

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: AN ORDINANCE authorizing the Chief Information Officer to negotiate and execute agreements with other public and private entities as are required to assure the continued present and future operation of Washoe County's emergency radio system(s) and to present such agreements to the Washoe County Board of Commissioners for final approval when required by law or policy; describing that such agreements may include, without limitation, provisions for sharing the use, governance, operation, maintenance, and upgrade of any Washoe County radio system with other public or private entities, unless otherwise prohibited by law; changing the title of Chief Information Management Officer to Chief Information Officer; and providing for other matters properly relating thereto.

BILL NO. 1773

ORDINANCE NO. 1588

AN ORDINANCE authorizing the Chief Information Officer to negotiate and execute agreements with other public and private entities as are required to assure the continued present and future operation of Washoe County's emergency radio system(s) and to present such agreements to the Washoe County Board of Commissioners for final approval when required by law or policy; describing that such agreements may include, without limitation, provisions for sharing the use, governance, operation, maintenance, and upgrade of any Washoe County radio system with other public or private entities, unless otherwise prohibited by law; changing the title of Chief Information Management Officer to Chief Information Officer; and providing for other matters properly relating thereto.

WHEREAS Washoe County owns and operates an 800 MHz system of radio communication commonly known as the Washoe County Regional Communications System in Washoe County ("WCRCS") which is used for emergency and public safety communications; and,

WHEREAS, the State of Nevada Department of Transportation ("NDOT") owns and operates a similar system of radio communication in and outside of Washoe County which is used for emergency and public safety communications; and,

WHEREAS, private entities such as Nevada Energy own and operate radio systems in and outside of Washoe County which are used for emergency and public safety communications; and,

WHEREAS, Washoe County and NDOT share the use, governance, operation, maintenance, and upgrade of their systems pursuant to the WCRCS Interlocal Agreement, initially established in 1999, and amended in 2002 and 2014, which has also been signed by other local governments and public agencies that provide emergency services in Washoe County and who use the WCRCS; and,

WHEREAS, NDOT and Nevada Energy share the use, governance, operation, maintenance, and upgrade of their systems pursuant to a written agreement; and,

WHEREAS, Washoe County and Nevada Energy have shared the use, governance, operation, and maintenance of their systems for many years, but have no written agreement to do so; and,

WHEREAS, it is in the interests of all Washoe County citizens that Washoe County, NDOT, Nevada Energy, and any other future public or private owners or operators of similar radio systems in Washoe County and Nevada to continue the shared the use, governance, operation, maintenance, and upgrade of the aforementioned radio systems to assure local public and private emergency communication services will continue into the future; and,

WHEREAS, in furtherance of the goal of assuring the continued provision of public and private emergency services and communication by public and private emergency services and safety officials, Washoe County, NDOT, and Nevada Energy desire to enter into agreements allowing for the shared the use, governance, operation, maintenance, and upgrade of their systems from the current 800 MHz system to a new radio communication system known as the P25 System and to future radio communications systems as newer technologies emerge; and,

WHEREAS, the Nevada Revised Statutes at Chapter 277 allow 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 Nevada Revised Statutes do not explicitly authorize or preclude county ownership of radio systems, or explicitly authorize or preclude a county from entering into an agreement with private entities for the shared the use, governance, operation, maintenance, and upgrade of any such systems; and,

WHEREAS, Nevada Revised Statutes 244.137 through 244.146 grant to boards of county commissioners all powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board; and,

WHEREAS, based on the foregoing, the Board of County Commissioners hereby finds pursuant to NRS 244.143(1) that entering into agreements with other entities, including private entities, for the shared the use, governance, operation, maintenance, and upgrade of Washoe County's and such other entities' radio communication systems and to upgrade to future radio communications systems, (a) will primarily affect or impact areas located in or persons who reside, work, visit or are otherwise present in Washoe County, (b) is not within the exclusive jurisdiction of another governmental entity, (c) does not concern a state interest requiring statewide uniformity of regulation, regulation of business activities subject to substantial state or federal regulation or interests committed to federal or state regulation that preempts local regulation; and,

WHEREAS, based on the foregoing, the Board of County Commissioners further finds pursuant to NRS 244.243(2) that entering into agreements with other entities, including private entities, for the shared use, governance, operation, maintenance, and upgrade of Washoe County's and such other entities' radio communication systems is integral to the continued health, safety and welfare of the citizens of Washoe County; and,

WHEREAS, based on the foregoing, the Board of County Commissioners further finds that entering into agreements with other entities, including private entities, for the shared use, governance, operation, maintenance, and upgrade of Washoe County's and such other entities' radio communication systems is a matter of local concern as defined in the Nevada Revised Statutes at NRS 244.137 through 244.146; and,

WHEREAS, based on these findings, the Board of County Commissioners desires to authorize the Chief Information Officer to negotiate and enter into, with Board of County Commissioner approval where required by law or policy, agreements with other entities, both public and private, as may be required to assure the continued present and future operation of Washoe County's radio communications systems, including, without limitation, agreements for the shared use, governance, operation, maintenance, and upgrade of Washoe County's and such other

entities' radio communication systems and to administer any such agreements; and,

WHEREAS, on October 18, 2016, the Board of County Commissioners directed staff to draft an ordinance and to take such other and further actions as are necessary to authorize the Chief Information Officer to negotiate and enter agreements with other entities, including private entities, as may be required to assure the continued present and future operation of Washoe County's radio communications systems, which agreements may include the shared governance, use, operation, maintenance, or current or future upgrade of Washoe County systems and other similar public and private systems and, after approval by the Washoe County Board of Commissioners where required by law, to administer the agreement to assure compliance with the same; and,

WHEREAS the title of "Chief Information Management Officer" has changed to "Chief Information Officer" and an amendment to the relevant Washoe County Code provision is necessary to reflect this change in title,

THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, STATE OF NEVADA, DO ORDAIN:

SECTION 1. Section 5.456 of the Washoe County Code is hereby amended to read as follows:

5.456 Powers and duties of chief information officer; staff

1. The chief shall direct and supervise the planning, coordination, implementation and evaluation the County's information management and telecommunications systems and services and shall oversee the provision of technology services to the County. The chief shall implement programs for development, enterprise, and any other programs he deems necessary to carry out the functions of the department.

2. As part of the duties described in subsection 1, the chief shall negotiate, execute, and administer agreements with other public and private entities as are required to assure the continued present and future operation of Washoe County's emergency radio system(s). Such agreements may include, without limitation, provisions for sharing the use, governance, operation, maintenance, and upgrade of Washoe County's and other entities' radio communication systems, unless otherwise prohibited by law, and shall be presented to the Washoe County Board of Commissioners for final approval when required by law or policy.

3. The chief shall appoint into the unclassified service of the County a director of programs, who shall have such powers and duties as are conferred upon him by the chief in administering the operations of the department.

4. The chief shall appoint, pursuant to any applicable provisions of law regulating county personnel, such technical, clerical and operating staff as the execution of the duties of the chief and operation of the department may require.

['4, Ord. No. 1316 eff. 10-20-06

SECTION 2. General Terms.

A. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers and appointed agents not inconsistent with the provisions of this Ordinance are ratified and approved.

B. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed, as of the effective date of the consolidation. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

C. Except as specifically provided herein, this ordinance shall be in effect from and after its publication as hereinafter provided, and after this ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this ordinance shall be published by title only, together with the names of the Commissioners voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.

D. A copy of this ordinance shall be recorded in the office of the county recorder for Washoe County.

E. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it

shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 29th day of November, 2016.

Proposed by Commissioner Hartung.

Passed on the 13th day of December, 2016.

Vote:

Ayes: Kitty Jung, Bob Lucey, Marsha Berkbigler
Vaughn Hartung and Jeanne Herman

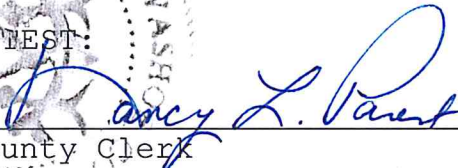
Nays: none.

Absent: none.



Kitty K. Jung, Chair
Washoe County Commission



ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 23rd day of December, 2016 and as specifically provided in Section 4, above.

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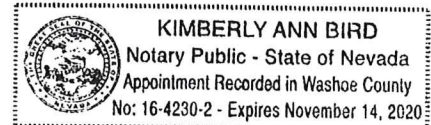
STATE OF NEVADA
COUNTY OF WASHOE

WCCOMP DEC28*16 9:16

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 12/16/2016 - 12/23/2016, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____



**NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE
NO. 1588 BILL NO. 1773 NOTICE IS HEREBY GIVEN
that typewritten copies of the above-numbered and
entitled ordinance ar**

Publish Dates:
12/16/16, 12/23/16

Kimberly Ann Bird
**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1588
BILL NO. 1773**

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on November 29, 2016 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on December 13, 2016 by the following vote of the Board of County Commissioners: AN ORDINANCE AUTHORIZING THE CHIEF INFORMATION OFFICER TO NEGOTIATE AND EXECUTE AGREEMENTS WITH OTHER PUBLIC AND PRIVATE ENTITIES AS ARE REQUIRED TO ASSURE THE CONTINUED PRESENT AND FUTURE OPERATION OF WASHOE COUNTY'S EMERGENCY RADIO SYSTEM(S) AND TO PRESENT SUCH AGREEMENTS TO THE WASHOE COUNTY BOARD OF COMMISSIONERS FOR FINAL APPROVAL WHEN REQUIRED BY LAW OR POLICY; DESCRIBING THAT SUCH AGREEMENTS MAY INCLUDE, WITHOUT LIMITATION, PROVISIONS FOR SHARING THE USE, GOVERNANCE, OPERATION, MAINTENANCE, AND UPGRADE OF ANY WASHOE COUNTY RADIO SYSTEM WITH OTHER PUBLIC OR PRIVATE ENTITIES, UNLESS OTHERWISE PROHIBITED BY LAW; CHANGING THE TITLE OF CHIEF INFORMATION MANAGEMENT OFFICER TO CHIEF INFORMATION OFFICER; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Those Voting Aye: Kitty Jung, Bob Lucey, Marsha Berkbisler, Vaughn Hartung and Jeanne Hermon.
Those Absent: None.

This Ordinance shall be in full force and effect from and after December 23, 2016. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED: December 13, 2016.

Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners

No 1799612

Dec 16, 23, 2016

1588 ✓