unsafe for fire purposes. He said the SFPD was claiming it would reduce the flexibility of the Fire Chief to impose sprinklers where required if the BOA decision was overturned. He disagreed based on the assertion that the BOA said sprinklers were not required in this particular case for a variety of reasons. He requested the Commission affirm the BOA decision and deny the appeal by the SFPD.

Steve Bridges of Bridges Construction noted the law provided that alternatives should be considered. He listed several alternative water sources that were all within 1.5 miles and 1.5 to 3 minutes of his property, including: the Boomtown Fire

Station, the Volunteer Fire Department, Gold Ranch, the Bechtel Corporation, the Verdi Canal, and Crystal Peak Park. He estimated it would cost a minimum of \$12,950 to install a sprinkler system, rather than \$8,400 as suggested by the SFPD. He pointed out it was necessary to have 26 gallons per minute for 10 minutes at 40 to 50 PSI in order to run a sprinkler system. He stated he had already upgraded and installed a new well in order to provide for household use and landscaping, although his original budget had not included such an expense. Mr. Bridges commented he was trying to build and sell an affordable home in the present economic climate. He indicated he received a property tax increase of \$1,695 last year, which included a 3 percent special assessment to fund the SFPD. He questioned whether the statistics in the SFPD report relating to increased fire deaths included deaths in all types of structures, and wondered how many of the deaths occurred in residential homes with smoke detectors. He suggested the best way to get somebody out of a house and alert them to what was going on was to have smoke detectors. He asserted a private property residence should be looked at differently from multiple unit dwellings or commercial buildings. Mr. Bridges discussed a residence in the ArrowCreek Subdivision that was granted a variance because their smoke detectors were tied to their alarm system, and he said such an alternative should also have been considered for his property. He talked briefly about some of the drawbacks of sprinkler systems, including power failure if the sprinklers were on a well and water damage from sprinkler malfunction. He noted the sprinklers would have little effect on what he would pay for his property insurance.

Chief Greene indicated the SFPD looked at water flow and property access when reviewing building plans. He noted the ArrowCreek home that was mentioned by the respondent had sufficient water flow, but had difficult access. Accordingly, the applicant was asked to install a residential sprinkler system and widen the road. He commented the SFPD did not look at permit conditions as a policy issue, but as an issue concerning enforcement of the existing code. He explained the SFPD reorganized as a District under NRS 474, at which time it defaulted to the State Fire Code. He stated the District complied with the Fire Code when it looked at whether they could reach the residence in an emergency, whether there would be sufficient water when they got there, and whether they looked at all of the alternative methods and means for delivering water during a fire. He said the Fire Code had been applied consistently. He noted four of the five other fire departments within the County had a Fire Code that was more stringent than the State Fire Code. He pointed out 43 percent of the homes served by the SFPD had issues with access or fire flow. He observed the SFPD had unique geography, lacked hydrants, and dealt with a wildland/urban interface. He indicated a decision matrix was used when necessary to work with the Builder's Association and the individual contractors when evaluating alternative water sources. Chief Greene said he felt strongly that fire professionals should evaluate the effectiveness of a water source and determine if it would meet fire flow requirements because they were the ones who would be fighting the fire and needing the water. Allowing someone with a nontechnical perspective to evaluate alternatives could create an ongoing problem. He asked the Board to overturn the BOA decision. He pointed out the BOA conducted a second hearing under nearly identical circumstances where they received additional information, which resulted in their denial of the applicant's appeal and their support of the actions taken by the

SFPD to enforce the Fire Code. He stated a denial of the SFPD appeal would put the District in a position of uncertainty as to how they were supposed to enforce the Fire Code in a consistent manner.

Commissioner Breternitz asked whether the *2006 International Fire Code* had been adopted by the State and the County. Chief Greene indicated the State adopted the 2006 Code and Washoe County adopted the 2003 Code. He confirmed the Code adopted by the County contained a requirement for sprinklers if the water flow did not meet certain standards. He explained the standard was based on the square footage of the home. For instance, 1,000 gallons per minute was required for Mr. Bridges' home, but there was a 4,200 square foot home in Washoe Valley that required 1,750 gallons per minute. Commissioner Breternitz wondered what the 2003 Code said about the authority granted to the SFPD to exercise discretion and use alternatives. Chief Greene stated the Code gave the ability to evaluate alternative methods and means, such as whether there was a cistern or other water source nearby that would meet the required fire flow. He clarified the residential sprinkler requirement was a given unless alternative means could be found.

Commissioner Breternitz questioned which fire districts in Washoe County enforced the 2003 Code. Chief Greene said the City of Sparks had a more restrictive code that required sprinklers when a residence was more than six minutes away from the nearest fire station, regardless of flow. He stated the City of Reno looked at access as well as fire flow. He noted the North Lake Tahoe Fire Protection District (NLTFPD) was very aggressive in their requirements and had a configuration that was similar to the SFPD. He indicated the NLTFPD employed a professional fire protection engineer and a full-time fire marshal.

Commissioner Breternitz asked about the house down the block that was approved without sprinklers, as well as 14 or 15 other homes referenced in the staff report. Chief Greene explained, from the time the SFPD was reorganized on July 1, 2008, a former inspector approved one home without a sprinkler that did not meet fire flow requirements. He indicated 14 other homes were evaluated and were required to have residential sprinklers. Commissioner Breternitz questioned the flow requirements for one sprinkler head to be functional. Chief Greene noted there were two types of sprinkler heads. He stated the higher flow type that was used in North Lake Tahoe averaged between 4 and 13 gallons per minute. Commissioner Breternitz wondered whether the domestic well on the Bridges property supported that kind of output. Chief Greene said a storage tank and small pump were required if the well did not meet the fire flow requirements. Commissioner Breternitz asked the Chief whether he felt there were any alternatives to installing a sprinkler system that the respondent could take advantage of. Chief Greene indicated the only alternative he could see was the possibility that the domestic well might have enough capacity to meet the flow requirements for the sprinkler head. If that were the case, Mr. Bridges would not need to install the water tank or the pump.

Commissioner Larkin questioned whether any of the six specific alternatives listed by Mr. Bridges were a viable substitute for the sprinkler system if used in any combination. Chief Greene replied they were not viable in any combination. He explained the Volunteer Fire Department was closest, but could not guarantee a consistent response for its supply of water within the requisite time frame. He noted the Boomtown Fire Station did not have sufficient water by itself, and the hydrants referred to by Mr. Bridges did not have sufficient water flow and were located far away. He stated the other water sources were either seasonal or presented access problems in getting to them to pump the water out.

Commissioner Larkin asked what would make the home safe. Chief Greene replied the installation of a residential sprinkler system.

Commissioner Larkin wondered whether the State Fire Marshal was in concurrence or wished to make a statement. Jim Wright, Nevada State Fire Marshal, explained he had the responsibility of establishing the minimum Fire Code across the State. He indicated the State set the minimum Code, but there were jurisdictions that obviously needed a more stringent Code. If a jurisdiction had a Code that was less stringent than the minimum, they were required to go before the State Board of Examiners to get permission. He stated the Code allowed the local fire chiefs to look for alternative means and methods, and to review the capability of their departments to fight a fire at a given location. Based on the information provided for his review, he said it was his opinion that Chief Greene made an appropriate decision based on the latitude allowed to him under the Code and given no alternative means or methods.

Commissioner Weber asked about consistency within the Department of Building and Safety. Don Jeppson, Director of Building and Safety, said his department was unique in the region because it dealt with several fire departments. He acknowledged that each fire department interpreted the Code a little differently. He noted the NLTFPD was probably the most stringent and the most consistent. He stated Chief Greene had been consistent going back to about the end of 2007, with the one or two exceptions that had been identified. He indicated he had his own concerns about consistency across the County because his department dealt with the same customers, but the decisions were totally within the jurisdiction of each fire department. He emphasized it was not his jurisdiction to interpret or enforce fire codes. Commissioner Weber questioned whether SFPD had been more or less stringent than the other fire districts in Washoe County. Mr. Jeppson agreed with the State Fire Marshal that the SFPD was appropriately applying the Fire Code as they saw fit.

Commissioner Weber said it appeared the community lost out in the enforcement of the sprinkler code. With respect to the policy question, she suggested the Board bring it back for further consideration and determine a specific date on which requirements would go into effect for all residents. Chief Greene stated he did not believe the community was losing out in the process. He pointed out the people in the Bridges home were going to live in a safer home. He reiterated he saw it as a matter of fire code compliance rather than one of policy. He noted a letter was sent out to the building

community regarding Fire Code requirements and enforcement. He indicated the only discrepancy between fire districts had been in the interpretation of alternative methods and means, not in the interpretation of fire flow. He said he understood the desire for the same applications in order to be consistent with a policy position. He noted the SFPD had a different configuration as a fire district, a different fuel model, and fewer resources than other fire districts, and he would not want the District being told to interpret alternative methods and means in a specific way. He said he would rather look at all of the alternatives and then make the best decision for each situation.

Commissioner Weber asked about Mr. Bridges' comment that homes on the same street were not given the same requirements as far back as just a few months ago. Chief Greene stated there was one home approved within the timeframe discussed, and it was an error on the part of an inspector who used to work for the SFPD. He noted a second home was described in the record, but was actually a remodel. He indicated remodels were not approved by the District, only new home construction. He pointed out there was a new development that had been conditioned on fire sprinklers because they did not have adequate fire flow.

Chairman Humke referenced comments made by Houston Crisp of Washoe Valley at the BOA hearing on February 5, 2009. Mr. Crisp pulled a building permit in October 2008 to build a house on property served by a domestic well. He suggested he would not have qualified for the building permit if he lived within the boundaries of the SFPD, and estimated costs of \$18,000 to \$20,000 for a residential sprinkler system. Chairman Humke disclosed he lived on property served by a domestic well. He noted existing residences were grandfathered in and their remodel plans were not checked by the fire department. He observed there had been talk of reconfiguring the boundaries of the SFPD and asked about the policy implications of such action. Chief Greene stated the SFPD worked with Mr. Crisp and was able to bring the cost of a sprinkler system down to about \$10,000. He pointed out the Crisp case was the one mentioned earlier as the second sprinkler appeal heard by the BOA, in which the BOA denied the applicant's appeal. He said work was being done with the Fire Marshal to allow homeowners to install their own residential sprinklers in order to drive down the cost of such systems.

Chairman Humke observed most of the domestic wells in Washoe Valley would not have the required gallons per minute, so thousands of citizens would have to upgrade with residential sprinklers. He asked the respondent about the policy implications. Mr. Bridges noted he filed his appeal before signing onto the building permit, whereas Mr. Crisp took out his permit and then agreed to put sprinklers in. Mr. Bridges stated his well was originally tested at 6 gallons per minute, and he subsequently spent \$23,000 to bring it up to a capacity of about 40 gallons per minute. He indicated there was no residential well that could meet the flow requirements, so an additional 1,000 to 2,000 gallons of water had to be placed in a storage tank. Mr. Marshall said the policy shift was that homes on domestic wells would require residential sprinklers. He stated such measures were required in Incline Village, but not in the Truckee Meadows. He noted costs were a related issue. He referenced statements that the Fire Chief was

looking at it as a resource issue, and commented it was just another way of transferring public costs to individual builders. He stated the respondent believed the policy question should be debated based on one interpretation or another.

Chairman Humke noted Mr. Bridges' response to the alternatives was shown in the record. He also observed information in the minutes of the February 5th BOA hearing, which stated power would be cut during a fire. He commented the power in certain rural areas went off frequently and residents could be out of luck if a fire started when the power was out. He asked both sides to confirm the necessity of a storage tank and auxiliary pump system for the Bridges property and for similarly situated citizens who were required to use sprinklers.

Mr. Bridges stated he received information from those in the sprinkler industry that 26 gallons per minute for 10 minutes with a PSI of 40 to 50 was required. He said it would cost \$2,000 for him to upgrade his well pump to that capacity. He indicated it would cost about \$4,300 to buy an online storage tank and auxiliary pump.

Chief Greene stated sprinklers were generally activated before the utilities were shut off by the fire department responding to an emergency. He noted a storage tank was pressurized and would be able to provide fire flow once activated, so power was needed to activate the sprinklers from a storage tank but not to maintain them. He indicated the elements of a system included the cost of sprinklers, a storage tank and a pump. He said a storage tank was not needed if a domestic well had adequate flow.

Chairman Humke questioned when the regulations for the *2006 International Fire Code* had been approved. Mr. Wright stated the rule making process was initiated by the State at the beginning of 2008, and included workshops and a final public hearing prior to adoption. He indicated the recommended Codes were submitted to the Legislative Counsel Bureau and approved on September 8, 2008.

Commissioner Breternitz asked whether the 2003 Code was in effect prior to September 2008. Mr. Wright confirmed that it was and indicated the same requirement for residential sprinklers when there was inadequate fire flow existed in both the *2003 International Fire Code* and the *2006 International Fire Code*.

Chairman Humke observed there was a point raised at the BOA hearing that no action was taken to reapprove the Fire Code after the SFPD converted from a District under NRS 473 to one under NRS 474. Chief Greene pointed out the SFPD defaulted to the State minimum Code when it did not have its own Fire Code. He said it was one of the District's goals to develop its own Code.

Chairman Humke wondered whether the Board would be making law with its decision, or should ask for a future agenda item to approve the implementation of regulations to address the area of concern with the SFPD. Ms. Foster explained this level of administrative decisions were not generally deemed to be controlling in the same way court decisions were deemed to be controlling on the cases that followed. She stated the

Board could look at the global issue if it wished to do so, and could deal with the appeal as it saw fit based on the evidence. In the interest of fairness, she suggested it would be appropriate to give Mr. Marshall an opportunity to respond to the State Fire Marshal's testimony, which took the form of an expert witness opinion.

Chairman Humke asked Mr. Marshall to respond. Mr. Marshall said his client was not notified there would be additional opportunities for evidence to be taken at the hearing. He pointed out the \$12,000 cost of a sprinkler system did not justify the expense to employ an expert witness to respond to the State Fire Marshal. He stated his client was not in a position to respond to the testimony and was more interested in getting a result. He pointed out the testimony was not something a normal citizen would be able to combat. He observed the State Fire Marshal had not said the home would be unsafe without a sprinkler.

Chairman Humke commented on the curious procedural scheme that pitted two County entities against each other. Ms. Foster indicated there was a statutory requirement to have an ordinance providing for appeals from the BOA to a governing body. She acknowledged it was unusual to have a governmental entity such as the SFPD appealing a BOA decision, but said it was not unheard of. She noted there was no other process for bringing such an appeal forward.

There was no response to the call for public comment.

Commissioner Breternitz said he would request a future agenda item to have the Truckee Meadows Fire Protection District (TMFPD) discuss their philosophy on enforcement of the Fire Code. He noted the other fire districts in the County appeared to be enforcing the provisions of the Code adopted by Washoe County. He said it was his feeling that the County adopted the Fire Code and it contained requirements for sprinklers in the situations discussed. He believed the Board should support the Code it had adopted.

Commissioner Larkin moved to overturn the Board of Adjustment decision regarding Mr. Bridges' sprinkler appeal. He said the staff report duly noted this was a Fire Code issue and there were no substantive alternatives to the residential sprinkler. The motion was seconded by Commissioner Breternitz. On advice of legal counsel, Commissioners Larkin and Breternitz added that the motion was based on substantial evidence as found in the record before the Board and on testimony provided April 21, 2009. On call for the question, the motion failed on a vote of two to three with Commissioner Weber, Commissioner Jung, and Chairman Humke voting "no."

Commissioner Weber indicated she opposed the motion because the issues had not been fully vetted with the public, there was no precedent set, and she did not feel the SFPD process was fair and equal.

Commissioner Jung agreed she would have wanted more public notice and more public inclusion in the process, although she acknowledged she saw both sides.

Following a public process, she suggested a date should be set after which Chief Greene would be able to implement his right to condition building permits.

Chairman Humke commented the positions on each side were very close. He stated he liked to support County agencies such as the SFPD, as well as the appointed citizens who were members of the BOA. He talked about the ArrowCreek residence, which had been allowed mitigation in the form of smoke detectors tied into an alarm system. He noted the two cases were distinguishable because ArrowCreek was served by a municipal water system and the response time at ArrowCreek was somewhere in the neighborhood of 14 minutes. He observed the Boomtown Fire Station and the Volunteer Fire Department were both located close to the Bridges property. He said he was thankful for the service provided by the fire personnel who ran into a burning building when everyone else was running out, but emphasized it was important to get the law, the ordinances and the regulations right.

There was no action taken on this item.

09-369 AGENDA ITEM 12 – FINANCE DEPARTMENT

Agenda Subject: “Possible status report and direction to staff on Fiscal Year 2009/2010 budget. (All Commission Districts.)”

There was no report or discussion on this item.

09-370 AGENDA ITEM 13 – GOVERNMENT AFFAIRS

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

John Slaughter, Management Services Director, stated all of Washoe County’s bills were out of the House. He provided updates concerning AB54, AB74, AB119, AB353, and SB399. He indicated staff was monitoring a number of items and would post more information on the County website as it became available.

Commissioner Weber said she heard there was a bill that would affect the primary election. Mr. Slaughter explained Dan Burk, Registrar of Voters, was preparing an analysis of SB162 that would be provided to the Board at its next update. Commissioner Weber expressed concern that the Board should take a position for or against the bill. Commissioner Larkin noted more information about the wording of the bill and Mr. Burk’s analysis was needed. Katy Simon, County Manager, explained the bill changed the date of the primary election to the second Tuesday in June. She said staff wanted to get more information about the bill’s fiscal impact and to have information about all of the implications before asking the Board to take action.

There was no public comment on this item.

09-371 AGENDA ITEMS 6 & 14 – ANNOUNCEMENTS, REPORTS AND UPDATES

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.)”

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 Breternitz requested a future agenda item for a presentation by the fire chiefs regarding the enforcement of the Fire Codes adopted by Washoe County. He asked that there be a discussion about variances between the fire districts and the basis for any non-uniformity. He commented there were issues related to policy versus enforcement. He indicated he participated in a ride-along with the Sheriff’s Office, which had been extremely informative.

Commissioner Larkin announced he would be in Washington D.C. the following week as Chairman of the Flood Project Coordinating Committee, along with Sparks City Councilman Ron Smith. He indicated they would be seeking additional funds and a streamlining of the process to get the Army Corps of Engineers projects approved before Congress.

Commissioner Weber announced an upcoming meeting of the Reno-Sparks Convention and Visitors Authority. She thanked Commissioner Breternitz for requesting a discussion of the Fire Code issues. She reminded everyone there was an upcoming free dump week at the Lockwood Landfill for County residents.

Chairman Humke said he attended a recent meeting of the Regional Transportation Commission, which included a very significant report on the bus rapid transit system. He said it appeared there would be federal stimulus money for bus transportation projects.

Commissioner Jung announced a workshop related to the County’s Draft Administrative Enforcement Ordinance. She stated the Commission would hold two Town Hall meetings to discuss the budget, one for employees and one for citizens. She indicated she would attend Fiesta on Wells, which she thought was one of the best parades in town.

09-372 **AGENDA ITEM 15 – CLOSED SESSION**

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

There was no closed session.

COMMUNICATIONS AND REPORTS

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

COMMUNICATIONS:

- 09-373** Resignation of Connie Moberg from the Southwest Truckee Meadows Citizen Advisory Board, dated March 10, 2009 and filed with the Clerk March 11, 2009.
- 09-374** Letter from the Gerlach General Improvement District regarding the Board’s approval to have the accounting office of Kohn Colodny LLP conduct the audit for the fiscal year ending June 30, 2009.
- 09-375** Surety Rider from Stetson-Beemer Insurance amending Old Republic Bond number 1180698 to number 1180697, effective March 12, 2009.
- 09-376** Letter from the Nevada State Library and Archives regarding a change in policy concerning the archival of minutes generated by agencies within the State of Nevada.
- 09-377** Regulations Governing Solid Waste Management, as amended and approved by the Washoe County District Board of Health on February 26, 2009.
- 09-378** State of Nevada, Department of Transportation, executed contract documents, plans and specifications for Contract No. 3369, Project No. SPSR-0430(014), on SR 430, the Carson-Reno Highway, from the end of the Barrier Rail North of the Bowers Mansion Road (SR 429) to Pagni Lane (Mileposted as US 395) and Galena Creek RCB Structure (B-752), Washoe County, Granite Construction Company, Contractor. (Documents forwarded to Engineering on April 7, 2009.)
- 09-379** State of Nevada, Department of Transportation, executed contract documents, plans and specifications for Contract No. 3371, Project No. SPF-028-1(021), on SR 28, from US 50 at Spooner Junction to East Lakeshore Boulevard, Douglas, Carson City and Washoe Counties,

Granite Construction Company, Contractor. (Documents forwarded to Engineering on April 7, 2009.)

REPORTS – MONTHLY:

09-380 Clerk of the Court, report of fee collections for the month ending February 28, 2009.

REPORTS – QUARTERLY:

09-381 AT&T Nevada Declaration of Availability of IP Video Service for the period ending March 31, 2009.

* * * * *

1:23 p.m. There being no further business to come before the Board, the meeting was adjourned by Chairman Humke.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Lisa McNeill, Deputy County Clerk*

2009

PROCLAMATION

WHEREAS, Washoe County has always honored the sacrifices of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, To date The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families, and

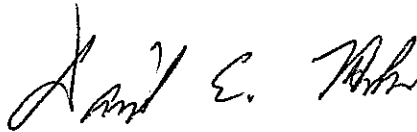
WHEREAS, The members of The Silver Star Families of America have worked tirelessly to provide the wounded of this County and Country with Silver Star Banners, Flags and care packages, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember those who sacrificed for this County, State and Nation; and

WHEREAS, The Washoe County Commission wishes that the sacrifice of so many in our Armed Forces never be forgotten; now, therefore, be it

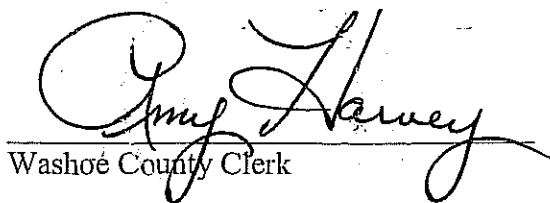
PROCLAIMED, By the Washoe County Board of Commissioners that the Board appreciates The Silver Star Families of America and honors their commitment to our wounded Armed Forces members and hereby declares May 1, 2009 as "SILVER STAR BANNER DAY", the permanent and official day to honor the wounded and ill soldiers of Washoe County.

ADOPTED this 21st day of April, 2009.



David E. Humke, Chairman

ATTEST:


Washoe County Clerk

09-354

Clark

PROCLAMATION

WHEREAS, more than 33 million Americans are victims of crime each year; and

WHEREAS, victims may suffer emotional physical, psychological, and financial harm as a result of crime; and

WHEREAS, victim assistance and compensation programs across the country provide vital and supportive services for victims that help individuals, families, and communities cope with the impact of crime; and

WHEREAS, the Victims of Crime Act (VOCA), passed by Congress in 1984, affirmed a national commitment to helping victims rebuild their lives by establishing the Crime Victims Fund, a major source of funding for services and compensation to victims of crime throughout the United States; and

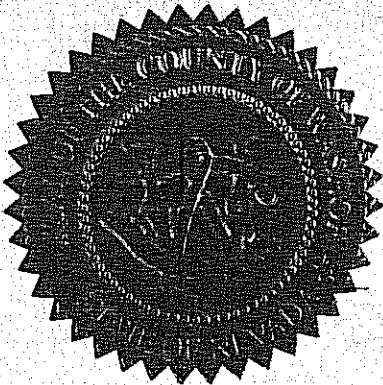
WHEREAS, the Fund comprises fines and penalties levied on offenders and affirms the principle that those who commit crimes should be held accountable for their actions; and

WHEREAS, the Crime Victims Fund supports more than 4,400 state and local victim assistance programs; and

WHEREAS, National Crime Victims' Rights Week, April 26 – May 2, 2009, provides an opportunity for our country to recognize the Victims of Crime Act as a major bedrock of support for victim services and to reaffirm our nation's commitment to addressing the needs of victims of crime; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that April 26 – May 2, 2009 is National Crime Victims' Rights Week and recognizes the 25th anniversary of the Victims of Crime Act which supports Washoe County's efforts to assist victims of crime in our community.

ADOPTED, this 21st day of April, 2009



A handwritten signature in cursive script, reading "David E. Humke".

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

09-355

2A(2)

PROCLAMATION

WHEREAS, The average American child spends more than 44 hours per week using screen media; and

WHEREAS, Research continues to mount about the affect of screen media on literacy, family life, health, community involvement and antisocial behaviors such as aggression and substance abuse; and

WHEREAS, The Tune In To Kids Fair celebrates life and learning beyond the screen; and

WHEREAS, The Tune In To Kids Fair at Idlewild Park on April 25, 2009 will feature activities and entertainment for kids and families in the area of reading, science and math, arts and culture, health and fitness, hobbies and recreation and positive use of media to encourage Reno residents to live a real life not a virtual life; and

WHEREAS, Tune In To Kids has partnered with the Washoe County School District, the City of Reno Parks, Recreation and Community Services, Washoe County Regional Parks and Open Space and over 40 other businesses, private sponsors and community organizations to promote positive family involvement and the use of media in positive, fun and interactive ways; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that April 25, 2009 is designated as Tune In To Kids Day.

ADOPTED, this 21st day of April, 2009.



David E. Humke, Chairman
Washoe County Commission

09-356

PROCLAMATION

WHEREAS, Building a resilient community includes considering the social, economic, environmental impacts of our actions; and

WHEREAS, Local governments contribute to building a healthy community and economy by providing an avenue for public conversation on community topics; and

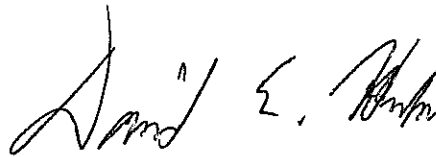
WHEREAS, Washoe County has initiated a Green Team to encourage, inspire and support Washoe County's efforts to build a sustainable community and the development of alternative energy is a goal for the Washoe County Healthy Economy Task Force; and

WHEREAS, Washoe County has joined over 500 other entities in the International Council for Local Environmental Initiatives, ICLEI-Local Governments for Sustainability, and; now, therefore, be it,

PROCLAIMED, That the Washoe County Board of Commissioners recognizes April 22, 2009 as "EARTH DAY" and commits itself to a regional effort to build a sustainable society which will include leading our community to be the best in the nation for alternative energy use and conservation; and be it further,

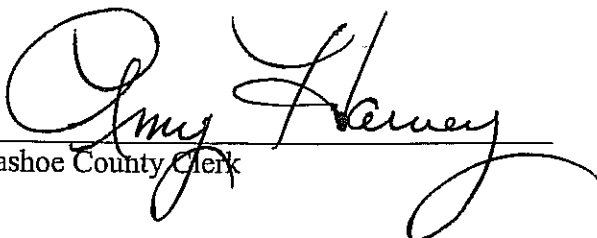
PROCLAIMED, That the Board hereby encourages its residents, businesses and institutions to use "EARTH DAY" to commit to engaging in a community conversation on how everyone can contribute to this effort.

ADOPTED this 21st day of April, 2009.



David E. Humke, Chairman
Washoe County Commission

ATTEST:


Washoe County Clerk

09-357

Clerk

Resolution of Appreciation

WHEREAS, Elyse Gut serves on the Board of the Children's Cabinet in Incline Village; and

WHEREAS, Volunteers provide a valuable resource to our community by offering guidance and acting as an example to all; and

WHEREAS, Elyse Gut has dedicated countless hours to bring nationally renowned public speakers into the Incline community and provided guidance for fundraising efforts; and

WHEREAS, Elyse Gut has received the highest honor given by Nevada Volunteers and the State of Nevada, the "Points of Light Award"; now, therefore, be it

RESOLVED, That Washoe County recognizes Elyse Gut during National Volunteer Appreciation Week, for her selfless efforts to improve our community and for giving a voice to volunteerism and civic service.

ADOPTED this 21st day of April, 2009.



Chairman
Washoe County Commission

09-358

RESOLUTION

WHEREAS, Nearly one third of women are abused by their partners at some point in their lives; and

WHEREAS, The Hannah Humanitarian Award is given annually by the Committee to Aid Abused Women to individuals who have worked for a humanitarian environment in Nevada; and

WHEREAS, The Washoe County Sheriff's Office was honored with the Hannah Humanitarian Award on March 25, 2009 for their efforts to support victims of domestic violence; and

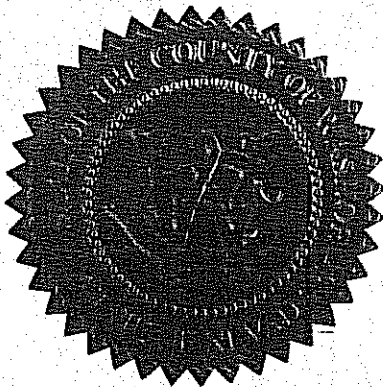
WHEREAS, Special recognition was given to Sheriff Mike Haley for his foresight to provide protection order service for perpetrators, security in the Second Judicial District Court, a domestic violence advocate to assist in investigative issues, and coordination with other agencies to serve active warrants; and

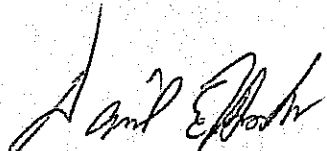
WHEREAS, Deputy Kerry Saulnier, Second Judicial District Court, was individually acknowledged for her positive and impartial demeanor and efforts over the last four years to ensure the safety and security of domestic violence victims in the courts; and

WHEREAS, Deputy John Medina was individually recognized for his commitment to provide a safe and accessible location for individuals to find justice in their domestic violence case; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners recognizes the dedication and compassion of the Sheriff's Department leadership team and officers, and asks citizens to join in recognition and support of the Office of the Sheriff's quest to protect victims of domestic violence.

ADOPTED this 21st day of April, 2009.




David E. Humke, Chairman
Washoe County Commission

09-359

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF RENO, ON BEHALF OF
THE RENO POLICE DEPARTMENT, WASHOE COUNTY, ON BEHALF OF THE
WASHOE COUNTY SHERIFF'S OFFICE AND THE CITY OF SPARKS, ON BEHALF
OF THE SPARKS POLICE DEPARTMENT FOR THE MANAGEMENT AND
DISPOSITION OF**

**RECOVERY ACT:
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

WHEREAS, the City of Reno, Washoe County and the City of Sparks have all previously been individual recipients of Block Grant Funds and Byrne Grant Funds for their law enforcement entities; and

WHEREAS, changes in the federal program have now combined Byrne Grants and Block Grants into Justice Assistance Grants (JAG) which require regional applications with one entity acting as fiscal agent of the grant; and

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

WHEREAS, the City of Reno, Washoe County and the City of Sparks have agreed that the City of Reno should be the fiscal agent for the JAG grant application; and

WHEREAS, the Federal Government requires that a cooperative agreement between the parties, approved by the governing body of the proposed fiscal agent, accompany the grant application;

NOW THEREFORE, the parties agree as follows:

1. Fiscal Agent. The City of Reno shall be the fiscal agent for the JAG grant application currently being submitted in the amount of \$1,101,607.00.
2. Allocation of Funds. Should the JAG application be approved, the funds will be allocated in the following manner:

a. City of Reno, Reno Police Department	\$440,000.00
b. Washoe County, Washoe County Sheriff's Office	\$440,000.00
c. City of Sparks, Sparks Police Department	\$221,607.00

If the funds approved are in an amount different than set forth in paragraph 1 above, then the funds will be allocated with the same percentage to each respective party ie. City of Reno 40%, Washoe County 40% and City of Sparks 20%.

3. Expenditure of Funds. If approved, JAG funds are anticipated to be expended as follows:
 - a. Reno Police Department:
 - i. \$85,000 – Uniforms and Equipment for the 10 new hire officers

09-366

- requested in the COPS (CHRP) grant.
- ii. \$100,000 – Hire two Public Service Interns (PSI's) for four years to support the Crime Analysis Unit.
 - iii. \$7,500 – Purchase 10 radio/battery tracking devices for use by the Crime Suppression Team, Special Enforcement Team, and the Repeat Offender Program.
 - iv. \$56,000 – Evidence Facility upgrades to include: Installation of security fencing, automatic electric gates, and electric gate openers.
 - v. \$71,000 – Overtime funding to be used for field operations and crime analysis functions.
 - vi. \$42,000 – Purchase of detective division technology to include: Digital recording systems for interview rooms, upgraded cameras, voice microphones, and digital video recording devices, project-a-phone, universal forensic extraction device system, Black-bag technologies firebox, mac mini computer, and Encase software upgrade
 - vii. \$60,000 – Replace 10 mobile data terminals
 - viii. \$18,500 – Purchase 100 radio batteries for police mobile radios.

b. Washoe County Sheriff's Office:

- i. \$15,329 – Book, Print and Release Program - Purchase of equipment to be utilized in the Alternatives to Incarceration Unit.
- ii. \$40,000 – Homicide District Attorney On-Call Pay
- iii. \$110,000 – One full time deputy plus benefits and \$10,000 in operating expenses for Kids to Seniors Korner Program
- iv. \$22,400 – Four Datalux systems at \$5600 each. Supports agency efforts to modernize and standardize criminal justice technology.
- v. \$200,000 – JAG overtime funding to pay for overtime and backfill to support field operations, law enforcement investigations, patrol and detention related purposes.
- vi. \$52,271 – Training monies to provide innovative, credible, advanced and specialized training to Sheriff's Office personnel.

c. Sparks Police Department:

- i. \$97,972 – Patrol Tactical Kits: Purchase of 20 kits for patrol officers.
- ii. \$30,000 – West Covina Report Writing Software: Adds automated report writing module.
- iii. \$36,000 – Police Department Website update and creation for enhanced community usage.
- iv. \$57,635 – Crime View Software to allow community to view crime incident information in their neighborhoods.

4. Approval. Any reallocation of the funds from that stated in this Agreement will be submitted to the fiscal agent for approval.
5. Compliance. All parties agree to comply with all terms required under the grant application, grant requirements and all laws related to the receipt of funds pursuant to the grant terms. Any failure to comply by a party may adversely affect that party's right to receive funds under the grant.
6. Receipts. The parties will be required to provide receipts to the City of Reno for

69-346

the purchases prior to reimbursement. Receipts shall be provided to:

Michelle Gitmed
Reno Police Department
P.O. Box 1900
Reno, Nevada 89505

7. **Monthly Reports.** All parties will abide by the enhanced performance measure requirements of the Recovery Act and will provide monthly reports to the fiscal agent in order to meet the ten day after quarter deadlines.
8. **Fiscal and Programmatic Reporting.** The City of Reno will be responsible for fiscal and programmatic reporting.
9. **Defenses.** The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Contract liability of all parties shall not be subject to punitive damages. To the extent applicable, actual contract damages for any breach shall be limited by NRS 353.260 and NRS 354.626.
10. **Indemnification.** Each party shall indemnify, hold harmless and defend, not excluding the other's right to participate, the other party from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorneys' fees and costs, arising out of any alleged negligent or willful acts or omissions of the indemnifying party, its officers, employees and agents. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in the Agreement.

The indemnification obligation under paragraph 9 is conditioned upon receipt of written notice by the indemnifying party within 30 days of the indemnified party's actual notice of any actual or pending claim or cause of action. The indemnifying party shall not be liable to hold harmless any attorneys' fees and costs for the indemnified party's chosen right to participate with legal counsel.
11. **Successors and Assigns.** The parties bind themselves and their successors and assigns to the other party and to the successors and assigns of said party with respect to the performance of this Agreement. Except as otherwise set forth herein, neither RTC nor City shall assign or transfer interest in this Agreement without the written consent of the other.
12. **Authority.** Each party acknowledges that the person signing this Agreement is authorized or has been authorized to enter into this Agreement on behalf of his principal.
13. **Attorney's Fees.** In the event any party files suit to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs of suit.
14. **No Third-Party Rights.** The parties expressly disclaim the creation of any right in any third party whatsoever under this Agreement. There are no third-party beneficiaries. The only persons who may enforce this Agreement and any rights under this Agreement are the parties.

09-364

15. Severability. If any section, subsection, clause, phrase, or word of this Agreement is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such section, subsection, clause, phrase, or word shall be deemed a separate, distinct and independent provision and such holding shall not negatively affect the validity of the remaining portions of this Agreement. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in full force and effect.
16. Jurisdiction. This Agreement shall be administered and interpreted under the laws of the State of Nevada. Enforcement of this Agreement shall be in a court of appropriate jurisdiction in Reno, Nevada.
17. Entire Agreement. This Agreement contains the entire agreement of the parties on the matters covered. There are no verbal agreements, representations, or understandings affecting this Agreement.
18. Transfer or Assign. Neither party shall transfer, assign or attempt to assign this Agreement or any part thereof to any third party, without prior written consent of the other party.
19. Counterparts. This Agreement may be executed in more than one counterpart, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
20. Termination. This Agreement may be terminated with or without cause by any party upon thirty (30) days written notice to the other parties. Termination shall not affect any of the rights or obligations of any party to the other accruing prior to the termination date.

[SIGNATURES ON FOLLOWING PAGE]

B9-346

APPROVED this 22nd day of April, 2009

RENO POLICE DEPARTMENT

WASHOE COUNTY SHERIFF'S OFFICE

M. Poehlman
Michael Poehlman, Chief

Michael Haley, Sheriff

SPARKS POLICE DEPARTMENT

Steve Asher, Chief

CITY OF RENO

**WASHOE COUNTY, by and through its
Board of County Commissioners**

BY: [Signature]
Robert A Cashell, Sr., Mayor

BY: _____
David Humke, Chairman

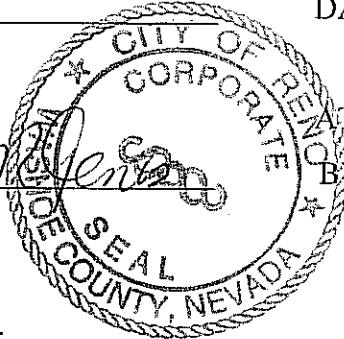
DATE: 5-7-09

DATE: _____

ATTEST:

BY:

[Signature]
City Clerk



ATTEST:

BY: _____

County Clerk

APPROVED AS TO FORM:

BY:

[Signature]
Deputy City Attorney

BY: _____

Deputy District Attorney

CITY OF SPARKS

BY: _____

Geno Martini, Mayor

DATE: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

By: Assistant City Attorney

09-366

APPROVED this 22nd day of April, 2009

RENO POLICE DEPARTMENT

Michael Poehlman, Chief

WASHOE COUNTY SHERIFF'S OFFICE

Michael Haley
Michael Haley, Sheriff

SPARKS POLICE DEPARTMENT

Steve Asher, Chief

CITY OF RENO

BY: _____
Robert A Cashell, Sr., Mayor

DATE: _____

ATTEST:
BY: _____
City Clerk

APPROVED AS TO FORM:
BY: _____
Deputy City Attorney

CITY OF SPARKS

BY: _____
Geno Martini, Mayor

DATE: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

By: Assistant City Attorney

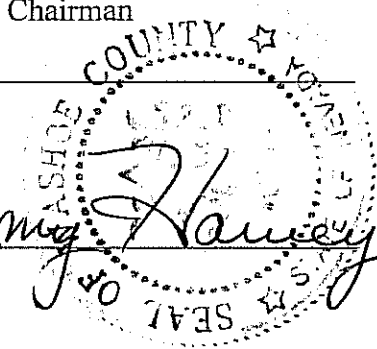
**WASHOE COUNTY, by and through its
Board of County Commissioners**

BY: David Humke
David Humke, Chairman

DATE: 4/21/09

ATTEST: Angie Harvey
County Clerk

BY: Melanie Foster
Deputy District Attorney



09-366

APPROVED this 22nd day of April, 2009

RENO POLICE DEPARTMENT

WASHOE COUNTY SHERIFF'S OFFICE

Michael Poehlman, Chief

Michael Haley, Sheriff

SPARKS POLICE DEPARTMENT

SA

Steve Asher, Chief

CITY OF RENO

**WASHOE COUNTY, by and through its
Board of County Commissioners**

BY: _____
Robert A Cashell, Sr., Mayor

BY: _____
David Humke, Chairman

DATE: _____

DATE: _____

ATTEST:

ATTEST:

BY: _____
City Clerk

BY: _____
County Clerk

APPROVED AS TO FORM:

BY: _____
Deputy City Attorney

BY: _____
Deputy District Attorney

B9-364

CITY OF SPARKS

DATE: April 13, 2009
Geno Martini, Mayor

BY: Geno R. Martini

ATTEST:

Linda K Patterson

City Clerk



APPROVED AS TO FORM:

Thomas [Signature]

By: Assistant City Attorney