

**BOARD OF FIRE COMMISSIONERS  
TRUCKEE MEADOWS FIRE PROTECTION DISTRICT**

TUESDAY

9:00 A.M.

MARCH 31, 2020

PRESENT:

**Bob Lucey, Chair**  
**Marsha Berkbigler, Vice Chair**  
**Kitty Jung, Commissioner (via telephone)**  
**Vaughn Hartung, Commissioner**  
**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**  
**Charles Moore, Fire Chief**  
**Nathan Edwards, Deputy District Attorney (via Zoom)**

The Board convened at 9:00 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:

Chair Lucey stated this meeting was being held via the Zoom app due to the COVID-19 health crisis. He explained this was new process and asked for patience with public comment as staff addressed any technical difficulties that could occur.

**20-038F      AGENDA ITEM 3 Public Comment.**

On the call for public comment and via the Zoom app, Mr. Cliff Low expressed sensitivity toward the COVID-19 crisis. He posed questions about the authority of the Truckee Meadows Fire Protection District (TMFPD) to make expenditures not authorized by the Board of Fire Commissioners (BOFC), including the source of that authority, the circumstances under which those expenditures were permitted, and possible dollar limits on such expenditures. He remarked he was not able to find an agenda item for or approval of the working group formed to approve the new TMFPD logo which was presented at the February BOFC meeting. He pointed out Agenda Item 9 on the current agenda sought approval of 24 hours of staff time to perform an in-depth account of staffing at a cost of \$2,200. He said he did not see a separate agenda item for other expenditures that had been made.

Ms. Darci Fletcher stated she spoke at the February meeting about the piece of land where the new consolidated fire station would be located. She said the minutes reflected that her questions were unable to be answered during the public comment item and staff would meet with her to discuss her concerns. She indicated she had not heard from staff about her questions.

**CONSENT ITEMS – 4A and 4B**

**20-039F** **4A** Recommendation to approve the meeting minutes from the February 25, 2020 Board of Fire Commissioners Meeting. (All Commission Districts.)

**20-040F** **4B** Recommendation to approve an agreement to retain Eide Bailly LLP to perform independent audit services for Truckee Meadows Fire Protection District for the Fiscal Year 19/20 in an amount not to exceed \$35,000. Audit Services are professional in nature and therefore exempt from competitive bidding requirements pursuant to NRS 332.115. This audit is being done to satisfy NRS 354.624, which requires each local government to provide for an annual audit of financial statements by a certified public accountant registered in the State of Nevada and to notify the state of this engagement by March 31st of each fiscal year. (All Commission Districts.)

There was no public comment on the Consent Agenda Items listed above.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 4A and 4B be approved.

**20-041F** **AGENDA ITEM 5** Recommendation to approve a Settlement Agreement between Truckee Meadows Fire Protection District and IAFF Local 2487 to pay an amount not to exceed \$450,000 which represents a flat percentage of earnings due and which continue to accrue in accordance with the Collectively Bargain Agreements (CBA) for the Non-supervisory group dated 2018-2019 and 2019-2022 and the Supervisory group dated 2019 - 2022. (All Commission Districts.)

Truckee Meadows Fire Protection District Chief Charles Moore stated this item was reviewed with the Board during a closed session; it was a settlement based on an agreement with the International Associations of Fire Fighters Local 2487. He explained limitations on the software made it unable to capture data and calculate amounts correctly. He said this was a proposal to provide the amounts in a flat percentage plus interest accrued as per Nevada Revised Statutes. He asserted the union had agreed to this proposal and District staff recommended approval of the item.

Commissioner Jung stated the Board had been educated on this item and agreed money should be paid when it was owed.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Vice Chair Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 5 be approved.

**20-042F**      **AGENDA ITEM 6** Recommendation to approve an Interlocal Agreement between Truckee Meadows Fire Protection District and Washoe County to provides for possible financing, development, operation and management of a new Regional Communications P25 Public Safety Radio System at an estimated cost of \$75,743 for Fiscal Year 20/21 operations plus either a lump sum cost of \$822,155 or an estimated level annual payment of \$70,430 for twenty years which equals to a total amount of \$1,056,449 for infrastructure construction of the system. (All Commission Districts.)

Truckee Meadows Fire Protection District (TMFPD) Chief Charles Moore stated this agreement had been in process for two years. He said the current radio system was at its end of life and it was difficult to obtain replacement parts. He indicated the new generation radio system would allow users to communicate statewide, it was completely digital, and its life expectancy was 20 years. He explained staff was seeking guidance from the Board related to the terms of purchase. He noted the District contemplated the cash option prior to the COVID-19 outbreak but thought it currently made more sense to finance the project. He indicated the District had almost \$9 million in cash in the fund balance and a firm decision could be made once they reviewed revenue projections through the budget process. He said either option was currently possible. He wondered whether the Board had advice about paying cash or financing the project, mentioning the options would be clearer once the budget process was complete.

Vice Chair Berkbigler stated she did not have a strong feeling either way, but Chief Moore knew the budget and the issues he would have to deal with if COVID-19 ramped up as expected. She thought the Board should leave these decisions up to the manager who managed them.

Commissioner Hartung stated he was a firm believer that cash was king and the difference between the cash and financed amounts over 20 years was less than \$1,000 per month. He thought cash could be borrowed if it was needed. He wondered whether a penalty would be assessed if the project was originally financed but paid off early. Chief Moore did not believe that was an option because the County needed to determine whether to finance over a 20-year term or pay the full amount in cash up front. Commissioner Hartung said mortgages and car loans had the option of requesting a payoff. Chief Moore did not think that was an option but would have someone answer that question.

Chief Fiscal Officer Cindy Vance stated she had met with the County and said Chief Moore was correct. She said a decision whether to pay a lump sum or finance the project and make monthly payments was required by June 30. The County would borrow the money for the entire project. She explained the County allowed participating entities to go through their budgeting processes to determine whether to pay a lump sum or finance their portion.

Vice Chair Berkbigler wanted suggestions from County Manager Eric Brown if the County was ultimately responsible for the financing. Mr. Brown believed the TMFPD and other agencies were given the option to make an upfront cash payment or

make payments. He said the County had not fully exhausted the early payoff provisions, so he did not have an answer about any terms for early payoff. He stated there were many agencies involved with this purchase and staffs of each were attempting to determine which payment option to choose.

Commissioner Hartung stated it would be \$976.23 a month to finance the project and he thought the District could need the cash, so he would rather have the liquidity. He said he would acquiesce to whatever the Board decided.

Commissioner Herman said she would like to hear what Chief Moore thought was best.

Commissioner Jung wondered who would be fiduciarily responsible if the TMFPD collapsed. Deputy District Attorney Nathan Edwards stated he would have to research the scenario. In those situations in general, he said, either the State or federal government would provide some financial backing. The TMFPD was a political subdivision of the State of Nevada. He did not think it would be automatic that the State would step in or be put into that position by legal proceedings. However, if a political subdivision failed, he thought the State would end up having to answer for that subdivision. He said he provided his answer provisionally because it was a broad question with different facets to it, like why the agency ceased to exist and why it failed. Answers to those types of questions could steer the results a bit, but he thought the State would provide some financial responsibility for the TMFPD because it was a political subdivision by State law.

Commissioner Jung stated this was different information than she had received over the past 12 years. In trying to obtain information about the hypothetical example of the Regional Emergency Medical Services Authority (REMSA) folding, she discovered the Health District was responsible for them and the County was responsible for the Health District. She believed information from legal counsel was that the County would absorb them, and the reason smaller entities did not have to carry so large a rainy-day-fund was because the County was their rainy-day-fund. She wanted Mr. Edwards to supply the Board with agencies for which the County was responsible. She relied on Ms. Vance as the budget expert but the Commissioner opined she would rather have cash on hand. She thought the TMFPD should finance the project and any possible prepayment penalty could be dealt with when they were ready to pay off the loan.

Chair Lucey believed it was a sound argument to finance the project and any cash that could be kept on hand with this current emergency could help with issues in the upcoming months. He opined the County needed to be more conservative with spending knowing infrastructure needed replacement soon. He said financing was the smartest option to ensure the County maintained fiscal solvency and could continue with projects. When the world recovered, he stated, there would be infrastructure in place for the foreseeable future.

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered to move forward with the financing of the P25 Public Safety Radio System Bond with the TMFPD and Washoe County, and pursue a financing option versus a cash option. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

**20-043F**      **AGENDA ITEM 7**      Recommendation to approve and create three additional grant funded Fuels Crew Member positions, with a salary range of \$40,768.00 - \$52,915.20 with Regular NV PERS (NV PERS), pending NV PERS review for possible Police/Fire PERS. (All Commission Districts.)

Truckee Meadows Fire Protection District (TMFPD) Chief Charles Moore stated this item came before the Board previously with a grammatical error in the staff report: the number of positions was singular rather than plural. This position was purely grant funded from NV Energy and staff would not move forward with it unless the grant was received. There was no cost to the TMFPD. He indicated the staff report clarified the number of staff intended to be funded through this grant.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Vice Chair Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be approved.

**20-044F**      **AGENDA ITEM 8**      Recommend authorizing the Chief of the Truckee Meadows Fire Protection District (TMFPD) to execute a contract for the purchase of three Type V fire engines in a total combined amount not to exceed \$750,000 for use by TMFPD in connection with its fire protection district duties. The contract was put out to bid by the Washoe County Purchasing Department in February 2020, with bids reviewed on March 17, 2020. Authorization to the Chief to execute the contract would include ratification of the bidding process that was undertaken and would furthermore authorize the Chief to select the lowest responsive-responsible bidder from among those who have submitted bids for the sale. (All Commission Districts.)

Truckee Meadows Fire Protection District (TMFPD) Chief Charles Moore stated this was a continuation of the bond the Board previously approved. He recalled the TMFPD was financing Type 1 structural fire engines along with wildland engines. The Board had previously approved the purchases and this item was rounding out the rest of the bond expenditures.

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8 be authorized.

**20-045F**      **AGENDA ITEM 9** Recommendation to adopt a Resolution of Intent, proposing the issuance of, and authorizing the publication of notices relating to General obligation (limited tax) Capital Improvement Bonds (Additionally Secured by Pledged Revenues) in the maximum principal amount of \$2,100,000 to defray wholly or in part the cost of acquisition of properties for stations authorized by NRS 474.511, including fixtures, structures, stations, other buildings and sites therefor and appurtenances and incidentals necessary, useful or desirable for any such facilities, including all types of property therefor; providing the manner, form and contents of the notices thereof; providing other matters properly related thereto; and providing the effective date hereof. The proposal to issue these bonds was approved by the Washoe County Debt Management Commission per NRS 350.014 et. seq. on February 28, 2020. (All Commission Districts.)

Truckee Meadows Fire Protection District Chief Charles Moore stated this item was an authorization to proceed with publication of the bonds. These bonds were intended for the rebuilding of Station 37 in Hidden Valley; there would be a 90-day waiting period before they would be issued and the proceeds could be used for construction.

Commissioner Hartung said the payback on these bonds was a 20-year term but there was uncertainty in the bond market. He wondered about the interest rate of the bonds and mentioned municipal bond rates were generally attractive, but it was an unusual time in the market. He questioned the timing of the sale of the bonds.

Chief Moore stated it could not happen for at least 90 days and the interest rate could be evaluated and brought back to the Board at that time. He did not know if there was another step involved.

JNA Consulting Group Vice President John Peterson confirmed there was a 90-day period before the bonds could be issued. He indicated an additional step in the process included a public hearing in May and a Bond Resolution to be approved by the Board once the 90-day period was complete in July. He agreed the market was unpredictable, but the passage of the CARES Act by Congress seemed to have tempered down the volatility. People were coming back to the market, but he said no one knew what the market would bring in the coming three months. In the presentation to the Debt Management Committee (DMC) in February, he noted the estimated interest rate was 3.75 percent. The current rate was closer to 3.25 or 3 percent, but he did not know what it would be in July. He mentioned the process could be reevaluated if the market was still in a bad place in July and the bond could possibly be delayed if necessary. He indicated they had three years based on the approval of the DMC. He explained there was still time to review the rates and determine the best decision.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be adopted with an update prior to release in July. The Resolution for same is attached hereto and made a part of the minutes thereof.

**20-046F**      **AGENDA ITEM 10** Recommendation to approve a Purchase and Sale agreement for the acquisition by the district of a 6 acre parcel located at 0 White Pelican (APN 050-220-61) for the purpose of constructing a new fire station, which is planned for additional buildings that would include a fixed based ambulance building, a helipad, and a Washoe County Sheriff's substation, to serve the Washoe Valley area in an amount not to exceed \$475,000 plus closing costs, less \$5,000 in an earnest money deposit and authorize the Chair to execute all checks, warrants, deeds, and instruments as needed to effect this purchase and close escrow as authorized by NRS 474.470. If approved, approve and execute a Resolution augmenting the Truckee Meadows Fire Protection District Capital Fund Capital Outlay Account from the Truckee Meadows Fire Protection District Capital Fund Beginning Fund Balance in the amount of \$475,000. (Commission District 2.)

Truckee Meadows Fire Protection District (TMFPD) Chief Charles Moore stated this item was for the consolidation of the East Lake and Bowers Mansion stations. He said there were few options for the TMFPD and this was the best location for response times. He indicated this property had been put under contract with no financial risk, because the \$5,000 in earnest money would be returned and the purchase would not happen if the Board did not approve this item. He anticipated the East Lake station could become a new volunteer fire station in the future and there were many options for the Bowers Mansion location, which was dilapidated but could serve as a location for a fields crew to work. If this item was approved by the Board, he said, the property would close escrow in early April, at which point it would be determined whether to start or postpone the design work depending on the economic forecast. He said it was important to secure the parcels to get the project going.

Vice Chair Berkbigler asked for Chief Moore or Deputy District Attorney Nathan Edwards to answer Mr. Low's question about whether Chief Moore had legal authority to make a commitment to purchase property without presenting information to the Board first.

Chair Lucey stated he received an email from Mr. Edwards and asked him to answer the question from Vice Chair Berkbigler. Mr. Edwards stated the Board of Fire Commissioners passed a standing Resolution in June of 2019 which gave purchasing authority to Chief Moore or his designee, akin to the authority that resided with the office of the purchasing and contracts manager pursuant to Washoe County Code Chapter 15.495; the authority included a \$100,000 limit. Below that limit, the Chief or designee could make expenditures for the conduct of TMFPD business; anything above that limit required Board approval. This gave the TMFPD the ability to make expenditures on lower level items such

as this without having to come to the Board for approval. He clarified that, though this item involved a contract on a larger item, the earnest money was below the threshold amount. He thought Chief Moore could provide insight about how he proceeded with this process. The entire purchase price of the overall contract was subject to Board approval.

Chair Lucey asked Chief Moore to describe to the public the process by which to property was secured. Chief Moore stated the TMFPD was interested in moving forward with the concept to consolidate the two stations in Washoe Valley. The parcel was identified through a realtor and an offer was made, but it was discovered that the parcel was under contract by a private developer. When the parcel fell out of contract, he had discussions with Chair Lucey and it was agreed to proceed with a non-binding contract to be brought to the Board for approval. He explained the purchase of the parcel would occur only with Board approval.

Chair Lucey stated he directed Chief Moore to proceed with the process without financial or contractual obligations until the item could be heard by the Board in a public meeting.

Commissioner Hartung wanted confirmation that the new station would include a helipad. Chief Moore confirmed it would. Commissioner Hartung thought the TMFPD had an ambulance that could be utilized in the south valleys. Chief Moore confirmed that was correct. Commissioner Hartung assumed the intent of the ambulance was to transport patients to the station where they could be flown to the correct facility. Chief Moore indicated the helipad would be used for critical patients where Care Flight could land and transport a patient. He provided an example of the helipad's use: a terrible crash occurring on the interstate where more than one patient needed to be transported. A patient needing trauma services could be flown to an appropriate facility while the Regional Emergency Medical Services Authority (REMSA) could provide transportation for a patient with less critical needs. REMSA committed to build a fixed base on the new property and would provide ground transport. He stated the ambulance the TMFPD purchased could go anywhere within the system.

Commissioner Hartung wondered whether the prospective REMSA site would include quarters for paramedics. Chief Moore said they were early in the process and had not discussed details with the Sheriff's Office or REMSA except that there was enough room on the site. He referred to a site concept provided in the staff report where an architect verified there was enough room for the fire station, helipad, REMSA, and a Sheriff's Office substation. The details were still to be determined.

On the call for public comment and via the Zoom app, Mr. Cliff Low thanked the Board of Fire Commissioners (BOFC) and Mr. Edwards for clarification about the spending for the purchase of land for the Washoe Valley fire station. He felt some sort of disclosure should have been made because there was a perception that the decision had already been made by the Board at the time of the January BOFC meeting, where the topic of the land purchase was not even discussed. He was relieved the District had that authority. He pointed out the wording on this item indicated the approval of a single lot, the one



whose Assessor's parcel number ended in -61, for \$475,000. He mentioned an item heard in September identified six lots of land totaling approximately six acres, which he thought was the intent of this item. He felt the Board's approval should be for all six parcels.

County Clerk Nancy Parent received an email from Ms. Darci Fletcher, a copy of which was placed on record. As read by Ms. Parent, Ms. Fletcher opined Chief Moore exceeded his authority by entering into a purchase agreement for property to consolidate the two Washoe Valley fire stations into one under the guise of saving money and balancing workload. Research found the majority of 911 calls were in the north as confirmed by a battalion chief. When people in her area got sick, they called the doctor; when people in the north got sick, they did not seek care but instead called 911. She wrote that Chief Moore assured Washoe Valley residents that REMSA had committed to house an ambulance at the new station once it was built. REMSA used algorithms so there was no guarantee a vehicle would be ready. Northern residents had a greater need for REMSA and she expressed frustration about Obamacare and being charged for REMSA's services. She wanted resources to be placed in the north without jeopardizing residents in the south.

Chair Lucey brought up Mr. Low's comments and said he reviewed the land purchase agreement. It listed a property situated at 0 White Pelican, commonly known as APN-050-220-61, which consisted of approximately six acres; it was only one parcel based upon the engineering parameters provided to the County in the site inspection from Collier's Realty. This was only one of six parcels included in the purchase, but he said this was only an offer and the land purchase agreement would include all six parcels.

Commissioner Hartung confirmed with the Assessor's Office website that Mr. Low was correct; APN 050-220-61 consisted of only one acre. He was unsure whether it was just a discrepancy in the staff report. Chair Lucey stated the purchase agreement was drafted inappropriately because all the parcel numbers needed to be listed. He said it needed to be amended to reflect APNs 050-220-61 through 050-220-66. Chief Moore stated he understood the required amendment.

Commissioner Hartung wondered whether the Board could provide Chief Moore the authority to update the land purchase agreement to include all parcels so it did not have to come back to the Board for approval. Mr. Edwards stated the agenda item was to approve purchase and sale agreement for an acquisition by the District for a 6-acre parcel located at 0 White Pelican. The Assessor's Office site listed APN 050-220-61 as approximately a 1-acre parcel. If he heard correctly, there were six parcels included for a total of six acres. Chair Lucey stated that was correct.

Chair Lucey opined the addendum could be executed by Chief Moore with authority of the Board to reflect all APNs in an amended land purchase agreement. He wondered whether this property was ever subdivided into six parcels. Chief Moore stated it was once one parcel and had been separated but he did not recall when that took place.

Vice Chair Berkbigler asked Chief Moore whether he was certain the intention of the seller was to sell all six acres for \$475,000. Chief Moore stated he was

certain; in fact, the realtor expressed that the owner did not want to sell individual parcels. He indicated the purchase and sale agreement included six acres and all parties agreed it was for the sale of six parcels.

Nathan Edwards stated Chief Moore was correct the land purchase agreement was very clear it was for six acres and the price was broken down to a price of approximately \$79,000 per acre. He explained all six acres were clearly within the contemplation of all parties. He stated the issue was the purchase and sale agreement, which described the parcel as APN 050-220-61, located at 0 White Pelican. He reviewed the parcel and address information on the Assessor's Office website and thought the item should come back to the Board with all parcels specifically listed. He believed the purchase and sale agreement accurately reflected the purchase of six acres, but the paperwork could be amended by the realtor. He recommended it be brought back to the Board for approval.

Commissioner Hartung stated the documentation provided in the staff report clearly included APNs 050-220-61 through 050-220-66.

Chair Lucey said Mr. Edwards had a point, but he disagreed that this item could not be approved with the purchase agreement only listing one APN. He stated there was enough information and documentation to determine the accurate intent to purchase six acres. He wanted to provide Chief Moore the authority to sign an addendum to show the corrected APN information based on the price of approximately \$79,000 per acre. He did not believe there was a discrepancy in the intent and thought this item could be moved forward based on the direction to Chief Moore.

Commissioner Herman wondered if the acceptance date would be missed. Chief Moore indicated he could get an addendum to extend the acceptance date. Chair Lucey added this would need to be agreed to by the Gallagher Trust.

On motion by Chair Lucey, seconded by Vice Chair Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that the Purchase and Sale Agreement be approved with Chief Moore authorized to execute an addendum listing the six Assessor's parcel numbers for inclusion to the Agreement. The Resolution for same is attached hereto and made a part of the minutes thereof.

**20-047F**      **AGENDA ITEM 11** Announcements/Reports.

Commissioner Hartung requested an update on the Quint fire truck. He thanked all first responders, firefighters, police officers, and medical professionals who were involved with the pandemic. He thanked everyone involved in the Stuff A Bus for Seniors Drive-By Donation project. He said he helped deliver the donations. He noted the current situation was not easy and he expressed appreciation for the work of volunteers. He asserted the community would get through this.

Chair Lucey said he shared Commissioner Hartung's sentiment. He noted fire protection officers from the Truckee Meadows Fire Protection District, the Reno Fire

Department, the North Lake Tahoe Fire Protection District, and the Sparks Fire Department were all part of the Incident Command Team at the Regional Emergency Operations Center. Everyone on the Command Team had been working around the clock under the direction of Chief Incident Commander Sam Hicks to address pandemic concerns. He thanked everyone for their efforts. He asked everyone to be safe, stay home, and not go out unless it was necessary. He asked everyone to think about avoiding risks for the sake of first responders who would have to go out in response to calls.

Vice Chair Berkbigler seconded Chair Lucey and Commissioner Hartung’s comments. She asked all first responders to take care of themselves and be safe.

**20-048F      AGENDA ITEM 12 Public Comment.**

On the call for public comment and via the Zoom app, Mr. Cliff Low clarified he did not bring up the possible discrepancy with the Assessor’s parcel number to have that item continued to a subsequent meeting; he simply did not want to see taxpayers’ money spent on a single parcel. He praised the Board of Fire Commissioners, the Board of County Commissioners, the Truckee Meadows Fire Protection District, and the County Manager for holding this meeting in a reasonably open manner which allowed public comment. He agreed with the comments made by the Commissioners about all the people helping with the COVID-19 situation. He stressed the importance of maintaining distance and washing hands, adding the recommendation not to gather in groups of ten or more did not make it okay to gather in groups of nine without maintaining proper distance. He encouraged people to take care of each other.

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**10:07 a.m.** There being no further business to discuss, the meeting was adjourned without objection.

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**Bob Lucey, Chair**  
Truckee Meadows Fire  
Protection District

ATTEST:

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**NANCY PARENT, Washoe County Clerk**  
and Ex-Officio Clerk, Truckee Meadows  
Fire Protection District

*Minutes Prepared By:*  
*Doni Gassaway, Deputy County Clerk*