

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MAY 27, 2003

PRESENT:

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway, Commissioner*
Pete Sferrazza, Commissioner*
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met 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:

03-587 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Chairman Humke, which motion duly carried with Commissioners Galloway and Sferrazza temporarily absent, it was ordered that the agenda for the May 27, 2003 meeting be approved with the following amendments: Delete Item No. 8 G (5) accepting Low Income Housing Trust Funds – Welfare Set Aside from Nevada Housing Division in the amount of \$88,390 for fiscal year 2003/04. Delete Item No. 17, concerning a recommendation to provide direction to staff regarding membership of the Deferred Compensation Committee. Add Item No. 25, regarding a motion to reconsider the ½ cent tax increase approved by the County Commission at the May 20, 2003 Commission meeting and if the motion passes, reconsider the ½ cent tax increase, for which a properly noticed addendum was posted. It was noted Item Nos. 23 A through F were public hearings concerning second readings and adoption of Ordinances.

***2:05 p.m.** Commissioner Sferrazza arrived at the meeting.

PUBLIC COMMENTS

Gary Schmidt, Washoe County resident, noted Gloria Nooner, former owner of the Christmas Tree Restaurant, recently passed away and he gave a brief biography.

Sam Dehne, local resident, said he was thankful for the opportunity to play music for the elderly. He offered to have a charitable event with the media in which he

would go up against any media personalities in the areas of boxing, music and intelligence. He recommended every Commissioner sign a letter which he drafted to Secretary of State Dean Heller.

Robert Cameron, Reno resident, discussed litter throughout the mountains and the delayed opening of the South Valleys transfer station. He recommended reading the book "Downhill Slide."

MANAGER'S/COMMISSIONERS' COMMENTS

Chairman Humke noted a road in Hidden Valley off of Mira Loma where there is a burned out Ford van and he suggested a task force may need to be formed.

Katy Singlaub, County Manager, discussed the Western Interstate Region (WIR) National Association of Counties (NACo) Conference, which Washoe County is hosting beginning May 28 and will include 340 NACo participants from throughout the United States.

Commissioner Weber asked that a Commissioner on the prevailing side of the vote for the Black Rock, LLC special use permit place reconsideration of that item on an agenda due to the economics for Washoe County and the possibility that Burning Man could go elsewhere.

***2:20 p.m.** Commissioner Galloway arrived at the meeting.

In response to Mr. Dehne, Commissioner Sferrazza said he is in the process of revising a letter to Secretary of State Dean Heller.

Commissioner Weber thanked the Washoe County employees who volunteered for the upcoming NACo conference.

03-588 LEGISLATIVE BRIEFING

Joan Lambert, Lobbyist, reviewed the status of bills submitted by Washoe County and discussed bills concerning taxes and the State budget.

Darin Conforti, Finance Department, discussed SB370 and said the trade between the government services tax and the real property transfer tax would not be good or fair from a financial perspective because the current government services tax is stable and the real property transfer tax is transaction-based. Katy Singlaub, County Manager, said the first year estimated revenue loss for all governments in Washoe County would be \$3.357 million and increases to \$8.8 million by fiscal year 2007/08.

Commissioner Galloway made a motion to direct staff to oppose SB370 and Commissioner Sferrazza seconded the motion. Commissioner Sferrazza then withdrew the second because he stated he would rather the Board amend the transfer tax

to limit it over a certain value because the government services tax taxes the poorest people in the community and he would rather see that tax discontinued.

Commissioner Galloway clarified the motion would be to oppose SB370 because the use of the real estate transfer tax is a damaging make-up revenue source, and if some better make-up revenue source could be found the Board would not oppose the bill. Commissioner Shaw seconded the motion. Chairman Humke said he would not support the motion because from his knowledge of SB370 and the methods by which proponents used to get around the two-thirds vote requirement he does not think it has a chance of passing. Commissioner Shaw withdrew the second based on Chairman Humke's comments and years in the Legislature. In response to Commissioner Weber, Ms. Singlaub stated the Board could take the position that, if asked by Legislators, staff and the lobbying team could reflect some substance of this conversation without there being an official declaration. Madelyn Shipman, Assistant District Attorney, said a philosophical position could be taken by the Board that essentially indicates the Board does not want the Legislators taking revenue away from Counties or local governments and forcing the local governments to pass taxes to make up those revenues.

Commissioner Galloway's motion died for lack of a second.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that the County would take a philosophical position concerning taxes as outlined in the above discussion.

Sam Dehne, local resident, discussed two bills, one of which was the bill that would float \$40 million in bonds for a baseball park in Sparks. He stated he was not speaking against the bill.

Commissioner Galloway said he spent over a day calling a sample of his constituents to determine what they thought about the baseball park proposal, which includes an additional two percent tax on rental cars, and he found more support than not. He further said people did not think it was a significant tax and the majority did not feel it needed to go to a public vote.

**03-589 PROCLAMATION – NATIONAL HUNGER AWARENESS DAY –
FOOD BANK OF NORTHERN NEVADA**

Nancy Parent, Chief Deputy Clerk, read into the record the Proclamation declaring June 5, 2003 as National Hunger Awareness Day in Washoe County. Chairman Humke presented the Proclamation to Cherie Jamason and Ms. Jamason said approximately 2,000 affiliate food banks, food rescue organizations and the Food Bank's partner agencies will conduct an activity or outreach that raises hunger awareness, especially children affected by hunger, in the United States.

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the following Proclamation be adopted:

PROCLAMATION

WHEREAS, It is with deep concern for the hundreds of thousands of citizens nationwide who face increasing difficulties feeding their families that we join with the Food Bank of Northern Nevada as they support America's Second Harvest's National Hunger Awareness Campaign to feed hungry children; and

WHEREAS, Because of the sharp downturn in the economy, numerous families on a daily basis are relying on food banks to secure food for their families; and

WHEREAS, During the school year, approximately 18,500 Washoe County school children receive free or reduced fee lunches at our schools, but during summer vacation only 2,400 children are enrolled in a similar type meal program; and

WHEREAS, America's Second Harvest, the largest hunger-relief organization in the United States, has seen an increase in demand for food - particularly among families with children - and has launched a national campaign to secure additional resources to help ease child hunger; and

WHEREAS, June 5, 2003 has been designated "National Hunger Awareness Day" and the Food Bank of Northern Nevada, in partnership with 38 emergency food providers, has committed its support for America's Second Harvest's National Campaign to provide additional resources for our own community to combat child hunger; and

WHEREAS, Any additional donations, funding or volunteer support generated by this National Call to Action will benefit the more than 42,000 people in need of assistance within the 13 northern Nevada counties and eight California Sierra counties; and

WHEREAS, The campaign will provide valuable food resources to those in need of help to reduce hunger within our community; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that Thursday, June 5, 2003 is "National Hunger Awareness Day" in Washoe County and the Board encourages the citizens and businesses the Truckee Meadows community to join in supporting the Food Bank of Northern Nevada during this national campaign to provide summer meals for our children, secure additional resources for the communities it serves and for its year-long efforts to create hunger-free communities in our region.

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On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that agenda items be taken out of order, and specifically Item Nos. 12, 16A and 16B would be heard next and in that order.

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**03-590 PROPOSED DONATION BY THE RENO RODEO FOUNDATION
- KIDS KOTTAGE, MCGEE CENTER AND CHILDREN'S
CABINET - SOCIAL SERVICES**

Katy Singlaub, County Manager, noted this proposal would require matching funds in an approximate amount up to \$500,000, but those monies would not come from the General Fund.

Mike Capello, Social Services Director, discussed the need for this facility. He expressed his appreciation to Perry DiLoreto and the Reno Rodeo Association for this vision. Mr. DiLoreto said the Reno Rodeo Foundation funds significant, worthwhile charitable pursuits. He introduced Tom Cates, Reno Rodeo Foundation President Elect, John Solari, Reno Rodeo Foundation President, and Wayne Lund, Reno Rodeo Foundation First Vice President. He stated the Foundation is proud to be completing the indoor riding arena at the Marvin Picollo School for the therapeutic horseback riding program for crippled and disabled children. He stated Judge McGee was the inspiration for the facility being proposed. Mr. DiLoreto said he was impressed with the program in place by Washoe County to care for children who do not have a normal family life to support, nurture and encourage them through their lives. He stated the Foundation would like to set a goal and make a commitment to fund approximately \$1 million over the next three years to build the proposed facility. He further said they think they will be able to raise the money without taking it from taxpayers' pockets and would like the Board's consensus and support to begin.

Commissioner Shaw thanked Mr. DiLoreto and the Reno Rodeo Association for all they have done in the community for children. Commissioner Sferrazza agreed and expressed his whole-hearted support. Chairman Humke thanked Mr. DiLoreto and the Reno Rodeo Association for their great works and entrepreneurial spirit in developing the Reno Rodeo Invitational Team Roping event. Commissioner Galloway pointed out the public could participate in raising \$250,000.

Sam Dehne, Reno resident, said he is adamantly in support of this project. He said he would contribute the last \$100 to the program. He also offered to dedicate/donate the Silver Spur Award saddle, which was the saddle ridden in Reno parades between approximately 1950 and 1962, but requested a proper return. He suggested a raffle and offered to securely display the saddle at the Rodeo.

Upon recommendation of Mr. Capello, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the concept of the proposed donation by the Reno Rodeo Foundation, Reno Rodeo Association and Reno Rodeo Invitational Team Roping to provide three years of proceeds from a Reno Rodeo special fundraising effort to build a 10,000 square foot recreation and multipurpose facility on the Family Campus for children served by the Kids Cottages, McGee Center and the Children's Cabinet be approved.

03-591 **BILL NO. 1387 – ADOPT AND RATIFY INTERLOCAL AGREEMENT – WASHOE COUNTY AND THE CITIES OF RENO AND SPARKS – ANIMAL CONTROL**

Katy Singlaub, County Manager, noted this was the next critical step in the consolidation of animal control services. She said the three local governments have agreed to merge animal control Ordinances. She explained only Washoe County and the City of Sparks will merge field services currently; and once the animal shelter is built, the City of Reno will merge its field services with the County's.

Bill No. 1387, entitled, "**AN ORDINANCE ADOPTING AND RATIFYING AN INTERLOCAL AGREEMENT BY AND BETWEEN WASHOE COUNTY, THE CITY OF RENO AND THE CITY OF SPARKS REGARDING THE CONSOLIDATION OF ANIMAL CONTROL SERVICES IN WASHOE COUNTY AS PROVIDED HEREIN; PROVIDING THAT SO LONG AS THIS ORDINANCE REMAINS IN FORCE AND EFFECT THE INTERLOCAL AGREEMENT WILL BE IN FORCE AND EFFECT; AND PROVIDING NOTICE BE GIVEN IN THE EVENT WASHOE COUNTY TAKES ACTION TO INTRODUCE OR OTHERWISE ACT UPON AN ORDINANCE REPEALING THIS ORDINANCE**" was introduced by Commissioner Shaw; the title was read to the Board; and direction was given to publish legal notice for final action of adoption.

03-592 **BILL NO. 1388 – AMENDING WCC CHAPTER 55 – ANIMAL CONTROL**

In response to Commissioner Galloway, Maureen Griswold, Deputy District Attorney, said this is the first of the unified Ordinances, which would apply in the City of Sparks and the unincorporated area of Washoe County. She further said the City of Sparks is not adopting this Ordinance. She stated when the shelter is completed Reno would be included within the County's enforcement of animal control and there would be a second unified Ordinance incorporating the City of Reno. Ms. Griswold further said the Interlocal Agreement says the City of Reno will look at this proposed unified Ordinance during this interim period of time to consider adopting portions of it substantively so that all jurisdictions are operating under essentially unified law.

Commissioner Galloway stated he would like staff to look at increasing the size of the Animal Control Board, whether kennel permits are to be their sole

function, the length of time somebody should take action on a severely distressed or injured animal, and whether a dispute of a kennel permit in all cases has to go directly to the Courts. He said it might be advisable to have some type of intermediate process, particularly in the case of a revocation of a permit, but that process should not be easy.

Commissioner Weber said members of the Animal Control Board should come from each of the Commission Districts because issues at Incline Village might be different than issues in Sun Valley. She also said she would like to see kennel permits going through Citizen Advisory Boards (CAB's). Ms. Griswold stated the unified Ordinance that would include the City of Reno would allow for a seven member Board. Commissioner Galloway noted that if the Board were expanded now, it might not have the right people in the seven seats when the full consolidation occurs. He did ask that staff investigate whether a larger Board would be appropriate prior to the new animal shelter actually opening. Ms. Griswold said Reno will come on board when the new animal shelter is finished, which is on or before July 1, 2005; and at that time Reno will move its field operation and the shelter operation to the County. Commissioner Sferrazza stated he would ultimately agree with Commissioner Weber that the Board should have at least one representative from each Commission District as well as these specific areas as provided for in the Ordinance, and that it should be larger than five members. Commissioner Humke also agreed with Commission District representation. Commissioners Shaw, Sferrazza and Weber said they did not think it would be appropriate to expand the Board at this time.

Bill No. 1388, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CHAPTER 55 RELATING TO ANIMALS AND FOWL AND ENACTING PROVISIONS REGARDING ANIMAL CONTROL IN WASHOE COUNTY, INCLUDING THE INCORPORATED CITY OF SPARKS; ESTABLISHING CONGESTED AREAS OF WASHOE COUNTY, INCLUDING THE CITY OF SPARKS, FOR THE PURPOSE OF ANIMAL CONTROL; CREATING AN ANIMAL CONTROL BOARD TO HEAR AND DECIDE KENNEL PERMIT APPEALS AND EXOTIC ANIMAL PERMITS; DESCRIBING THE DUTIES OF ANIMAL CONTROL OFFICERS; PROHIBITING THE RUNNING AT LARGE OF CERTAIN ANIMALS IN CONGESTED AREAS; ENACTING PROVISIONS RELATING TO CRUELTY TO ANIMALS AND OTHER PROVISIONS REGARDING THE CONTROL AND PROTECTION OF ANIMALS; REQUIRING THE LICENSING OF DOGS IN CONGESTED AREAS AND ESTABLISHING FEES THEREFORE; SETTING FORTH REQUIREMENTS FOR RABIES CONTROL, INCLUDING VACCINATION AND QUARANTINE REQUIREMENTS; ESTABLISHING KENNEL PERMITTING REQUIREMENTS FOR KEEPING MORE THAN THREE DOGS IN CONGESTED AREAS; SETTING FORTH CONDITIONS FOR THE IMPOUNDMENT OF ANIMALS; PROHIBITING LIVESTOCK TO BE AT LARGE IN CONGESTED AREAS; REQUIRING PERMITS FOR EXOTIC ANIMALS AND PRESCRIBING REQUIRED ENCLOSURES FOR EXOTIC ANIMALS; ESTABLISHING PROCEDURES IN MAKING DANGEROUS DOG DETERMINATIONS AND REQUIRING THEIR

REGISTRATION AND SETTING FORTH UNLAWFUL ACTS RELATING THERETO; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE ANIMAL CONTROL PROVISIONS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Galloway; the title was read to the Board; and direction was given to publish legal notice for final action of adoption.

03-593 DISTINGUISHED BUDGET PRESENTATION AWARD – FY 2002/03 – FINANCE

Chairman Humke presented the Government Finance Officers Association Distinguished Budget Presentation Award to John Sherman, Finance Director. Katy Singlaub, County Manager, said this award is presented only to a select group of local governments nationwide. Mr. Sherman and Ms. Singlaub expressed their appreciation to the Budget Division.

03-594 MINUTES

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the minutes of the regular meeting of January 21, 2003 be approved.

03-595 ACCEPTANCE OF FINANCIAL REPORT – NINE MONTHS ENDED MARCH 31, 2003 – COMPTROLLER

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the Financial Report for Washoe County for the nine months ended March 31, 2003 (Unaudited) be accepted.

03-596 ACCEPTANCE OF DONATION – NORTHERN NEVADA DUI TASK FORCE – SHERIFF

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that a donation of \$3,384 from the Northern Nevada DUI Task Force, which will be used to pay for overtime incurred in a DUI checkpoint/saturation patrol for the 4th of July weekend, be accepted with the Board's gratitude. It was further ordered that the Comptroller be directed to make the following budget adjustments:

Increase Revenues:	15236D-5802	\$3,384
Increase Expenditures:	15236D-7003	\$3,384

03-597 **GRANT OF EASEMENTS – SIERRA PACIFIC POWER
COMPANY – NORTH VALLEY SPORTS COMPLEX AND
BLACK SPRINGS COMMUNITY BUILDING – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Grant of Public Utility Easements to Sierra Pacific Power Company for the North Valley Sports Complex and Black Springs Community Building Addition, be approved and Chairman Humke be authorized to execute the documents upon presentation.

03-598 **CHANGE ORDER – FAMILY COURTROOM ADDITION –
PHASE III – PUBIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the change order for the Family Courtroom Addition – Phase III, in the amount of \$3,097.50, be approved.

03-599 **ACCEPTANCE OF BOUNDARY ADJUSTMENTS – TRUCKEE
MEADOWS WATER AUTHORITY – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that additional adjustments to the 1996 Service Territory Boundaries between Truckee Meadows Water Authority (TMWA) and Washoe County Department of Water Resources, as shown on the map placed on file with the Clerk, be approved.

03-600 **AGREEMENT – EAGLE NEST ENGINEERING – FLOODPLAIN
MANAGEMENT PLAN – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the First Amendment to Agreement for Consulting Engineering Services between the County of Washoe and Eagle Nest Engineering, concerning finalizing the Floodplain Management Plan, in a not-to-exceed amount of \$10,000, be approved and Chairman Humke be authorized to execute the same.

03-601 **INTERLOCAL AGREEMENT – CITY OF RENO – WRC
NEVADA – EVANS CREEK – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by

Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Interlocal Agreement between the County of Washoe and the City of Reno, concerning contracting with WRC Nevada to provide professional services to implement recommendations for Evans Creek, be approved and Chairman Humke be authorized to execute the same. It was noted the total cost would be \$68,900 and the County's share would be \$34,450.

**03-602 AGREEMENT – GA ENGINEERING AND PLANNING –
DAMONTE RANCH PARKWAY BOOSTER PUMP STATION –
WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Agreement for Consulting Engineering Services between the County of Washoe, and GA Engineering and Planning, concerning design of the Damonte Ranch Parkway Booster Pump Station, in the amount of \$63,130, be approved and Chairman Humke be authorized to execute the same.

**03-603 AGREEMENT – MICHAEL AND GERALDEAN CHRISTOPHER –
WATER RIGHTS APPLICATION – WATER RESOURCES**

Upon recommendation of John Collins, Utility Services Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Subordination Agreement between the County of Washoe and Michael and Geraldean Christopher, concerning Water Rights Application 67402, be approved and Chairman Humke be authorized to execute the same. It was further ordered that the Utility Services Manager be directed to record the Subordination Agreement with the Washoe County Recorder. It was noted the Agreement allows the State Engineer's Office to act on the Christopher's application without having to act on those of Washoe County first.

**03-604 AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY –
LANDSCAPE MAINTENANCE – WASHOE COUNTY PARKS
AND RECREATION**

In response to Commissioner Shaw, Doug Doolittle, Assistant Director, Parks Department, said this would allow the Budget Department to include this in the budget, it is funded through the Truckee Meadows Water Authority (TMWA) by the Agreement, and there is no cost to the County under this Agreement.

Upon recommendation of Mr. Doolittle, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Landscape Maintenance Agreement between the County of Washoe, and TMWA be approved, and Chairman Humke be authorized to execute the same, subject to County Finance funding throughout

the term of this Agreement one permanent part-time Maintenance Worker II (.75 Full Time Equivalent) at an annual cost including benefits of \$30,252, and two seasonal Park Aide-Maintenance positions (total of 1,857 hours) at an annual cost of \$22,600 as required by Washoe County Parks and Recreation to fulfill its obligations under this Agreement.

It was further ordered that budget authority to augment the fiscal year 2003/04 Services and Supplies Budget for Parks Maintenance (1406D) be granted and the following budget transactions be approved:

Equipment services billing	\$ 5,500 (reimbursed through hourly rate charges)
Contracted weed spraying	\$20,000 (direct costs reimbursed by TMWA)
Irrigation system repair, horticulture supplies and garbage bags	\$ 7,500 (direct costs reimbursed by TMWA)

<u>Increase Revenue</u>			<u>Increase Expenses</u>		
1406D-5827	Professional Services Reimbursement	\$71,325	1406D-7001	Salary/Wages	\$30,252
			1406D-70021	Seasonal staff	\$22,600
			1406D-76104	Equipment	\$ 5,500
					\$58,352
<u>Direct Costs reimbursed by TMWA</u>					
1406D-5827	Professional Services Reimbursement	\$27,500	1406D-7196	Horticulture	\$ 7,500
			1406D-7321	Weeds	\$20,000
					\$27,500

03-605 INTERLOCAL AGREEMENT – WASHOE COUNTY SCHOOL DISTRICT – STATE OF NEVADA, DIVISION OF WILDLIFE – LIBRARY

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Interlocal Agreement between the County of Washoe, the Washoe County School District and the State of Nevada, Division of Wildlife, concerning delineating duties and responsibilities of each of the parties of this Agreement for the Verdi Community Library, be approved and Chairman Humke be authorized to execute the same.

03-606 **INTER-GOVERNMENTAL AGREEMENT – RENEWING THE
WASHOE COUNTY HOME CONSORTIUM – COMMUNITY
DEVELOPMENT**

Upon recommendation of Eric Young, Community Development Planner, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Inter-Governmental Agreement renewing the Washoe County Home Consortium between the County of Washoe, City of Reno and City of Sparks be approved and Chairman Humke be authorized to execute the same.

03-607 **AGREEMENT – STATE OF NEVADA DEPARTMENT OF
HUMAN RESOURCES – TANF FUNDING – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Interlocal Contract between the County of Washoe and the State of Nevada, Department of Human Resources, Welfare Division, concerning receipt of Temporary Assistance to Needy Families (TANF) funding for the period of July 1, 2003 through June 30, 2005, in the amount of \$878,174, be approved and Chairman Humke be authorized to execute the same.

03-608 **QUITCLAIM DEEDS – MONTREUX DEVELOPMENT
GROUP – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that:

1. The Montreux Development Group well site deed (Quitclaim Deed – Well No. 6) be accepted and Chairman Humke be authorized to execute the same;
2. The Engineering Manager be directed to record the easement with the County Recorder; and
3. Receipt of the well site and improvements, in the amount of \$1,147,603.90, be acknowledged.

3:30 p.m. Commissioner Galloway temporarily left the meeting.

03-609 **AUTHORIZATION FOR NON-COUNTY EMPLOYEE TRAVEL
EXPENSE – DATA INFORMATION MANAGEMENT, INC. –
REGISTRAR OF VOTERS**

Katy Singlaub, County Manager, said rather than sending County staff, this was a cost effective way to receive the necessary training. She stated the County has

been working on this upgrade of the computer system in the Registrar's Office for some time and the vendor is needed to complete the integration. In response to Commissioner Weber, Ms. Singlaub said training events that were scheduled prior to the end of the fiscal year, professional association memberships, continuing education requirements for many employees, and travel and training are being funded. She further stated, in many cases, employees with those kinds of requirements are going every other year or every third year to those required events. She then explained travel for non-County employees comes before the Board.

3:38 p.m. Commissioner Sferrazza temporarily left the meeting.

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried with Commissioners Galloway and Sferrazza temporarily absent, Chairman Humke ordered that non-County employee travel expenses, in the amount of \$1,189.70, to Data Information Management Systems, Inc. to travel to Reno to execute the actual conversion, as well as to provide the training necessary for staff, from the old Unix-based system to the Windows-based system be approved. It was noted the funds have been budgeted for the Registrar for the current fiscal year.

03-610 ACCEPTANCE OF DEVELOPER BUILT WATER, SEWER AND RECLAIMED FACILITIES DEDICATED TO WASHOE COUNTY – WATER RESOURCES

In response to Commissioner Weber, Katy Singlaub, County Manager, explained in enterprise funds it is a good business practice to recognize depreciation expense so that money could accumulate to pay for the replacement of facilities and infrastructure. She stated the depreciation schedules are based on the expected cost and useful life of the type of infrastructure item that is being accepted for dedication.

3:40 p.m. Commissioner Galloway returned to the meeting.

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the following developer built water, sewer and reclaimed facilities that have been dedicated to Washoe County be accepted:

<i>WATER FACILITIES</i>	<i>DWR No.</i>	<i>VALUE</i>
ArrowCreek Unit 15 (31 lots)	66673285	\$ 113,850
ArrowCreek Unit 24B (12 lots)	66673231	38,546
Best Computer Supplies	66673300	4,651
Country Terrace Waterline-Lemmon Valley	66673380	56,657
Double Diamond Ranch Phase V	66673223	15,198
Double Diamond Ranch Village 6C (52 lots)	66673241	127,196

Eagle Canyon II Unit 3	66673312	174,445
Galena Water System Phase III	66673336	293,332
Gyford Industries	66673343	3,992
Nevada Security Bank	66673331	8,819
Pebble Creek Unit 1 (51 lots)	66673225	252,300
Prototype LLC Office	66673329	1,217
Spanish Springs 7-11	66673109	2,621
Western Skies Drive Waterline Extension	66673438	19,116
WATER TOTAL		\$1,111,940
SEWER FACILITIES	DWR No.	VALUE
ArrowCreek Unit 15 (31 lots)	66673285	\$ 128,800
ArrowCreek Unit 24B (12 lots)	66673231	31,650
Damonte Ranch-Steamboat Creek	66842030	611,650
Double Diamond Ranch Phase V	66673186	31,231
Eagle Canyon II Unit 3	66673312	194,500
Lakeside Ranch Estates Phase II	66673200	42,637
Pebble Creek Unit 1 (51 lots)	66673225	233,395
Washoe Little League	66673311	878
Wedge Meadows Unit 4 (5 lots)	66673286	36,260
Western Skies Drive	66673438	17,109
SEWER TOTAL		\$1,328,110
RECLAIMED WATER FACILITIES	DWR No.	VALUE
Best Computer Supplies	66673300	\$ 1,217
Double Diamond Ranch Phase V	66673186	124,575
Gyford Industries	66673343	1,217
Nevada Security Bank	66673331	1,217
Prototype LLC	66673329	1,217
RECLAIMED TOTAL		\$ 129,443
TOTAL VALUE		\$2,569,493

3:56 p.m. Commissioner Sferrazza returned to the meeting when the Board was convened as the Board of Trustees, South Truckee Meadows General Improvement District.

03-611 **APPEARANCE – DAN BURK – TOUCH-SCREEN VOTING SYSTEM – REGISTRAR OF VOTERS**

Katy Singlaub, County Manager, said under the Help America Vote Act, touch-screen voting would be required in every polling place.

Dan Burk, Registrar of Voters, explained aspects of the Help America Vote Act. He then demonstrated the touch-screen voting system that would be used for the upcoming General Election for the City of Sparks. In response to Commissioner Shaw, Mr. Burk said there have not been any negative responses to the touch-screen voting system from early voters and most voters have been asked how they felt about the

system. He further said there would be a questionnaire on election day. He stated one individual did refuse to vote with the system. Mr. Burk explained the secure features of the system, how the system will better serve disabled voters, Spanish language voting, and savings opportunities. He then answered questions of the Board.

**03-612 AWARD OF BID – LEMMON VALLEY WATER SYSTEM
IMPROVEMENTS - PROJECT 4 – WATER RESOURCES**

This was the time to award the bid for construction of the Lemmon Valley Water System Improvements - Project 4 (PWP-WA-2003-138) on behalf of the Water Resources Department. The Notice to Contractors was published in the *Reno Gazette-Journal* on April 23, 25, 30, and May 2, 7, and 9, 2003. Proof was made that due and legal Notice had been given.

Bids were received from:

Mike's Trenching
Gerhardt & Berry
Rapid Construction
A&K Earthmovers
Canyon Creek Construction
TW Construction
Interstate Utility Constructors

In response to Commissioner Weber, John Collins, Utility Services Manager, said there would not be any impact on the well owners during the construction. Upon recommendation of Mr. Collins and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for construction of the Lemmon Valley Water System Improvements - Project 4 be awarded to Mike's Trenching, the lowest responsible, responsive bidder in the amount of \$674,492.50; that Chairman Humke be authorized to execute the contract documents upon their receipt; and that the Utility Services Manager be authorized to issue the Notice to Proceed.

**03-613 UPDATE – PARKS AND RECREATION DEPARTMENT'S
CONSOLIDATION FEASIBILITY STUDY**

Karen Mullen, Parks & Recreation Director, reviewed the Consolidation Feasibility Study and answered questions of the Board. Katy Singlaub, County Manager, said staff is not recommending full consolidation, but is requesting direction from the Board. She said there are things that could be done ahead of any ultimate action by the Board that could save taxpayers money and that the entities are capable of accomplishing.

Sam Dehne, local resident, said he favors consolidation but he thinks reducing employees should be through attrition.

On motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that receipt of the update concerning the Parks & Recreation Department's Consolidation Feasibility Study be acknowledged. It was further ordered that staff be directed to continue to look at the items listed in the staff report dated May 2, 2003 under the "Efficiencies Regardless of Agency Consolidation." It was noted if specific Board action is required, those items would come back to the Board before implementation.

**03-614 FEE WAIVER – COMPREHENSIVE PLAN AMENDMENT –
GREAT BASIN SCIENCE PARK – BRAD AND SHARON
STANLEY – COMMUNITY DEVELOPMENT**

Adrian Freund, Community Development Director, said the waiver of fees is for an application concerning rezoning two 40-acre parcels currently zoned General Rural (GR) to Public and Semi Public Facilities (PSP) on approximately 25 acres of the land and rezone the remainder to Medium Density Rural (MDR). He stated there is a Southeast modifier that limits MDR to two units per acre. He explained the Great Basin Science Park is being proposed for the 25 acres that would be rezoned PSP, which would include a variety of facilities. Mr. Freund said the approximately \$4,800 of proposed fees waived includes all of the County's review functions. Commissioner Sferrazza stated he does not understand the public benefit, and Mr. Freund responded that under GR, the property owners control the use and public benefit would not necessarily be allowed. He further stated he spoke with Karen Mullen, Parks & Recreation Director, who said the Parks Department does support the application. Mr. Freund confirmed that the property is subject to 670 annexation.

Brad Stanley, applicant, clarified the rezoning is asking for 25 acres of PSP and the remaining 55 acres as MDR at one dwelling per five acres, with a maximum of 11 dwellings. He explained the 80 acres are bound on the north and west by the City of Reno's Sphere of Influence (SOI) and to the west there is a project under consideration by the City of Reno for greater than two homes per acre, with approximately 81 acres in question and 147 homes. He further stated to the north there is a project coming up within the City of Reno's SOI that is approximately 250 homes on 120 acres.

5:37 p.m. Commissioner Weber temporarily left the meeting.

Commissioner Sferrazza stated he was concerned with the fee waiver and reviewing the project without hearing from the Citizen Advisory Board (CAB). He stated any developer could come before the Board with a project that would include a park and qualify for a fee waiver because there is no specific criteria for waiving fees, and someone else would need to pick up that cost. Commissioner Sferrazza said this proposed project has income potential. Commissioner Galloway stated this area is in danger of intense development and he feels it should be as easy as possible to proceed with what is proposed. He further said the service provided by the proposed homes is the fact the property would not be subdivided again. Commissioner Shaw commended the Stanleys for bringing this forward because he sees a tremendous amount of public benefit

from the project. It was noted the fees requesting to be waived are for the Comprehensive Plan Amendment only.

Mr. Stanley stated it is their plan to take the same amount of money being waived and contribute that to the community foundation for the project. In response to Commissioner Galloway, Mr. Stanley said one of the main uses of the science park is a sustainability center for alternative energy and building technology. He further stated one idea is that any homes built on the property would include in their CC&R's a contribution, acting as an endowment, for the center and a model for the beneficial acceptable alternative energy sources and building techniques generated by the center. He also said he envisions a covenant on the parcels against further subdivision of the five-acre parcels.

Upon recommendation of Mr. Freund, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza voting "no" and Commissioner Weber temporarily absent, Chairman Humke ordered that the fees for a Comprehensive Plan Amendment to redesignate Assessor Parcel Numbers 016-730-12 and 016-390-13 in the Southeast Truckee Meadows Area Plan from High Density Rural and GR to MDR and PSP to facilitate the applicants' desire to establish the "Great Basin Science Park" described as a "learning and teaching venue for the reparation and recovery of damaged unique natural environments, environmental stewardship, alternative energy 'labs' and an observation site for astronomers" be waived. It was noted Commissioner Sferrazza voted "no" because he views the 55 acres of residential as a private development and an increase in density.

5:45 p.m. Commissioner Weber returned to the meeting.

03-615 **ORDINANCE NO. 1198 – BILL NO. 1375 – AMENDING**
CHAPTER 20

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 16, 2003 to consider second reading and adoption of Bill No. 1375. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

5:47 p.m. Chairman Humke temporarily left the meeting and Vice Chairman Shaw assumed the gavel.

Greg Krause, Regional Transportation Commission (RTC) Executive Director, stated it has been ten years since the community first identified the transportation funding problem and he gave a brief timeline. He recommended adoption of the Ordinance and thanked the RTC Blue Ribbon Committee 2002 members, RTC staff, County Manager Singlaub, County staff and Deputy District Attorney Maureen Griswold for helping in expediting the Ordinance.

Mike Lynch, Builders Association of Northern Nevada, stated this represents a long-term commitment to the quality of life and the Builders Association has enjoyed working with RTC to create the right mechanism. He thanked everyone for making it reality.

5:51 p.m. Chairman Humke returned to the meeting and resumed the gavel.

Sam Dehne, Reno resident, said he was curious how much total tax this is, but he was not speaking against the Ordinance.

There being no one else wishing to speak, the Chairman closed the public hearing.

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that Ordinance No. 1198, Bill No. 1375, entitled, **"AN ORDINANCE AMENDING AN ORDINANCE AMENDING THE WASHOE COUNTY CODE, CHAPTER 20, TO REFLECT PASSAGE BY THE VOTERS IN WASHOE COUNTY IN THE NOVEMBER 5, 2002 GENERAL ELECTION OF WC-2, THE TRANSPORTATION ADVISORY QUESTION, TO OBTAIN NECESSARY ADDITIONAL FUNDING FOR TRANSPORTATION PROJECTS, AND AS AUTHORIZED BY PASSAGE OF S.B.237, TO IMPOSE AN ADDITIONAL .125 (1/8 CENT) SALES AND USE TAX FOR A PUBLIC TRANSIT SYSTEM, CONSTRUCTION, MAINTENANCE AND REPAIR OF PUBLIC ROADS, FOR THE IMPROVEMENT OF AIR QUALITY OR FOR ANY COMBINATION OF THOSE PURPOSES; TO AMEND CHAPTER 20 TO CHANGE THE NAME OF THE PUBLIC TRANSPORTATION TAX ORDINANCE TO THE PUBLIC TRANSIT AND ROAD TAX ORDINANCE AND AMEND SUCH ORDINANCE TO CONFORM TO CHANGES IN STATE LAW; TO AMEND CHAPTER 20 TO ADD PROVISIONS ALLOWING THE ADDITIONAL .125 (1/8 CENT) TO BE EXPENDED FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF PUBLIC ROADS AND FOR THE IMPROVEMENT OF AIR QUALITY, IN ADDITION TO EXPENDITURE FOR A PUBLIC TRANSIT SYSTEM, OR ANY COMBINATION OF THOSE PURPOSES AS AUTHORIZED BY NRS 377A.020; TO PROVIDE FOR AMENDMENT OF THE CONTRACT BETWEEN THE COUNTY AND THE STATE DEPARTMENT OF TAXATION TO IMPLEMENT THE ADDITIONAL .125 (1/8 CENT) SALES AND USE TAX, IF AMENDMENT IS NECESSARY; TO PROVIDE AN EFFECTIVE DATE OF THE ADDITIONAL .125 (1/8 CENT) SALES AND USE TAX; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

03-616

**ORDINANCE NO. 1199 – BILL NO. 1376 – AMENDING
CHAPTER 20**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 16, 2003 to consider second reading and adoption of Bill No. 1376. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Connie McMullen, Reno resident, said this is the will of the people and a great opportunity for the community.

There being no one else wishing to speak, the Chairman closed the public hearing.

5:55 p.m. Commissioner Sferrazza temporarily left the meeting.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that Ordinance No. 1199, Bill No. 1376, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE, CHAPTER 20, TO REFLECT PASSAGE BY THE VOTERS IN WASHOE COUNTY IN THE NOVEMBER 5, 2002 GENERAL ELECTION OF WC-2, THE TRANSPORTATION ADVISORY QUESTION, TO OBTAIN NECESSARY ADDITIONAL FUNDING FOR TRANSPORTATION PROJECTS, AND AS AUTHORIZED BY PASSAGE OF S.B. 237, BY IMPOSING NEW COUNTY MOTOR VEHICLE FUEL TAXES; TO INDEX THE NEW COUNTY MOTOR VEHICLE FUEL TAXES TO THE RATE OF INFLATION; TO AMEND THE COUNTY MOTOR VEHICLE FUEL TAX TO CONFORM TO CHANGES IN STATE LAW; TO PROVIDE FOR AMENDMENT OF THE CONTRACT BETWEEN THE COUNTY AND THE STATE DEPARTMENT OF MOTOR VEHICLES TO IMPLEMENT THE NEW COUNTY MOTOR VEHICLE FUEL TAXES, IF AMENDMENT IS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE OF SUCH TAXES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

03-617

**ORDINANCE NO. 1200 – BILL NO. 1382 – AMENDING
CHAPTER 110 – REGIONAL DEVELOPMENT STANDARDS**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 16, 2003 to consider second reading and adoption of Bill No. 1382. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the Chairman closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that Ordinance No. 1200, Bill No. 1382, entitled, "**AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 400, DEVELOPMENT STANDARDS: TITLE AND CONTENTS, BY AMENDING THE TITLE OF ARTICLE 434 TO "REGIONAL DEVELOPMENT STANDARDS WITHIN COOPERATIVE PLANNING AREAS AND ALL OF WASHOE COUNTY"; TO AMEND WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 800, PROCEDURES: TITLE AND CONTENTS, BY ADDING THE TITLE OF ARTICLE 822 "PROVISIONS FOR AMENDMENTS TO LOCAL MASTER PLANS AND ZONE CHANGES IN AREAS SUBJECT TO COOPERATIVE PLANNING UNDER THE REGIONAL PLAN SETTLEMENT AGREEMENT"; TO AMEND WASHOE COUNTY CODE, CHAPTER 110, DEVELOPMENT CODE, ARTICLE 912, ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINERS, BY AMENDING THE REPRESENTATION OF THE PLANNING COMMISSION AND BOARD OF ADJUSTMENT TO REFLECT ALL COUNTY COMMISSION DISTRICTS, AND OTHER MATTERS PROPERLY RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

03-618 ORDINANCE NO. 1201 – BILL NO. 1383 – AMENDING CHAPTER 110 – IMPACT FEES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 16, 2003 to consider second reading and adoption of Bill No. 1383. Proof was made that due and legal Notice had been given.

Mike Harper, Planning Manager, Community Development, advised an amendment is being recommended to change the currently referenced "Table 12" to "in the relevant table" because the table continues to change each time the administrative manual is adopted. Madelyn Shipman, Assistant District Attorney, said this was a minor amendment and could be incorporated in the motion for adoption.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the Chairman closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that Ordinance No. 1201, Bill No. 1383, entitled, "**AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY**

CODE CHAPTER 110, ARTICLE 706, IMPACT FEES, BY AMENDING THE DATE OF ADOPTION OF THE AMENDED REGIONAL ROAD IMPACT FEE ADMINISTRATIVE MANUAL, BY AMENDING THE DATE OF ADOPTION OF THE AMENDED REGIONAL ROAD IMPACT FEE CAPITAL IMPROVEMENT PROGRAM, BY INCORPORATING THE ADMINISTRATIVE MANUAL AND CAPITAL IMPROVEMENTS PROGRAM BY REFERENCE, AND OTHER MATTERS RELATING THERETO," be approved, adopted as amended, and published in accordance with NRS 244.100.

03-619 ORDINANCE NO. 1202 – BILL NO. 1384 – AMENDING WCC – BUILDINGS & CONSTRUCTION UNIFORM CODES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 16, 2003 to consider second reading and adoption of Bill No. 1384. Proof was made that due and legal Notice had been given.

6:05 p.m. Commissioner Sferrazza returned to the meeting.

Jess Traver, County Building Official, Building & Safety, reviewed the proposed Ordinance and the groups involved with the development of the proposed Ordinance. He stated the purpose of the Ordinance is to move the County toward adoption of the 2003 International Code and currently the County is in the 1997 Uniform Building Code. He further said this is an effort toward making the County Code compatible with Carson City, Reno and Sparks. Mr. Traver stated the next step would be to go to a 2003 Code which would hopefully be used for the next 20 years. He said also included in this Ordinance is adoption of the 2002 National Electrical Code and the 1997 Model Energy Code which are compatible with the other entities. He then reviewed some changes in fees.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

6:07 p.m. Commissioner Galloway temporarily left the meeting.

Mike Lynch, Builders Association of Northern Nevada, stated the Association fully supports the Ordinance and said Washoe County is the leader in this process.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Commissioner Galloway temporarily absent, Chairman Humke ordered that Ordinance No. 1202, Bill No. 1384, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO BUILDINGS AND CONSTRUCTION AND ADDING UNIFORM CODES WITH CERTAIN CHANGES, ADDITIONS AND DELETIONS, RELATING TO BUILDINGS AND CONSTRUCTION,**" be approved, adopted and published in accordance with NRS 244.100.

03-620 ORDINANCE NO. 1203 – BILL NO. 1385 – AMENDING WASHOE COUNTY CODE

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 16, 2003 to consider second reading and adoption of Bill No. 1385. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the Chairman closed the public hearing.

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway temporarily absent, Chairman Humke ordered that Ordinance No. 1203, Bill No. 1385, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CHANGING THE NAME OF THE WASHOE COUNTY PARKS AND RECREATION COMMISSION TO THE WASHOE COUNTY OPEN SPACE AND REGIONAL PARK COMMISSION,**" be approved, adopted and published in accordance with NRS 244.100.

03-621 WASHOE COUNTY'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN AND EMERGENCY OPERATIONS CENTER GUIDEBOOK – COUNTY COMMISSION ROLES AND RESPONSIBILITIES – EMERGENCY MANAGEMENT

Commissioner Sferrazza stated he would prefer the Board declare emergencies. Katy Singlaub, County Manager, said it is always preferable to have the Board declare a state of emergency, and if an emergency occurred which the Sheriff or Manager initially declared, it would need to be affirmed by the Commission as soon as possible. Madelyn Shipman, Assistant District Attorney, explained there is a provision in the open meeting law for a meeting to be called immediately.

6:12 p.m. Commissioner Galloway returned to the meeting.

Upon recommendation of Press Clewe, Emergency Management Program Manager, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the County Comprehensive Emergency Management Plan and County Emergency Operations Center Guidebook, County Commission roles and responsibilities in periods of emergency or disaster, and procedures for declarations of emergency be accepted.

03-622 APPEAL CASE NO. AX-03-007 – ADMINISTRATIVE ACTION AX03-005 – CARL BARNEY – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on May 16, 2003 to consider reversing the Board of Adjustment decision

on Administrative Action AX03-005 and re-instate Director's Interpretation 03-1. Proof was made that due and legal Notice had been given.

Mike Harper, Planning Manager, Community Development, explained the issue before the Board concerns interpretation of the definition of an interior lot which fronts a street that changes direction. He reviewed Chapter 110 of the Washoe County Code, which provides two definitions for interior lot. He showed photos on the overhead, which were placed on file with the County Clerk. In reviewing the definitions of interior lot, he said the key is that if the angle is 135 degrees or greater then a lot is considered to be an interior lot; and that is significant because a portion would be considered to be a front yard and a portion would be considered to be a side yard. He stated most planners, including himself, would say the typical definition is that the shortest portion of the lot that fronts a street is the front yard and the longer portion would be considered a side yard because it is an interior lot. He also said front and side yards have different setbacks and side yards allow for detached accessory structures within 5 feet of the side yard. Mr. Harper stated the question raised was, if the street does not change names but does change direction and there is a 135 degree angle, would that be considered an interior lot. He said the interpretation that essentially was rendered was if there was one street that continuously wrapped around and a 135 degree angle could be measured, it would in fact be considered an interior lot for the purposes of the Code and that was the interpretation rendered under interpretation 03-1. He further stated the Board of Adjustment rendered a decision that they were not comfortable with the interpretation rendered by the Director of Community Development and that no matter how any of the angles might be measured, whether it was 135 degrees, 150 degrees or 20 degrees, it needs to be a corner lot. In which case the entire street frontage becomes a front yard.

Commissioner Galloway said, imagining smooth curves, it would be difficult to figure out which would be the front yard, and which would be the side yard and Mr. Harper stated the Code does not provide direction as to measurement or applying the front and side yards.

In response to Commissioner Sferrazza, Mr. Harper said he asked staff to calculate the different ways of measuring angles to give a sense of the difficulty being faced.

Chairman Humke opened the public hearing by calling on anyone wishing to speak.

Tim Curtis, residential designer in Nevada, asked the Board to focus on the definition of a lot type and said one thing that gets overlooked is the definition of a corner lot. He stated the Code defines corner lot as a lot situated at the intersection of two or more streets having an interior angle of less than 135 degrees and if there is no intersection, there is no corner lot, and no requirement for a 135 degree angle. He further said hazards inherently exist at intersections and there is a visibility triangle that deals with public safety. Mr. Curtis said a curve or bend in a road creates a lesser hazard.

James Borelli, architect in Incline Village and member of the Incline Village Architectural Committee for approximately ten years, said the primary function of the Architectural Committee is to enforce the CC&R's for residential projects in the Incline Village area. He stated there are 379 lots at Incline Village under the standard Ordinance that are corner lots, but if the interpretation is allowed to stand, there would be an additional 558 lots in just the portion of Incline Village that he sampled.

Glade Hall, attorney, reiterated Mr. Curtis' statements concerning the definition of a corner lot. He said it was his understanding the Board would be presented with a petition signed by 16 people, 12 of them living in six homes. He noted there are over 60 homes in the neighborhood and the group that opposes the appeal is a minority.

Thomas Glade, attorney, discussed the definition of interior and corner lots and asked the Board to focus on the facts at hand on a neutral example.

Shirley Kliman, Arnold Landau, Ronald Code and Danica Chapple, Crystal Bay residents, spoke against overturning the Board of Adjustment's decision for various reasons, including the lot in question being an uphill blind corner, which makes it dangerous, and most people in the neighborhood believe the lot to be a corner lot. Ms. Kliman presented a petition, which was placed on file with the County Clerk. Mr. Landau said not everything is set forth in Code and corners have been in existence forever, even under common law, which should also be taken into consideration. Mr. Code recommended the Board direct staff to develop better guidelines to prevent these types of issues from arising elsewhere. Alvah Chapple, Crystal Bay resident, submitted a comment card against the appeal. Michael Lindell, attorney with Jones Vargas and representing Ms. Kliman, stated Mr. Barney's application states this is a blind curve and acknowledges it is a corner lot. He further stated he feels the proof concerning this issue is shown in the fact that in April 2003 Washoe County Planning staff submitted an application for an amendment to the Code in this particular area, which was driven by this particular issue.

Glade Hall noted the contour of the street is rounded and it is a blind corner because there are large boulders. He stated the garage in question meets current Code requirements, and a variance is not needed. He then reiterated previous comments concerning corner lots.

Tom Hall said he did write a letter in November saying Mr. Barney had a corner lot and that was based on the representation of other people, which has led to the current discovery/interpretation issue. He then asked the Board to reverse the Board of Adjustment and affirm the interpretation by Washoe County staff.

Mr. Borelli reiterated his previous comments.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

In response to Commissioner Shaw, Mr. Harper explained the Assessor's map is generally a surveyed map. He also said the lot lines would be used to measure because the street wanders throughout the right of way. Commissioner Shaw questioned the definition of a corner lot requiring an intersection and Mr. Harper responded that it was suggested there was intersection, even though it was one continuous street.

Commissioner Galloway suggested distinguishing between a corner lot and interior lot only for the purposes of setback.

Commissioner Sferrazza noted the original definition of an interior lot means a lot bounded by a street on only one side and the street bounds the lot in question on multiple sides. Mr. Harper stated staff did not want to use the specific example, and therefore the angles have not been measured.

Madelyn Shipman, Assistant District Attorney, said in the absence of any specific direction in the Code, the Board could make a decision based on utilizing the Code provisions and adding any common sense or logical reasoning they felt was appropriate on which to base a decision.

Commissioner Galloway stated he felt overruling the Board of Adjustment would create a new absurdity in that the slightest change in the angle of a street would, for purposes of setback, create an interior lot in which one side of the little angle would have a greater setback and the other side would have a lesser setback.

Commissioner Galloway then made a motion to uphold the Board of Adjustment and rule that for the purposes of determining setback, any change in angle or any curve along a street must be considered a corner lot with a front yard setback along the street. Commissioner Sferrazza seconded the motion. Commissioner Galloway presented drawings on the overhead, which were placed on file with the County Clerk.

Commissioner Sferrazza then withdrew the second because he said there are very few lot lines that are curves and he does not think the situation discussed exists in real life. He stated he supports Commissioner Galloway's result, but not the interpretation.

Commissioner Shaw then seconded the motion. On call for the question, the motion passed 3 to 2 with Chairman Humke and Commissioner Sferrazza voting "no," it was ordered that the appeal be denied.

8:00 p.m. The Board recessed.

8:20 p.m. The Board reconvened.

RECONSIDERATION – ONE-HALF CENT TAX INCREASE

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion passed 3 to 2 with Commissioners Galloway and Shaw voting "no," Chairman Humke ordered that the ½ cent tax increase be reconsidered.

Commissioner Sferrazza noted he requested the reconsideration because he pledged to the residents of Washoe County that he would vote against any tax increase without a vote of the people during his term of office, specifically any tax increase in gas, real estate or sales tax. He stated he does favor this tax in this case because of the potential of an emergency, but treating this tax different than he has treated other tax increases would be inconsistent. He said he would support the tax being imposed until a vote of the people could be held, and if an emergency occurred in the meantime, the money would be there to address the emergency. He further stated if there is no emergency and the people reject the tax, it could be refunded.

Commissioner Galloway said the County could not wait for an epidemic to determine whether the public would support funding the means to handle the epidemic.

Commissioner Galloway moved to place an advisory question on the ballot at the General Election to determine whether the tax should continue after that date.

Commissioner Weber stated she did not know why the monies could not be found in the budget and why the County would need to go to the public. She said a commitment was made not to layoff employees, but the Board may have needed to go that direction or maybe it should have come out of the monies given to the Health Department. Chairman Humke said he was concerned that whatever account the monies are held in the employee groups could go to arbitration and be awarded the monies for pay increases, in which case the public would be taxed for one purpose and instead paying it for an unintended purpose. He further stated the issue was not raised by the Health Department, he felt it was incumbent upon them, and he has major differences with some of the Health Department staff and the way they manage certain issues. He also said he feels vector control and mosquito abatement have been a political football for a number of years in the County and that very often the funds to conduct a mosquito abatement district have been offered as a political tool and the County is now seeing the other side of that. He stated he further does not favor the ½ cent property tax at this time because he feels that in a few months the County will realize, through additional revenues above the 7.1 percent ending fund balance, sufficient revenue to be used if it proves to be a great emergency. Commissioner Shaw explained this was listed as a priority for the Health Department during their budget process. He said he could agree to place an advisory question on the next ballot. He stated he received more phone calls concerning an article in the newspaper about Commissioner Sferrazza's reason for doing this than people calling and saying how dare the Board raise taxes.

Commissioner Sferrazza said he would prefer a mosquito abatement district but that does not exist.

Madelyn Shipman, Assistant District Attorney, stated she is not a labor attorney and is not fully aware of all of those types of issues, but it is her understanding that in employee negotiations, appropriations made by the County to certain types of activities and dedicated accounts, such as road funds, are generally viewed as monies set aside and not available for salaries and benefits. She said they always have the right to question the need for a specific account, and if direction is given to staff that the money be set aside in a separate account within the General Fund for a specific purpose, that fund would be safe from negotiations. Ms. Shipman further said it is a matter of negotiation and trust.

Commissioner Sferrazza seconded Commissioner Galloway's motion. In response to Commissioner Sferrazza, Commissioner Galloway committed to honoring the vote of the people if he is a County Commissioner at that time.

Dan Ariaz, Golden Valley resident, stated vector control has been a political football. He said he started the first vector control district in Washoe County. He discussed problems with vector control in New York City and said the United States has spent \$260 million so far this year to control West Nile Virus. He stated there have been thousands of equine problems and deaths associated with West Nile Virus. He further stated he was concerned that the County is not prepared and he was very proud of the Board for their action. Mr. Ariaz said vector control should not be a piggy bank because people's health is at risk. He also said he supports the tax as a private citizen and as the former task force chairman.

Commissioner Galloway said the idea of a 318 district was raised but requires approval from every entity and he could foresee people in wet places thinking they were being picked on; and if a district were to comprise the entire County, raising the general tax rate would accomplish the same affect.

Ms. Shipman then advised the Board the Rules would not need to be suspended and four votes would not be required for the motion to pass because the tax is currently in effect and the current action is conditioning the tax which is already imposed.

Commissioner Shaw thanked Mr. Ariaz. Chairman Humke disclosed he had talked with Mr. Ariaz a number of times over the past 30 days on an ex parte basis.

Commissioner Galloway noted he did speak with Barbara Hunt, District Health Director, and she is supportive of the measure. He stated it is his hope that by having the monies in a designated account to be released only on approval of the County Commissioners, that will keep vector control from being a piggy bank.

On call for the question, the motion passed 3 to 2, with Chairman Humke and Commissioner Weber voting "no."

03-624 DISCUSSION – BOARD RULES AND PROCEDURES

Following discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried with Chairman Humke and Commissioner Weber voting "no," Chairman Humke ordered that Rule 8, concerning the requirement that four out of five members of the Board must vote affirmatively for property tax increases, except in cases of emergency, be deleted. Commissioner Weber said she felt four of five members voting affirmatively should be required for property tax increases.

03-625 DISCUSSION – JOINT MEETING SCHEDULE

Chairman Humke said he proposed in a letter to the Mayors of Reno and Sparks to change joint entity meetings from monthly to quarterly. He stated he received a letter from Mayor Armstrong generally agreeing with the tone of his letter. He further said in a conversation with Mayor Cashell he felt the Mayor generally agreed the agendas have had too many items. In response to Chairman Humke, Katy Singlaub, County Manager, clarified that the agendas are set by the bodies and staff has not had input into the joint agendas in a number of months.

Commissioner Weber suggested a quarterly meeting, but on a day of the week different from the Board of County Commission (BCC) meetings and more like a retreat for four or five hours with only two or three topics and the Chairman and Mayors would designate those topics.

Commissioner Sferrazza stated he would prefer to have this discussion at a joint meeting with input from all members, not just the Chairman and Mayors. He said he would support quarterly meetings.

Commissioner Galloway said he favors quarterly meetings held the same day as BCC meetings and starting in the afternoon so there would not be a time limit.

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the discussion be continued to the next joint entity meeting and that the Board supports a quarterly joint entity meeting.

03-626 DISCUSSION – CITIZEN ADVISORY BOARD MEMBERS' TERMS

Katy Singlaub, County Manager, said she believes changing the terms of Citizen Advisory Board (CAB) members would require a change in the Development Code. Commissioner Weber explained her intention was to change the terms to three two-year terms. She said this would allow an experienced person to serve longer. It was noted the Boards' Rules would also need to be changed.

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On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that item number 03-624, concerning discussion and possible adoption of the Rules and Procedures for the Washoe County Board of Commissioners be reconsidered for the purpose of incorporating Commissioner Weber's suggestion concerning the terms of CAB members.

On my motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that staff be directed to return to the Board with revised Rules and Procedures for the Washoe County Board of Commissioners concerning Rule 6, with an exception for CAB's to be three two-year terms.

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On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that staff be directed to process an ordinance to change the terms for CAB members to three two-year terms.

03-627 DISCUSSION – METHOD OF SELECTING APPOINTEES FOR VARIOUS BOARDS, COMMISSIONS AND COMMITTEES

Following Board discussion, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the method of selecting persons for appointments for which applications have closed as of May 27, 2003, the Chairman, with the consent of the Vice Chairman, will devise a method of narrowing the field. Assistant District Attorney Madelyn Shipman advised the Board that a subcommittee could be comprised of no more than two Commissioners.

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9:55 p.m. There being no further business to come before the Board, the meeting adjourned.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Melissa M. Ayrault, Deputy County Clerk*